

Pro Bono Update

Summer • 04

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Win in War Powers Battle

In two parallel and politically celebrated cases challenging the Bush Administration's treatment of "enemy combatants" post-9/11, Mayer, Brown, Rowe & Maw filed pro bono amicus briefs with the U.S. Supreme Court, arguing that the government's treatment violates the Geneva Convention and thereby jeopardizes our own troops' welfare as POWs in future wars. On June 28, the Court issued an opinion agreeing with the positions taken by our briefs. (continued inside on page one)

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Cover Photo: Detainees in orange jumpsuits sit in a holding area under the watchful eyes of military police in Camp X-Ray at Naval Base Guantanamo Bay, during in-processing to the temporary detention facility. The detainees are given a basic physical exam by a doctor, which includes a chest x-ray and taking blood samples to assess their health. (January 11, 2002) (Corbis)

Win in War Powers Battle (continued from front cover)

Guantanamo Detainees

Rasul v. Bush and *Al Odah v. U.S.* are related cases involving alleged al-Qaeda and Taliban operatives captured in the war in Afghanistan and now detained at the U.S. Naval Base at Guantanamo Bay, Cuba. The Bush Administration has claimed the right, under its war powers, to hold them indefinitely without providing any type of hearing. Jim Schroeder, Gary Isaac, Stephen Kane and Jon Juenger, along with Equal Justice Works fellow Mirna Adjami (see sidebar), filed a brief on behalf of three retired general officers: retired Marine Corps Brigadier General David M. Brahms and retired Navy Rear Admirals Donald J. Guter and John D. Hutson.



A U.S. Air Force C-141 aircraft arrives at U.S. Naval base in Guantanamo Bay, Cuba, bringing in a second group of Taliban and al Qaeda prisoners from Afghanistan, January 14, 2002. (Corbis)

Ours was one of 18 briefs supporting the petitioners. The brief argued that the administration's position not only shirked the United States' obligation to provide individualized hearings as required by the Geneva Convention and U.S. military regulations, but in so doing, actually endangered U.S. troops in future conflicts where enemy captors could cite American treatment of the Guantanamo detainees as precedent for denying the protections of the Geneva Convention to captured Americans. The brief also argued that the government's rationale for contending that U.S. courts do not have jurisdiction even to consider suits filed by detainees—that Cuba, not the U.S., supposedly is “sovereign” over the base—is seriously flawed. The terms of the 1903 lease for the base and subsequent interpretations by the State Department Solicitor, Navy officials and scholars demonstrate that the United States exercises sovereign powers over the base, which it has the legal right to retain in perpetuity.

The brief also argued that the government's rationale for contending that U.S. courts do not have jurisdiction even to consider suits filed by detainees – that Cuba, not the United States, supposedly is “sovereign” over the base – is seriously flawed.

An American Taliban

In a separate case—*Yaser Esam Hamdi et al. v. Rumsfeld et al.*—arguing the same principle, another team of Mayer, Brown, Rowe & Maw lawyers filed a brief on behalf of three former U.S. POWs. The *Hamdi* case involved American citizen Yaser Esam Hamdi, who allegedly fought as a member of the Taliban and surrendered to the Afghan Northern Alliance in late 2001. He has been held without charges in a South Carolina military brig since that time and was finally given access to counsel only last December.



Philip Lacovara

The brief explicitly took “no position on whether Hamdi has committed acts that warrant treatment as an enemy combatant.” It sought merely to reverse the “Fourth Circuit’s refusal to allow a U.S. citizen allegedly detained in a war zone the opportunity to challenge before a competent tribunal his exclusion from the protections of the Geneva Convention.” The brief asserted that the “Executive Branch appears to have lost sight of both its legal obligations and the long-range interests of our own troops and citizens.”



Andrew Pincus

In addition to our own brief, about a dozen others were filed in the *Hamdi* case, challenging the Administration on various principles of law, particularly the authority of the federal courts to monitor the executive branch’s discretion to classify an American citizen as an enemy combatant. Our own brief was written at the request of Human Rights First (formerly the Lawyers Committee for Human Rights) by Philip Lacovara, Andrew Pincus and Andrew Schaefer, who “modeled much of the argument on our ‘Guantanamo’ brief.”

Upholding the Bush Administration



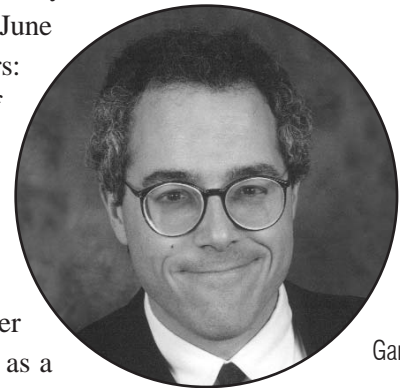
Andrew Schaefer

Federal appeals courts had, until the recent decision, upheld the Administration’s position in these cases. In *Rasul* and *Al Odah*, the D.C. Circuit held that U.S. courts lacked jurisdiction even to consider suits filed by Guantanamo detainees; their indefinite imprisonment could not be challenged in any court. In the *Hamdi* case, the U.S. Court of Appeals for the Fourth Circuit reasoned that, regardless of citizenship, a person “captured in a zone of active combat” in a foreign country was not guaranteed the right to contest his detention. The court accepted a two-page declaration by a Pentagon official as a “sufficient basis” for concluding that Mr. Hamdi’s confinement was within the president’s constitutional authority as commander in chief. “No further factual inquiry is necessary or proper,” the court declared.

Supreme Court Breaks Its Silence

The cases raised profound constitutional questions—the scope of presidential authority in an unprecedented type of war, the degree of judicial deference to executive branch decisions and

basic questions of due process. As both cases approached oral argument in late April, *The New York Times* commented that “after a lengthy hiatus during which the Supreme Court remained on the sidelines, events are moving quickly toward answering the legal questions raised by the administration’s assertive response to the terrorist attacks of Sept. 11, 2001.” In her June 28 majority opinion, Justice Sandra Day O’Connor said of the President’s war powers: “a state of war is not a blank check for the president when it comes to the rights of the nation’s citizens.” With this ruling Mayer, Brown, Rowe & Maw has so far accepted at least one detainee’s case for appeal. More are likely.



Gary Isaac

Unfolding History



Jim Schroeder

Cases of such magnitude can put one’s law career in perspective. Gary Isaac recognizes the work as a chance to address a principle: “I think that what our government is doing here is fundamentally wrong and at odds with our basic principles.” Jim Schroeder believes the case gave him a rare “insider’s view to unfolding history involving critically important issues.” Andrew J. Schaefer, working on *Hamdi*, expressed the feeling of many

lawyers who contribute to such cases: “This is probably some of the most important work I’ll do in my career.”

Hard-Earned Idealism

Mirna E. Adjami, our current Equal Justice Works Fellow who worked on the Guantanamo brief, brings a remarkably broad perspective to her work for the Midwest Immigrant and Human Rights Center (MIHRC). Mirna was born in Jakarta, Indonesia, to a Syrian Catholic father and a Swiss mother. At the age of 30, she can claim some hard-earned idealism. While a student in France in 1994, Mirna followed the reports of the Rwandan genocide, which inflamed her desire to practice human rights law. By the time she was a law student at Harvard, Congo had become Africa’s new trouble spot, and Mirna seized the first opportunity to work there as a human rights monitor—just in time to witness the beginning a civil war that would take an estimated four million lives. She returned to Congo in 2001—this time to help build a system to document war crimes—and faced an even graver situation, which led to her own arrest by rebel troops. “I just remember thinking I was nowhere and there was nothing I could do. That’s an experience that makes you question the extent to which you want to work for your ideals.” After a night of uncertainty under surveillance by the rebels, Mirna concluded: “This is what the people of Congo lived through all the time.” She survived the ordeal with a stronger sense of purpose. Mirna’s work for MIHRC has included helping draft the Guantanamo brief as well as advising dozens of local immigrant clients and on political asylum cases. “I see the world in Chicago every day,” she says.



Mirna E. Adjami

Belize Pro Bono Project

In October 2003, Sara Ellis Owen, an employment solicitor in Mayer, Brown, Rowe & Maw's London office, travelled to Belize to begin a three-month placement arranged by Challenges Worldwide, a Scottish charity that specializes in sending professionals on overseas projects. Sara's placement was with an NGO in Belize City called the National Committee for Families and Children, and her task was to review the laws of Belize to determine their compliance with the UN Convention on the Rights of the Child.

A Choice

Sara came across Challenges Worldwide on the Internet and was drawn to their legal placements in Belize. There was a choice — reviewing the Fire Act (whilst living in a fire station!) or the placement with the National Committee for Families and Children. The latter sounded interesting and completely different from what Sara was used to. The London office agreed to Sara taking unpaid leave and, in view of the pro bono work which she would be undertaking, also agreed to pay the cost of the placement (which covered Sara's flight and accommodation). After meeting the Challenges Worldwide team, Sara booked her trip.

The National Committee for Families and Children is pushing for a reform of the law and its institutions relating to children in Belize, ranging from basic nutrition to education and care.

The National Committee for Families and Children is pushing for a reform of the law and its institutions relating to children in Belize, ranging from basic nutrition to education and care. Sara had to get up to speed with the UN Convention on the Rights of the Child (a mere 700 pages!) in order to identify gaps in the law and suggest necessary changes. "It seemed a daunting task at first, but it wasn't long before I got to grips with the basics and was able to identify the gaps that exist in the law," Sara says. "For example, Belize law permits the use of corporal punishment in schools and the laws are slanted heavily in favour of girls (in terms of protection from violence and abuse). Although Belize law is based on the UK system, most of its laws are rooted back in the 1950's and there are numerous references to illegitimate children being sent to poor houses."

Local Insight

"I was lucky enough to meet people from across the Belize community, in order to gather their views on the law. This involved meeting the police, the Family Court Director, the Department of Human Services, the Church (heavily influential in Belize) and UNICEF. I was able to add their views to mine in order to provide a comprehensive document which could be used for the future. After two and a half months I had finalized the report (some 80 pages). It was satisfying to see the report being sent to the publishers, knowing that it will be used long after I had gone."

Achievement

Sara says she found the experience a rewarding one. "Not only do you have the chance to recharge your batteries while experiencing a new country, but you also have the opportunity to develop your legal skills in ways you never knew possible (and help a worthwhile cause in the process). I was very pleased to have completed my report and I hope that it will be used by the various NGO's to push for much needed changes in the law. Although my placement was relatively short, I found myself able to accomplish a great deal and benefit the National Committee for Families and Children as well as myself. I definitely feel a sense of achievement."

Winning Streak in Seventh Circuit

Mayer, Brown, Rowe & Maw lawyers went undefeated in four consecutive pro bono arguments before the U.S. Court of Appeals in Chicago. Two of the victories came on the same day. The Court overturned a life sentence because the defendant was not provided a public trial; reinstated a prison abuse case; invalidated a murder conviction; and ordered a new sentencing hearing in a former death penalty case.

No Public Trial

The Seventh Circuit in March overturned the conviction of Johnnie Walton, who was serving a life sentence without the possibility of parole, after holding he was denied his Sixth Amendment right to a public trial. The case, *Johnnie Walton v. Kenneth R. Briley*, No. 01-2928, was argued by Washington associate William Paxton.

Walton was tried in the Cook County Circuit Court before Judge Ralph Renya in 1989 for allegedly attempting to sell a quantity of the drug PCP to an undercover police officer.

The first two sessions of the three-day bench trial, which encompassed the prosecution's entire case, were held in the late evening hours after the courthouse had been closed to the public and locked for the night.

Walton's fiancée twice unsuccessfully attempted to attend the trial. A confidential informant involved in the case also was prevented from attending the trial because the courthouse was locked. Walton was convicted and sentenced under Illinois' three-strikes law to a term of life in prison without the possibility of parole.

Quoting from several Supreme Court cases, the Court of Appeals found that Walton had not waived his rights when his trial counsel failed to make an objection to the closed sessions. The opinion, which was written by Judge William J. Bauer and joined by Judges Richard A. Posner and Frank H. Easterbrook, explained that: "This heightened standard of waiver has been applied to plea agreements, the right against self-incrimination, the right to a trial, the right to a trial by jury, the right to an attorney and the right to confront

witnesses," Judge Bauer wrote, citing *Brady v. U.S.*, 397 U.S. 742 (1970); *Miranda v. Arizona*, 384 U.S. 436, 444 (1966); and *Moltke v. Gillies*, 332 U.S. 708, 723-26 (1948).

"The right to a public trial also concerns the right to a fair trial," the Court stated, citing *Waller v. Georgia*, 467 U.S. 39 (1984). "So, like other fundamental trial rights, a right to a public trial may be relinquished only upon a showing that the defendant knowingly and voluntarily waived such a right."

The Court, citing *Waller*, noted that a party seeking to bar the court's doors to the public must show an overriding interest that is likely to be prejudiced by a public trial, the closure must be narrowly tailored, alternatives to closure must be considered, and the court must make findings sufficient to support the closure.

"This is an important decision because the Seventh Circuit held that a defendant must act knowingly, voluntarily and intelligently to waive his or her right to a public trial," said Paxton "We are gratified that these three well-respected judges were firm in upholding the Constitution, and the decision sends a strong message to federal and state trial courts about the importance of holding a public trial."

The State of Illinois plans to retry Walton. Paxton, Diane Romza-Kutz, Marc Kadish and Summer Associate Anne Kastanek are preparing for the new trial.

Prison Abuse Not Waived

On April 2, we won a reversal in a decision, written by Judge Posner, in *Carroll v. Yates*, No. 01-2931, a prison disciplinary matter. Chicago associate Kara Gibney successfully argued that Ronnie Carroll's failure to appear in person before the prison review board did not mean that he had failed to exhaust all administrative remedies in pursuing his grievance.

More than six years ago, Carroll, an Illinois state prisoner, brought suit in federal district court under 42 U.S.C. § 1983 against prison guards who, he charged, had inflicted cruel



and unusual punishment on him in violation of his Eighth Amendment rights.

The district court dismissed the suit on the ground that Carroll had failed to exhaust his administrative remedies, as required by the Prison Litigation Reform Act. Carroll had in fact pursued his prison grievance procedures up to the top level, the prison's Administrative Review Board, which denied his appeal as "moot" (without reaching the merits) because it had been advised by a guard that Carroll had "refused to appear before the Administrative Review Board on the above date," the date on which the board had met to consider his appeal.

Carroll then filed his lawsuit noting in an affidavit that he was unaware the board wanted him to appear before it. The Court noted that there is no statutory or other rule requiring a prisoner to appear in person before the board.

Judge Posner also expressed skepticism of the state's position requiring prisoners to appeal in person before the board. "...But such a rule would be absurd; it would hamstring the board, which, as Carroll's own experience attests, usually turns down appeals without interviewing the grievant."

And the court chastised the state for its position that Carroll had pleaded himself out of court by attaching a copy of the board's decision thus validating the state's position. The court noted that Carroll had attached a copy of the decision to show he had exhausted his administrative remedies and not to vouch for the truth of the statements in it. Judge Posner wrote: "The argument if accepted would do wonders for our workload, but is beyond nonsensical and unworthy of the office of the Attorney General of Illinois." The case was reversed and remanded. Upon remand, Marc Kadish, Alan Mills of the Uptown People's Law Center, and Mr. Carroll himself were able to settle all cases Mr. Carroll had pending in federal court.

Ineffective Assistance of Counsel

Also on April 2, the Seventh Circuit issued an opinion invalidating a murder conviction in *Harris v. Cotton*, No. 03-1611. The appeal was briefed and argued by Linda T. Coberly, a Chicago partner who had previously worked on one other Seventh Circuit appeal. Linda successfully argued that the failure of Harris's counsel to obtain a toxicology

report showing that the victim was intoxicated and under the influence of cocaine undermined Harris's claim of self-defense.

The Seventh Circuit's opinion invalidated the 1993 Indiana murder conviction of Willie Harris. The Court reversed the district court's denial of Harris's petition for habeas corpus, holding that Harris's trial counsel was ineffective.

At trial, Harris's principal argument was that he shot the victim in self-defense. The victim had approached Harris and his wife, followed them, verbally harassed them, and then became physically aggressive. Harris argued that he pulled his gun and fired in self-defense. The jury convicted Harris of murder, and he received a 40-year sentence.



Linda T. Coberly

During the state post-conviction proceedings, Harris's counsel discovered a toxicology analysis performed as part of the autopsy, which showed that the victim had been drunk and under the influence of cocaine during the altercation with Harris. The jury never saw the toxicology report and had been left with the impression that there was no evidence that the victim was intoxicated. Harris's trial counsel later testified that his failure to obtain the report before trial was an "oversight."

In an opinion written by Judge Bauer and joined by Judges Manion and Evans, the Seventh Circuit held because trial counsel's failure to obtain the toxicology report was "a mistake, and not a calculated strategic decision," his performance fell below the objective standard of reasonableness required by *Strickland v. Washington*, 466 U.S. 668 (1984). The Court also recognized that the conduct of the victim was critical to Harris's defense. According to the Seventh Circuit, "If the jury believed that [the victim] was sober, there is a reasonable probability that they would not have believed Harris' version of events as it related to [the victim's] behavior." On that basis, the Court held that "there is a reasonable probability that the outcome of the proceeding

would have been different if the toxicology results were presented.”

The Court’s opinion gives the State of Indiana 120 days in which to decide whether to conduct a retrial. Marc Kadish and Linda Coberly will represent Mr. Harris in the re-trial.

New Sentencing Hearing

The Seventh Circuit also rejected arguments by Illinois officials in April that the commutation of Gregory Madej’s death sentence to one of life in prison without parole relieved officials of the obligation to conduct a new sentencing hearing, *Gregory Madej v. Kenneth R. Briley*, No. 04-1760. Sean Patrick Dailey wrote the brief in opposition to the state’s mandamus petition, and attorneys Michael Feagley, Marc Kadish, Mark R. Ter Molen and John Touhy also worked on the case. Judge Frank H. Easterbrook wrote the opinion, joined by Judges Richard A. Posner and Ilana Diamond Rovner.

The Court also said Illinois officials overstepped their authority after Madej’s death sentence was commuted in deciding that they would not follow U.S. District Judge David H. Coar’s order to resentence him.

Judge Coar vacated Madej’s death sentence in 2002 after ruling that Madej’s trial attorney provided inadequate counsel during the sentencing

phase in failing to present evidence of child abuse and other mitigating evidence. No resentencing hearing was held for Madej and several months later Governor George H. Ryan commuted the sentences of the prisoners on Illinois’ death row.

The Seventh Circuit panel stated that a resentencing hearing for Madej could have led to a sentence with the possibility of parole.

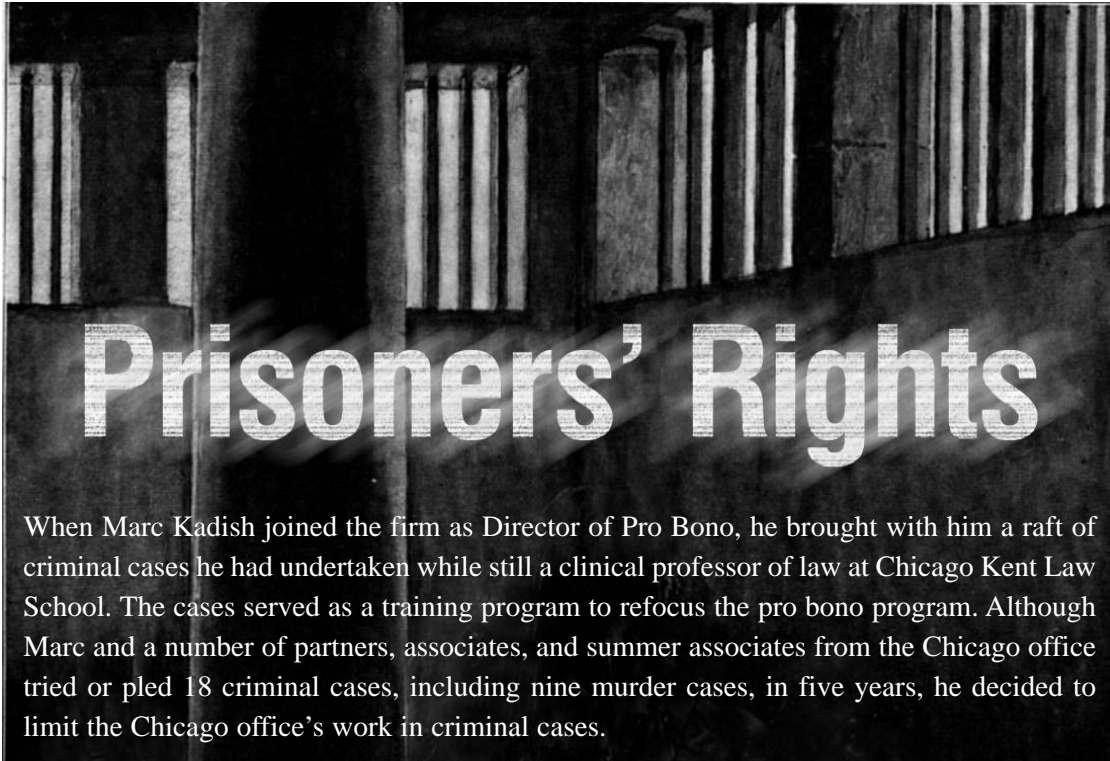
Following the Seventh Circuit’s decision, a resentencing hearing was held for Madej in June. A new sentence was imposed under which Madej, who has already been imprisoned for 23 years, will be eligible for release in another 17 years.



At this year’s pro bono luncheon, Marc Kadish presented Robert Dow with an award commemorating his participation in the Seventh Circuit Project.

The streak continues . . .

Since this article was written, we have had three more Seventh Circuit wins, bringing our streak to seven. In win number five, David Grossman prevailed on behalf of Kevin Hall, reversing the district court’s denial of Mr. Hall’s motion to vacate or set aside his conviction and remanding the case for an evidentiary hearing. In another case, Christopher Keleher, an Associate in the Chicago Office, defeated a motion for transfer of venue in a Board of Immigration Appeals case. And in win number seven, C.J. Summers, an Associate in the Washington Office, won the reversal of a district court decision dismissing claims for damages in a case brought under the Individuals with Disabilities Education Act.



Prisoners' Rights

When Marc Kadish joined the firm as Director of Pro Bono, he brought with him a raft of criminal cases he had undertaken while still a clinical professor of law at Chicago Kent Law School. The cases served as a training program to refocus the pro bono program. Although Marc and a number of partners, associates, and summer associates from the Chicago office tried or pled 18 criminal cases, including nine murder cases, in five years, he decided to limit the Chicago office's work in criminal cases.

Based on these two cases, Marc urged the other offices to look for prisoners' rights cases as a means of gaining trial experience for associates and doing meaningful pro bono work for a population that is now ignored by society.

Gradually, a decision was made to seek prisoners' civil rights cases in federal courts. Initially, it occurred quite by accident when Marc ran into a federal judge who asked if we could handle a case that was set for trial six months later. Although we lost the jury trial, it was an excellent learning experience for the associate, who tried the case while Marc supervised. Approximately two years ago, we accepted an appointment in downstate Illinois in another case that had to be prepared on short notice. Marc again supervised while an associate did the entire trial. This time the jury returned a verdict for the plaintiff prisoner.

Jury Win

Based on these two cases, Marc urged the other offices to look for prisoners' rights cases as a means of gaining trial experience for associates and doing meaningful pro bono work for a population that is often ignored by society. Last summer, New York associate Matt Ingber, supervised by partner and pro bono committee member Andrew Schapiro, successfully completed a jury trial in a case forwarded to the firm by the New York Lawyers for the Public Interest involving an inmate in Sing-Sing suing a prison guard for assault by deliberately and maliciously throwing cleaning fluid in the inmate's eyes following a dispute. We convinced the judge to reopen discovery and, over two months, we conducted several fact and expert depositions, drafted extensive motions in limine, prepared for trial and ultimately won a favorable verdict.

Casting the Net

By last year, the Chicago office settled nine other court-appointed prisoners' cases. The trials and settlements led us to try to build something through which we could share our knowledge within and outside the firm.

In spring 2003, Marc met Mark O'Brien from Pro Bono.Net at the Solicitors Pro Bono Conference in London. O'Brien's organization specializes in using technology to support pro bono and public interest lawyers. A major portion of its resources are spent building substantive area-specific sites, called "practice areas" to assist lawyers working on pro bono cases and full time poverty lawyers. These practice areas become part of the larger national probono.net network (www.probono.net), which supports advocates across the country. probono.net captures the work product of lawyers already working in the field for use by other volunteer and public interest lawyers. Using the tools on the site, lawyers with expertise can support each other, publicize important cases and developments, and share information in order to develop consistent precedent.

Each practice area is hosted by one or more public interest legal organizations and is matched with one or more law firms. Together, they take responsibility for creating, organizing and maintaining the library, news and calendar pages. For the initial meeting to discuss a Prisoners' Rights practice area, Mark O'Brien brought probono.net staff attorney Laren Spierer and also invited John Boston and Betsy Ginsberg of the Prisoners' Rights Project of the Legal Aid Society; Tom Terrizzi from Prisoners' Legal Services of New York; Carrie Flintoft, an associate at New York's Sullivan and Cromwell currently holding a fellowship focusing on prisoners' rights cases; Ron Tabak, the pro bono partner at Skadden Arps (who envisioned a similar project early on); and Kevin Curmin, pro bono counsel at Stroock & Stroock & Lavan LLP, both firms that handle prisoners' rights cases on a pro bono basis.

Marc Kadish attended the initial and subsequent meetings. He also brought in Jim Chapman, a long-time Chicago prisoners' rights lawyer. Marc and Jim are developing a Chicago site with the help of the Illinois Technology Center from Chicago Kent Law School. The Technology Center and probono.net have agreed to share resources and publish simultaneously on the ITC site and on the Pro Bono.Net Prisoners' Rights site.

Content Providers

Jim Chapman is head of the Illinois Institute for Community Law and serves as a consultant to the federal courts in prisoners' rights cases. Since most of these cases are assigned to inexperienced volunteer lawyers, the courts have Jim under contract to train and consult with them. He also advises the

The screenshot shows the homepage of probono.net. At the top, the logo 'probono.net' is displayed with the tagline 'Lawyers serving the public good.' Below the logo is a navigation menu with links for 'Login', 'Home', 'Help', and 'About'. The main content area is divided into several sections. On the left, there is a 'Practice Areas' section with links for 'Asylum Law', 'Death Penalty', 'Human Rights', 'SWEB Support Site', and 'Self Help Support'. The central section is titled 'WELCOME' and includes a search bar, a 'WHERE DO I START?' section with a 'Change Location' dropdown, and a 'JOIN A PRACTICE AREA?' section with a list of opportunities. The right side of the page features a 'Who We Are' section, a 'Who Is Using PBN?' section, and a 'We Will Come to You!' section. There are also links to 'Find Legal Help' and 'probono.net News'.

Homepage of probono.net.

supervising attorney of the program in assigning cases. Jim is a 25-year veteran of prisoners' rights law and has amassed both practical and technical experience to be shared. Much of the material he uses in his classes will be posted on-line as training material for interested lawyers unable to attend classes. He also plans to post FAQs on the subject, forms, legal materials, other relevant legal sources, research sites and interactive sites, as well as e-mail.

see "Prisoners' Rights" on page 19

Cabrini Green Legal Aid Clinic: “Seeking Justice and Mercy”

“Our purpose is to answer God’s call to seek justice and mercy by providing legal services to the poorest of the poor.”

— *Mission Statement, Cabrini Green Legal Aid Clinic*

Since 1973, the Cabrini Green Legal Aid Clinic has played an important role in Chicago’s public interest law. When CGLA opened its doors, it was one of only a handful of legal service providers, and it was the only legal aid clinic serving residents of the Cabrini Green Public Housing Projects.

Over the past 31 years, CGLA has adapted to changes in the neighborhood, legal community, and in its own leadership. Initially the clinic had geographic boundaries, serving individuals living in the Cabrini Green/Near North neighborhood — probably Chicago’s most infamous low-income/high-

were found in a clinic study to be underserved in the Chicago community.

Mayer, Brown, Rowe & Maw lawyer David Fuller has been a member of the CGLA Board of Directors for a little more than a year, and also serves on the Finance Committee and as Board Secretary. Fuller says the clinic has remained true to its faith-based mission statement.

“Although CGLA is non-denominational, the clinic was born out of the LaSalle Street Church in the Cabrini Green neighborhood, and founder Chuck Hogren and many others involved in CGLA over the years have been very active in that faith community. The clinic’s mission statement talks of God’s call to do justice and serve the poorest of the poor, which clearly reflects biblical values,” said Fuller. “At the same time, we have always welcomed any and all who share our concern for the poor regardless of ideology or religious belief. Volunteers and donors include individuals of all faiths, and some with no faith. The clinic does not require any clients or employees to be of a certain religious affiliation.”



CGLA housing law attorney Christine Farrell (right) shown with a grateful client.

crime housing project. The clinic provided general legal services, rather than focusing on specific areas of law.

Faith-Based Mission

Since 1998, as the number of residents in the Cabrini Green Housing Projects has declined, CGLA has expanded its services citywide and focused its services on three areas of expertise — family, housing and criminal law — areas that

in eviction cases, grievance cases and back rent disputes. A significant component of the center’s work is directed toward educating tenants and assisting in the continued viability of local tenant associations and building councils.

The center’s services became critical with the resolution of the Cabrini Green Local Advisory Council’s lawsuit against the Chicago Housing Authority (CHA). With the settlement of this lawsuit, the CHA put into place a 10-year plan for

Housing Law

One aspect of CGLA’s service is the Northtown Housing Resource Center through which the clinic represents clients

redevelopment. Thousands of Chicago's poorest residents will need to be relocated from their current homes. The number of new mixed income units is not sufficient to house all of the individuals who currently reside in the Cabrini Green public housing complexes.

Family Law

CGLA is also one of the few legal aid clinics that provides legal assistance in contested family law cases. CGLA's family law practice includes guardianship, custody, child support, divorce, paternity, visitation, abuse and neglect, orders of protection and adoption cases; as well as some simple probate matters. The Chicago Bar Foundation awarded Elizabeth Berrones, CGLA's family law attorney, the Kimball and Karen Anderson Public Interest Fellowship, which allots \$10,000 toward student loan repayment. This award is presented to an individual who has shown exceptional skills as well as dedication to the public interest law sector.

Criminal Law

Finally, CGLA is the only legal aid organization in Chicago that provides free criminal defense services to adults. The clinic's criminal cases involve those who are unjustly accused, first-time offenders, or others for whom the staff believes its intervention can make a positive difference in the individuals' lives. CGLA handles a range of criminal cases, including both misdemeanors and felonies.

PILI Fellows

Mayer, Brown, Rowe & Maw lawyers Sheri Drucker and Jonathan Wagner have served as Public Interest Law Initiative Fellows for the clinic. Wagner handled applications for clemency and expunging criminal records in the summer of 2002.

"I found working on expungement and clemency matters to be an extremely positive experience," said Wagner. "I worked for people who had paid their debts to society, complied with their sentences and paroles, accepted responsibility for their actions and turned their lives around. The processes of clemency and expungement are a chance for the system to reward people for making positive changes in their lives."

New Executive Director

Rob Acton is CGLA's new Executive Director and comes from New York City, where he has been the Director of Legal Outreach Brooklyn, a non-profit organization serving urban youths from poor communities in Brooklyn. Previously, Acton served as a staff attorney with The Legal Aid Society's Juvenile Rights Division in Brooklyn.

Acton says he intends to build on the clinic's long tradition of providing high quality legal services and treating "each client with dignity and respect." Going forward, he said he has an interest in developing new community-based outreach and education programs and attracting volunteers for a number of projects.

CGLA is the only legal aid organization in Chicago that provides free criminal defense services to adults. The clinic's criminal cases involve those who are unjustly accused, first-time offenders, or others for whom the staff believes its intervention can make a positive difference in the individuals' lives.

Breaking the Cycle of Homelessness with Supportive Housing

The firm's U.S. real estate, finance, government relations and labor practices have launched a new initiative to help the Corporation for Supportive Housing create permanent supportive housing for families and individuals who have been among the chronically homeless.

A stable place to live is not enough. Without a support system, many homeless people bounce from one emergency system to the next — from the streets to shelters to public hospitals to psychiatric institutions and detox centers, said Steve Thomas, CSH's Chief Operating Officer.

"This cycle is very costly in that we're spending hundreds of millions of dollars in this country on addressing the symptoms and getting very poor results," said Thomas.

Approximately 3 million to 3.5 million people are homeless during the course of the year in the U.S. About 250,000 of these are chronic or long-term homeless and the primary focus of CSH's work, said Thomas.

Beginnings

The organization grew from a simple model developed by two Franciscan priests in New York who raised funds, bought their own building and brought in psychiatrists and social workers to provide services to formerly homeless tenants.

CSH was established in 1991 with funding from three of the nation's leading philanthropies — the Pew Charitable Trusts, the Robert Wood Johnson Foundation and the Ford Foundation — to support local nonprofit groups assisting people in coping with homelessness and extreme poverty, mental illness, addiction or HIV/AIDS.

Today, CSH has offices in 10 states (California, Connecticut, Illinois, Indiana, Michigan, Minnesota, New Jersey, New York, Ohio, and Rhode Island) and the District of Columbia. CSH is also active in Colorado, Kentucky, Maine, Oregon and Washington.

Project Brokers

Since its inception, CSH has committed nearly \$82 million in loans and grants to more than 400 providers to support the creation of 13,000 units of supportive housing, with 6,400 additional units in the pipeline. The existing 13,000 units have ended homelessness for at least 15,000 adults and children.

"We act as an intermediary or broker working typically with non-profit groups in getting projects launched," said Thomas. "We don't own the property. We provide loans and the expertise to help develop and operate supportive housing."

The type of services connected with the housing varies depending on the needs of the tenant, said Thomas. "It often involves assistance with developing daily living skills and becoming more integrated with the broader community. Service providers also help tenants access outpatient medical services and vocational training, and get involved in support

Since its inception, CSH has committed nearly \$82 million in loans and grants to more than 400 providers to support the creation of 13,000 units of supportive housing, with 6,400 additional units in the pipeline.

groups.” In some supportive housing communities, social workers and other professional counselors might be available.

CSH funding comes from local and national philanthropic foundations, and government agencies — a mix of grants, loans and consulting contracts. It has raised over \$118 million from more than 200 foundations, and has leveraged over \$1 billion in federal, state and local public- and private-sector funding for capital, operating and service dollars.

Real Estate Expertise

Going forward, CSH has announced it has embraced the goal of helping to create 150,000 new units of supportive housing in the next 10 years. The firm’s real estate practice is committed to working with CSH nationally as it carries out its plans, said Chicago real estate partner Michael Fishman.

“We’re rolling out a national real estate program for them that includes origination work and funding from banks for community service organizations,” said Fishman. “It’s the largest transactional pro bono initiative the firm has done to date. We’re getting significant support from all the national real estate practice leaders.”

The work with CSH also contributes to the firm’s training of real estate associates, said John Gearen, who is one of the firm’s Real Estate Practice Leaders. “We’ve wanted to commit to a significant pro bono project that also provides good training for our new lawyers. This project accomplishes both objectives,” said Gearen.



Sanctuary Place is one of the supportive housing facilities in Chicago.

Going forward, CSH has announced it has embraced the goal of helping to create 150,000 new units of supportive housing in the next 10 years.

Lending Programs

Chicago real estate lawyer Michael Baum notes that CSH works with both for-profit and not-for-profit developers. It typically provides non-interest or low-interest loans in the range of \$50,000 to \$200,000 in the preconstruction stage to cover permits, surveys and other requirements to get projects underway.

CSH acts as both a lender and a borrower in financing low-income supportive housing. The firm is currently working with CSH in getting a \$2 million line of credit from MetLife to assist it in its short-term loans to developers.

“We are working on developing a streamlined loan program to create forms so that a group of loan documents can get out as quickly as possible so that these projects can go forward quickly,” said Baum.

The real estate practice has also worked on a sublease program in New York for CSH and is planning to expand the project to California, Texas and Washington, D.C. Doug Wisner, a real estate partner in the New York office, has also agreed to work on several loans and coordinate efforts involving his office’s real estate associates. Virginia Melvin and Richard Newman, the firm’s finance trainers in New York and Chicago, have also offered to assist in getting finance lawyers involved.

Labor and Government Guidance

Labor attorney Marian Haney is also working with CSH on several labor matters, including benefit hearings, terminations and reviewing documents. “I’ve been quite busy with the projects they have sent my way,” she said.

At the same time, CSH has consulted with Chicago government practice partner David Narefsky, who is coordinating efforts on behalf of the government practice group to assist the organization in Chicago. Washington partner Mark Gitenstein met with CSH’s legislative policy lawyer. The Washington office Government Practice Group has agreed to assist CSH in its dealings with Congress. Jeff Lewis, an associate with the group, has volunteered to coordinate the group’s work with CSH.

“We are so excited about the partnership with Mayer, Brown,” said Thomas. “Building supportive housing is a very time-consuming and complicated process. Legal advice is a critical part of that process and can be very expensive. It has huge practical applications for us to have this level of expertise and assistance from the firm.”



CSH's Carla Javitts spoke at our Chicago office Pro Bono Luncheon in June.

“It has huge practical applications for us to have this level of expertise and assistance from the firm.”

**— Steve Thomas
CSH’s Chief Operating
Officer**

Violeta Balan: A Journey Home for Justice

As the first Public Interest Law Initiative (PILI) fellow to do her work outside Chicago, Violeta Balan took her fellowship to a place that is an ocean — and worlds — away from the Windy City. Due to start her law career as an associate in the Chicago office in the fall of 2004, Violeta was recently involved with the American Bar Association’s Central European and Eurasian Law Initiative (CEELI).

CEELI is a program through which thousands of American lawyers, judges and law professors volunteer to work in 23 former communist countries. CEELI lawyers stem organized crime, counsel international criminal tribunals, and assist human rights groups.

Violeta’s project focused on the Romanian judicial system. During her first week in the capital city of Bucharest, she familiarized herself with the nation’s past judicial projects, accomplishments and goals. After a period of preparation and research, Violeta assisted in establishing criteria for evaluating judges. She also aided Romanian officials in their effort to increase the transparency, efficiency, effectiveness and accountability of the courts.

Some of her other projects included: reviewing a report on a pilot court project concluded in Romania last year, drafting a booklet on ethics and anti-corruption based on the information gathered for and from several seminars spon-

PILI

For over 25 years, PILI, a non-profit organization, has offered paid opportunities for law students and new graduates who want to work at public interest law agencies in Chicago and beyond. PILI also inspires and promotes pro bono work by members of the bar through the Pro Bono Initiative (PBI).

Each year, PILI sponsors the Summer Internship Program for first and second year law students. The organization provides dozens of internships at public interest law agencies in the Chicago metropolitan area. The program is open to law students from across the country. The stipend for 10 weeks’ work is \$4,500.00. PILI ensures quality supervision by experienced lawyers at the agencies, and provides a lunch-time educational program. The program seeks to have law students work at and learn about legal institutions serving

the public interest, and to engender a life-long participation in public interest law.

Students set to graduate from law school and join a Chicago law firm are eligible for the PILI Graduate Fellowship. Many of the participating firms furlough, at the firm’s own expense, their incoming associates to work at one of 44 affiliated public interest law agencies, while studying for the bar. New firms are added each year.

Former partner John Clay became Executive Director of PILI upon his retirement from the firm. Tom Nicholson, a former partner (now deceased), was a long-time PILI board member; it was Tom and Mike Feagley, a current partner, who first proposed the fellowships. Partner Danuta Panich is a current board member. The firm has been sponsoring PILI Fellowships since 1988.

PILI Fellows 2004

ABA-CEELI-Bucharest	Violeta Balan	Chicago Volunteer Legal Services . . .	Roberta Wertman
CARPLS	Jacob Sheehan	International Human Rights Law Institute – DePaul University College of Law	James Hart
Chicago-Kent College of Law Clinic	Denise Lopez	Midwest Immigration and Human Rights Center	Kristina Hermann
Chicago Legal Clinic	Katherine Deibert	Public Defender	Catherine Katilius

sored by CEELI in conjunction with the Stability Pact for South Eastern Europe, identifying procedures within individual courts that would systematically provide judges with information on ethics, and drafting pre-post tests for various seminars on ethics.

Violeta felt blessed to collaborate with such a dedicated group of lawyers as those working in Bucharest, and she

raves about the work she conducted through the fellowship. It was especially meaningful to her because she is a native of Romania.

“It was everything I hoped that it would be: interesting, challenging, rewarding, and enriching. Most importantly, I helped my home country transform into a more just place. What could possibly be more worthwhile than that?”

Legal Assistance Foundation of Metropolitan Chicago Honors Bob Helman

Chicago partner Bob Helman received the Legal Assistance Foundation of Metropolitan Chicago’s Lifetime Achievement Award at the group’s annual luncheon on Wednesday, June 2. Bob was a member of the Legal Assistance Foundation’s founding Board of Directors, its President from 1973-1975 and has been a dedicated supporter of legal services for the poor for the past 30 years, including serving as one of five co-chairs of the Campaign for Justice, which sought to raise additional monies for the Foundation in light of federal cutbacks on legal services. Bob serves or has served on many non-profit boards, including The Brookings Institution, the Museum of Contemporary Art, the Aspen Institute, the Jewish Federation of Metropolitan Chicago, the University of Chicago Hospitals, Metropolitan Family Services and the Jane Addams Juvenile Court Foundation. He is also a past chairman of the Citizens Committee on the Juvenile Court in Cook County.

Bob is a recipient of the Learned Hand Human Relations Award of the American Jewish Committee, and the Justice John Paul Stevens Award of the Chicago Bar Association. He has acted as special counsel for the City of Chicago on several occasions and has been a director of Northern Trust Corporation since 1986.



Tom Durkin (R) presents Bob Helman with the Lifetime Achievement Award.



National political columnist and scholar Garry Wills (R), posing here with Bob Helman, was the featured speaker at the awards banquet.

Second Careers

Pro Bono is perhaps the practice of law at its most idealistic. The recent retirement of several of our most long-standing partners is an occasion to reflect on the larger picture of a lawyer's career — his or her ideals and most lasting work.

The stamp they have put on the firm is lasting. Two of them will continue to shape the firm by training associates in a pro bono capacity. Two others leave with remarks that remind us of the larger importance of our daily labors.

Training

Philip Lacovara

Philip Lacovara has taken “early retirement” from the partnership but will remain with the firm as senior counsel. Although he continues to have responsibility for regular client matters and for assisting in business development, Philip expects to devote a larger percentage of his time to work on the pro bono committee and on professional development and training. In addition to co-chairing New York's pro bono committee, he will personally supervise several pro bono matters, ranging from cases before New York City municipal agencies, to matters before the Supreme Court of the United States. In addition, his new responsibilities include training new lawyers on issues of professional ethics and responsibility and developing a program for effective legal writing and written advocacy. Philip will also continue to represent the firm as a board member of a variety of pro bono organizations, including Human Rights First (formerly the Lawyers Committee for Human Rights).

Priscilla Weaver

As a partner in the General Litigation practice, Priscilla Weaver put in long hours at the Chicago office serving her clients. She still made time, however, to develop the firm internally by helping to lead its training programs. At various points during her long tenure at Mayer, Brown, Rowe & Maw, Priscilla managed the Chicago office's summer associate program and led its litigation training for associates. Many of our attorneys saw their skills improve under her careful and caring tutelage, and she takes great pride in

the fact that 12 of the summer associates from “her” summers became partners here. Along with her training work at the firm, Priscilla also taught Trial Advocacy at Northwestern University Law School and helped conduct the annual NITA Midwest Regional trial advocacy programs.

When her husband decided to take early retirement from the University of Illinois, Priscilla was presented with the opportunity to take up the pastoral life in southern Oregon. The couple moved to the Saltmarsh Ranch, a 130-acre farm with a few sheep, lovely meadows and a beautiful river running through it. Priscilla now spends her days restoring the ranch, tending to the animals (her new “clients”) and prac-



Priscilla Weaver

ting the piano. She has not abandoned her involvement with the firm, however. She, along with retired litigation partner John Carroll, were the firm teaching representatives at the recent annual deposition training program. Priscilla will also take part in summer associate litigation training in Chicago and Los Angeles.

While Priscilla savored her time as a lawyer at Mayer, Brown, Rowe & Maw, she has fallen head over heels in love with her new life in the Pacific Northwest.

“It's wonderful here. Every day is Saturday.”

Valedictions

Robert Finke: A Vision of Who We Are, Where We Are and Where We're Going

At the Partners' Meeting this year, Chicago partner Bob Finke gave a speech that eloquently captured the goals and aspirations of our firm. A transcript follows:

Except to note in passing the history of this wonderful firm with which all of us are familiar, I see little benefit in talking about what was. Rather, I have a few thoughts on what is and what can be.



First, this *is* a great law firm. It will be an even greater law firm if we adhere to the values and principles that brought us to where we are today. Our individual successes are derived in large part from our association with each other and with this firm. Whether in court or at a negotiating table, each of us is defined by the fact that we are partners in Mayer, Brown, Rowe & Maw. The firm's reputation precedes us wherever we go and whatever we do. That reputation is a product of our skills, character and integrity. Each of us may be justly proud of our individual achievements, but we must never forget that each of our colleagues contributes something to those achievements.

Second, economic success is important to each of us and our families. However, it cannot come at the price of tolerating inappropriate conduct towards one another; it cannot come at the price of taking on clients who seek mainly to purchase our prestige; and it cannot come at the price of coming too close to the ethical, legal or moral edge.

Third, we must never forget that we exist to serve our clients first and ourselves second. In these trying times, when clients are becoming increasingly demanding and loyalties are often uncertain, we must continue to provide the highest quality of service — often at personal sacrifice — even as we sometimes wonder whether it's worth it. But it *is* worth it, because relationships with clients are among the most rewarding aspects of what we do.

Fourth, our future is insured only if we adhere to the high intellectual standards we have set for ourselves. If we place integrity above all else, and if we teach and help our colleagues at every level to become better lawyers and thriving partners, we guarantee the continued success and excellence of our Firm for future generations.

Finally, law firms, even those more than 100 years old, are fragile institutions. They often founder on the rocks of ego and avarice, or they lose their moral compass. We need not worry about these things if we treat each other as I try to treat each of you — with respect, candor, good faith and genuine affection.

A Farewell Message from Stan Kessler

This e-mail message was sent by Stan Kessler to all the lawyers in the firm. Stan retired as a partner on March 31 of this year.

The day after I joined our firm as an associate in March of 1964, I had learned the names of each of our lawyers. I can still tell you who they were. We were all located in Chicago, our only office, at the Continental Illinois Bank Building. I was one of 80 lawyers, 79 men and one woman. We had rotary telephones. Copies of documents were produced with carbon paper at the time the original was typed. We had more partners than associates.

The firm's name then was Mayer, Friedlich, Speiss, Tierney, Brown & Platt. It was managed by a self-perpetuating Executive Committee headed by Denny Mayer's father, Frank Mayer. We were the only major law firm in Chicago that was religiously diverse. Frank Mayer and Herb Friedlich were Jewish, Carlos Speiss and Leo Tierney were Catholic and Temp Brown and Q. Platt were Protestant.

No one back then made a significant amount of money practicing law. Most of the named partners didn't need to. They had their own trust funds.

We were the best law firm in Chicago.

Each of Messrs. Mayer, Friedlich, Speiss, Tierney, Brown and Platt died long ago. After I joined the firm, we hired a lot more woman lawyers. I married one of them. She became our first female partner. She is still crazy about me.

Earlier this month, I turned 70. Today is my last day as a partner. Although I don't know many of you, and many of you don't know me, that's not all bad. It means that someday we may meet by chance in a bar somewhere and discover that what we have in common is our affiliation with the best law firm we could possibly hope to be a part of.



"Prisoners' Rights"

continued from page nine

New York-based content has been provided largely by John Boston, Betsy Ginsberg and Kevin Curnin. Carrie Flintoft worked on developing the overall structure of the probono.net practice area library and Aisha Greene, a law student from Columbia Law School, spent a portion of her spring semester posting resources.

Eye-Opening

Prisoners' rights work can be especially enlightening to those habituated to corporate law: "The work gives you a kind of privileged view of this strange prison culture," according to Jim Chapman. "It humanizes these people." Jim believes prisoners' rights are an inspiring field for a young lawyer. "I won't deny that many young lawyers approach this kind of law with distaste and even fear. The prison culture is not for the squeamish. But it's also exciting — maybe even addictive." A number of Jim's early converts to the practice have stayed with it for years.

Mayer, Brown, Rowe & Maw's Firmwide School Initiatives

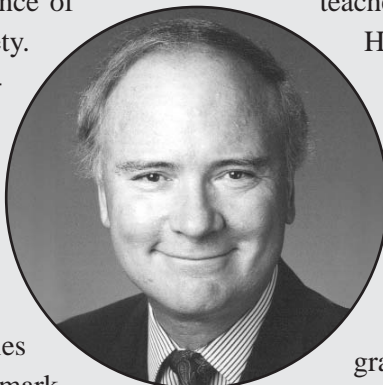
Like Managing Partner Debora de Hoyos, who has been active with Chicago's Providence-St. Mel school for over a decade, firm personnel have focused on educational initiatives in a variety of projects. These important initiatives range from reading programs conducted by various offices to traditional pro bono work on behalf of schools to programs that benefit individual students.

Lou Eatman Heads Constitutional Rights Foundation

Lou Eatman has become President of the Los Angeles Chapter of the Constitutional Rights Foundation (CRF), a non-profit, community-based organization that educates America's young people about the importance of civic participation in a democratic society. Lou will serve a two-year term as CRF president.

"I try to be active in a number of charitable organizations, but the Constitutional Rights Foundation is my favorite," said Lou, who is partner-in-charge of Mayer, Brown, Rowe & Maw LLP's Los Angeles office. "I look forward to working with a remarkable board and staff in continuing to develop our civics programs and materials that go to teachers, students and public-minded citizens all across the nation."

In outlining his priorities for the CRF, Lou cited increasing the racial and ethnic diversity of the foundation's board, encouraging greater participation by CRF Board members in the foundation's committees, programs and activities, expanding and diversifying its funding sources, elevating its profile in the community and recruiting more volunteers to the CRF's work. Mayer, Brown, Rowe & Maw recently made a large donation to the CRF's annual spring dinner to help Lou meet these goals.



Lou Eatman

Each year, CRF develops and distributes a new mock trial case to participants in 36 California counties. The mock trial program involves 8,500 students and 2,000 lawyer and teacher volunteers in California. CRF sponsors a History Day program that reaches 40,000 students from 31 California counties. Students research historical issues, ideas, and people and apply what they have learned to their own research papers and displays, media productions, performances and web pages. In addition, CRF sponsors a variety of youth leadership programs, teacher-training programs and youth conferences.

CRF also publishes educational texts and materials on law and government, civic participation, U.S. and world history, and current issues. CRF's acclaimed curricular newsletter, *Bill of Rights in Action*, reaches 32,000 educators quarterly. On the global scale, CRF has hosted exchanges between U.S. educators and their counterparts from Poland, Russia and Lithuania through the Democracy Education Exchange Project.

Established in 1962, CRF is guided by a dedicated board of directors drawn from the worlds of law, business, government and education. CRF's professional staff includes teachers, school administrators, lawyers, editors, writers and youth development specialists.

Northside College Preparatory High School- Mayer, Brown, Rowe & Maw Constitutional Law Program

Mayer, Brown, Rowe & Maw has just completed a third successful year co-directing the Northside/MBR&M Constitutional Law Program. Northside College Preparatory High School students in Tim Devine's two AP Government and Politics classes joined a dozen lawyers from the firm to once again take on the roles of United States Supreme Court advocates. The group briefed and argued two freedom of religion cases pending before the Court this term. The cases revealed to students and attorneys alike the tension between the First Amendment's Establishment and Free Exercise Clauses. Students arguing the much-discussed Pledge of Allegiance case raised the serious question of whether the Establishment Clause is violated when students are required to "pledge" their loyalty using the words "under God." Other students found themselves defending the right of a college student to use a State of Washington scholarship to study theology.

The students and their attorney-advisors analyzed the appellate court opinions in the two cases, and then read and discussed the case law precedent. In small group discussions, our attorneys tutored the students on the judicial system, the use of precedent and how to structure arguments in a legal brief. The students drafted their first briefs over winter break and the attorneys provided feedback via e-mail and conferences at the Chicago office, often sending the would-be lawyers back to re-think and to re-draft their arguments. Once the briefs were submitted to opposing "counsel," the teams prepared for oral arguments. On February 28, the students donned formal business attire and marched into a Daley Center courtroom to present their arguments to panels of MBR&M and Northern Trust lawyers who served as "Justices for a Day." The courtroom was packed with family and friends who watched as the students responded to tough questions. The "Justices" issued their written opinions a week later.

All agreed that the program was a rousing success. The attorneys were invigorated by the students' energy and enthusiasm, and the students received a hands-on introduction to the legal system and the roles lawyers and courts play in interpreting the Constitution. Even the teachers and parents who attended the oral arguments came away enlightened and excited. This unique program has already inspired dozens of Northside College Preparatory High School students to study law.

The firm congratulates Tim Devine, the Northside teacher who created the Program, on winning the Golden Apple Award for teaching. The Northside/MBR&M Constitutional Law Program was acknowledged by the Golden Apple Foundation in its award ceremony on May 8, 2004, as an example of how Mr. Devine "connects his students to the world outside of school and equips them to succeed in it." Somyai Ahmed, who is entering her senior year at the school, is also working with the pro bono program this summer.

**Northside College
Preparatory High School
students in Tim Devine's
two AP Government and
Politics classes joined a
dozen lawyers from the firm
to once again take on the
roles of United States
Supreme Court advocates.**

Increasing “Providence” for Providence-St. Mel High School

One phone call between two friends has resulted in an increasing windfall for a Chicago high school. Charles “Chuck” Murphy, a criminal defense lawyer, contacted Marc Kadish regarding a fund he controls. The fund contains over \$70,000 and was established to honor the memory of Keith Davis. Davis, a lawyer and minister who died in the late 1980s, was a close friend of Paul Adams, the founder of Providence-St. High School in Chicago. Since Keith’s death, Chuck Murphy has hosted an annual charity golf outing to raise money for an annual scholarship at PSM. In addition to the money raised each year through the golf outing, Murphy wished to donate the entire fund to Providence-St. Mel for a scholarship endowment in honor of Davis’ friendship with Adams.



Sigourney Tanner, now entering her senior year at PSM, opened the party with a moving rendition of “Deep River.”



Members of Keith Davis’s family with Chuck Murphy (R).



Judge Strayhorn, PSM alumna and attorney Detoya Burtine and Geary Kull.



Alan Toback (L) and Marc Kadish listen as Debora de Hoyos makes a point.

Upon learning of Murphy's intentions, Marc and managing partner Debora de Hoyos suggested that, to increase the overall amount that the school would receive, the money in the fund be combined with a matching grant from a member of the Pritzker family who is active with the school. In addition, Debora, who is chairman of the Board of Trustees of Providence-St. Mel, suggested that the firm host a special fundraising cocktail party. The party, held on May 19, also honored African-American legal titan Judge Earl Strayhorn, who was in attendance. Chuck and Keith first met while they were public defenders in the courtroom of Judge Strayhorn.

"We are especially proud of this event and our association with the school because they demonstrate that the leadership of the firm is engaged in community activities," Debora said. "Young associates can get frustrated about and indifferent to pro bono and community service if they are the only ones involved. When the leadership of the firm plays a major role in these efforts, it sends a strong message about our firm's dedication to service."



PSM principal Jeanette DeBella describes the school's remarkable results.



About Judge Earl Edward Strayhorn. Judge Earl Edward Strayhorn was born in Columbus, Mississippi, on April 24, 1918. He graduated from Tilden Tech High School in Chicago in 1936. Strayhorn received an A.B. from the University of Illinois in 1941 and a J.D. from DePaul University Law School in 1948. He also served his country as an artillery officer for the Tuskegee Airmen.

From 1949 until 1952, Strayhorn worked as an assistant state's attorney for Cook County. From 1952 until 1970, he had his own practice while also serving as Chicago civil service commissioner between 1959 and 1963. In 1970, he became a Cook County Circuit Court judge, where he served for 28 years. From 1995 until he retired in 1998, he headed the county court system's largest section, the First Municipal Division.

Strayhorn has taught law classes at numerous colleges and universities, including: Northwestern University School of Law, Harvard Law School, Emory University College of Law, the National College of Criminal Defense Attorneys, Cardozo School of Law and the National Institute of Trial Advocacy.



Stockton School Reading Program

For the past nine years, the Chicago office has participated in an educational program with Stockton School in the city. Ninety percent of Stockton students are below poverty level and twenty percent come from homeless shelters. Together with individuals from our program partner, Merrill Lynch, we conduct several reading days each school year. Volunteers take trips to Stockton on rented school buses to read stories, plays, poems or holiday-specific materials with third-graders. The half day also includes a reading-related activity — a book summary, an animated drawing, or class presentation — to fit the day's theme. Each school year, the firm and Merrill Lynch sponsor field trips for the Stockton students — one to the offices of each firm, and one to Navy Pier, an entertainment center located on the shores of Lake Michigan that includes a giant Ferris wheel, IMAX theater, outdoor restaurants and gift shops.

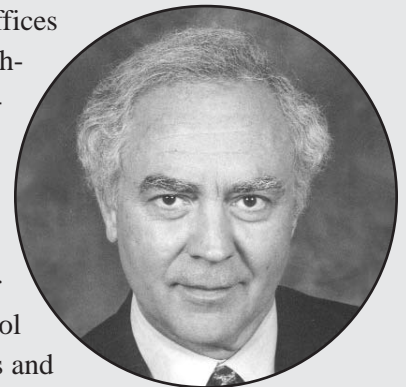


Michele Gossmeier

The Stockton School's staff is very pleased with the program. Deborah Esparza, the school's principal, cites our visits as rare opportunities for the students to interact one-on-one with adults. The children often send touching thank-you letters to our volunteers after each reading day. The volunteers all have a significant impact on the young students' education.

Michele Gossmeier, the Program Center Manager in the Chicago office's Information Services department, has managed the reading program for five years. She has increased the number of days the reading partners travel to Stockton and has served as a tireless advocate for the program. Michele looks forward to someday expanding it to include student pen pals in other cities where our offices are located. In the meantime, she is committed to strengthening the current program, in part by increasing the number of attorneys who participate.

Trent Anderson, a partner in our Corporate and Securities practice as well as a member of the firmwide Pro Bono Committee, has been a great advocate this year for increasing attorney participation. "The Stockton School Reading Program is a perfect opportunity for our lawyers and staff to take a few hours out of their day to make a real difference in kids' lives. The students view our reading partners as role models, and they look forward to improving their reading skills by working with our volunteers. Being involved in this program makes you realize how important it is to make a difference in a child's education. Seeing the children's eyes light up when we arrive is an amazing feeling, and one we would like more of our attorneys to experience."



Trent Anderson

To learn more about the Stockton School Reading Program, which is officially creditable activity with its own matter number, please contact Michele Gossmeier at 312-701-8181 or at mgossmeier@mayerbrownrowe.com. Visit <http://intranet/firminfo/Stockton/> for more information.

Mayer, Brown, Rowe & Maw Helps Unique Charter School Organization Achieve Extraordinary Results

Through Houston partner Marvin Katz, our firm has become involved with the remarkable KIPP Schools. KIPP (Knowledge is Power Program) began in 1994 when, upon completing their Teach For America commitment, educators Mike Feinberg and Dave Levin started a public school program for 50 5th graders in inner-city Houston. The academic success and eagerness to learn displayed by their students inspired **KIPP: Life.Lessons.** Feinberg and Levin to expand the program. In 1995, they launched the first two KIPP schools, KIPP Academy Houston and KIPP Academy New York, which have since gained recognition for their rigorous curricula and stellar academic results. Ninety-nine percent of KIPP alumni matriculate into top high schools.

KIPP schools are free open-enrollment public schools that provide educationally underserved students with the knowledge, skills and character needed to succeed in the finest high schools and colleges. KIPP students are accepted regardless of prior academic record, conduct or economic background.

KIPP schools share a core set of operating principles known as the Five Pillars:

- Students are in school longer than most public school students, from 7:30 a.m. until 5:00 p.m. on weekdays, for four hours on Saturdays and for three to four weeks during the summer.
- Students complete between two-to-three hours of homework each night.
- Students, parents, and teachers sign a “Commitment to Excellence” form that confirms their commitment to the school and to each other in regards to achieving success.
- Rigorous college preparatory instruction is balanced with extracurricular activities like martial arts, music, chess and sports.
- The school year culminates with high-quality experiential field lessons to national parks, historically significant regions and college campuses.

In fall 2003, the first class of KIPP alumni started college after earning more than \$18 million in scholarships as a group. Encouraged by their early success and buoyed by the financial support of Doris and Donald Fisher, founders of Gap Inc., the KIPP leaders launched three more schools in 2001, 10 in 2002 and another 17 in 2003. With schools in Chicago, Gaston (North Carolina), Houston, Los Angeles, New York City, San Francisco and Washington, D.C., KIPP operates in or near every U.S. city where the Firm has an office. Formal tests and studies of the KIPP schools quantify the positive impact they are having on the lives of thousands of students in economically deprived communities around the country. The program has been featured on *60 Minutes* and was highlighted during the 2000 Republican National Convention.

In fall 2003, the first class of KIPP alumni started college after earning more than \$18 million in scholarships as a group.

Previous KIPP schools have all been upper-elementary and middle schools serving 5th through 8th grades. This year, KIPP will begin to open high schools to serve students completing the 8th grade at existing KIPP schools. The first KIPP high school opened in Houston in July 2004.

Marvin Katz became familiar with KIPP through his sister, who had read about Feinberg and Levin in a local Houston newspaper. Impressed by the high standards and “no excuses” approach of KIPP Academy Houston, Marvin agreed to serve as an advisory director to the school and to take on its legal work and assist with its fundraising. Supporting KIPP Academy Houston has become a family project for the Katzes. Marvin’s son helped the academy secure a 36-acre site for its new facility. One of his daughters, an immigration lawyer, addresses the school’s immigration issues while another daughter, a speech and language pathologist, has performed statistical analysis for KIPP Academy

Houston. Marvin saw KIPP through the difficult early stages of its program, and he is heartened by the nationwide success the program now enjoys. The Texas Education Agency has recognized KIPP Academy Houston as an Exemplary School each year since 1996. In 2003, KIPP Academy Houston students earned passing rates of 94% in reading and 96% in math on the Texas Assessment of Knowledge and Skills (TAKS). The school’s 8th grade students earned 100% in both reading and math.

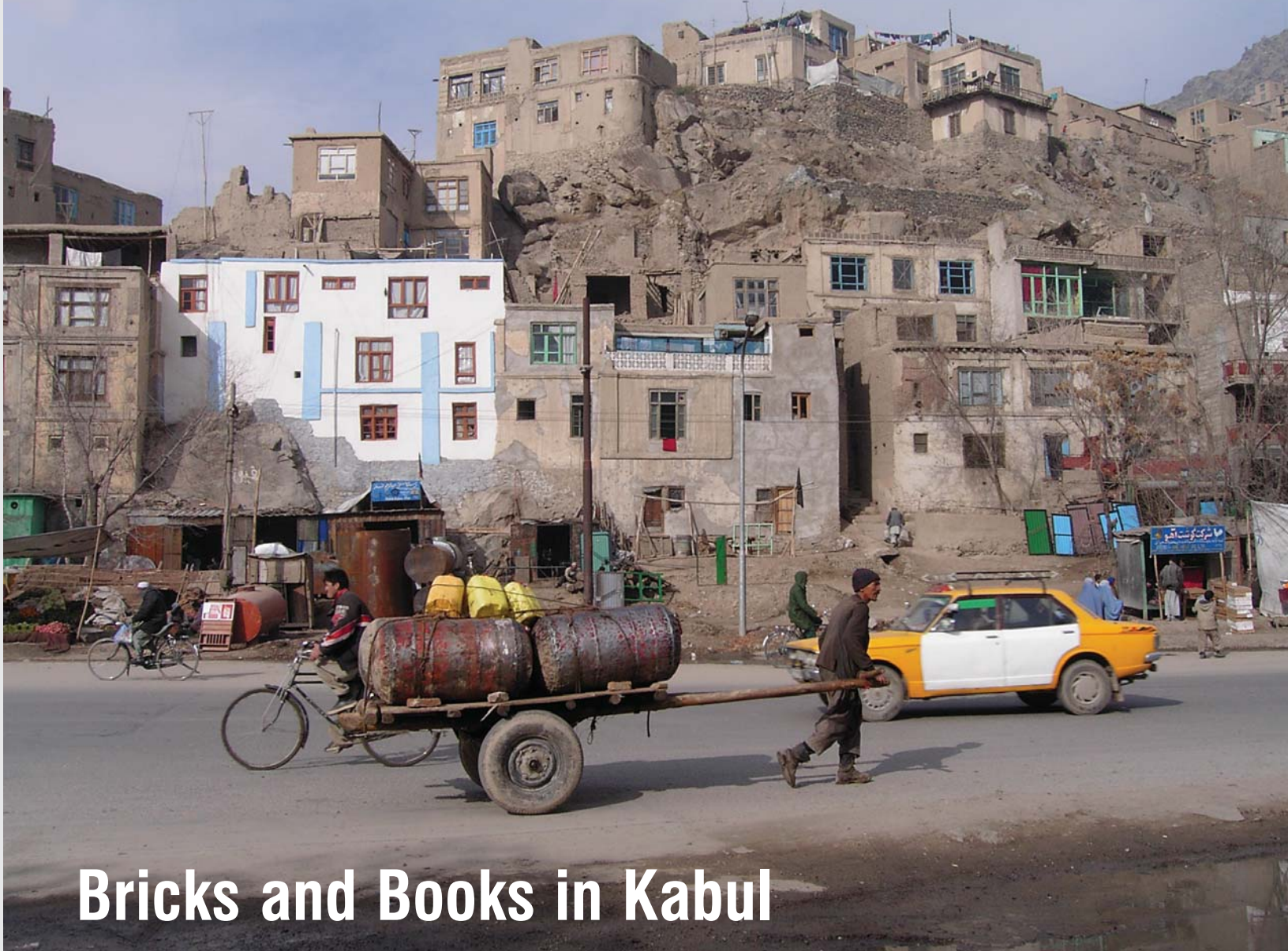
“With a challenging curriculum, dedicated faculty members and committed students and parents, KIPP has had a significant impact on education,” Marvin says. “The program simply demands the very best from all involved, and those high expectations are what make KIPP so unique and effective. The KIPP students here in Houston have a motto: ‘Run with the Big Dogs or Stay on the Porch.’ I can guarantee you that these kids are off and running.”

London Office Education Initiatives

The London office’s reading and numeracy program with Malmesbury Primary School, Tower Hamlets (located in the East End of London) has been running for a few years now and is still as popular as ever, with some 60 staff members now taking part. The program recently has been extended to include French language instruction during Monday lunchtimes. The lessons are proving to be as successful as the reading and numeracy instruction on Wednesdays and Thursdays. A number of Human Resources personnel also kindly donate their time to help Tower Hamlets secondary school children with practice interviews.

A Christmas party for the Malmesbury Primary School children and firm volunteers was held at the London office last December and it was a thoroughly enjoyable event for everyone. Barrister Jenny Gardener and Assistant Solicitor Kate Phelps (pictured at right) helped host the event. Bob Hillhouse (Consultant/Professional Manager in our Company Secretarial Dept.) made an excellent Father Christmas!





Bricks and Books in Kabul

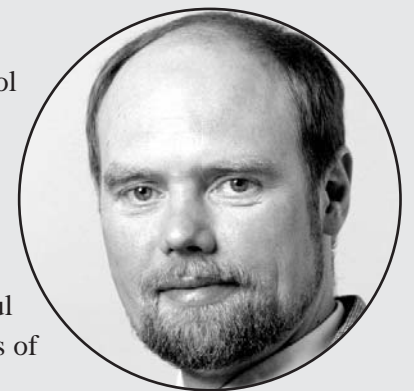
Street in Kabul.

Bernd Thalmann, a corporate partner in the Frankfurt office, traveled to Afghanistan in December 2003. As one of the members of the Board of Oxfam Germany, a German charity organization, he participated in the re-opening of the Sooria High School in Kabul which was funded by Oxfam Germany.

Here are his observations of the trip.

It can get cold in Kabul, very cold. Heating is essential for survival in winter. The school girls huddle around the stoves in the makeshift class rooms, housed in drafty tents. Soon they will move into real buildings.

In the area around the school grounds in the district of Chor, virtually all other buildings have been completely destroyed. All one sees is a grey pile of rubble. Not a single wall was left standing, let alone a roof. There is hardly a building in the whole of Kabul that does not have signs of heavy bullet and rocket fire: the scars of more than 20 years of warfare.



Bernd Thalmann



Burqua-clad women in Kabul.

I look at the depressing scene out of a four-wheel drive Toyota. It surprises me that all of the international agencies and organizations use the same cars — shining white vehicles on grey mud roads. Only the Germans display the colors of their flag on the back of the car, hoping that it will protect rather than harm them.

Surrounded by mountains of up to 15,000 feet, Kabul makes an easy target for missile attacks, and the Mujahidin took full

advantage of it. People tend to forget that it was not the Russians, but Mujahidin warlords who destroyed the city after the Soviet army had left the country. Some of them are now ministers of the Afghan government. Others, like Ahmed Shah Massoud, the leader of the Northern Alliance who was killed by two suicide bombers two days before September 11, are regarded as heroes. His gigantic portraits are omnipresent in Kabul, reminding the traveler that the war is not over yet.

When the Taliban rose to power in 1996, they brought peace to the country. Only religion could unite the people. The Mujahidin may have become corrupt and ruthless in their fighting, but they still acknowledged Islam as a superior force to their interests. Yet the price the people had to pay was high, and it was the women who suffered most. For them life turned into a prison. Thus spoke the Taliban:

Islam is a religion of deliverance and it has decided that a certain dignity belongs to women. Women must not make it possible to attract the attention of evil people who look lustfully upon them. A woman's responsibility is to bring up and gather her family together and attend to food and clothes. If women need to leave the house, they must cover them-



Classroom in newly constructed school.

selves up according to the law of Sharia. If women dress fashionably, wear ornamented, tight, seductive clothes to show off, they will be damned by the Islam Sharia and can never expect to go to heaven. They will be threatened, investigated, and severely punished by the religious police, as will the head of the family. The religious police have a duty and responsibility to combat these social problems and will continue their efforts until this evil is

uprooted. Allahu akhbar – God is great.

Even today a woman not wearing the burqa is a rare site on Kabul's streets. Outside of the capital, women are not seen at all. They are still confined to their houses. Trapped in a man's world. Treated as a commodity.

The Taliban also ended school education for girls. The Sooria High School in Kabul was once home to 4,000 school girls – until it was completely destroyed by rocket fire during the civil war. There was nothing left for the Taliban to close.

The scene looks somewhat awkward: freshly painted school rooms in the midst of ruins. Brand new white Toyotas passing by wooden wheelbarrows. German engineers and Afghan workers. Building a future for a few thousand girls.

I look around at the opening ceremony: the headmistress, the teachers, a group of school girls, the delegation from the Afghan Ministry for Education, the press, friends from the NGO community. Speeches, translated from Pashtu to English and vice versa. A plate is unveiled: "Donated by Oxfam Germany." The headmistress hands me a present, the lilac wrapping with white doves on it and the word 'peace' written in white letters. I decide to keep the paper and take it home. We distribute chocolate to the school girls. They are shy, no one smiles, no one giggles. Will they ever be in control of their own lives?

A few miles away the Loya Jirga is debating the country's new constitution. I had read an English translation of the latest draft just the night before. It begins "In the name of God, the Merciful, the Compassionate, we the people of Afghanistan: With firm faith in God Almighty and relying on His lawful mercy, and Believing in this scared (sic!) religion of Islam,..." Article 22 stipulates that men and women have equal rights and duties. Words light years away from reality.



Village near Kabul.



Gate to school grounds.

Innovations for Learning

Chicago partner Seth Weinberger is the founder and director of Innovations for Learning, an Illinois not-for-profit corporation that develops technology-based curriculum materials for beginning reading instruction. For over 10 years, the organization has provided a reading instruction curriculum as a public service to the Chicago Public Schools. Nearly 2,000 students are currently served on a daily basis in over 20 schools in 17 different economically disadvantaged Chicago neighborhoods.

The reading program is unusual in that it employs technology to allow outside tutors — attorneys, corporate professionals and university students — to be involved in instruction of young children more effectively. Once a week for the entire school year, volunteers from Boeing, the Tribune Company, IBM, the Jewish United Fund, the University of Chicago and Roosevelt University tutor first-graders in reading instruction via phone and computer. The

advanced technology allows the tutors to work with the students remotely, thereby making the program easy for them to incorporate into their busy work schedules. After the weekly sessions, the young students continue to practice their reading work on computers donated by IBM.

The effectiveness of the curriculum is tested regularly using the benchmark of the Illinois Snapshot of Early Literacy (ISEL), and the tests demonstrate the positive effect the program has on beginning reading scores. Seth hopes to continue to build on the success of the program by increasing the number of tutors for next school year. Other Mayer, Brown, Rowe & Maw employees have contributed to this worthwhile effort. Michele Gossmeier, Program Center Manager in the Chicago office's Information Services department, coordinates the program at Dumas Elementary School in the Chicago neighborhood of Woodlawn. She works with the tutors from IBM and the University of Chicago. Russell Freundt, the firm's Communications Manager, created print materials that explain the program to school administrators and teachers.

Funding for Innovations for Learning school projects has been provided by the Lloyd Fry Foundation, McDougal Family Foundation, Irvin Stern Foundation, Marshall Field's Foundation, Chicago Tribune, IBM, Illinois Humane Society, Polk Bros Foundation and the Mayer & Morris Kaplan Family Foundation.



Engaged Reading

Dear Teacher:

Imagine... having the opportunity every day to work one-on-one with your students.

Imagine... being able to work intensively with a small group of your students without interruption.

Imagine... knowing exactly what your students are learning (and not learning).

Imagine... your most easily distracted students totally engaged in the process of learning to read.

Fantasy? No, reality, and it is currently happening in over 20 Chicago Public Schools throughout Chicago. For more than 10 years, Innovations for Learning, a not-for-profit corporation, has been working with teachers and reading specialists to create a complete suite of educational tools that help teachers realize their vision of how to teach reading.

We provide and install all equipment, we train you and all your students, and most importantly, we provide continuous help throughout the year to make sure that the Engaged Reading curriculum operates smoothly in your classroom.

Because all teachers have their own teaching methods that work for them, we custom tailor the Engaged Reading curriculum for your teaching style.

We make this easy for you to learn and use, because we know that you don't have time to read long manuals and attend hours of training. Our goal is to use technology to make things simpler for you, and to make your teaching more effective.

And because we are a not-for-profit corporation, we provide the entire Engaged Reading system at a total cost that will fit the budget of all Chicago Public Schools (see back page).

www.innovationsforlearning.org

Mayor Richard M. Daley's Council of Technology Advisors enthusiastically supports the efforts of Innovations for Learning in implementing computer-assisted reading programs in the Chicago Public Schools. Innovations for Learning is developing innovative programs that harness technology to target one of the Mayor's top priorities: the improvement of reading education throughout the City.

— Katherine M. Gehl, former Special Assistant to Mayor Richard M. Daley

Print materials for the program.

Mexican Fine Arts Center Museum

Our firm is working with one of the most important cultural institutions in the country. The Mexican Fine Arts Center Museum (MFACM) is the largest Mexican or Latino arts center in the nation and the only Mexican or Latino museum to be accredited by the American Association of Museums. Located in a neighborhood in Chicago that is home to the largest Mexican community in the Midwest, the Museum was founded to showcase Mexican culture and to stimulate appreciation of Mexican culture. The institution also serves as a center for discussing the local, national and international issues that affect the Mexican community on both sides of the border.

The Museum opened its doors in 1987 with an initial budget of about \$900. As of 2002, the MFACM had a full-time staff of 37 employees and a budget of \$36.6 million. It has become the premier repository for Mexican art in the United States, and welcomes over 100,000 visitors a year from the Chicago metropolitan area and nationwide.



Juana Guzman of the MFACM (far right), poses with Vanessa Garcia (Mayer Brown HR manager), Isela Morales (Mayer Brown associate), Beatriz Colmenero and Alejandro Medina (both Cristo Rey School interns here at the firm), and Marc Kadish (Pro Bono Director), following Ms. Guzman's lunchtime lecture.

Kahlo exhibit then installed there. Isela Morales and Richard Assmus, who performed the legal work, then toured the Museum, and were impressed by the culturally significant work of the MFACM and by its efforts to pass on the Mexican tradition to younger generations.

In addition to advising the Museum on general intellectual property matters, the firm has filed federal trademark applications on a number of MFACM's names and logos, including the Tienda Tzintzuntzan gift shop, the Radio Arte youth radio station and the Yollocalli Youth Museum.

At a White House ceremony in 1995, the MFACM received the National Service Award from the Institute of Museum Services.

We became familiar with the MFACM through the group, Lawyers for the Creative Arts, which had worked closely with the institution. Earlier in the year at the Chicago office, Juana Guzman of the MFACM gave a luncheon presentation focusing on the Museum and its programs, including the Frida

The Museum opened its doors in 1987 with an initial budget of about \$900. As of 2002, the MFACM had a full-time staff of 37 employees and a budget of \$36.6 million.

Houston's Appellate Option

One of the advantages of a firm the size of Mayer, Brown, Rowe & Maw is the variety of ways we can attack a case. Our Houston office, for example, has been representing Deryl Wayne Madison in seeking review of his death sentence through a federal habeas corpus petition. In a strategy that might have been unavailable to us before the arrival of appellate lawyers Claudia Wilson Frost and Brett Busby, we mounted a U.S. Supreme Court amicus effort that succeeded in attacking Fifth Circuit law and helping to establish precedent beneficial to our *Madison* case.

The *Madison* Case

As reported in earlier *Updates*, death row inmate Deryl Wayne Madison escaped execution at the eleventh hour in 2001 when we convinced the United States District Court for the Southern District of Texas, Houston Division, that Mr. Madison's federal habeas corpus claims were not time-barred and that, under the doctrine of equitable tolling, significant breaches by his lawyer of his ethical duties warranted permitting the habeas corpus action to proceed. The District Court agreed and permitted us to file Mr. Madison's habeas corpus claims, which were based principally on the Supreme Court's decision in the so-called *Penry* cases and which seek a new sentencing hearing because of the failure of the criminal court to allow the jury properly to consider and give effect to Mr. Madison's mitigating evidence. In the *Penry* cases, the Supreme Court twice overturned a condemned prisoner's death sentence, holding that the lack of a separate jury question on mitigation meant that the jury did not have a sufficient opportunity to consider and "give effect to" mitigating evidence. We argued that a jury might have given Mr. Madison a sentence other than death had the penalty-phase instructions allowed the jury to take into account profound disadvantages in Mr. Madison's background — particularly childhood abuse and mental handicap. While the Supreme Court's *Penry* decisions provided ample ammunition for attacking his death sentence, the Fifth Circuit subsequently created a rather stringent two-prong test to substantially narrow the availability of "*Penry* relief" to death-row inmates. This particularly difficult threshold inquiry has been repeatedly used by the Texas Attorney General as its principal argument to move for summary judgment and defeat habeas claims of death-row inmates

seeking *Penry*-like relief. In Mr. Madison's case, the State once again dusted off its summary judgment motion asking the Court to reject Mr. Madison's claims because he allegedly would not be able to overcome the Fifth Circuit standard.

Several death row habeas corpus actions have attempted to overturn or challenge the Fifth Circuit's test; however, it had not previously been reviewed by the Supreme Court.

The Appellate Card

It was with the arrival of Claudia Wilson Frost and Brett Busby in the Houston office last year that another option opened. Brett, in particular, was pleased to have an opportunity to use the knowledge of death penalty litigation he learned as clerk to Justices Byron White and John Paul Stevens at the U.S. Supreme Court. Charles Kelley and his team, who had been laboring on the case from the beginning, proposed trying to establish a precedent at the Supreme Court level that the Texas courts and the Fifth Circuit could not re-interpret narrowly, as they insisted on doing with *Penry*. The trial team sought and obtained an administrative stay of Mr. Madison's case to allow the Supreme Court to resolve the issues surrounding the threshold inquiry the Fifth Circuit had created.

With Brett as the lead in the campaign, we initially filed an amicus brief on behalf of the Texas and Harris County Criminal Defense Lawyers Associations in the case of *Robertson v. Cockrell*. In that case, our brief argued that the Fifth Circuit's narrow interpretation of *Penry* has multiple flaws: it impermissibly confines *Penry* 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. Despite such arguments, *Robertson* was not granted cert.

Tennard: Same Point/Different Slant

In October 2003, shortly before the firm was to file its response to the State's summary judgment pleadings, the opportunity for Supreme Court review of the Fifth Circuit test finally presented itself when the Supreme Court granted certiorari on two cases (*Smith* and *Tennard*) that raised

the issue. We then made another run at the Court, this time filing an amicus brief on behalf of the National Mental Health Association in the case of *Tennard v. Dretke* (the State of Texas having conceded relief for Smith after cert was granted). Our brief challenged the Fifth Circuit’s test with two overriding arguments: that evidence of mental disabilities and their causes generally requires a separate mitigating evidence question under applicable Supreme Court

The Court also held reasonable jurists would find that the jury could not fully consider Tennard’s evidence of low IQ because it was not asked a separate question about mitigation. Importantly, the Court’s discussion of this point suggests that (as we argued in our brief) there are many types of mental disabilities that the jury should be asked to consider. The Court described these disabilities broadly to include not only mental retardation and low IQ, but also



precedent; and, second, that the Fifth Circuit’s requirements that the defendant show a “uniquely severe permanent handicap with which he was burdened through no fault of his own,” as well as a causal “nexus” between this handicap and the defendant’s crime, are constitutionally flawed.

The Supreme Court granted cert in *Tennard* and heard oral arguments in March. On June 24, in a 6-3 landmark decision by Justice O’Connor, the Court agreed with our position. The Court’s strongly worded opinion rejected the Fifth Circuit’s handicap and nexus requirements, holding that they were incorrect and had no basis in Supreme Court precedent. Significantly, Justice Kennedy joined the Court’s opinion. He has ruled against defendants who made *Penry*-type arguments in the past (e.g., *Johnson v. Texas*), so his participation sends a clear signal that the Fifth Circuit was on the wrong track.

evidence of “impaired intellectual functioning,” “diminished mental capacit[y],” and low “mental and emotional development.” Shortly after issuing *Tennard*, the Court confirmed this broad reading of its holding by granting cert in *Nelson v. Dretke* — a case where the defendant had organic brain damage and a borderline personality disorder — and remanding the case to the Fifth Circuit for reconsideration in light of *Tennard*.

The Court’s opinion in *Tennard* and its remand in *Nelson* will likely be helpful to Madison and other Texas inmates who suffer from mental disabilities of all kinds and argue that their sentencing juries should have had an opportunity to consider and give effect to those disabilities through a separate jury question on those issues. Assisting Brett on the preparation of the brief in *Tennard* were Christopher Richart, Houston office, and Kemba Eneas, Washington, D.C., office.

Non-Custodial Parental Rights

Brett Busby has taken on another appellate case through our Seventh Circuit project, filing an amicus brief on behalf of a non-custodial divorced parent in *Crowley v. McKinney*. Mr. Crowley filed a complaint alleging that he was entitled to receive the notices, records, correspondence and other documents pertaining to his children that their school routinely provides to custodial parents, and that he was unlawfully denied access to school grounds and prevented from volunteering at school functions. Crowley appealed the district court’s decision to grant the school judgment on the pleadings. Brett’s brief argues that the school violated Crowley’s rights to substantive and procedural due process and equal protection by cutting off his involvement in the education of his children without notice based on his status as a non-custodial parent. Brett also argues that the school violated Crowley’s First Amendment rights by acting in retaliation for unfavorable comments Crowley made at a school board meeting. The case is fully briefed and awaiting argument.

NATIONAL VOICES

Work on the 9/11 Commission

Our D.C. partner, Richard Ben-Veniste, is serving on the 9/11 Commission. Richard spoke at last year's Pro Bono luncheon and focused his remarks on the Commission's work. The Commission's report was released on July 22, so we thought that now would be a good time to follow up with Richard for an early look back on the experience.

Q: What's the biggest surprise you had in working with the Commission?

B-V: How well we were able to get along in a bipartisan way. Particularly under the leadership of our chairman, Tom Kean, not only did we work together cooperatively and constructively, we became friends.

Q: How did the commission work together – what was the plan for arriving at a consensus?

B-V: Each individual brought his or her particular strengths and experience to the job. I would say my particular strength was that of a litigator not easily distracted from pursuing a line of inquiry. I was particularly focused on fulfilling our responsibility to provide a full factual accounting of the 9/11 catastrophe, and why we failed to prevent it. My experience with the operation of our domestic law enforcement agencies and the Department of Justice proved very useful as was my experience with CIA on declassification of secret documents. We spent a considerable amount of time sitting down together, going over several drafts of the report and dis-

cussing the menu of recommendations. From the very beginning we recognized that there was a hunger in the nation for the kind of unity of purpose that brought America together in the aftermath of 9/11. We knew that if we could not reach unanimity, our efforts would count for little.

Q: Without naming names, did any commission members change from their initial positions?

B-V: All of us were affected by the developing evidence. I think we all modified any initial views we might have held.

Q: Was your own mind changed on any points?

B-V: Very definitely. When we started out, I took the view that this was a horrible tragedy — that it was essentially unpreventable, that we had been caught unaware by terrorists who exploited our vulnerabilities in a way that was



National Commission on Terrorist Attacks Upon the United States commissioners Fred Fielding (L) and Richard Ben-Veniste (R) discuss testimony with Commission Chairman Thomas Kean in Washington, following former Attorney General Janet Reno's testimony. (Corbis)

unimaginable. The more I found out about the facts, the closer together “the dots” became — we had a great deal of intelligence that was not utilized in an effective way.

Q: Would you say that the single most persuasive point illustrating that it was preventable would be the August 6 PDB?

B-V: The August 6, 2001, Presidential Daily Brief was a very important document for the public to see, particularly in view of how it had been described by those who probably thought that there was no chance it would ever be made public. The issue of preventability is, of course, necessarily speculative and involves the benefit of hindsight. But had the FBI and CIA been more attuned to the possibility of an attack within the United States, as the PDB’s author suggested, and had there been better communication and utilization of the information in our collective possession . . . it is possible that the plot could have been interrupted.

Q: What do you think will be the chief lessons of the hearings?

B-V: Primarily we need to be smarter and more resourceful than we have been in combating an agile, entrepreneurial and ruthless enemy who has patiently studied our vulnerabilities. Our intelligence and law enforcement agencies need to improve the box on the report card that says “works and plays well with others.” The pre-9/11 grade was “F.” Intelligence agencies must cooperate and understand that they’re working for the American people — they are not working just for their own agencies; they do not “own” the intelligence information, but need to share it under appropriate, but reasonable, guidelines.

Q: What do you hope will change as a result of the hearings?

B-V: We’ve made a broad variety of recommendations as to reorganization of the intelligence community, intelligence gathering, intelligence sharing, while protecting constitutional rights and civil liberties, and streamlining Congressional oversight and improving the appropriations process. Given the broad mandate that our enabling statute provides, we tried to step up to the plate and make recommendations that, if enacted, will be transformative.

Q: How well did the media cover the commission's activities?

B-V: I’ll give them a “B.” Generally, the media is much too interested in trying to anticipate what was going to happen rather than straight news reporting. Of course, there are exceptions — the coverage by the *New York Times*, the *Washington Post*, public television and and radio was excellent. The media’s appetite for trying to find and exaggerate conflict and controversy is insatiable, and often detracts from basic reporting.

Q: What reactions have you personally received?

B-V: Substantially positive. On the other hand there are legitimate critics, and a handful of “wack-jobs” and wing nuts whose e-mails provided me with the opportunity to exercise my constitutional right to press the delete button.

Q. How well did the media cover the commission’s activities?

B-V: I’ll give them a “B.”

Q: How did this experience compare with your Watergate work?

B-V: Other than the fact that both involve matters that command the country’s close attention, they are very different. I’ve been very fortunate to be involved in a number of important national events involving the intersection of law and politics. Watergate, Whitewater and the 9-11 Commission stand out as opportunities where my professional skills and practical experience allowed me to make a contribution to public service.

Q: You have recently finished an eight week bench trial in New Jersey on behalf of Starwood Hotels and are now in Miami opposing the SEC’s motion for a preliminary injunction for Mutual Benefits. How have you been able

see “Commission” on page 37

NATIONAL VOICES

Stop the Genocide in Sudan

By Richard S. Williamson

Chicago partner Richard S. Williamson served a six-week assignment earlier this year as the U.S. ambassador to the United Nations Commission on Human Rights in Geneva. The following article first appeared April 11, 2004, in the Chicago Sun-Times.

In the days after World War II as the world became fully aware of the Nazis' systematic extermination of the Jews, the world recoiled in horror and shame. The world leaders said, "Never again."

Among the consequences were the Nuremberg trials to hold accountable those guilty of the greatest responsibility for the Nazi crime against humanity.

Another result was the international community drafting and adopting the U.N. Universal Declaration of Human Rights. Respect for and protection of individual rights, among other things, stands as a deterrent to such premeditated slaughter.

Tragically, these pledges of "never again" have not withstood the test of time. Among the acts of genocide that subsequently have taken place were the killing fields of Cambodia. And, just 10 years ago in Rwanda, there was bloody genocide yet again.

In Rwanda, Hutu majority leaders meticulously planned mass killings. For 100 days, evil reigned. In 14 weeks, 800,000 Tutsis were brutally killed, most by machetes wielded by neighbor against neighbor. Heads and limbs were severed, and bodies were

piled high on the side of dirt roads, next to churches, and in fields beside villages.

As the body count rose, the world knew that terrible crimes were being committed. We did nothing.

The international community said, "Never again." But planned and willful mass slaughter of ethnic groups happened yet again in Bosnia and in Kosovo.

On April 7, the United Nations held an International Day of Reflection on the 1994 Rwanda Genocide. Secretary-General Kofi Annan traveled to Geneva to deliver an address to the Commission on Human Rights in which he said, "We must never forget the collective failure to protect at least 800,000 defenseless men, women and children who perished in Rwanda 10 years ago."



A Sudanese man builds a new home after it was destroyed in recent attacks by Sudan's government troops and the Janjaweed Arabs in Kidingir, south of Darfur, June 29, 2004. U.S. Secretary of State Colin Powell threatened Sudan with unspecified U.N. Security Council action if it failed to crack down on Arab militias whose actions he said were approaching genocide against African villagers in the western Darfur region. (Corbis)

But today in Sudan, the pattern of planned and willful mass slaughter is taking place in Darfur, a region the size of France. The Sudan government in concert with Arab Muslim militias are engaged in a campaign of ethnic slaughter, deportation and mayhem.

Sudan's Arab-dominated government has armed Arab herdsmen known as Janjaweed. They are killing rival African tribes. As they inflict their willful mass slaughter against blacks in Darfur, Khartoum is denying humanitarian access to the people caught in Darfur.

There are estimates of 30,000 already killed and nearly a million displaced people. The U.N. Emergency Relief Coordination has reported that in Sudan "a sequence of deliberate actions have been observed that seem aimed at achieving a specific objective: the forcible and long-term displacement of targeted communities, which may also be termed 'ethnic cleansing.'"

President Bush has spoken out loudly and clearly, calling on the Sudanese government to stop arming the Janjaweed and to let humanitarian workers in.

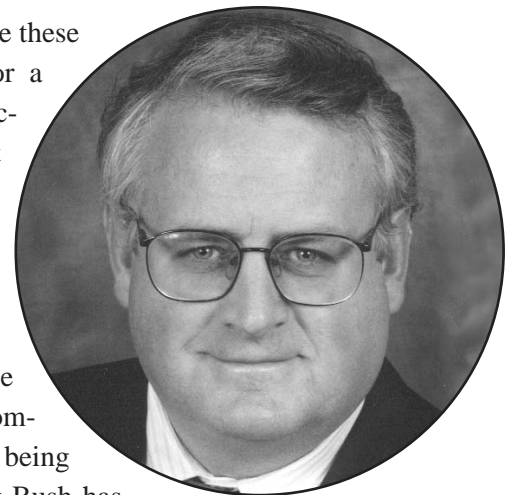
In Geneva, at the U.N. Commission on Human Rights, we are working for a strong resolution that condemns the genocide in Darfur, that demands that Khartoum stop the mass slaughter of black Africans by Arab herdsmen, and that calls for access by international humanitarian workers to assist the 1 million displaced persons now living in desperate and dangerous conditions. The international community should act.

However, it is the African countries that are resisting this resolution in Geneva. They feel the pull of African solidarity and say that the international community should let Africans deal with African problems.

Tragically, in Darfur African countries have not dealt with the "ethnic cleansing" that is going on. This week, African countries and the entire world must decide if we will act to try to stop the genocide in Darfur, or if we will respond with silence and inaction as we did in Rwanda 10 years ago. To fail to act is morally indefensible.

Never again? Are these hollow words or a pledge to the victims of past genocide and a call for action today?

In Geneva, at the UNCHR, the international community again is being tested. President Bush has



Rich Williamson

called for action to stop the "ethnic cleansing." Let's hope others will join the chorus for the sake of those endangered in Darfur, for the sake of the efficacy of the international community, and for the sake of our souls.

"Commission"

continued from page 35

to juggle your obligations to clients with your responsibilities on the 9-11 Commission?

B-V: We put together a great trial team in the Starwood case and won a complete victory. The firm has been very supportive of my service on the Commission both institutionally and on an individual basis, for which I would like to express my appreciation. Basically, I gave up all my

other outside interests and activities for the last 18 months, knowing that the Commission's life is finite. I was aided by my longstanding fear of wanting to play golf. Most importantly, my wife, Donna, and our children provided a consistent source of encouragement and support. I'm hoping my life will become more normalized somewhere around September.

Local Stewardship

For all the strength that an international pro bono program can provide a firm, local stewardship is ultimately the answer to making each office's program work. Philip Lacovara and Andy Schapiro came to this conclusion more than two years ago, when, as members of the firm Pro Bono Committee, they decided to "ramp up" the New York office's pro bono activities.

They began by enlisting key New York transactional lawyers Andrea Schwartzman from Corporate and Doug Wisner from Real Estate to balance the existing litigation skew of the program. They then sought to consolidate existing relationships with outside agencies to create a more coherent program. Chief among the agencies were the New York Lawyers for the Public Interest, which tackles problems facing low-income and underrepresented individuals throughout New York City, and the Lawyers Alliance for New York, which provides mostly transactional opportunities such as helping incorporate community or arts groups.

They also targeted agencies to receive financial contributions. These include the Association of the Bar of the City of New York, Human Rights First, Legal Aid of New York, and the Puerto Rican Legal Defense and Education Fund.

Eventually, New York Manager of Associate Development, Marla Feinman, was brought on as the Committee's administrative coordinator. Marla tracks the budget and new pro bono matters, and coordinates the Committee's sponsorship of activities. The Committee holds an annual pro bono luncheon for new associates and, separately, for summer associates, where firm associates speak of their own experiences doing pro bono work. For example, recently NYO associate Matt Ingber described his work on a prisoners' civil rights case which culminated in a five-day jury trial in the Southern District of New York. The jury returned a verdict in favor of Matt's client and awarded him \$15,000 in punitive damages.

The New York Pro Bono Committee has also sponsored an Equal Justice Works Fellow, Camille Carey for the past 4 years. Camille has been the subject of earlier *Update* stories. New York was also an early participant in Probono.net, discussed in the "Prisoners' Rights" story in this issue.

Besides centralizing the New York effort to create a more efficient process, according to Marla, a local committee "heightens awareness of pro bono activities and gives our people a closer sense of community contribution."

NYO Partner in Charge Tom Vitale is a strong supporter of the program and recognizes the value it provides the firm in reinforcing its presence as a New York citizen.

The jury returned a verdict in favor of Matt's client and awarded him \$15,000 in punitive damages.

Solicitors Pro Bono Group Initiatives

The third UK National Pro Bono Week, organised by the Solicitors Pro Bono Group (the UK national pro bono group for solicitors), took place from 7 - 11 June this year. Highlights included members of the SPBG travelling around Britain on a double-decker bus to spread the word about pro bono, and an Awards Dinner at the Law Society in London — the London office was delighted to be shortlisted for the larger firms pro bono award, even though in the event this was won by Linklaters (for an innovative law clinic project in Hackney, East London).

The SPBG has a number of ongoing initiatives to help and encourage UK solicitors to carry out pro bono work. In addition to events such as National Pro Bono Week (now a regular event in June each year) and the biannual Pro Bono Conference, the SPBG has the following regular programs: LawWorks Clinics, which helps law firms establish partnerships with law centers and provides training on topics likely to come up at clinics, LawWorksWeb, a web-based referral scheme, and LawWorks for Community Groups, which puts non-profit organizations in need of legal assistance in touch with volunteer law firms.

The London office is a member and committed supporter of the SPBG (and for example was a principal sponsor of last year's Pro Bono Conference, at which Marc Kadish spoke),

and finds the LawWorks schemes of great assistance, particularly the LawWorks Clinics training, and LawWorks for Community Groups, which has referred a number of small charities to the London office since it signed up to help last year. These include Mid Border Community Arts Ltd,



SPBG bus spreads the word.

which promotes education in the area of the arts (Jane Feeney has given tax advice for which the group were most grateful), Kent Information Federation, which provides an information service for disabled and disadvantaged people and their carers (Alasdair Taylor is giving intellectual property advice), and South Manchester Law Centre (Louise Weston has been giving pensions advice).

“Cabrini Green”

continued from page 11

Fuller is also looking forward to the future. “It’s a very, very exciting time for the clinic. We’ve grown in recent years and are enthused about our new Executive Director. We’re serving a lot of clients, and we’re always looking for new volunteers and supporters to help us fulfill our important mission.”

For more information or if you are interested in volunteering or donating, please contact Sarah Vander Werf at 312-266-1345 or check out CGLA’s website at www.cgla.net.

Scenes from Our First L.A. Office Pro Bono Luncheon

On July 8, 2004, the Los Angeles office held its first Pro Bono Luncheon in honor of its several pro bono initiatives. Several members of the Alliance for Children's Rights were in attendance, which is Los Angeles' only non-profit organization devoted solely to helping children living in poverty and foster care (for more information, go to www.kids-alliance.org). The Alliance presented the Los Angeles office with an award for its attorneys' efforts in finalizing the adoptions of dozens of

foster children over the last several years. Janis Spire, the Executive Director of the Alliance, was the luncheon's featured speaker.



Kimberly S. Winick has helped several children get adopted out of foster care.



Steven E. Rich (R) receives the Los Angeles Office 2004 Pro Bono Award from Marc Kadish for spearheading the Los Angeles office's work with the Alliance.



Amy M. Pellman, the Legal Director of the Alliance, spoke at the luncheon.



Theresa Cummings receives an award for her many hours spent on adoption matters.



Marc Kadish is with Anthony J. Napolitano, who helped finalize several adoptions this year.



Janis Spire, the Executive Director of the Alliance, spoke at the luncheon.



Feedback

Fighting for Life

On July 9, 2004, Touchpoint Health Plan announced that it would reverse its original denial of a bone marrow (i.e., autologous stem cell) transplant for its policyholder, and our pro bono client, Don Bishop (pictured at right [second from right, back row] with his family). It was our third victory in this area within the last 12-15 months. Angela Elbert took the lead



on the written appeal and correspondence and Paul Drucker presented the oral appeal to the insurer's grievance board. Paul remarked about the case: "Our victory would not have been possible without the dedicated, diligent, and high-caliber work of Tara Thompson and summer associate Lane Begy. Thanks also to Marc Rosenthal and Paul Langer for taking the time to be part of these cases. Not only have we become successful in bringing these appeals, but we have also become very efficient and are able to complete the complex process in a relatively short period of time. Thanks to the Pro Bono Committee for seeing the value to the firm and its attorneys in participating in these satisfying cases."

Even before the positive outcome, Mr. Bishop wrote to thank the firm for its help:

Sorry it took me so long to send this picture to you. It was taken when my sister Barbara was home from Florida around Mother's Day. This is our whole family and we all appreciate what you are doing for us. Front row, left to right is sister Judy Roth from Appleton, sister Barbara Vallard from Florida, sister Linda McCoy from Suamico, which is about 40 miles north of Appleton. Back row, left to right is brother Tom Bishop from Silver Cliff, which is about 90 miles north of Appleton, Dad and Mom, myself and sister Joan Schmidt. Tom owns a campground at which my mother and father, my sister Joan and I all have trailers. My sister Judy has a cabin not far from the campground so we spend a lot of time up north together. Again, thank you and your firm for all that you have done. No matter what the outcome is, we are all deeply grateful for your help.

Don

In a regrettable postscript to the case, we learned that Mr. Bishop lost his fight for life on August 5, 2004.

Judge Praises Firm

The firm is occasionally asked to accept appointments in death penalty cases pending on the trial level in the Circuit Court of Cook County in Chicago. The following remarks were made by Judge James Linn immediately prior to announcing the sentence in State v. Lupo. This started as a death penalty case but the State voluntarily withdrew its intent to seek the death penalty. Mr. Lupo was sentenced to 50 years.

“Let me first of all briefly thank the lawyers for what they have done in this case. As to Mayer Brown, and the lawyers here, Marc Kadish, Ms. Finnegan, Mr. Woods, Ms. Hutton, Ms. Thompson, Ms. O’Keefe, I could not thank you enough for what you did in this case. The lawyers here worked countless hours for free, pro bono, not asking for anything in return other than the opportunity to help, to help the system that needed their help in a case like this. And this is a case that was particularly difficult because it is so emotional. It is so upsetting. It is so unhappy. It is so sad. And to take the case as you did in some way to come to court and talk about the most upsetting, vile, violent type of matter in a way that you could almost feel it was impossible to describe in words with-

out upsetting everybody. But they managed to come here in court and proceed in a matter that I think speaks nothing but dignity and honor, and this is exactly, I believe, the legal profession at its best. And I could not thank Mayer, Brown enough for their generosity in helping in this difficult matter.”



Marc:

I just received and tore through my copy of the latest issue of the *Update*. Congratulations on an absolutely terrific newsletter, and, most of all, on the quality and breadth of the firm’s pro bono work. I must admit that I shed a few tears in reading the eulogy for the firm’s cancer client. It reminds me of why this work is so important — we can’t solve every problem, but we can insure that the powerless feel heard and respected, and that is a mighty and awesome responsibility.

Best,

Esther F. Lardent

President and CEO

Pro Bono Institute of Georgetown University Law Center



To Talk of Many Things

by Marc Kadish

Firm Leadership and Pro Bono

Without management's clear backing, a pro bono program has little hope of success. Debora de Hoyos has been strong in her support of our efforts and takes every opportunity to promote them. In the "Focus on Education" section of this Update we touch on Debora's long-time commitment to Providence-St. Mel. In her April 15 *Wall Street Journal.com* interview, ("Advice from the Top: Climbing the Ladder in U.S. Law Firm"), pro bono is a repeated theme:

WSJ: A number of law students and young lawyers grapple with the choice of whether to work in the public or private sector. What advice would you offer them?

Ms. de Hoyos: The choice between the public sector and private sector is a fundamental one. Some new lawyers feel drawn to the public sector but, for whatever reason, decide the private sector firm would be good for them. Like many other firms, we encourage our lawyers to do pro bono work.

While the overwhelming bulk of associate assignments are for paying clients, there is still opportunity for meaningful pro bono work. I feel strongly that pro bono work makes people better lawyers — it shows them what it means to represent a client and contributes to job satisfaction.

Later in the interview she talks about the qualities necessary to be an excellent lawyer (sentiments echoing those of Bob Finke, whose remarks at the last annual partners' meeting are also featured in this issue):

Ms. de Hoyos: One of my mentors has said that there are basically three components to being an excellent lawyer: The first is intelligence, the threshold of applied intelligence and legal experience. Second is stamina — we do work hard and it is demanding. It is terribly important for a person to have interests outside of the practice. And the third, most important, is a combination of judgment and integrity. Our clients don't just want brain power, they also want judgment.

What Counts – Of Interest Only to Pro Bono Coordinators and Directors?

Along with such ideals there must be pragmatic steps for effecting—and measuring—pro bono efforts. *What Counts* is the name of a pamphlet published by the Law Firm Pro Bono Project of the Pro Bono Institute. It sets forth the definition of pro bono now followed by many firms in the United States (*see sidebar on page 44*), including which activities "count" towards the annual compilation of pro bono hours. It is, to some extent, the bible for measuring a firm's pro bono effort—an important criterion in recruiting and many other intangibles for a law firm's prestige.

I feel strongly that pro bono work makes people better lawyers.

—Debora de Hoyos

The statistics are also used by *The American Lawyer* for their annual rating of pro bono activities by the 100 largest firms in the United States as well as in *The America Lawyer* “A” list of the top 20 firms in the country and in the recently published *Vault Guide*’s book on pro bono activities among large firms.

We, like many firms, have adopted the definition of pro bono used by the Pro Bono Institute. In the main I agree with the emphasis on the “delivery of legal services” or the “provision of legal assistance.” I also agree that community service such as building houses for Habitat for Humanity, serving food in a soup kitchen or even participating in a reading program at an elementary school is not pro bono. If a firm wants to “count” such activities for internal purposes, as we do with our Stockton program, that’s fine.

Some Frustrations

But there are frustrations associated with counting hours. Some of the best aspects of our program do not count: The unusual nature of my position in combining pro bono and litigation training and the support I receive from the leadership of the firm and my relative freedom in trying to create a quality program are hard to quantify; the way in which we have integrated our financial contributions into the operation of our program and my role in helping to shape these contributions is also difficult to quantify; the way in which we transmit information about our program, both within and outside the firm—all of these are difficult to reckon. While we can quantify aspects of our Seventh Circuit Project in terms of the number of appointments we have accepted in five years (69) or the hours we have spent on the project (over 23,000 at the end of March), can we truly measure the quality of this program by these factors alone? Finally, the fact that we are willing to undertake a serious evaluation of our program by working with outside consultants is also difficult to quantify.

We also grapple with inconsistencies between the Pro Bono Institute and *The American Lawyer* and what they count. The Pro Bono Institute’s “challenge” correctly (I believe) permits the counting of the contributions of paralegals, Summer Associates and firm lawyers working in overseas offices who do pro bono work while *The American Lawyer* does not permit us to count these hours. While we all want lawyers to do pro bono work and while we don’t want to let lawyers off the

hook by having only Summer Associates and paralegals work on pro bono, it is illogical to permit only lawyers’ hours to count. Any progressive institution, be it an educational institution or a large corporation, wants all its “citizens” to be involved in activities to make the world a better place.

Evaluation of Our Program

Let me briefly report on our work with Mike Short and Erica McCann of Hildebrandt International and Esther Lardent and Tammy Taylor of the Pro Bono Institute to evaluate and improve the quality of our program. We provided the information about the program to the consultants, which included a lengthy report by me and work by subcommittees from the firm-wide pro bono committee. The consultants will now write a report using the information we provided. We hope to hold a retreat with the entire pro bono committee some time this fall.

Beginning a Career

One final thing. Thanks to Afam Onyema for his help with this issue of the *Update*. Good luck as you enter Stanford Law School this fall. May this be the first step in fulfilling your family’s dreams of opening a community service center in their homeland of Nigeria. Hopefully we will be able to make this part of our pro bono program in the future.

“Pro Bono” Defined

... 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.

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