

Pro Bono and Social Impact Report

Skadden



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The past year has presented numerous reminders of how real-world events impact the need for *pro bono* legal services. Our lawyers, summer associates and legal assistants have responded to that need by spending more than 200,000 hours over the last 12 months performing *pro bono* legal services on matters including immigration and asylum cases, criminal justice work, partnerships with clients, community development projects and more.

The stories featured in this issue of our *Pro Bono and Social Impact Report* highlight our recent work involving immigration and refugees, obtaining clemency for more than two dozen nonviolent drug offenders, and securing victories for a mentally disabled man on death row and a client wrongfully convicted of murder. We've contributed to a variety of police accountability

initiatives, partnered with clients on such projects as the Military Mondays legal clinic, and continued our decades-long support of the redevelopment of Chicago's Homan Square. Our professional staff also has shared our commitment to our communities, leveraging their skills and experience in an array of public service projects.

The examples featured in this magazine reflect just a small sample of our work, and they demonstrate how big of an impact *pro bono* service can have in the lives of our clients. I'd like to thank everyone who helps us make a difference.

Best,

193 applications submitted by the firm in connection with the Clemency Project

More than 1M hours *pro bono* service over the past seven years

Over 4K hours spent assisting *pro bono* clients through legal clinics since Jan 2016

> 70 *pro bono* partnerships with clients

> 90% of Skadden Fellows continue to work in the nonprofit sector



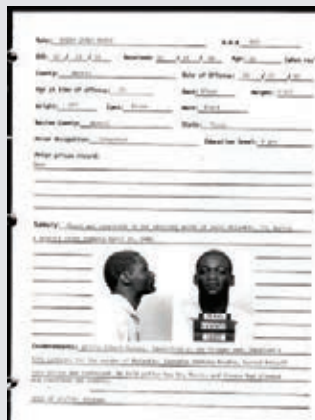
Seeking Justice

Over the past year, Skadden achieved several significant successes in criminal justice-related matters, including a precedent-setting U.S. Supreme Court decision on behalf of a mentally disabled client who had spent nearly four decades on death row. We also secured clemency for 25 nonviolent offenders serving lengthy sentences for drug-related offenses and helped overturn a murder conviction based on the junk science of bite-mark evidence.

Barring an Execution Skadden Secures Precedent-Setting Supreme Court Win on Death Sentences



The Skadden team included (L to R) Alex Blaszczyk, Brendan Gants, Lauryn Fraas, Cliff Sloan, Luke Varley, Don Salzman, Mike McIntosh and Peter Horn.



Texas Department of Criminal Justice record for Skadden *pro bono* client Bobby James Moore.

In March 2017, the U.S. Supreme Court ruled in favor of Skadden client Bobby James Moore, an inmate on Texas’ death row for more than 35 years, overturning a state appellate court’s decision allowing Mr. Moore’s execution to proceed despite his intellectual disability claim. The decision in *Moore v. Texas* sets an important constitutional precedent not only for Texas, which leads the nation in executions, but for all states that “cling ... to superseded standards” and nonclinical standards in defining intellectual disability.

“We were thrilled to be able to prevail on behalf of Bobby Moore,” says Washington, D.C. litigation partner **Cliff Sloan**, who appeared on behalf of Mr. Moore at the November oral arguments. “We’re especially pleased that the Supreme Court’s decision will provide much-needed protection for intellectually disabled inmates around the country.”

In 1980, Mr. Moore was convicted in Texas state court of fatally shooting a store clerk during a bungled robbery. In 2002, the U.S. Supreme Court barred states from executing persons with intellectual disabilities but left it largely to states to define what such disabilities entail. In 2004, the Texas state court set forth its definition, based in part on the character of Lennie Small from John Steinbeck’s 1937 novel *Of Mice and Men*. Justice Ruth Bader Ginsburg, writing for the 5-3 majority in *Moore*, called Texas’ approach uninformed and outdated. “Texas cannot satisfactorily explain why it applies current medical standards for diagnosing intellectual disability in other contexts, yet clings to superseded standards when an individual’s life is at stake,” she wrote. The Supreme Court remanded the case, holding that the state court must apply its decision regarding current medical community understandings of intellectual disability. Skadden is continuing to represent Mr. Moore on remand.

Following the ruling, Cliff said, “Today, the Supreme Court reaffirmed that all persons with intellectual disability are exempt from execution. The Supreme Court has sensibly directed Texas courts to be informed by the medical community’s current diagnostic framework before imposing our society’s gravest sentence.”

A Texas *habeas* trial court initially determined that Mr. Moore is intellectually disabled and that the Eighth Amendment prohibits his execution, but the Texas Court of Criminal Appeals reversed that determination. The Skadden team then successfully petitioned for *certiorari* to the Supreme Court and briefed and argued the case.

Skadden Team Helps Free Man Wrongfully Convicted 16 Years Ago



Alfred Swinton celebrating his release. Photo credit: Innocence Project.

In June, Skadden attorneys helped secure the release of Alfred Swinton, who was wrongfully convicted in 2001 and sentenced to 60 years for a homicide that evidence now available strongly indicates he did not commit.

Working with the Innocence Project, the team had petitioned for a new trial based on previously unavailable DNA evidence excluding Mr. Swinton as the source of DNA on bite marks on the victim, scrapings of the victim's fingernails and a bra allegedly worn by the victim. The team also obtained an affidavit from the state's only forensic expert at trial, who repudiated his testimony identifying Mr. Swinton as the source of the bite marks on the victim.

The state's attorney agreed not to oppose the petition for a new trial, and Judge Julia Dewey of the Hartford Superior Court granted the petition, set aside the conviction and held a bail hearing. Litigation partner **Maura Barry Grinalds** argued Mr. Swinton's motion to be released without bail. In a rare outcome for a Connecticut murder case, Judge Dewey granted the motion, subject to electronic monitoring, pending a new trial. Taking his first steps as a free man in nearly 20 years, Mr. Swinton proclaimed, "Freedom, freedom, it feels so good!"

The Skadden team also included associates **Edward Tulin, Thania Charmani, Dan Karmel, Carolyn Stoner** and **Chris Pavlacka**.

'Norfolk Four' Client Exonerated by Virginia Gov. McAuliffe

In March, client Danial Williams was exonerated by Virginia Gov. Terry McAuliffe, nearly 20 years after his arrest. Mr. Williams and the other Norfolk Four co-defendants were wrongfully convicted in 1997 of rape and murder after police forced false confessions, and all four were granted absolute pardons by the governor. Their conviction was based largely on wildly inconsistent and uncorroborated false confessions, each made to the police after lengthy, high-pressure interrogations. All four sailors had no criminal record when the crime occurred; no DNA or physical evidence of any kind tied them to the crime. Their case drew widespread attention when their innocence claims were backed by dozens of former FBI agents and ex-prosecutors, among others. The Washington, D.C.-based team that assisted on the matter included attorneys **Don Salzman, Warren Allen, Colin Ram, James Danly, Luke Meisner, Brian Stuebner, Elizabeth Berry, Daniel O'Connell** and **Sydney Sgambato**.

New York Attorneys Help Secure Sentencing Reduction

New York associate **Bridget Johnston**, with guidance from partner **Steve Robinson** and in partnership with Columbia Law School's Challenging the Consequences of Mass Incarceration Clinic, secured a sentence reduction for Mr. W. The petition asserted that Mr. W. was entitled to resentencing with regard to the 6-18 year sentence he received after being convicted in 1996 for criminal possession of a controlled substance. Bridget and the team argued that, despite a subsequent conviction for felony-murder, it was in the interest of substantial justice for Mr. W. to get a much lower sentence for his drug offense in view of his extraordinary prison record, academic success and personal growth. New York Supreme Court for Albany County Judge William Carter agreed, granting the motion and resentencing Mr. W. to one year in prison, the minimum under the current sentencing scheme.

“This project was a wonderful opportunity to help people reclaim years of their lives,” says associate Michael Walsh.



On a Mission Skadden Attorneys Help 25 Nonviolent Offenders Secure Clemency

During the final two years of the Obama administration, more than 170 Skadden attorneys from nine offices joined the Clemency Project, a nationwide collaboration between law firms and nonprofits to win the release of inmates serving long prison sentences for nonviolent, drug-related offenses. The DOJ granted 25 Skadden petitions, including five submitted by Boston litigation associate **Michael Walsh**.

In April, Skadden’s work on the Clemency Project was singled out by *The National Law Journal* when it named the firm to its “2017 Pro Bono Hot List.”

Michael’s clients included Bennit Hayes, a Texas native sentenced to life in 2003 for conspiracy to possess and distribute at least five kilograms of cocaine, despite having only minor drug offenses on his record previously. After serving more than 13 years in federal prison, Mr. Hayes was released in October 2016.

“Bennit was going to die in prison because of a minor criminal past,” Michael says. “It was great to be able to make the call to tell him he’d soon be free.”

The four other clients Michael successfully represented had been serving sentences of at least 20 years each when they learned they would be released. “Each time, it

was a powerful experience,” Michael says of informing his clients of their release. “Each person we called was, understandably, overcome with emotion. This project was a wonderful opportunity to help people reclaim years of their lives. I’ll never make a better set of telephone calls.”

Skadden lawyers collaborated with in-house attorneys from firm client Citi on the project; one inmate represented by a Skadden-Citi team received clemency.

Washington, D.C. *pro bono* counsel **Don Salzman**, who led Skadden’s effort, attributes the high rate of attorney participation — by law firms generally and particularly at Skadden, which had more participants than any other firm — to the rare opportunity it offered to participate in a historic effort to help address what many consider the tragic consequences and injustice of the war on drugs.

“This was a chance to make a significant difference in the lives of people who got caught up in the ‘war on drugs’ and were serving excessive sentences,” Don says. “Skadden lawyers who participated have said it’s been among the most meaningful accomplishments in their legal careers. This nationwide effort has provided hope for a lot of people — the inmates themselves, their families and their communities.”



At Ease

Veterans Receive Support Through Partnership Clinic

On the first Monday of each month, Skadden attorneys sit down at tables in a conference room on the Manhattan Campus of the Department of Veterans Affairs' New York Harbor Healthcare System, on the East River. With them at each table are another attorney from an in-house legal department and a U.S. military veteran who needs help with an application or appeal for Social Security Disability Insurance benefits or a housing concern.



At left: Veteran Rafael Fontanez Martinez receives *pro bono* assistance from Skadden associate Sonya Mitchell; above: Skadden partner Sally Thurston and associate Alex Smith counsel veterans. Photos by Dave Cross Photography.

“It’s been incredible to see the support provided at all stages of the work, from outreach to potential clients, to the delivery of legal assistance,” says Legal Services NYC’s *pro bono* services director Adam Heintz.

They come together for the Military Mondays veterans’ clinic, a *pro bono* partnership launched in August 2016 with Skadden clients Marsh & McLennan and Goldman Sachs, corporate partner Starbucks and nonprofit Legal Services NYC, to provide veterans with free legal assistance. Barclays has since joined the effort; BNY Mellon soon will follow. The collaboration is part of a growing trend in which Skadden partners with clients, and often legal aid organizations, to enhance the delivery of *pro bono* services.

Skadden M&A associate **Alex Smith**, who served for five years in the U.S. Army and is familiar with the unique nature of the issues veterans face, likens the experience to emergency medicine, where providers work as a team to deliver urgent care to patients and often build a strong sense of camaraderie in the process. “You have to immediately cooperate with the other attorney to assist the client with his or her issue,” including helping with what often are lengthy application processes, Alex says. “We want the veteran to leave feeling like progress was made on their issue and coming in was worth their time and effort. The structure of the program creates a climate where we

get to know both the veteran and our fellow attorney quickly.”

The initiative was spurred by the efforts of Marsh & McLennan general counsel Peter Beshar and Skadden Boston partner **Jim Carroll**, retired New York partner **John Furfaro**, Washington, D.C. partners **Greg Luce** and **Fred Goldberg**, and Chicago *pro Bono* counsel **Brenna DeVaney**. Fred and Brenna are the co-chairs of the firm’s global *Pro Bono* Committee.

Marsh & McLennan *pro bono* coordinator Kymm Walker says Military Mondays would not be possible without the support and enthusiasm of the Skadden team. “Their resources and expertise have allowed our small legal department to turn a great idea into a great reality — an impressive partnership of organizations working together to help veterans,” she says.

Skadden tax partner **Sally Thurston**, a repeat Military Mondays volunteer, says she enjoyed the opportunity to join with Marsh & McLennan’s general counsel on one veteran’s case. “We made a good team,” says Sally, who worked on the client’s application for Social

Pro Bono Partnership

Security benefits while Peter Beshar asked for details about his military career. The clinic also has given Sally an opportunity to reconnect with another Marsh & McLennan colleague with whom she used to work, while allowing her to provide representation that holds great significance for her. “Military members do critically important work,” she says. “We should all do what we can to support them.” She adds that the clinic provides a good chance for her, as a tax attorney, to do *pro bono* work outside her field.

The clinic has served more than 70 veterans thus far, while the total pool of attorneys from Skadden and our partners has grown steadily, to more than 80. At the clinic, representatives from the New York State Division of Veterans’ Affairs also are available to provide advice on VA pension and disability benefits. Military Mondays is expected to continue to grow as word spreads in the veterans community and more organizations join the initiative.

“We have worked hand in hand with them through the creation and implementation of the project,” Adam Heintz, Legal Services NYC’s director of *pro bono* services, says of the law firm and corporate partners involved. “It’s been incredible to see the support provided at all stages of the work, from outreach to potential clients, to the delivery of legal assistance. We absolutely would not be able to do the clinic without our partners.”

Adam adds that the services provided at the clinic make a tremendous difference in the lives of veterans, helping shield them from poverty and homelessness.

Barclays legal director Terence Gilroy agrees, saying that the clinic setting gives Barclays lawyers a chance to provide personalized legal assistance to veterans, who are incredibly grateful for their support. “Just a small amount of time spent by our volunteer attorneys can have a lifelong impact on the veterans,” he says. ■

Skadden Team Secures Withdrawal of Claims Against Army Veteran

In March, New York of counsel **Ken Plevan** and associate **Hannah Marek** obtained the dismissal of claims against Mr. W., a Vietnam veteran who has devoted several decades to helping fellow veterans in need. One such effort was the formation of a construction company to employ veterans. In a recent project, the owner of a Manhattan brownstone ignored Mr. W.’s warnings and insisted that the company perform certain work without obtaining proper permits. After a building inspector shut down the construction, the owner refused to pay for work already performed and sued the company and Mr. W. personally for \$360,000. Mr. W. filed answers *pro se* and attended three court conferences before connecting with Ken and Hannah. Within three months, after Mr. W. rejected plaintiff’s diminishing settlement demands, she agreed to withdraw all claims, and the lawsuit was dismissed with prejudice.



Volunteers Alex Smith, Timothy Morgan, Sally Thurston and Michael Schwartz.
Photo by Dave Cross Photography.



Shared Goals

Skadden Supports Nonprofits' Efforts on Police Accountability Issues

Existing relationships with nonprofits can lead to large-scale projects involving numerous attorneys, legal assistants and support staff throughout the firm. In 2016-17, three such projects addressed issues relating to police accountability in conjunction with the ongoing work of the Bronx Defenders, NAACP Legal Defense Fund and New York Civil Liberties Union.



“It’s great to work on a project with the potential to have a meaningful impact on police accountability across the entire state,” says associate Rouzhna Nayeri.

The Bronx Defenders: Excessive Force Claims

Since November 2016, Skadden volunteers have staffed monthly legal clinics in collaboration with The Bronx Defenders to provide legal support to victims of excessive force by the police. Individuals who wish to pursue a case against the city must first file a notice of claim, which must comport with strict requirements that include a 90-day deadline. That’s where Skadden’s work with the Bronx Defenders comes into play.

Last fall, attorneys from The Bronx Defenders trained Skadden volunteers to complete the notices, and a team, including New York associates **Creighton Davis** and **Brittany Hazelwood** and legal assistants **Joshua Glazer**, **Jennifer Minervini** and **Michael Traber**, has staffed legal clinics for local residents every month since. *Pro bono* coordinator **Erika Szymanski** has provided invaluable assistance.

“I spent four years teaching middle school social studies in the South Bronx, and I was exposed to the social issues and challenges endemic to the community, so helping the Bronx Defenders address issues of excessive force is very important to me,” Creighton says. “Most victims aren’t familiar with the process and, most importantly, the strict timeframe for filing.”

As of May 2017, approximately 60 people had attended a clinic, many of whom have since filed claims.

One particularly meaningful experience for Creighton took place when a client came to his office and shared her story. “Being able to help her cope with her trauma while providing her an avenue for seeking relief highlighted the importance of this work,” he says.



NAACP LDF: Use-of-Force Data Reporting

In 2016, a Skadden team including partners **Tatiana Monastyrskaya** and **Rossie Turman** and associates **Stefanie Neale**, **Chadé Severin** and **Mirae Yang** joined with the NAACP Legal Defense Fund to examine reporting requirements across all 50 states for law enforcement use-of-force incidents and traffic stops. The project sought to determine what a model data-collecting system might entail and what information each state provides to the public regarding such incidents.

The Skadden volunteers divided into two teams. One researched existing laws that require police to report use-of-force incidents at traffic stops to public or state agencies. The group then examined the general public's accessibility to this information, finding that only a handful of states offer systems for public viewing of this type of data. The second Skadden team researched federal funding and whether or how certain grant programs could be structured to require law enforcement agencies to report the relevant data. They then prepared a memo for the Legal Defense Fund outlining how the government could potentially link grant funding to requirements that law enforcement agencies provide additional police accountability reports.

"I really enjoyed the experience of working directly with the attorneys at NAACP LDF," Chadé says. "Our collaboration provided valuable assistance in their ongoing fight for justice and racial equality."

NYCLU: Police Department FOIL Responses

Working with the New York Civil Liberties Union, more than 20 Skadden attorneys, legal assistants and support staff have participated in an ongoing research project since October 2016. The NYCLU utilized the Freedom of Information Law (FOIL) to collect data and examine policies from police departments in more than 20 regions throughout the state. The NYCLU's ultimate goal is to create a report card by which to measure and increase transparency and accountability among police departments statewide.

Skadden volunteers reviewed the FOIL responses the NYCLU received covering records in nearly 40 categories, including training, use of force, traffic stops and temporary detentions, enforcement of low-level offenses, use of surveillance equipment and departmental diversity. The volunteers noted whether the departments produced the records requested for each category, and the NYCLU will use the information to give each police department a score based on the transparency and the information contained in its reports. The compiled information will support the NYCLU's efforts to, among other goals, establish benchmarks for transparency policies; tailor advocacy efforts in specific regions; and identify patterns relating to litigation, consent decrees and police brutality settlements.

"It's great to work on a project with the potential to have a meaningful impact on police accountability across the entire state," says New York M&A associate **Rouzhna Nayeri**.

Transforming a Faded Industrial Park Into a Robust Community

Skadden Helps Redevelop Chicago's Homan Square

In 1905, Sears, Roebuck & Co. opened its world headquarters in Homan Square, in the North Lawndale section of West Chicago. The 55-acre campus was home to the original Sears Tower, a mail-order distribution center, printing press, power station, private bank and volunteer fire department.

But over the next 80 years, North Lawndale became one of the city's poorest neighborhoods, with more than three-fourths of the area's businesses closing or relocating, including Sears in 1987.

Soon after Sears left Homan Square, real estate developer and longtime Skadden client Charlie Shaw and the Homan Arthington Foundation started working with the city of Chicago and neighborhood residents to redevelop the Sears complex. Shaw reached out to now-retired real estate partner Marian Wexler to discuss his vision for the largely abandoned industrial park, in 1998. Marian agreed to join the effort, and for nearly two decades, Skadden has played an integral part in the restoration plan, which has transformed the sprawling compound of deserted buildings into a residential, commercial and community development widely credited with revitalizing North Lawndale.

Skadden's local real estate and litigation attorneys have contributed more than 4,000 hours of *pro bono* service in support of the initiative, and since the start of the engagement every member of the Chicago real estate team has worked on at least one Homan Square matter.

Real estate partner **Nancy Olson**, who joined the newly formed Homan Square team as a second-year associate, took over primary responsibility when Marian retired, in 2010. The team's other key contributors include real estate associate **Matea Bozja**; litigation partner **Amy Van Gelder**, counsel **Mark Rakoczy** and associate **Martin Sinclair**; and secretary **Tracy Vorberg**.

"I don't know what we would have done without Skadden," says Kristin Dean, the recently retired long-time president of the Foundation for Homan Square. "We just kept asking, and they just kept making it happen."

Skadden's key contributions include drafting and negotiating leases and agreements for the Homan Square Community Center, the Power House Technology and Learning Center, and the newly renovated Sears Tower (since rechristened Nichols Tower). Most recently, Skadden helped the foundation in its effort to fill the landmark tower with a diverse complement of community-oriented businesses and nonprofits, completing deals with organizations focused on job training, urban farming, youth leadership development, and arts and multimedia education. Likewise, the tenants of the \$30 million, 70,000 square-foot community center provide many of the health, family, educa-



The former Sears Tower, before and after its renovation.

tion and recreation services that Chicago’s underserved neighborhoods typically lack, including a gymnasium, a fitness center, an indoor swimming pool, and recreation and meeting rooms. More than 6,000 visitors come to the center each week.

“Seeing all the good things that were happening for the community at Homan Square, we quickly got invested in it ourselves.”

“We initially got involved because of our close relationship with the Shaw Company. We knew the Shaw team very well and worked closely with them on all types of real estate matters over many years, so when they took on this project it became important to us as well,” Nancy says. “Seeing all the good things that were happening for the community at Homan Square, we quickly got invested in it.”

The most significant litigation matter involved a dispute with the architecture firm overseeing the conversion of the

power plant into a high school. The dispute centered on allegations of cost overruns, a failure to meet necessary deadlines to open the school in time for incoming students, and violations of relevant building codes and federal accessibility requirements.

Amy, Mark and Martin tried to resolve the matter without formal litigation, but ultimately filed suit in Illinois state court seeking more than \$1 million dollars in damages as well as various forms of equitable relief.

“Defense counsel specialized in construction law, which was completely new to our team,” Martin recalls. “But we studied up, got smart in that area and were able to represent the client with the same commitment and skill that any of the firm’s clients would expect.” Ultimately, the matter was settled, and the court entered a voluntary dismissal with prejudice. With the litigation concluded, the foundation was able to move forward with the renovation of Nichols Tower.

Nancy says she expects Skadden’s relationship with Homan Square to be a long one.

“As long as they call us and want us to help out, we’ll be here for them.” ■



Homan Square team members Matea Bozja, Nancy Olson and Amy Van Gelder.



What I'm Working On

Five Skadden partners discuss the types of *pro bono* matters they typically handle.

- Lea Haber Kuck**
International Litigation and Arbitration / New York
- Dominic McCahill**
Corporate Restructuring / London
- Jessica Hough**
Tax / Washington, D.C.
- Gretchen Wolf**
Litigation / Chicago
- David Eisman**
M&A/Media and Entertainment / Los Angeles



Lea Haber Kuck

Most of my *pro bono* work revolves around the Hague Convention on Child Abduction, which prevents parents from forum shopping in custody disputes by requiring courts to return children to their “habitual residence” without any substantive review of custody issues unless one of four limited exceptions applies. The Convention is designed to provide a straightforward path in international custody cases, but its application in cases where one parent flees to another jurisdiction to escape domestic violence can lead to inequitable results.

I got my first Convention case in 1999, soon after I’d become a partner. The head of the *pro se* office at the U.S. District Court for the Southern District of New York, where I had interned as a law student, called me because the court was looking to appoint counsel for a mother who had been sued by her husband under the Convention. The couple and their daughter were Americans living in Hong Kong. The mother and daughter returned to New York for spring break, and after talking with her family about her husband’s violence towards her, the mother decided they wouldn’t go back. The father, who had retained very experienced counsel, initiated a Hague Convention proceeding in the Southern District, seeking the daughter’s return to Hong Kong.

We had an expedited trial, after which the district court ruled in favor of the father. We appealed to the Second Circuit, where our client prevailed in a 2-1 decision, with then-Judge Sotomayor dissenting. It was a seminal case relating to the scope of the parental rights protected by the Convention, and the Supreme Court denied *certiorari*. Interestingly, several years later the Court granted cert in a case involving the same legal issue and came out the opposite way — with Justice Sotomayor joining the majority opinion.

After we won the Second Circuit case, I started getting calls for others. These cases involve compelling international

issues and significant personal stakes for the parties, so the area soon became my *pro bono* niche. In my second Hague Convention case, I successfully represented a woman from Mexico who also was seeking to shield her children from a violent father. I also helped another American woman who’d been living in Ireland settle an action filed by her husband after she returned to the U.S. with their child.

Over the past few years, I’ve begun working on other projects relating to the Convention. Last year, *pro bono* special counsel **Ron Tabak** put me in touch with then-Houston counsel Celso Gonzalez-Falla, who had been representing fathers in Hague Convention cases — it’s the flip side of my work. Celso suggested that we set up a training program here at Skadden, so that other lawyers could become part of the State Department’s Hague Convention Attorney Network.

With a lot of help from associate **Grace Jun**, we had our first training last year. We divided the program into two sessions. First, attorneys from the State Department came to our D.C. office and made a presentation that was broadcast to several Skadden offices. Then Celso, D.C. *pro bono* counsel **Don Salzman** and I led a session here in New York, sharing our perspectives on the work with about 60 attorneys from across the firm.

Currently, I’m heading up a team of Skadden attorneys who are working with the Hague Domestic Violence Project at UC Berkeley to develop a bench guide for the New York judiciary, designed to assist judges hearing Hague Convention cases that include allegations of domestic violence. To get a complete picture of the issues, we’re working with attorneys who represent a significant number of domestic violence victims, as well as with New York state and federal judges. The project has been a sizeable undertaking — Grace and associate **Maria da Silva** have played a major part in making it happen. Our hope is that helping judges become familiar with the Convention and how domestic violence plays into these cases will make a big difference for future litigants.



A portrait of Dominic McCahill, a man with short brown hair, smiling. He is wearing a dark suit jacket, a blue and white checkered shirt, and a blue tie with white polka dots. The background is a soft-focus green and white.

Dominic McCahill

The U.K. has a unique perspective on *pro bono* service. Until a generation ago, publicly funded legal aid was fairly comprehensive, but through a series of cutbacks, assistance has ended for a wide range of family law, employment, housing, immigration and other civil matters. As a result, the need for attorneys in private practice to help meet the demand has increased. The legal community has been slow to develop a collective response, so we've drawn inspiration from our colleagues in the U.S., where the *pro bono* infrastructure is more advanced.

As the London office's *pro bono* partner, I pushed our office to adopt the Impact Project model after hearing from partner **Fred Goldberg** about the experience in the Washington, D.C. office. We asked our attorneys which topics they would like to support, established practice groups corresponding to those topics, and teamed with clients and nonprofits to make a greater "impact." Three projects emerged: domestic violence and welfare benefits, which were both new areas for the office, and public international law, which largely entailed creating a new practice structure for international human rights law matters we were already handling.

I've been most active in the domestic violence project. The problem is much more pervasive than many people realize, and it still does not attract the attention it deserves. When we first launched the initiative, we were trained to represent victims seeking emergency injunctions. Then we partnered with a legal advice center, the University House, and five other London law firms to develop a training program and launch a weekly clinic focusing on family law and domestic violence in London's East End. The clinic launched just over a year ago, and clinic volunteers have already advised more than 120 clients.

Our welfare benefits project involves disability and sickness claims. In the U.K., we have an appeal system for such

cases, but there's no legal aid for appellants. So partner **Alex Jupp** and counsel **James Falconer** got together with the University House to set up training for our attorneys on the relatively narrow set of applicable rules and criteria. Our team, which consists of about 15 attorneys, has taken on 24 appeals with a success rate over 80 percent. This project provides a great opportunity to make a real difference for families in our neighborhood, Canary Wharf, which has one of the highest rates of benefits claims in the city.

Finally, the public international law program formalizes and expands upon work we were already doing here in London. A team led by associate **Alex Rogan** is partnering with the Internal Displacement Monitoring Centre to review the international law obligations of a number of African states with respect to the protection of internally displaced persons. We are also advising the Norwegian Refugee Council on the proposed closure of the Dadaab refugee camp in Kenya. And European counsel **Melis Acuner** published a report in partnership with UN Women, a United Nations' entity dedicated to championing gender equality and empowerment for women, on the legal rights of female refugees and asylum seekers in the EU (see the story on page 22).

Of course, we do a substantial amount of *pro bono* work outside the Impact Project, such as our ongoing work with the International Refugee Assistance Project. We've taken on seven cases over the past year, including three applications for special immigrant visas for Afghans who were employed by the U.S. government. IRAP recently conducted a training session here in London, so I expect our team to become even more active in this project. These matters should constitute a significant portion of our *pro bono* work going forward. Refugees will continue to be dislocated. Given that there is no sign of any of the cuts to legal aid being reversed any time soon, we're trying to do all we can.

A portrait of Jessica Hough, a woman with dark curly hair, wearing glasses, a red t-shirt, and a dark blazer. She is smiling and looking directly at the camera. The background is a blurred indoor setting with warm, orange-toned pendant lights.

Jessica Hough

My *pro bono* service tends to be tax-related — that’s my comfort zone. Some people like working outside their practice area because they want to try something new, but I prefer handling matters where I can bring my practice experience to the table.

A large portion of my *pro bono* work involves representing organizations seeking tax-exempt status. What I like about it is that the organizations can be so wide-ranging. For example, I helped set up a nonprofit, including establishing a tax-exemption, for an organization that bridges the socioeconomic and achievement gap in low-income neighborhoods. I worked with associate **Matt Donnelly** to help establish an elephant sanctuary in Asia and advised a group of seniors in D.C. who were setting up an organization that would provide direct assistance to elders to enable them to “age in place” rather than move to nursing facilities. After a 2015 earthquake in Nepal killed approximately 9,000 people, I — along with energy counsel **Jorge Kamine** and associate **Daniel Knudsen** and tax associate **Ben Lucas** — advised a charity that would go into the village of Barpak and provide electric generators and rebuild the village’s micro-hydro power plant. Associate **Jared Binstock** and I helped set up a nonprofit whose mission is to promote Vatican-Israel relationships.

The firm’s recent support for the Women’s March — which has been spearheaded by Jared and M&A counsel **Nancy Rubin** — has involved about a dozen attorneys from three or four practice groups. On the tax front, we’ve been helping them sort through their different nonprofit entities and advising them regarding tax-exempt-status matters. Part of the challenge has been that everything happened so quickly for them. The group began with a Facebook post, and it blew up from there. The initial march was a huge success but immediately presented all sorts of issues involving the type of nonprofit entities they should use, which have implications for both political activity and donations.

My other main *pro bono* focus is advising individuals or nonprofits that run into issues regarding taxes and want to negotiate a deal with the IRS — typically, through a so-called “offer in compromise.” These matters usually involve an individual or small organization with a tax issue for which the IRS or another taxing authority is assessing them taxes, penalties and interest. I also occasionally counsel individuals — in one of my oldest ongoing offer-in-compromise cases, of counsel **Diane Ryan** and I are representing a client who was taxed an incorrect amount but could not prove the IRS’ error because the evidence was destroyed in the 9/11 attack on the World Trade Center, where his office was located.

Most of these individual cases involve people with low incomes. For instance, I’m working with Ben and counsel **Paul Schockett** for a client in her late eighties who owes a small amount in taxes but is on a fixed income and needs help getting a workable payment plan in place.

One popular misconception about *pro bono* service is that it requires a huge amount of time. You can help people in a meaningful way without a big time commitment. For example, one Saturday last summer, several attorneys from the D.C. Tax Group staffed the D.C. Advice and Referral Clinic, which provides those who can’t afford a lawyer with free legal advice on any kind of civil matter. The volunteers don’t need to have any particular expertise — full-time staffers provide consultation and support. People come in with problems, you provide some practical advice to help resolve them, and at the end of the day you’re done. When we staffed the clinic, one of our former associates, Paul McLaughlin, helped a D.C. resident who was in his late nineties and wanted to leave his house to his grandchild. In that one day, Paul prepared the will, got all of the documents in order and had the will executed in front of witnesses — he basically put in place an estate plan in a single day.

Gretchen Wolf

Before I went to law school, I was a teacher. So when I came to Skadden in 2004 and *pro bono* coordinator Eddie Houlihan asked me what I wanted to do, I said, “Something with kids.”

Eddie referred me to the National Immigrant Justice Center, and I selected a case involving three orphaned sisters from Guatemala who had faced truly heart-wrenching conditions. It was supposed to be a relatively short administrative assignment, but we kept running into walls. The biggest obstacle was that the girls’ older sister, who was a U.S. citizen, adopted them — she was fulfilling a promise she’d made to their late mother, but she hadn’t known it would make them ineligible for relief. The “one-year assignment” turned into seven, before the last of the three sisters was finally granted asylum.

The process was frustrating, and scary — the girls’ fate rested on our ability to help them win over the judge who would ultimately decide their case. But in the end, it was extremely satisfying to help keep the family together. I’m still in touch with the youngest sister — when I met with them for the first time in 2005, she was 12 and didn’t speak any English. She was in very poor health — they’d just crossed the border a few weeks earlier, finishing their long journey from Guatemala to Texas, where they were detained. Over the years, she’s checked in with me occasionally to thank me and let me know how she’s doing — she became a citizen, graduated from high school and college, and is now an accountant at a firm in downtown Chicago.

That case opened my eyes to the many people who face similar challenges but without representation. I took on cases involving Violence Against Women Act claims; and, after the Obama administration implemented Deferred Action for Childhood Arrivals for certain undocumented immigrants who entered the country as children, I participated in one-day Skadden-sponsored DACA clinics where we partnered with corporate clients to help young people apply for work permits.

In addition to individual *pro bono* representation, I also developed an

interest in systemic reform. Partner **Chuck Smith** encouraged me to join the board of the Chicago Appleseed Fund for Justice, a nonprofit focused on improving the fairness and accessibility of the courts. I began looking at how we could engage attorneys, both at the firm and throughout the city, to help reform the local judicial system to make the process better for everyone. One project that stands out was referred to us from the presiding judge of the Cook County Domestic Relations Division, who asked us to examine the constitutionality of Cook County’s bifurcated child support systems — where cases involving children whose parents were divorced were heard in different settings and with different processes than cases involving children whose parents had never married — and to develop guides to help attorneys and parents navigate the child support enforcement system. I helped bring together Chicago Appleseed and a group of associates, led by **Martin Sinclair** and **Nicole Jakubowski**. Ultimately, the court accepted our recommendations and consolidated the two child support court systems into a single court with equal access for all parties.

As a partner, my work has continued to evolve, particularly since I joined the board of NIJC — the nonprofit that referred my first immigration case. Much of my energy is focused on connecting others at the firm, as well as clients and contacts around Chicago, with NIJC. We’re trying to leverage the recent wave of enthusiasm to get people involved. Most recently, I participated in another daylong NIJC clinic, this time partnering with attorneys at McDonald’s Corporation to represent *pro bono* clients as they navigate the final stages of the naturalization process — completing applications, studying for the citizenship exam and preparing for the final interview. By returning to NIJC and representing a client through the final stages of the immigration process, it felt like I brought my *pro bono* experience full circle. I’m looking forward to other opportunities to partner with clients to support NIJC’s work.





David Eisman

One of the most rewarding *pro bono* projects I've been involved with was representing Steven Spielberg's Shoah Foundation in its merger with the University of Southern California, in 2006. The deal marked the beginning of my long relationship with the foundation and led me to become more active in public service.

While Spielberg was filming “Schindler’s List,” many Holocaust survivors approached him with their own stories, which inspired him to form a nonprofit foundation to videotape their stories. The idea was that video testimonies could become a powerful educational tool to overcome prejudice, intolerance and hatred. At the time I got involved, the organization had collected more than 53,000 testimonies — the largest video history archive in the world — but operated out of a trailer on the Universal Studios lot. Working closely alongside one of my mentors, now-retired partner Jerry Coben, we negotiated a groundbreaking deal with USC to preserve the testimonies in perpetuity, continue and expand the foundation’s educational mission, and give the archive a permanent home on the USC campus.

After the deal closed, I joined the board of the USC Shoah Foundation, which has since expanded its mission to include video testimonies from other genocides and become one of the leading genocide research facilities in the world. I continue to advise the foundation — most recently, we represented them in forming a partnership with the Holocaust Museum of Illinois to deploy advanced VR and voice recognition technologies to create interactive, 3-D holographs of Holocaust survivors that can be beamed into a classroom or museum. The program allows students to “talk” to Holocaust survivors about their experiences in real time. It’s one of the first projects of its kind in the education sector, and it’s pretty amazing.

Right now, the Los Angeles office is working on several educational projects. We recently partnered with Creative Artists Agency to

launch a program to educate students on sexual and cyber crimes, covering such topics as sexting, cyberbullying, and the elements of sex crimes and accomplice liability. We spent significant time adding video and interactive components to make the presentation both informative and engaging. A lot of students don’t understand the elements of consent and the potential legal ramifications of sending or receiving nude photos of themselves or others on their phones. We launched the program in May and are planning a broader rollout this fall.

Another educational initiative involves the John Liechty Middle School, where I serve as a “board buddy” through Communities in Schools, a national high school drop-out-prevention organization. The school’s located in a poor neighborhood, and most of the students have never had the opportunity to visit a tall office building or a professional company such as Skadden. In June, our summer associates hosted a career day, where a large group of Liechty students learned about being a lawyer and rotated around to various departments to see additional career opportunities that a large law firm has to offer, including computers/IT, attorney development and office services. They also received a special meal prepared by our chef **Ray Gonzalez**, who talked with them about how he developed his love for cooking into a professional career.

I also recently graduated from the FBI Civilian Academy, which has provided a number of opportunities for us to get involved. I joined a nonprofit FBI community outreach board, which seeks to strengthen ties between the FBI and the public, and I’m helping them set up community programs that will cover topics like opiate addiction, cybersecurity awareness and active-shooter education. Earlier this year, we hosted a joint FBI-CIA cybersecurity panel at Loyola and more recently an FBI/“I Have A Dream” Foundation event at the Staples Center for underprivileged youth. That was a great night — the kids, most of whom had never been to a professional basketball game, had a blast. It’s amazing how many ways there are for us to make a difference.



Peter Lesser and Henry Lopez

All Can Serve

Pro Bono Projects From Staff Volunteers

When the firm's Chicago-based *pro bono* and community relations supervisor, Eddie Houlihan, circulates a request to local professional staff to assist with *pro bono* work, he is always thrilled to see new people volunteering.

"The range of projects is so great that everyone can find something that speaks to them," he says. "Many people in our office are eager to become involved in our *pro bono* endeavors, which don't always require someone with a law degree."

The variety of *pro bono* opportunities available for Skadden professional staff members covers a wide range of areas and specialties. In Chicago alone, staff members have been involved with asylum cases, U visa cases, federal appellate litigation, the formation of a local transgender name change initiative, clinic work and research projects.

Clinics and Research

Professional staff volunteers recently greeted guests, served as translators and helped clients fill out applications at a Chicago clinic pertaining to the Deferred Action for Childhood Arrivals immigration policy, which allows undocumented individuals who entered the U.S. as minors to receive a renewable two-year period of deferred action from deportation and eligibility for a work permit.

The clinic is one of a number that the firm has hosted or plans to host. The firm also sponsors naturalization clinics, including a recent event with the National Immigrant Justice Center, where Skadden attorneys and staff worked with a corporate client's attorneys to help a group of 10 immigrants proceed in the naturalization process. The staff, some of whom have been through the naturalization process themselves, assisted clients with applications, and collated and organized supporting documentation crucial to each *pro bono* client's application packet.

Currently, attorneys and staff in our Chicago office are working with Chicago Cares to identify an efficient volunteer screening policy. The Chicago-based nonprofit mobilizes more than 16,000 volunteers annually through monthly projects open to the public, hundreds of corporate volunteer programs throughout the year, and annual events such as the citywide Serve-a-Thon, and it must screen volunteers who work with children.

Eddie notes that, beyond providing support for worthwhile causes, these projects bolster the office's culture by allowing staff and attorneys to interact in a different capacity. "Our staff brings a whole different perspective to a project, and it creates opportunities for both attorneys and staff to cross paths with individuals you may never have a chance to work with," Eddie says.

More than 40 staff members have assisted in the firm's recent clinics, including executive assistants **Nancy Flores, Myra Hernandez, Gladys Herreros and Sharon Rojas**; legal assistants **Shadia Ajam, Bridget Greene, Xinni Liu, Paulina Pavese and Ana Maria Sanchez Pearce**; and Operations Group members **Sandra Boue and Lucy Lopez**.

“No one ever told me this is something I have to do,” Peter says, “but at this firm it’s such a part of our culture, and a lot of staff want to give back the same way lawyers do.”

Technology Support

Peter Lesser, Skadden’s director of global technology, joined the firm 11 years ago and became involved in *pro bono* work almost immediately.

“No one ever told me this is something I have to do,” Peter says. “But at this firm it’s such a part of our culture, and a lot of professional staff want to give back the same way lawyers do. Everyone has been supportive of my *pro bono* work here.”

For his first project in 2006, Peter was part of a group from the firm’s technology team that was asked to assist the Legal Aid Society with technology issues. Since then, he has served as a technology resource for Legal Aid. “The relationship is very strong because I’ve had the same contacts there for 10 years,” Peter says. For the past decade he has spoken with the organization’s IT director every few weeks, either assisting with major technology issues, such as setting up new technology or rolling out a new phone system, or giving advice on technology-related products.

Peter is currently working on a project with Legal Aid that includes six other firms and will create an immigration hotline for the organization. “This is a very timely issue for Legal Aid that involves a lot of coordination with the other firms,” Peter says. “For instance, each firm has attorneys who have volunteered to staff the hotline. So we have to figure out how each call is getting sent to each different firm on the back end. It’s been an interesting challenge.”

Another ongoing joint effort is the Technology Assistance Project, which is being launched by the New York State Permanent Commission on Access to Justice. The program will offer webinars hosted by participating law firms that will give legal aid providers an overview of the current technology environment and provide training sessions and ongoing guidance. “There are more than 70 organizations under the commission, so we use these needs assessments to not only provide them with support but also to see how IT at large firms can scale our services across much smaller groups,” Peter says.

Graphic Design Projects

As a resident of Harlem, New York graphics specialist **Henry Lopez** was pleasantly surprised to see one of his creations, a logo he made for the Association of Pro Bono Counsel’s Small Business Legal Academy, hanging outside the Apollo Theater in connection with an upcoming event. “When you work at a law firm, you don’t typically come across your designs in everyday life, so this was pretty special,” Henry says.

Henry started helping the firm’s *pro bono* team in 2012 by designing invitations and lobby signs for the group’s in-house events. Over time, he began handling larger and longer-term projects. For example, for a number of years Henry served as creative director for the Global Partnership for Afghanistan. Henry designed the organization’s annual report cover to cover.

The past couple of years, he also has handled projects for several of the firm’s *pro bono* partnerships. For instance, the firm is partnering with a number of corporate clients to assist veterans (see “At Ease” on page 5), and Henry created flyers, posters and other materials in support of that effort. He also designed similar promotional materials for events with the Neighborhood Entrepreneur Law Project, the Community Activism Law Alliance in Chicago and the National Immigrant Justice Center.

“I love the work I do at Skadden, but the projects I’ve generated for these organizations make me particularly proud,” Henry says. “The work these groups do is amazing, so even if one person reads my flyer and contacts that organization to get assistance, I’m honored to know my efforts helped that person.” ■

Wilmington Office Improves Bedtime for Kids in Need

Since 2014, Wilmington litigation partner/counsel secretary **Stacey Paranczak** has served as the president of the Delaware chapter of Pajama Program, which provides new pajamas and new books to children living under difficult circumstances — often without parents or permanent homes — in an effort to give them a warm and nurturing bedtime environment. Over the past three years, Stacey’s chapter has helped deliver almost 7,000 new pajamas and 7,000 books to Delaware children.

Through its steady support of the chapter’s efforts, the Wilmington office has played an important role in the program’s success. Each January, the office holds a “jeans day” fundraiser. The office also has donated dozens of new pajamas and books, which have been delivered to nonprofits serving children in foster care, homeless shelters and domestic violence abuse shelters.

Houston Office Supports Local Food Bank

In June, the Houston office raised more than \$6,000, donated more than 750 pounds of food and volunteered more than 170 hours during “Food From the Bar,” a month-long campaign among the city’s legal community to benefit the Houston Food Bank. Houston litigation associate **Daniel Mayerfeld** served on the Food From the Bar steering committee.



Taking Refuge

Immigration-related matters continue to be one of the largest areas of focus of the firm's *pro bono* efforts. This work takes a wide range of forms, from directly representing individual asylum seekers to partnering with organizations dedicated to supporting immigrants and refugees around the world. The following are some highlights from the past year.

Attorneys Author UN Report on Female Asylum Seekers in the EU



In March, the United Nations published a report prepared by a team of Skadden London attorneys, led by M&A partner **Hilary Foulkes** and litigation European counsel **Melis Acuner**, that examines how women and girls access asylum in the European Union. Skadden was asked to research and write the report by UN Women, a United Nations entity dedicated to championing gender equality and empowerment for women, to support its advocacy initiatives concerning the legal rights of women refugees and asylum seekers in the EU.

Despite the fact that women and children greatly outnumbered men seeking to reach EU shores in 2016, women account for less than a third of all asylum applicants in the EU. The report assesses the impact of gender on asylum seekers in light of the fact that the substantive grounds for seeking asylum in the EU are based on the 1951 Refugee Convention and 1967 Protocol, which require proof of persecution based on race, religion, nationality, membership of a particular social group and political opinion.

Left out of that calculus — and, as a result, left to individual member states to determine — are the rights of women and girls. As the report details, various acts of violence against women, such as sexual violence, “honor” crimes and forced marriage, have been interpreted differently under the Refugee Convention and domestic laws within the EU. The report assessed the gender sensitivity of existing procedures for claiming refugee or asylum status, identified gaps in protection and offered possible solutions.

The Skadden team also included associates **Tom Southwell**, **Katie Sutton**, **Emma Farrow**, **Paula Henin** and **Ioanna Pantelaki**. Intern **Sophia Lekakis** and summer associates **Nour El-Kebbi** and **Shannon T. Mercer** provided invaluable assistance.

A copy of the report is available at eca.unwomen.org.



Supporting Travelers Affected by the Travel Ban

When President Trump signed an executive order in January temporarily barring people from seven Muslim-majority countries, dozens of Skadden attorneys rushed to their local airports to assist detained passengers.

New York

Numerous Skadden attorneys were among the first responders at John F. Kennedy International following the announcement of the order. Counsel **Julie Turner** and associate **Patrick Wilson** led teams of attorneys working in shifts to canvass the airport in search of detainees, offering advice and technology assistance.

Associate **Paula Henin** contacted international legal services organizations to identify people who were disallowed boarding, and associates **Holly Henderson-Fisher** and **Rouzhna Nayeri** worked late into the night helping people affected by the order. Managing attorney **Robert Abrams** and managing law clerks **Brian Keating** and **Matthew Koenig** stayed on call throughout the initial weekend, gathering pleadings to support the firm’s work.

Palo Alto / Boston

Our Palo Alto volunteers included associates **AnVy Nguyen** and **Sanaz Oskouy**, who provided on-the-ground help at San Francisco International airport and continue to assist, with support from former Boston associate Kiersten Zaza, an elderly Iranian couple who were stranded at a European airport after they were barred from boarding their flight to the U.S.

Chicago

In Chicago, more than a dozen attorneys gathered at O’Hare International to assist travelers on incoming international flights, including associate **Ken Thomas** and former associate Youngmee Ko, who created a template temporary restraining order for use in preventing the deportation of those detained under the ban.

Washington, D.C.

Lawyers from our Washington, D.C. office quickly arrived at Washington Dulles International to help, including associate **Noha Moustafa**, who responded to a call for Arabic speakers.

Ongoing Support

Numerous partners from across our U.S. offices have volunteered to answer questions and review court filings in connection with the assistance being provided to those affected by the ban, including **Cliff Sloan**, **Boris Bershteyn**, **Chuck Smith**, **Jen Spaziano**, **Jack DiCanio**, **Jason Russell**, **Regina Olshan**, **Scott Musoff**, **Noelle Reed** and **Lea Haber Kuck**.

Litigation

The firm has also supported the legal efforts to overturn the ban. In *Hawaii v. Trump*, which the Supreme Court has agreed to hear in October, Skadden partnered with several nonprofits on an *amicus* brief illustrating the unique hardships that the executive orders create for the LGBT community. Working with the Harvard Immigration and Refugee Clinical Program, Skadden also filed an *amicus* brief in *Darweesh v. Trump*, focusing on the president’s authority to ban entry into the U.S. on the basis of national origin.

Asylum and T Visa Cases



Afghani native and BBC reporter Maryam Ghangusar

Reason for Seeking Asylum

Ms. Ghangusar's coverage of controversial topics such as war, women's rights and domestic violence, and her advocacy for human and women's rights made her a target of the Taliban and other extremists.

Legal Team

New York attorneys including **Holly Henderson-Fisher**, **Jennifer Huang**, **Rouzhna Nayeri** and the late Steve Kolleeny.

Outcome

Ms. Ghangusar was granted asylum in March and plans to write a book and continue to support women.

Ms. O, a single mother from Mexico

Reason for Seeking T Visa

A romantic partner lured Ms. O to the U.S. with financial promises only to attempt to turn her into a sex worker.

Legal Team

Attorneys from Skadden and Cisco, including New York associate **Naomi Solomon** and former associate Anyu Fang.

Outcome

Ms. O was granted a T visa (for victims of human trafficking); a derivative T visa and employment authorization for her husband, who she met and married while in the U.S.; and preliminary authorization for entry for her 10-year-old son. In three years, the family will be eligible to apply for permanent residence.

Mr. W, a gay Jamaican man

Reason for Seeking Asylum

Jamaica's high rate of anti-gay violence meant that Mr. W was subject to constant abuse, threats and attacks in his home country. The police refused to help.

Legal Team

New York associate **Orley Granot** and former associates Jacqueline Elson, Galia Rivlin and Ilan Grins.

Outcome

Mr. W was granted asylum in February and now lives and works in New York.

Ms. T, a native of the Dominican Republic

Case

Appeal to the U.S. Court of Appeals for the 7th Circuit of the denial of Ms. T's asylum application.

Legal Team

Chicago corporate associate **Pete Korzynski** and co-counsel from the National Immigrant Justice Center (NIJC).

Outcome

The 7th Circuit agreed that the Board of Immigration Appeals erred in denying asylum and remanded the case, which remains ongoing and is being handled by NIJC.

Litigation Wins

M.M., a Somali national

Reason for Seeking Asylum

M.M. sought asylum in the U.S. due to his fear of al-Shabaab and death threats he faced for reporting an attempted bombing of a restaurant by the Islamist militant group.

Legal Team

Washington, D.C. associates **Jim Perry** and **Ondrej Chvosta** represented M.M. in Immigration Court; they were assisted by Lisa Sendrow, Isabella Johnson, Andy Esposito, **Tyrone Queen** and **Denechi Jackson**.

Outcome

An immigration judge granted asylum to M.M. in June. That same day, M.M. was released from the U.S. detention center where he had been held since October. He has started his new life in the U.S. and is staying with a family friend.

Viet “Victor” Anh Vo

Case

Challenging a Louisiana law requiring foreign-born persons to present a certified birth certificate to obtain a marriage license.

Legal Team

Boston associate **Marley Ann Brumme** argued the preliminary injunction motion, and the inter-office team included **Lisa Gilford, Peter Simshauser, Cliff Sloan, Stacy Horth-Neubert, Mike Hines, Max Hirsch, Doug Smith, Michelle Coquelin, Brigitte Travaglini** and **Candice Spoon**. Three former Skadden Fellows also worked on the case.

Outcome

A federal judge found that the state failed to demonstrate that the law furthered a compelling governmental interest and granted Mr. Vo’s petition to marry his fiancée without first showing his birth certificate.

More than 100 noncitizen detainees

Case

A class action seeking a preliminary injunction in connection with bond amounts for detainees that violate due process rights by not considering ability to pay.

Legal Team

Along with the ACLU, Skadden Los Angeles attorneys and legal assistants **Matt Sloan, Doug Smith, Winston Hsiao, Devon Hein, Matt Delgado, Michael Hidalgo, Nandi Berglund, Brigitte Travaglini, Shannon Cooper** and **Becky Isomoto**.

Outcome

A federal court ruling certified the class and requires immigration judges and appellate boards to consider the detained noncitizen’s ability to pay a bond.

Partnerships With Nonprofits

Over the past year, the firm joined up with nonprofits and corporate partners for more than 10 clinics, while continuing to collaborate on a wide range of other immigration-related initiatives. Examples of our work with nonprofits include:

Legal Services NYC

What

Skadden hosted a clinic for 25 participants in New York to screen immigrant clients for eligibility to naturalize and become U.S. citizens.

Skadden Team

Twenty-five Skadden lawyers and 15 professional staff members, joined by attorneys from Skadden client Pfizer.

Neighborhood Entrepreneurs Law Project

What

At a clinic at hosted by Skadden, provided advice to entrepreneurs related to intellectual property matters, tax issues, entity selection and contract disputes.

Skadden Team

Seventeen lawyers from Skadden's New York office, joined by attorneys from firm client Bank of America Merrill Lynch.

Appleseed and DC Pro Bono Counsel

What

Prepared a white paper on the legal framework relating to child immigrants and refugees to serve as a resource for *pro bono* counsel representing immigrant children.

Skadden Team

A Washington, D.C.-based team led by **Jen Gindin, John Bentivoglio, Nicole Grimm** and **Jorge Kamine**, with support from legal assistant **Holly Sampson**.

Skadden Fellow



Omar Jadwat

Leads the ACLU's Fight for Immigrants' Rights With New Urgency

In 2001, Omar Jadwat ('02) was fresh out of NYU School of Law and working as a law clerk for Judge John G. Koeltl of the U.S. District Court for the Southern District of New York. He had already decided he wanted to work in immigrants' rights and was in the process of applying for a Skadden Fellowship at the American Civil Liberties Union's (ACLU) Immigrants' Rights Project. Then Sept. 11 happened.

"The immediate aftermath of 9/11 made it extra clear how important it was to protect immigrant communities," Omar says, referring to the heightened tension that at times manifested itself as anti-Muslim sentiment. The ACLU provided legal advice to organizations assisting those from Muslim-majority countries who were subjected to special registration under the Bush administration's 2002 National Security Entry-Exit Registration System.

Fifteen years after serving as a fellow, then joining the nonprofit, Omar is still at the forefront of the ACLU's fight to protect the constitutional rights of immigrants, now as director of the Immigrants' Rights Project. He was promoted from senior staff attorney on January 23, 2017, just three days after President Donald Trump took office and four days before he signed an

executive order temporarily prohibiting the entry of refugees and nationals from seven predominantly Muslim countries.

Omar and a team of lawyers from the ACLU and the National Immigration Law Center (NILC) had been preparing for the executive order. But they had assumed any execution of President Trump's campaign promise to ban the entry of Muslims into the U.S. would be rolled out over time, giving the lawyers at least a couple of days to plot their legal strategy. Instead, visitors and immigrants were detained at airports just hours after the order was signed on Friday, January 27, 2017, and general confusion ensued over how the ban was being enforced. "It became a matter of getting filings in court in hours," Omar says. "Everything was unfolding in very quick succession. The pace of the litigation was extraordinary."

“I had a real desire to work in the field,” Omar says of immigrants’ rights. “Impact litigation in this area felt like the most meaningful work I could do as a lawyer.”

Omar and his team worked overnight to pull together a *habeas corpus* petition with the NILC, the International Refugee Assistance Project (IRAP), the Yale Law School’s Jerome N. Frank Legal Services Organization and the law firm Kilpatrick Townsend & Stockton LLP. Involved in the effort were other Skadden fellows, including Jennifer Chang Newell (’04), Cody Wofsy (’15) and David Hausman (’16) of the Immigrants’ Rights Project; NILC Legal Director Karen Tumlin (’05); Yale Law School professor Michael Wishnie (’95); and IRAP Director Rebecca Heller (’10).

That Saturday — a day after the executive order was signed — Omar’s team argued their case for an emergency stay before a federal judge in Brooklyn, who ruled in their favor and blocked deportations under the order nationwide. A week later, a federal judge in Seattle issued an even broader injunction, bringing the ban to a near-complete halt. The ACLU filed an *amicus* brief in that case.

The Trump administration revoked the original order and issued a new one that attempted to achieve the same outcome, but in a way that would be more difficult to challenge in court. The ACLU and NILC amended a separate lawsuit they had filed in Maryland and successfully sought a preliminary injunction

against the new ban. The U.S. Supreme Court will hear that case along with *Hawaii v. Trump* in October. In the meantime, the Court has allowed part of the travel ban to take effect.

“We’re very proud of how we’ve been able to respond,” Omar says.

Omar and his staff are also fighting President Trump’s promise of mass deportation by, among other actions, providing legal support to sanctuary cities and states, having lawyers at the ready to respond to immigration raids and gearing up to bring more impact litigation on due process and detention issues.

Omar, who is an adjunct professor at NYU Law and taught “Contemporary Issues in Immigration Law and Policy Seminar” in the Spring 2017 semester with Professor Judy Rabinovitz, discussed the current events in his classroom as they unfolded in real time.

The NYU Law course and professor are the very same ones that inspired him to seek a career in this field. The son of parents who came to the U.S. from Korea and South Africa, immigration has always been part of Omar’s family story. But he hadn’t considered focusing on that area of law until he took Professor Rabinovitz’s class and participated in the NYU Law Immigrant Rights Clinic.

“I had a real desire to work in the field,” he says. “Impact litigation in this area felt like the most meaningful work I could do as a lawyer.”

Though the ACLU’s current efforts have been headline-grabbing, Omar is especially proud of his work challenging anti-immigrant initiatives at the local and state levels. Two cases stand out: a challenge to Arizona’s controversial law cracking down on illegal immigration and the lawsuit contesting the 2006 Hazleton, Pennsylvania, ordinance restricting the ability of immigrants to work or live in that town without proper documentation. The Supreme Court ruled on the Arizona law in 2012, holding that federal immigration laws pre-empted most of its provisions. In the Hazleton case, the Court vacated the decision and remanded it to the appeals court, which affirmed that the ordinance was unconstitutional.

If his new responsibilities weigh on Omar, he doesn’t dwell on it. There’s no time — there’s an immediacy to everything the ACLU is doing, but Omar feels he’s well positioned for the challenges ahead. “The ACLU is a wonderful environment,” he says. “I have fantastic colleagues, an immense amount of institutional knowledge to draw on and the resources we need to do our cases right.” ■

Skadden Fellows by the Numbers



News & Awards

Parkinson's Disease Foundations Combine Operations

A New York-based team including **Diana Lopo**, **Marc Packer**, **Joseph Penko** and **Amanda Parsons** advised the Parkinson's Disease Foundation on the combination of its operations with those of the National Parkinson Foundation. The newly named Parkinson's Foundation brings together the organizations' resources and decades of experience to carry out a twofold mission of pursuing treatments that will entirely eliminate or substantially roll back manifestations of the disease and enhancing patient care for those with the disease.

Tax Code's 'Omnibus Clause' to Face Supreme Court Review

In April, Washington, D.C. partners **Armando Gomez** and **David Foster** filed an *amicus* brief on behalf of the American College of Tax Counsel in support of granting *certiorari* in a challenge to the Internal Revenue Code's "omnibus clause," which makes obstructing the code's enforcement a criminal offense. In June, the U.S. Supreme Court agreed to hear the case.

Prison Yoga and Meditation Nonprofit Gains 501(c)(3) Status

In March, a team from our Los Angeles office obtained 501(c)(3) status from the IRS for Prison Yoga and Meditation, a network of yoga instructors who provide yoga and meditation classes to female and LGBTQ inmates at prison facilities across Southern California. Associates **Matt Rietfors**, **Matt Tako** and **Salmon Hossein** worked on the matter, supervised by partner **Jonathan Friedman**.

DC Attorneys Help Client Win Social Security Appeal

A Washington, D.C.-based team, including partner **Greg Luce** and associates **John Coghlan** and **Julia MacDonald**, helped an indigent client prevail in her effort to receive disability benefits. A Social Security Administration law judge originally denied her request for benefits, relying heavily upon medical records reviewed by a nontreating physician. The client *pro se* filed an appeal. The team then became involved in 2015. The Social Security Administration agreed not to oppose the team's filing an amended complaint. After briefing on the team's

motion commenced, the SSA requested a voluntary remand for a rehearing. The team worked with the client's treating physicians and a vocational expert to present evidence at the rehearing. In February, the administrative law judge issued a favorable ruling, providing over \$25,000 in back-pay benefits.

Boston Litigators Successfully Prosecute Wage Theft Case

In January, litigators in our Boston office recovered more than four times the unpaid wages due to a local college student who was not paid for his work at a local lounge. The team represented Sultan M. in partnership with the Volunteer Lawyers Project of the Boston Bar Association and the Massachusetts Attorney General's Office Wage Theft Legal Clinic. The Boston litigators commenced a lawsuit against the lounge and several of its officers for violation of the Massachusetts Wage Act. After several rounds of negotiation, the parties reached the favorable settlement. The team included counsel **Chris Clark**, associate **Kate Jones** and legal assistant **Beth Gall**.

Recent Honors & Awards

Inaugural Steve Kolleeny *Pro Bono* Services Award

– Bellevue/NYU Program for Survivors of Torture

2017 *Pro Bono* Hot List

– *The National Law Journal*

2016 Law Firm *Pro Bono* Award

– Dell

Cardinal Hickey Award

– Catholic Charities Legal Network

Pro Bono Leader Award

– Legal Services NYC's 10th annual Jazz for Justice Benefit

Outstanding Medical-Legal Partnership *Pro Bono* Advocacy Award

– American Bar Association's Standing Committee on *Pro Bono* and Public Service

Fundraising Leadership Award

– Ice Hockey in Harlem's annual Lawyers' Cup

Empire State Justice Award

– New York State Bar Association

Law Firm of the Year

– Constitutional Rights Foundation

Spirit of Generosity Award

– Cabrini Green Legal

2016 *Pro Bono* Champion Award

– Children's Law Center

One of the *Pro Bono* Firms of the Year

– *Law360*

UK Supreme Court Rules in Favor of Interveners' Arguments

A London-based team including partner **Karyl Nairn** and associates **Chris Lillywhite** and **Sam Patel** assisted REDRESS, Amnesty International, the International Commission of Jurists and JUSTICE as interveners supporting Abdul Hakim Belhaj, who is suing the U.K. government in relation to its officials' alleged involvement in his abduction and illegal transfer to Libya. The case raises important issues concerning the government's liability as purported co-conspirator in allegedly failing to abide by its international law obligations under the U.N. Convention Against Torture. The interveners were successful before the Court of Appeal. The U.K. government appealed to the U.K. Supreme Court. In January 2017, the Supreme Court ruled in favor of the arguments raised by interveners JUSTICE and REDRESS and refused to allow the U.K. to assert state immunity defenses to defeat the claims against it, which will now proceed to a full hearing.

DC Team Secures Settlement and Repairs for Tenant

In one of numerous recent successes representing tenants by lawyers in our New York, Washington, D.C., London and other offices, Washington, D.C. associate **Kenny Pyetranker** secured a favorable settlement in January in a case in D.C. Superior Court. The landlord had filed suit to evict the client for failing to make rental payments. The client counterclaimed, citing housing code violations — including a rotting kitchen subfloor and a hole behind the dishwasher that permitted rodents to enter the unit — that the landlord failed to repair despite repeated requests. Following two failed mediations and a pretrial conference, the landlord offered to settle. After several rounds of settlement negotiations, the landlord made all the necessary repairs and agreed to an abatement of over 50 percent of the unpaid rent. Kenny was assisted by *pro bono* counsel **Don Salzman**, associate **Daniele Schiffman**, and legal assistants **Anna Frances Jones** and **Duncan Weals**.

California Federal Court Reverses Special Education Decision

A Los Angeles-based team and its co-counsel at the Legal Rights Learning Center prevailed in the U.S. District Court for the Central District of California for a foster child with special education needs. The team sought federal review of an administrative law judge's decision favoring the L.A. Unified School District, which failed to offer the foster child the full range of educational placements required by federal law. The team argued that the child's placement in a residential treatment facility negated the district's responsibility. U.S. District Judge Christina Snyder agreed and reversed the administrative decision. The decision has the potential to positively impact other youth by reinforcing their right to a public education independent of their status as foster children. The team, supervised by partner **Allen Lanstra**, included associates **Allison Holcombe** (who argued in district court), **Devon Hein** and **Kate Mangels** and legal assistant **Brigitte Travaglini**.

Firm Continues Support for International Children's Rights

For the past 10 years, Skadden lawyers from across the globe have supported Child Rights International Network, a global children's rights advocacy network, in a wide range of projects. Most recently, the CRIN team performed research into the laws of various jurisdictions concerning extra-territorial enforcement against child sex tourism. In 2016, team members contributed to the launch of a global report based on research evaluating how the legal systems of 197 countries protect and promote international children's rights. Our attorneys' efforts also have led to the establishment of an international database of child rights resources examining the implementation of the U.N. Convention on the Rights of the Child and the application of child rights laws by the courts of individual states. The CRIN team is led by London partner **David Herlihy** and associate **Richard Ho** and includes attorneys in London, Brussels, Chicago, Frankfurt, Hong Kong, Houston, Munich, New York, Paris, Sao Paulo, Singapore and Tokyo.

'Wrongful Conviction' Podcast Features Skadden Client Keith Harward

Last year, Jason Flom, son of Skadden name partner Joe Flom and a founding board member of the Innocence Project, began a new podcast, "Wrongful Conviction," in which Jason interviews former inmates who spent years in prison for crimes they did not commit. He also speaks with people fighting to overturn wrongful convictions.

Jason says the podcast, which reached No. 7 on the iTunes charts, would have thrilled his father. "Skadden has such a rich history of *pro bono* work, and the firm has been very supportive of the Innocence Project for many years. It was something that my dad cared about a lot."

Season 1, Episode 7 of "Wrongful Conviction" features an example of Skadden's support. Jason interviewed Keith Harward, who spent 33 years in prison for a murder and rape he did not commit. A team from the firm's Washington, D.C. office — including *pro bono* counsel **Don Salzman**, who was interviewed on the podcast along with Mr. Harward — partnered with the Innocence Project to secure Mr. Harward's release and the expungement of his convictions, which were based almost exclusively on fundamentally unreliable bite-mark comparison evidence. The Skadden team then helped Mr. Harward secure legislation passed by the Virginia legislature and signed by Gov. Terry McAuliffe that will provide Mr. Harward with \$1.55 million in compensation for his wrongful imprisonment.

In addition to Don, the Skadden team included partners **Mitch Ettinger** and **Mike Naeve**, retired partner **Lynn Coleman**, counsel **Liz Malone**, associates **Julia MacDonald**, **Jim Perry** and **Sydney Sgambato**.

