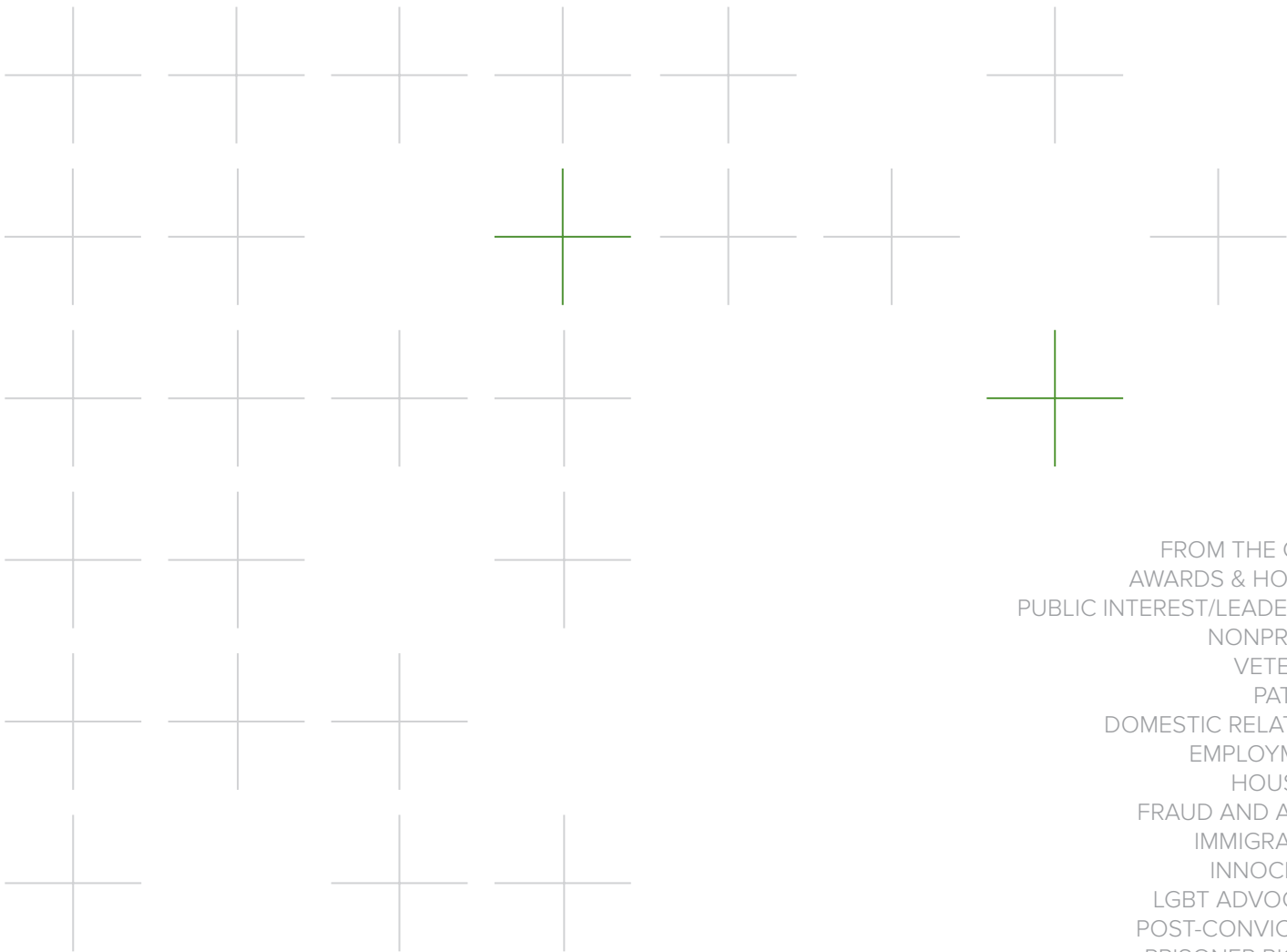


Pro Bono Reporter

SUMMER 2015



FROM THE CHAIR	2
AWARDS & HONORS	3
PUBLIC INTEREST/LEADERSHIP	4
NONPROFITS	7
VETERANS	8
PATENTS	8
DOMESTIC RELATIONS	9
EMPLOYMENT	10
HOUSING	10
FRAUD AND ABUSE	11
IMMIGRATION	12
INNOCENCE	14
LGBT ADVOCACY	16
POST-CONVICTION	17
PRISONER RIGHTS	18

FROM THE CHAIR

A more informed answer to The Why Question

“Why do it?” I receive this question more than any other when someone (in the firm or outside) learns that I am the firm’s pro bono committee chair. In the past, my responses have hewed closely to traditional themes, like “The legal needs in our community are overwhelming,” or “Lawyers have a unique tradition and responsibility of providing pro bono legal services to those who cannot afford counsel,” or, “Pro bono provides exceptional professional training opportunities.”

While all of the above responses are certainly true, a recent survey of nearly 700 associates in large New York law firms shows that the answer is simpler, more visceral. Given twelve different possible responses, respondents selected this answer more than any other: “It makes me feel good about being a lawyer.” My immediate reaction was: Of course! I found it both profound and revealing.

So I had to smile when my friend and partner Woody Lay shared an email that a pro bono client had sent him. Woody had met the client at a brief advice walk-in clinic here in Charlotte. The client was in the midst of a foreclosure proceeding. Woody came to understand that despite the legal complexities, she was most troubled simply by her lack of understanding of the process and inability to communicate with the other side. He explained the situation to her and helped her communicate with the lender. She later sent him an email saying “I have now adopted you as my cousin. And don’t be surprised if I say it in front of your co-workers.” Woody forwarded it to me with this comment: “The fun part of pro bono is people really appreciate you for just trying to help.” Woody’s comment is of course another way of saying “It makes me feel good about being a lawyer.”

How does the survey inform Winston’s pro bono efforts? The pro bono staff (with a critical assist from the Conflicts Department) recently completed a major overhaul to the pro bono intake process and audited historical pro bono administrative information. We now know precisely the types and amounts of pro bono work performed by attorneys collectively, by practice group, by rank, and by office. For example, the data shows that in 2014, the most active pro bono practice areas (measured by hours) were prisoner civil rights, appeals, and immigration matters.

The data audit also shows us that firm attorneys devoted time to more than 38 different types of matter areas. This is a wide array of activities, but it fits within our essential goal of identifying matters that attorneys WANT to handle, because, as the New York survey informs us, this is the principal driving force motivating pro bono involvement.

So I urge you to take a minute and consider what pro bono opportunities you would find impactful and let us hear about them. I’m confident you’ll find one, and equally confident that it will make you feel good about being a lawyer, and a lawyer at Winston & Strawn.

—Amanda



PRO BONO COMMITTEE MEMBERS

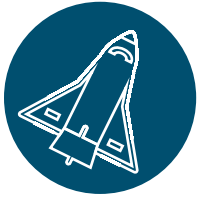
Kimball Anderson
Steven Atlee
Susan Berkwitz
Wilder Kendrick Berry
Eric Bloom
Sara Cieniewski
Matt Costigan
Lisa Cottle

Krista Enns
Noelle Formosa
Amanda Groves
Barry Hart
Jerome Herbet
Doressia Hutton
Larry Kern
Dave Koropp

Mary Krulic
Melinda Lackey
Maureen Lane
Thomas Lane
Wood Lay
Nathan Lebioda
Greg McConnell
Michael Moser

John Schreiber
William Shafton
Pejman Sharifi
Elizabeth Timkovich
May Wall

AWARDS AND HONORS



Houston Office Selected to Receive 2015 Harris County Bench Bar Pro Bono Award

The Houston office was selected as the recipient of the *2015 Harris County Bench Bar Pro Bono Award*. The award is based upon the exceptional pro bono work performed by Houston attorneys in 2014, which included representing clients across a broad spectrum of substantive pro bono areas. Recipients of this award are chosen by a committee of Harris County judges and attorneys.

Steve Smerek Honored by ACLU Foundation of Southern California

Los Angeles Partner **Steve Smerek** received the ACLU Foundation of Southern California's *2015 Disability Rights Award* at the group's 21st Annual Luncheon for his extraordinary work on behalf of inmates with mobility impairments. Steve is lead attorney in a class action challenging the treatment of disabled inmates incarcerated in the Los Angeles County jail system.

Kimball Anderson Receives Chicago Bar Association Justice John Paul Stevens Award

Chicago partner **Kimball Anderson** was honored by the Chicago Bar Association with its highest award, the *Justice John Paul Stevens Award*, which celebrates Illinois attorneys who have demonstrated extraordinary integrity and service to the community throughout their careers.

Bill Lang Recognized by The Legal Aid Society of New York

New York partner **Bill Lang** was a recipient of The Legal Aid Society of New York *2014 Pro Bono Publico Award* for his dedication to The Legal Aid Society's mission that no New Yorker should be denied access to justice because of poverty. Bill has served numerous clients seeking real estate assistance and has presented at Legal Aid's annual training seminar for several years.

Courtney Tygesson and Sharick Naqi Named Rising Stars by National Immigrant Justice Center

Chicago associates **Courtney Tygesson** and **Sharick Naqi** were selected by the National Immigrant Justice Center (NIJC) for *The Rising Star Award*, which recognizes attorneys who are emerging as leaders in providing outstanding pro bono representation for NIJC's immigrant clients.



Steve Smerek



Kimball Anderson



Bill Lang



Courtney Tygesson

Sharick Naqi

PUBLIC INTEREST / LEADERSHIP



Julie Capell

Julie Capell – Disability Rights Legal Center Board of Directors

Los Angeles partner **Julie Capell** joined the board of directors of the Disability Rights Legal Center, a national organization whose mission is to champion the rights of people with disabilities through education, advocacy, and litigation.



Bryce Cooper

Bryce Cooper – AIDS Legal Counsel of Chicago Board of Directors

Chicago associate **Bryce Cooper** joined the board of directors of the AIDS Legal Counsel of Chicago, an organization that uses the power of the law to secure health, dignity, and stability for people with HIV.



Olivia Tran

Alyssa Ramirez – Family Defense Center Young Professionals Board

Chicago associate **Alyssa Ramirez** joined the Family Defense Center's Young Professionals Board, a junior board responsible for raising money and promoting the Family Defense Center's mission for justice to families in the child welfare system.

Olivia Tran – Asian Americans Advancing Justice Pro Bono Advisory Council

Los Angeles associate **Olivia Tran** joined the Asian Americans Advancing Justice's inaugural Pro Bono Advisory Council. The Council, comprised of leading Los Angeles attorneys, works to provide needed legal services to low-income, limited-English-proficient clients in a variety of areas, including workers' rights, citizenship and naturalization, and immigration.



Kristin Wickler

Kristin Wickler – Equip For Equality Young Professionals Board

Chicago associate **Kristin Wickler** became a founding member of Equip For Equality's Young Professionals Board. The new Young Professionals Board will help Equip For Equality further its mission to advocate for people with disabilities and level the playing field for everyone.





The suicide death of Tyler Clementi, a Rutgers College student, on September 22, 2010, became a global news story, highlighting the tragic consequences of cyberbullying and sparking discussion on issues such as LGBT inequality, higher education support systems, and youth in crisis. In an effort to address these urgent issues and to honor Tyler's memory, Tyler's family founded the Tyler Clementi Foundation.

FIRM HELPS COMBAT BULLYING THROUGH SERVICE TO THE TYLER CLEMENTI FOUNDATION

The Tyler Clementi Foundation aims to foster inclusion and acceptance of vulnerable populations and to reduce the incidence of bullying through research, training, public awareness campaigns, and educational partnerships. Most recently, the Foundation launched its #Day1 campaign, a national anti-bullying program, on *CBS Sunday Morning* on June 7 in front of six million viewers. #Day1 has already been endorsed and supported by schools and workplaces across the country, and encourages individuals to take a personal stand to help prevent and report bullying wherever and whenever it occurs.

Led by partner **Tom Lane** in the New York office, a firmwide team of attorneys has been supporting the Foundation's efforts:

In New York, **Doug Schneller, Katherine Hughes, Jonathan Conigliari**, are drafting a series of contracts to govern the Foundation's anti-bullying partnerships with educational institutions and national training organizations. The New York team is also reviewing

the Foundation's internal governance documents to ensure compliance with nonprofit law, as well as drafting guidance for the Foundation as it develops new corporate sponsorships and commercial co-ventures.

A San Francisco team consisting of **Becky Troutman, Laura Franco, and Randi Rader**, is advising on the process for trademarking the Foundation's #Day1 logo, and on the assignment to the Foundation of the rights to *Tyler's Suite*, an eight-song composition that is being performed across the country in Tyler's memory.

The Los Angeles team of **Laura Petroff and Amy Gillinger** is working to draft a comprehensive and user-friendly employee manual for the Foundation as it expands and begins to take on more paid employees.

New York attorneys **Joe Mello** and **Dorian Thomas** have provided ongoing assistance on discrete IP matters relating to the Foundation's educational partnerships and upcoming media appearances.

As the Foundation continues to grow, we anticipate involving additional attorneys across practice groups and supporting it every step of the way. More information on #Day1, along with a moving personal interview with the Clementi family, can be found here:

<http://www.cbsnews.com/news/remembering-tyler-clementi/2/>

HOUSTON TEAM WINS BIG FOR VET WITH PTSD

The Houston office has become an active participant in Disability Rights Texas' project serving vets with Post-Traumatic Stress Disorder (PTSD), who suffered discrimination because of their prescribed service dogs. The use of service dogs is an increasingly common therapy for persons experiencing PTSD, who use the dogs to help them acclimate to social situations and productively engage in human interaction.

A team comprised of **Luke Culpepper, Tyler Van Houtan, and Maria Rodriguez** secured a substantial settlement for our client, Sgt. Derek Kolb, who was improperly denied housing by a real estate company based on the apparent breed of his prescribed service dog. Of equal importance, the settlement achieved our client's primary goal—to obtain assurances that other veterans would not endure similar housing discrimination in connection with the use of a service animal.

Sgt. Kolb, has been diagnosed with PTSD in connection with his service in Operation Iraqi Freedom and has been prescribed the use of a service dog trained to help him manage his PTSD symptoms. The real estate company improperly denied him rental housing based on the arbitrary determination that his prescribed service dog (a husky mix) was a "dangerous breed" requiring Sgt. Kolb to obtain another service dog that the real estate company deemed acceptable. Even though Sgt. Kolb obtained a replacement service dog, the real estate company again refused to accommodate him, eventually breaking off communications entirely.

The Winston team helped negotiate a settlement in which Sgt. Kolb obtained \$20,000 from the real estate company, and more importantly, substantial contractual assurances that the real estate company would not discriminate against veterans in this manner in the future. Those assurances included the real estate company's



Tyler VanHoutan with client's service dog "Hank"

agreement to adopt new policies and procedures – as drafted by the Winston team and our agency co-counsel Disability Rights Texas – regarding accommodations for service animals, and for its employees to undergo training on federal and state discrimination laws, particularly regarding service animals, and training regarding the needs of U.S. veterans.

The settlement achieved our client's primary goal—to obtain assurances that other **veterans would not endure similar housing discrimination in connection with the use of a service animal.**

San Francisco Energy Team Provides Critical Support to “Green Energy” Nonprofit

For several years, the firm has represented GRID Alternatives, a leading “green energy” nonprofit that installs rooftop solar panels on low-income housing units. Under the leadership of energy department partner **Joe Karp** with assistance from **Noelle Formosa**, **Jinjian Huang**, and **Chuck Moll**, and advice from Chicago tax attorneys **Alan Lindquist** and **Amit Kalra**, Winston advised and counseled GRID with respect to several mission critical activities. Notably, the team helped secure and negotiate a contract with the Department of Community Service and Development of the State of California for a multi-million dollar award of funds from the State’s Greenhouse Gas Cap and Trade Program. In addition, the team assisted GRID secure regulatory authorization from the California Public Utilities Commission to utilize a third party ownership model for low income family rooftop solar installations in California. Finally, the team assisted with various contracts with a third party financing provider to provide funding under a third party ownership model for low income family rooftop solar installations in California and elsewhere in the U.S.



Joe Karp

New York Attorneys Assist in Formation of Youth-led Charity Raising Funds for Children Worldwide

A New York team led by partner **Mike Moser** and including partner **Jeff Elkin** and associate **Barbie Hsu**, assisted in the formation of Cakes4Cause, a nonprofit that raises funds for charities benefitting children’s charities worldwide. Founded by two teen-age siblings, Cakes4Cause is directed by a board of seven high school students who coordinate the baking and distribution of cakes, management of finances, development of the website, and the planning of new charitable initiatives. The team addressed this unique management structure with appropriate adjustments to the formation documents and registration process to ensure compliance with state regulations for director minimum age limits.



Barbie Hsu

VETERANS



John Strasburger

Houston Attorneys Participate in Wills Clinic Assisting Low-income Veterans

A team of Winston lawyers in Houston participated in a wills and estate planning clinic, sponsored by the Houston Volunteer Lawyers (HVL), for a group of low income veterans living at the DeGeorge at Union Station. DeGeorge is a transitional living center for veterans. In addition to providing counseling and advice, the Winston team accepted several individual cases for further representation including drafting wills, medical powers of attorney, and related estate planning documents. Winston is an HVL Champion Law Firm, accepting several cases each year through the HVL, and our Houston lawyers regularly volunteers at clinics representing low income and homeless veterans. Winston lawyers working on the cases include **John Strasburger, Tamoka Bellard, Kasey Davis, Brandon Duke, Connie Flores Jones, and Jennifer Nelsen.**



Larry Kiern

Washington Partner Larry Kiern Obtains Discharge Upgrade for Iraq War Veteran

Washington partner **Larry Kiern** successfully represented an Army veteran in his quest to have his “other than honorable” discharge upgraded. After our client’s commander learned of a homosexual encounter between our client and another man, the commander isolated and ostracized our client and ultimately recommended him for discharge under the military’s then in effect “Don’t Ask Don’t Tell” policy regarding homosexuality. Upon the repeal of that policy in 2011, our client became eligible for an upgrade to discharge. Kiern’s advocacy resulted in an upgrade in our client’s discharge “honorable” and cleared our client of any allegations of misconduct.

PATENTS



Alan Fanucci

New York Team Assists Startup with Solar Irrigation System to Kenyan Farmers

A team led by partner **Alan Fanucci** and including associates **Jeremiah Egger** and **Blaise Latella** is providing SunCulture, a Kenya-based startup, with patent and corporate assistance in hopes of bringing a highly efficient solar-powered drip irrigation system to farmers in rain-starved Kenya. SunCulture’s drip irrigation system could mean the difference between hand-to-mouth survival and being able to grow an agricultural business in Kenya, where current irrigation systems are woefully inadequate. In addition to securing the intellectual property of the irrigation system, the Winston team assisted SunCulture in corporate formation concerns and is assisting it work through a merger with another corporation.

DOMESTIC RELATIONS

Washington Team Wins at Trial to Protect Young Girl from Abusive Father

A team of Washington attorneys including **Amadou Kilkenny Diaw**, **Nicole Silver**, **Adam Nadelhaft**, **Kim Paschall**, and **Brian Extein** successfully petitioned a Harford County (MD) court to restrict the rights of our client's abusive ex-husband to visit their teen-aged daughter.

The daughter was hospitalized a number of times for psychiatric issues during the summer of 2014. On the basis of these hospitalizations, our client (the mother) suspended all visitations. The ex-husband filed for contempt and we moved to modify the visitation order. At trial, the team presented the testimony of our client, expert testimony of treating psychiatrists and a forensic psychiatrist, and the testimony of the ex-husband. The court was persuaded by the "overwhelming" evidence and issued an order that terminated the ex-husband's visitations, unless they are requested by the child and deemed therapeutically appropriate by the child's therapist.



Amadou Diaw



Nicole Silver

Chicago Associates Win Appeal Dismissing Neglect Charges

Associates **Alyssa Ramirez** and **Joelle Ross**, and former associate Andrew Barr successfully represented a mother who was wrongly accused by DCFS of neglecting her child by using K3 (synthetic marijuana), a legal substance at the time, while her child was asleep in bed. In 2012, DCFS "indicated" our client for two allegations of child neglect, environment injurious, and inadequate supervision. The Circuit Court upheld the determination, but on appeal the Second District reversed the Administrative Law Judge's finding of child neglect. The Court confirmed our argument that DCFS did not provide any evidentiary nexus between plaintiff's use of K3 and whether such use exposed the child to a situation which would likely require judgment or actions greater than his level of maturity. The Second District ordered DCFS to expunge the client's indicated finding from the Illinois central register.



Alyssa Ramirez

Charlotte Partner Jason Bennett Confirms Termination of Addict Father's Parental Rights

Acting as appellate counsel for Guardian ad Litem New Hanover County Department of Social Services, partner **Jason Bennett** and former counsel Eric Zion secured protection of a child whose parents refused her treatment for an eating disorder. The child had been admitted to the UNC Center for Excellence of Eating Disorders malnourished and severely underweight. The Center prescribed the child medicine to relieve her anxiety associated with eating and began administering regular blood draws and a feeding tube to return her to normal weight. The parents initially consented to the treatment but later withdrew, at which time the Center reported them to the Department of Social Services. The North Carolina appellate court confirmed our client's position that the parents protective motives did not negate the neglect associated with the child's malnourishment.



Jason Bennett

EMPLOYMENT



Laura Petroff

Los Angeles Attorneys Settle Discrimination Claim Against Nonprofit Employer

Partner **Laura Petroff** with help from associates **Annette Salazar-Shreibati** and **Jenn Zhao** secured a settlement for a Los Angeles-based nonprofit that was accused by a former employee of pregnancy discrimination when she was discharged during her pregnancy. The team's capabilities to defend the client's position were compromised by a turnover in senior management and the death of a key witness. Nonetheless, the team was able to reduce plaintiff's demands from nearly \$500,000 to the limited available funds provided under its insurance policy without the need to make any payments from operating funds.

New York Associate Ilya Bubel Secures Benefits for Employee Discharged After Employer Refused Early Departure from the Flu

New York associate **Ilya Bubel** successfully obtained reversal of a decision denying our client unemployment benefits. Our client's employer, a nonprofit agency, discharged him because he became upset when he was not allowed to leave work early with the flu. He had secured approval of his immediate supervisor as he had been directed but the executive director refused to let him leave. He became upset and called her "unprofessional" and "inhumane." At the client's appeal hearing before the Unemployment Insurance Appeal Board, five witnesses testified against our client, including the agency's executive director and two other supervisors. After cross-examination, the hearing officer expressly found that the executive director was not credible, and did not credit the other witnesses. Ultimately, the Board ordered that our client receive back payments of several months benefit payments.



Ilya Bubel

HOUSING

San Francisco Team Wins Substantial Settlement for Tenants Facing Eviction

A San Francisco team comprised of associates **Dave Martens**, **Jennifer Machlin**, and **Sean Meenan**, with supervision from partner **Kimberly Morris**, assisted two long time rent-controlled tenants in a three-unit building in San Francisco after they were served eviction notices. The new owners of the building served the notices so that they could ostensibly move family members into all three units under a special allowance in the rent control ordinance. Moving tenants out under the guise of family/owner move-in has become a common technique in San Francisco for returning units to market rates. Neither client could afford to move, much less compete for housing in this part of San Francisco. Arguing that the statute provided allowances for both clients, the team secured an \$80,000 settlement for one client, a woman in her 70s living on fixed-income who had lived in that apartment for more than 30 years; and a \$30,000 settlement for the other client.



Dave Martens

Los Angeles Associate Andrew Jick Goes the Extra Mile for Elderly Couple Defrauded of their Life Savings

Los Angeles associate **Andrew Jick** with supervision from partner **Rolf Woolner**, secured a \$35,000 settlement for an elderly couple defrauded of their entire life savings by three defendants who promised to help modify their mortgage. The settlement ends more than two years of litigation and six years that the clients battled to regain their savings. In 2013, the team obtained a judgment in the Los Angeles Superior Court against the defendants who defrauded the couple. Even though the firm's engagement ended with the judgment, the team jumped back into the fray after the defendants attempted to avoid payment by filing for Chapter 7 bankruptcy. They challenged the bankruptcy by initiating adversary proceedings against each defendant seeking orders of non-dischargeability to preserve the judgment. Ultimately, they negotiated the substantial cash settlement that allowed the couple to recover most of their investment and put this ordeal behind them.



Andrew Jick

Houston Team Slaps Down Political Insider's Appeal of Winston Anti-SLAPP Victory

A Houston team led by associate **Rich McCarty** and partner **Eric Schlichter** rebuffed an appeal of Winston's earlier victory under the Texas "anti-SLAPP" (Strategic Lawsuit Against Public Participation) statute. The full team included attorneys **Renee Wilkerson**, **Rob Green**, and **Jameson Watts**, and paralegal Nita Moore. The Houston team originally won an interlocutory appeal securing free speech rights of our clients Voices in Democratic Action, a political watchdog group, and its lead spokesman. A prominent customs broker in the city of Laredo sued our clients for defamation after our clients questioned the city of Laredo's decision to award the broker's company a contract to construct and manage a refrigerated customs inspection facility and spoke out at public meetings and in the press with respect to the broker's extensive political influence. The broker appealed the appellate court decision to the Supreme Court of Texas, arguing among other things that the appellate court erred by applying an incorrect evidentiary standard under the Texas Anti-SLAPP statute. During the pendency of the appeal, the Texas Supreme Court actually overruled the evidentiary standard applied by the appellate court and announced a standard much more favorable to plaintiffs. Undeterred, the team argued that the petition for review should be denied because the erroneous evidentiary standard had no material effect on the appellate decision. The Texas Supreme Court agreed and denied the petition less than a month after briefing concluded.



Rich McCarty



Meg Ciavarella



Isabelle Mercier-Daiphond



John Harding

New York Team Secures Asylum for Burkina Faso Government Official

A team comprised of associates **Meg Ciavarella** and **Isabelle Mercier-Dalphond**, and supervised by partner **Michael Murray**, won asylum for a government official from Burkina Faso, the former Secretary General for the National Counsel of Elderly People. In 2013, our client became aware that government officials had embezzled funds that were intended for public services and improving the country's infrastructure. Frustrated by this corruption, he spoke out against the government at a two-day public meeting. Later that night, four men forced him from his home and took him to the national police headquarters where he was severely beaten and was told to be careful and keep his mouth shut. He fled the country a month later when he was warned that the police were preparing to arrest him again and that he might be executed.

Washington Team Secures Asylum for 18-year-old LGBT Boy from El Salvador

A team comprised of associates **John Harding** and **Ilan Wurman**, supervised by **Tomás Leonard** and with the translation and other assistance of **Christina Viteri** and **Alex Cruz**, obtained asylum for an 18-year-old boy from El Salvador who suffered years of abuse and persecution on account of his perceived and actual sexual orientation. The team met several times with the client to get his story, prepare his affidavit, and to conduct mock asylum interviews. They submitted a legal brief to the asylum office along with corroborating evidence and documentation of country conditions in El Salvador. The team represented the client at his asylum hearing, examined the client, and delivered closing statements that resulted in the favorable finding.

Seventh Circuit Win Prevents Removal of Lawful Resident

A team of attorneys including partners **Linda Coberly** and **Matt Carter**, along with former Winston attorneys Andrew Barr and Bill Staes, convinced the Seventh Circuit to void a removal order entered by the district court for our client, a citizen of Guatemala, who was lawfully admitted to the United States as a permanent resident in 1977 when he was about seven years old. An immigration judge found our client "credible" and gave "full weight to his testimony" at a hearing requesting discretionary relief from removal. Yet the immigration judge and Board of Immigration Appeals relied on uncorroborated arrest reports to find that our client had failed to show "rehabilitation" after a 1990 conviction, and this failure was a significant factor in the decision to deny him discretionary relief from removal. The Seventh Circuit agreed with our position that the BIA committed legal error by failing to follow its own binding precedent and giving substantial weight to an arrest report absent a conviction or corroborating evidence of the allegations.

Charlotte Office Launches Projects to Assist Immigrants Obtain Citizenship and Deferred Action

The Charlotte office began a new collaboration with the Latin Coalition and hosted a Deferred Action for Childhood Arrivals (DACA) clinic. Under the leadership of **Kobi Kennedy Brinson**, participating attorneys at the clinic represented and assisted several immigrant youth who entered the United States as young children and graduated or are currently enrolled in school. The clients gained protection from deportation and employment authorization.



Kobi Brinson

Chicago Associate Courtney Tygesson Secures Mexican Woman Protection Under VAWA

Associate **Courtney Tygesson** secured lawful permanent residency and protection under the Violence Against Women Act (VAWA) for a woman from Mexico. Shortly after marrying a U.S. Citizen in 2010, the client's husband began to physically and emotionally abuse her. Over time, the abuse grew more vicious culminating in a death threat and severe physical attacks. With Courtney's help, she not only left her abusive husband but also graduated from a local Chicago university.



Courtney Tygesson

Chicago Team Wins Asylum for Kenyan Victim of Domestic Violence

Associates **Dave Bauer** and **Justin Trapp**, with supervision by partner **Matt Costigan**, secured asylum for a woman from Kenya who was viciously tortured by her husband up until she fled the country. Before she escaped to the U.S., our client was subjected to constant abuse, ranging from verbal humiliation and degradation to repeated physical and sexual assault. At one point she was locked outside in a cramped dog cage overnight for her purported disobedience; on many other occasions she was beaten with anything from a frying pan to a machete. Regrettably, domestic violence is rampant in Kenyan culture and the police turned her away when she tried to report the crimes. Fearing that her husband would carry out his threats to murder her, she fled to the United States with the help of her family. Her case continues a line of cases that have rejected the presumption that domestic violence can never warrant a grant of asylum and, hopefully, will help pave the way for other domestic violence victims to escape their abusers.



Dave Bauer

COLLABORATIONS WITH CORPORATE CLIENTS ASSIST YOUTH IMMIGRANTS OBTAIN DEFERRED ACTION

The Chicago office in collaboration with volunteer attorneys from Abbvie and McDonald's hosted three clinics to assist immigrant youth apply for Deferred Action for Childhood Arrivals (DACA). Participating attorneys represented and assisted more than 30 immigrant youth, who entered the United States as young children and graduated or are currently enrolled in school, gain protection from deportation and employment authorization. Participating Winston attorneys included **Monique Bhargava, Matt Costigan, Matt Davis, Megan Devaney, Lesley Hamming, Brigitte Kocheny, Sharick Naqi, Matt Poplawski, Ivan Poullaos, Michael Pullos, and Terri Soni.**

Winston Attorneys Help Exonerate Man Wrongly Convicted of Lake County Murder

Associate **Brian Nisbet** under the supervision of partner **Dave Koropp**, along with former associates David Luger and Charlie DeVore, helped exonerate Jason Strong after he served 15 years for first degree murder, a crime he did not commit.

At Strong's trial, prosecutors argued that he met the victim for the first time in the evening of December 8, 1999, walking along Route 41 in Waukegan. He then invited her back to his motel room, where he and one other man beat, whipped, and burned the victim with hot wax. The State claimed Jason hit her on the head with a tequila bottle, resulting in the victim's death within minutes in the early morning hours of December 9, 1999. Strong was convicted of first degree murder and sentenced to 46 years in prison.

In 2008, Northwestern University Bluhm Legal Clinic accepted an appointment from the Northern District of Illinois to represent Strong in habeas proceedings. The team worked on the case investigating Strong's actual innocence claim as law students and continued to do so in conjunction with Northwestern when they joined the firm. Over the next several years, their investigation completely dismantled all of the state's evidence against Strong. Importantly, all of the main witnesses who testified at trial against Strong recanted their stories in sworn affidavits. In addition, the team's investigation revealed new evidence unknown at the time of trial: that the victim was a mentally disabled woman from the Carpentersville area, about 40 miles from where her body was found; that she had no connection to Waukegan and no means to travel there alone in

December 1999; and that in the six months prior to her death, she was taken in and kept from her family by a mother-daughter team who had a history of exploiting vulnerable and disabled people.

The final piece that turned the case were the examinations performed by two renowned forensic pathologists who concluded that the victim's injuries had been inflicted over a long period of time (weeks and months), that she sustained the fatal blow to the head at least 24-48 hours before her death, and had died at least 2-4 days before her body was found on December 9, 1999. The Attorney General's Office and Lake County State's Attorney also retained an expert forensic pathologist, who agreed with those findings, and concluded that the victim most likely died from chronic abuse. This objective medical evidence proved that Strong's confession and the state's theory at trial was medically impossible. The victim was dead well before Strong was supposed to have met her, and had incurred injuries over a long period of time that Strong could not have inflicted.



Brian Nisbet

Brian Nisbet, David Luger, Jason Strong, his mother, and Charlie DeVore



Associate Karl Leonard Helps Wins Release of Innocent Man After 21 Years

Chicago associate **Karl Leonard**, working with the University of Chicago Exoneration Project, helped secured the release of Tyrone Hood, who was erroneously charged and convicted of the 1993 murder of a 20-year-old sophomore at Illinois Institute of Technology.

On May 8, 1993, Marshall Morgan, Jr. went missing on the South Side of Chicago. Nine days after Morgan Marshall Jr.'s disappearance, his body was found stuffed in his abandoned Chevy Cavalier. Veteran Chicago Police Department Area One detectives Kenneth Boudreau and John Halloran, who came up in the Department under the tutelage of now-disgraced Commander Jon Burge, lead the homicide investigation.

Tyrone Hood was picked up and interrogated three days after Morgan Jr.'s body was found when Hood's fingerprints were identified on trash found at the crime scene. After 48 hours of interrogation, Hood continued to maintain his innocence and was released. Hood was again taken into custody and charged after Detectives Boudreau and Halloran received statements from two additional witnesses, and Wayne Washington, the man who would become Hood's co-defendant. The two additional witnesses would recant their testimony before the trial, citing police coercion. The remaining witness testifying against Hood would be discredited by scientific evidence.



Karl Leonard



Tyrone Hood, center, standing with his attorneys Karl Leonard, left, and Gayle Horn

The team proffered substantial evidence that the real perpetrator of Morgan Jr.'s murder is Marshall Morgan, Sr., the victim's father. After unexpectedly returning to his son's life, Morgan Sr. took out a life insurance policy and collected more than \$44,000 dollars after his son's murder. Two years later Morgan Sr. would do the same with his fiancé, Michelle Soto, collecting more than \$100,000 dollars after she was found murdered. The murders of Marshall Morgan Jr. and Michelle Soto were almost identical. Both were shot to death and their bodies found wedged between the front and back seats of their cars. Marshall Morgan, Sr. was also convicted of two murders, one in 1977 of his friend William Hall and most recently in 2001 of his then-fiancé Deborah Jackson. Both were shot near their cars and left for dead.

Now 51, Hood served 21 years of his 75-year sentence before Gov. Pat Quinn vacated his sentence on January 12, 2015. Thereafter, the team convinced the Cook County State's Attorney's Office to vacate Hood's sentence. The team subsequently secured Hood a Certificate of Innocence, which, among other things, entitles Hood to reparations damages from the State of Illinois. This is the second time in Leonard's career that he has helped exonerate a wrongly convicted defendant.



Associate Jen Miller Wins Asylum for a Mexican Transgender Woman



In a removal proceeding before an Immigration Judge, associate **Jen Miller** with help from project assistant **Caitlin FitzGerald** won asylum for a former Mexican government administrative employee who suffered nearly daily harassment and beatings from the Mexican public for being transgender. The team presented credible evidence not only about the beatings and abuse she suffered, but also that members of the police force are often the biggest perpetrators of hate crimes against the LGBT community. The court took recognition of the fact that Mexico remains the country with the second highest rate for reported murders of transgender individuals.

Washington-New York Team Wins Immigration Appeal for LGBT Woman Targeted by Honduran Gangs



Ilan Wurman

Washington associates **John Harding** and **Ilan Wurman** supervised by New York partner **Aldo Badini**, obtained an appellate victory at the Board of Immigration Appeals for a Honduran woman who was repeatedly targeted by gangs for her sexuality. The client was unrepresented in Immigration Court, where the judge seemingly manufactured inconsistencies in the record to make an adverse credibility determination. The judge also found that she did not demonstrate persecution on account of her sexual orientation because the gangs targeted everyone in her area. The Board agreed with our position that the judge did not give the client an opportunity to explain any perceived inconsistencies and thus erred in making an adverse credibility determination. The Board also agreed that it was legally erroneous to let the existence of general violence negate her particular claim that *she* was targeted because of her sexuality. The Board remanded for new proceedings.

Charlotte Office Participates in Charlotte Pride Health Care Power of Attorney Project



(Bottom row, left to right) Owen Zingraff, Elizabeth Ireland, Phoebe Coddington;
(Top row, left to right) Elizabeth Timkovich, Alan Stevens, and Morgan Laurie.

Several attorneys in the Charlotte office including **Phoebe Coddington**, **Elizabeth Ireland**, **Alan Stevens**, **Elizabeth Timkovich**, and **Owen Zingraff** participated in the Charlotte Pride Health Care Power of Attorney event organized by the Freedom Center for Social Justice's LGBTQ Law Center and the Campaign for Southern Equality. This project provides free health care powers of attorney to LGBTQ persons throughout North Carolina. These essential documents protect against individuals in emergency situations where they are mentally or physically unable to make their own medical decisions. The Project's aim is to educate and inform the community about the importance of this document, and to ensure that all LGBTQ people have the protections they need in times of crisis.

POST-CONVICTION

Washington Team Obtains Victory for a Paroled Man on the Brink of Re-institutionalization

Washington associate **Peter Osyf** under the supervision of partner **Matt Campbell**, obtained an order from the U.S. Parole Commission fully reinstating a young man to the terms of his supervised release. The client was convicted of assault with a dangerous weapon and was sentenced to 60 months in prison followed by 36 months supervised release. He was a model inmate for his five-year sentence and showed extreme promise during his supervised release. With only seven months of supervised release remaining in his lengthy sentence, the client was arrested for violating the conditions of his supervised release for allegedly assault. The client faced an additional five-year prison sentence if his supervised released status were to be revoked. The hearing examiner agreed with the team's argument that there was insufficient evidence to support the charge. The client's parole officer attested to the client's stellar history of compliance. The arresting officer admitted that the client was not at the scene and that the only evidence at all was the alleged victim's complaint and she chose not to appear at the hearing. The client's supervised release status was reinstated in full and he was fully released in April 2015.



Peter Osyf

New York Team Vacates Denial of Client's Habeas Petition

A team led by New York associate **Desirée Ripo** with assistance from associates **Nicholas Alioto** and **Jonathan McCoy** and paralegal **Denise Cunsolo**, secured an order from the Seventh Circuit vacating the denial of our client's petition for habeas corpus. The district court denied our client's *pro se* petition in which he sought appointment of counsel, and claimed ineffective assistance of counsel when counsel failed to appeal his sentence. The court also refused to appoint counsel to the plaintiff for purposes of this hearing. On appeal to the Seventh Circuit, the firm argued that the district court's refusal to appoint counsel clearly neglected explicit habeas mandates. In conjunction with argument, the Winston team successfully negotiated the filing of a joint motion requesting immediate vacatur and remand. In less than a week, the Seventh Circuit granted the motion vacating the denial of our client's habeas petition and remanding the case back to the district court for a new evidentiary hearing. Partner **Tom Quigley** supervised.



Desirée Ripo

PRISONER RIGHTS



Bill Roach



Andrew Sommer

Washington Team Secures Permanent Injunctive Relief for Mentally Ill Inmate Placed in Solitary Confinement

Efforts by associates **Bill Roach** and **Laurie Curnes** and partner **Andrew Sommer** resulted in a tremendous settlement for our client, a mentally ill inmate, providing him permanent injunctive relief from the dehumanizing and egregious violations his Eighth Amendment rights. At a young age, our client was diagnosed with personality disorders and mental conditions, including autism. While serving his sentence in Maryland state prison for breaking and entering, our client's mental illness led to frequent behavioral problems; however, rather than treating his conditions, Maryland transferred him to a maximum security prison where he was placed in solitary confinement for approximately four years. His parents were barred from visiting him until 2013 at which point our client had decompensated and exhibited signs of paranoid schizophrenia.

Given the unique posture of the case, the Winston team had to advance some novel legal arguments. First, the complaint alleged that he had become incapacitated during his confinement and that he needed a court-appointed next friend to act on his behalf in protecting his rights. In 2014, the Court granted the motion and recognized the parents as next friends. Second, to avoid having the case dismissed for failure to follow the administrative grievance process, the Winston team argued that due to our client's incapacity, administrative remedies were not "available."

These novel legal arguments helped secure injunctive relief well beyond what could be obtained in court. Our client received restoration of more than six years of diminution credits he lost due to his time in segregation. The agreement limits the ability of the defendants to transfer him from the institution where he is housed and receiving mental health care. Since the suit was filed, our client has been receiving appropriate mental health care and is advancing through the programming that the state has arranged for him without any incident.

New York Associate Kelli Lanski Wins Substantial Settlement for Sexually Assaulted Inmate

New York associate **Kelli Lanski** won a substantial financial settlement for our client, a New York inmate who was sexually assaulted on multiple occasions by another prisoner. During the initial assault, our client was threatened with a knife and warned that if he complained to prison officers, his family would be harmed. The assaults continued on a weekly basis over the course of several weeks. The assaults stopped only after a new officer walked in on an assault as it was taking place. The lawsuit alleged negligence on the part of the state due to its failure to protect our client from the assailant, who had a previous conviction for sexual assault of another prisoner while incarcerated. The case was ultimately settled for \$65,000.



Kelli Lanski

Chicago Team Wins Settlement for Cover-up of Inmate Assault

Chicago partner **Bill O’Neil** and associates **Michelle Muñoz Durk** and **Loren Rene** won a substantial financial settlement for our client, an Illinois inmate who was violently assaulted by prison guards. During the course of discovery, the team discovered facts evidencing a cover-up of the assault of our client. Following an earlier incident in the shower area of the cell house, the defendants took our client to a separate building—one of the few buildings in the prison not under camera surveillance—and beat him to the brink of unconsciousness. Our client’s testimony regarding the events was corroborated by a non-party corrections employee, who testified during a deposition that our client sustained his injuries after (and not during) the earlier incident in the shower area. However, her written report was destroyed and her oral statements were not included in the official report. This testimony upended the defendants’ defense that our client’s substantial injuries were sustained during the earlier shower incident.



Loren Rene

LOS ANGELES TEAM SECURES MAJOR CLASS ACTION SETTLEMENT FOR INMATES WITH DISABILITIES IN LOS ANGELES COUNTY JAILS

Nearly a decade after Peter Johnson, a paraplegic who uses a wheelchair for mobility, and others like him filed a class action lawsuit alleging that Los Angeles County jail facilities are not accessible for inmates with mobility impairments, a settlement was reached with the County of Los Angeles providing substantial injunctive relief.

In 2008, the firm, along with class co-counsel Disability Rights Legal Center (DRLC), ACLU Foundation of Southern California (ACLU SoCal), and Disability Rights California (DRC), filed this lawsuit, on behalf of individuals who had been subject to inhuman treatment and illegal discrimination while at LA County Jails. The lawsuit alleged that the jails’ systemic failure to provide accessible facilities and accommodations resulted in, among other things, a failure to provide inmates with mobility disabilities access to such basic things as drinking fountains, lavatories, beds, and phones. “I have not been outside for almost four years,” said one plaintiff. “Other inmates can go to the roof for exercise and to feel sun and breathe outside air, but I have never had this experience during incarceration.”

The settlement provides a system to help ensure equal access to the jails’ programs, services, and facilities, including its educational and vocational programs. It also requires operation of a physical

therapy room in Men’s Central Jail, construction of new accessible housing in Los Angeles County’s Twin Towers Correctional Facility, and creates procedures to process inmates’ disability-related complaints. Further, the agreement requires the Los Angeles County Sheriff’s Department provide regular reports of its compliance with the terms of the settlement to the Office of the Inspector General, which will also be shared with the court and class counsel.

The firm’s team was comprised of partner **Steve Smerek** and associates **Jason Campbell, Danielle Gerson, Jason Hamilton, Stephanie Leonard, Jenna Logoluso, Shawn Obi, Jennie Park, Drew Robertson, Emily Schuman, Edward Son, and Katherine Winston**



Jason Hamilton

PRO BONO PARTICIPATION

Winston Achieves Another Exceptional Year

Building on our record-breaking pro bono success in 2013, firm attorneys, in 2014 once again achieved exceptional participation in pro bono activities, providing critical legal services to those who cannot afford counsel.

U.S. attorneys averaged more than

57

hours per attorney

For the first time, an office
Silicon Valley, recorded

100%

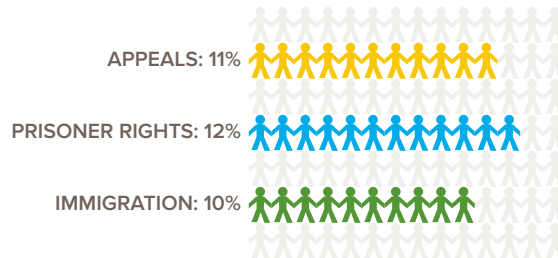
of its attorneys at or above the
20 hour minimum

208

New Pro Bono matters opened in 2014

Winston & Strawn LLP was ranked **37th** by *The American Lawyer*.

TOTAL PRO BONO WORK:



20-HOUR THRESHOLD SET OUT BY THE AMERICAN LAWYER...

44% OF PARTNERS

52% OF PARALEGALS

71% OF U.S. ATTORNEYS

91% OF ASSOCIATES



80% OF EMPLOYEE BENEFITS DEPARTMENT
HIGHEST PARTICIPATION AMONG DEPARTMENTS