

Pro Bono Reporter

FALL 2018



FROM THE CHAIR



Pro Bono Goes Global

I like surprises. Or maybe I should say that I like *pleasant* surprises: the kind that make you go "Huh?!" and smile at the same time.

I enjoyed such a pleasant surprise last July from an unlikely source... The American Lawyer. Annually, AmLaw ranks firms' pro bono productivity. For the last few years, it has ranked "U.S. firms" (those firms with a majority of attorneys based in the U.S.), but also separately ranks the pro bono productivity of these firms' offices located outside the U.S. Winston's "International" offices just crushed it, earning an incredible ranking of 13th! This was a significant jump from the prior year ranking of 41st. (I should add that Winston's U.S. offices ranked 21st which was also terrific).

The (pleasant) surprise comes from an understanding of the many challenges facing interested volunteer attorneys in our offices located in Brussels, Dubai, Hong Kong, London, Moscow, Paris, and Shanghai, and the disadvantages they experience relative to their U.S. counterparts. Pro bono as an organized effort to deliver legal services to disadvantaged clients essentially originated in the U.S. at the turn of the 20th Century. In large part due to the greater governmental support for legal services and substantial differences in the legal framework in Europe and the UK, pro bono did not become actively integrated into those jurisdictions until well into the 2000s. As a result, the tradition and culture of providing pro bono services among law firms and lawyers is less developed there than in the U.S. This circumstance is even more acute in Asian markets where pro bono is growing, but is still in the early stages of development.

While the slower developing pro bono culture outside the U.S. has not in any way diminished the service appetite of our attorneys (quite the opposite), the practical reality is that there are fewer public interest law organizations developing opportunities for them to consider. By way of comparison, in New York City, there are more than 50 public interest law organizations; while in Paris there are fewer than 10; in Hong Kong only 3. Fewer organizations means that there are fewer available opportunities generally, and even less that are appropriate for attorneys at large firms, many of whom may not be licensed to practice in the jurisdiction where their office is located. As I said, many challenges.

But despite all that, nearly 50% of Winston attorneys located in Brussels, Dubai, Hong Kong, London, Moscow, Paris, and Shanghai contributed at least 20 pro bono hours in 2017. The London office led the way with a remarkable 69% of attorneys contributing 20 hours.

Although the work may be less abundant, it is complex and the outcomes impactful. Among other matters our attorneys are handling, a Hong Kong team has been assisting a charity that provides educational experiences to children living in rural areas of China whose parents have moved away to secure employment in urban areas. A Dubai/London team advised a Kenyan social enterprise structure an equity investment from impact investors. A Dubai team is advising a start-up enterprise facing spurious claims from a former consultant. A host of London attorneys regularly staff community legal advice clinics. Attorneys in our Paris office advised nonprofits on compliance with the recently enacted EU GDPR privacy regulations.

I'm so proud of their efforts, and excited about how Winston attorneys across the globe are leveraging their skills to benefit their communities, regardless where they work and live.

— Amanda

PRO BONO COMMITTEE MEMBERS

John Albers Jeffrey Amato Kimball Anderson Brian Benko Ken Berry Michael Bittner Eric Bloom Sara Cieniewski Matt Costigan Lisa Cottle Geoffrey Eaton Krista Enns Bryan Goldstein Amanda Groves Jerome Herbet Nassim Hooshmandnia Elizabeth Ireland Brian Jansen Larry Kern Kelli Lanski Wood Lay Mary Lenahan Robine Morrison Michael Moser Monique Ngo-Bonnici Deepi Punia Julissa Reynoso Grant Schmidt John Schreiber Pejman Sharifi Campbell Steedman John Strasburger Todd Thorson Noori Torabi May Wall Kevin Warner Kristin Wickler Stewart Worthy

AWARDS AND HONORS



Lionda Coberly

Linda Coberly Honored with Prestigious Pro Bono Service Award

Chicago Office Managing Partner **Linda Coberly** received the 2018 Edward J. Lewis II Pro Bono Service Award presented annually by the Chicago Bar Association/Bar Foundation to honor attorneys that display a deep commitment to the fundamental principles of equal protection and equal justice in the

community through outstanding pro bono service. Linda was recognized for her vigorous advocacy that has shaped national immigration policy, advanced the civil rights of women, protected the accused and imprisoned, and improved the lives and circumstances of vulnerable populations in the City of Chicago and beyond.

New York Office, Attorneys Receive Legal Aid Society's 2017 Pro Bono Publico Award

The Legal Aid Society of New York recognized the New York office and individual attorneys **Cecie**

Alvarez, Jeffrey Amato, Michael Elkin, Emily Ellis, Johanna Rae Hudgens, Jeffrey Kessler, Kathleen Kim, Ross Kramer, Thomas Lane, Bill Lang, Angela



Legal Aid Society of NY awards

Smedley, Seth Spitzer, and **Matthew Stark** as recipients of its 2017 Pro Bono Publico Award for outstanding service to the organization and its clients. The firm and these individuals were recognized for their efforts challenging aspects of New York's delivery of health care services to low-income individuals; litigation against the Port Authority Police Department asserting that it engaged in a pattern and practice of unlawful arrests targeting men based on perceived sexual orientation or gender identification; and service to nonprofit corporations.



Ann Berkowitz

Ann Berkowitz Receives Inaugural Texas State Bar Pro Bono Support Staff Award

Houston Administrative Assistant **Ann Berkowitz** was honored by the State Bar of Texas at its 2018 annual meeting with the Bar's Pro Bono Support Staff Award. The first recipient of this award, Ann was recognized for her exemplary work supporting the Houston Bar Association's Juvenile Sealing Program, a partnership

of the Houston Bar and local law enforcement officials that provides assistance to youth 18 and older with sealing non-violent, misdemeanor juvenile offenses from their criminal records.





Grant Schmidt

Dallas Office Receives Outstanding Clinic Sponsor Award

The Dallas Volunteer Attorney Program recognized the Dallas office at its annual awards ceremony held September 24th with the 2018 Outstanding Clinic Sponsor Award. DVAP highlighted the office's constant enthusiastic commitment to its intake clinics and numerous additional DVAP projects. In the past 18 months, the firm has hosted in 5 intake clinics with 35 attorneys and summer associates participating. These clinics provide low-income Dallas residents facing a variety of pressing legal needs including family law, eviction, and government benefits, with an opportunity to secure free legal assistance from Northwest Texas Legal Aid or a pro bono attorney.



Julie Bauer award from LAF

Julie Bauer Named LAF Order of Protection Volunteer of the Year

Chicago Of Counsel **Julie Bauer** was recognized by LAF as Order of Protection Project Volunteer of the Year for her extensive work providing victims of domestic violence with legal counsel to obtain orders of protection against their abusers.

Chicago Office Recognized with Spirit of Generosity Award from Cabrini Green Legal Aid

The Chicago Office was recognized by Cabrini Green Legal Aid (CGLA) with the Spirit of Generosity Award during its annual "I Am Somebody" Benefit for its role in organizing more than 19 criminal records clinics that assisted more than 350 CGLA clients and involved nearly 300 volunteer attorneys.



New York Partner **Bill Lang** was selected by Lawyers Alliance for New York as one of its 2017 Cornerstone Award honorees for his outstanding pro bono legal services to nonprofits in need of assistance with leasing concerns. Bill is a regular pro bono training presenter and represents numerous nonprofits.

Chicago Office Receives Legal Aid Society Scott Solberg Award

The Chicago office received the Legal Aid Society of Metropolitan Family Services Scott C. Solberg Pro Bono Award – Law Firm at the 2018 Equal Access to Justice Awards Luncheon. Winston attorneys have taken on several pro bono cases referred by the Legal Aid Society, representing clients in matters ranging from simple



LAS awards



Bill Lang

divorces to mortgage fraud, human trafficking, and wills and estates. Labor & Employment Partner **Mike Roche** is a member of the Legal Aid Society's Board of Directors. The Legal Aid Society supports critical legal services for low income families in the Chicago area and recognizes the outstanding pro bono work supporting those services.

Charlotte Attorneys Named to the 2017 NC Pro Bono Honor Society Matt Davis, Patrick Doerr, Jack Knight, Alyson Traw, Jeff Wilkerson, and Danielle

Williams were among the 345 attorneys recognized by the Supreme Court of North Carolina for inclusion in the 2017 NC Pro Bono Honor Society. This honor is given to all attorneys who reported providing more than 50 hours of pro bono legal services in 2017 in recognition of their substantial and valuable legal contributions to the state of North Carolina.

"This honor is given to all (N.C.) attorneys who reported **providing more than 50 hours of pro bono legal services...**"

Washington, D.C. Attorneys Named to the Capital Pro Bono Honor Roll

The District of Columbia Courts 2017 Capital Pro Bono Honor Roll recognized the following Winston attorneys as persons who contributed 50 or 100 (*) hours or more of pro bono work to individuals who cannot afford legal counsel according to the ethical obligation contained in Rule 6.1 of the D.C. Rules of Professional Conduct: John Alison, Steven Anzalone, Erika Berman, Peter Bigelow, Sarah Bily, *Allen Black, *Eric Bloom, Kyllan Gilmore, *Francesca Guerrero, *Patrick Hogan, Victoria Hsia, *Jeffrey Johnson, Stephanie Maloney, J.C. Masullo, *Daniel McNeely, R.C. Miller, Jennifer Parry, Scott Phillips, *Joelle Ross, Lawrence Slusky, and *Christine Tillema.

New York Attorneys Recognized as NYSBA Empire State Counsel

The New York State Bar Association recognized the following firm members as 2017 Empire State Counsel, a designation given to attorneys licensed in the state of New York who complete over 50 pro bono hours in a given year: **Cesie Alvarez, Brandon Annette, Aldo Badini, Erin Baldwin, Chris Costello, Adam Dale, Kerry Donovan, Emily Ellis, Seth Farber, Benjamin Gordon, Carrie Hardman, Lawrence Hill, Georgino Hyppolite, Harvey Kurzweil, Ross Kramer, Joseph Litman, Scott Malone, Evan Miller, Adam Moskowitz, Sara Qahoush, David Valk, and Sarah Viebrock**.



Danielle Williams



Victoria Hsia



Kerry Dovovan







Chase Cooper Human Rights Initiative of North Texas

Dallas Associate **Chase Cooper** serves on the executive committee of the Human Rights Initiative of North Texas Pro Bono Association. This pro bono agency provides legal and support services to refugees and immigrants who have suffered human rights abuses while also advocating for justice and promoting international human rights.



Allison Cooney LAF Chicago

Chicago Associate **Allison Cooney** joined LAF's Young Professionals Board. LAF is the largest provider of civil legal services in the Chicago area, assisting people living in poverty and other vulnerable groups with a wide array of legal concerns.



Brandon Duke Disability Rights Texas

Houston Associate **Brandon Duke** was elected to serve on the Board of Directors of Disability Rights Texas (DRTx), the federally created protection and advocacy agency for persons with disabilities in the State of Texas. DRTx is an important pro bono partner to the firm's Houston and Dallas offices, providing an array of matters including cases involving special education rights, disabled vets' service dogs, and supported decision making for emerging adults with disabilities.



Scott Englert, Jr. Chicago Legal Clinic

Chicago Associate **Scott Englert, Jr.** joined the auxiliary board of the Chicago Legal Clinic, a pro bono agency dedicated to providing legal services to the working poor and disadvantaged in the Chicago area through legal counseling and representation.

IMPACT MATTERS CHALLENGE AND PROTECT

Boosting Efforts to Ratify the Equal Rights Amendment in Illinois and North Carolina

Since the spring of 2017, a team of attorneys from several Winston offices have provided critical support and resources to grassroots organizations in Illinois and North Carolina advocating for ratification of the Equal Rights Amendment (ERA) to the U.S. Constitution in those states. Initiated at the insistence of Firm Chairman **Tom Fitzgerald**, a team led by partners **Linda Coberly, Eva Cole, Paula Hinton, Sam Lerner, Laura Petroff,** and **Joanna Wade,** with vital assistance from associates **Erin Baldwin, Brian Brothman, Lauren Duxstad, Liz Grden, Kate Watson Moss, Neha Nigam, Jaime Simon, Erica Smilevski, Sarah Viebrock,** and **Brett Waters**, have been involved in this historic undertaking.



Sam Lerner



Joanna Wade



Erica Smilevski

ERA Supporters

The ERA was first introduced in Congress in 1923 and subsequently introduced in every congressional session until its passage in 1972 with the requisite two-thirds majority of Senate and House votes. It was then sent to the states for ratification by three-quarters of all states (38). However, by the time that the congressionally-imposed deadline expired on June 30, 1982, only 35 states had voted to ratify the ERA, casting its viability in doubt. After a lengthy period of dormancy, in March 2017 Nevada rejuvenated the ratification movement when it became the 36th state to ratify the ERA.

The Winston team's efforts yielded significant results in May 2018 when the Illinois legislature voted to make Illinois the 37th state to ratify the ERA. Winston lawyers provided extensive education to the legislature and the public on the legal implications of the ERA, drafted "talking points" expounding on that research, hosted organizing and informational events, and presented a webinar in which members of the House participated. During the debate on the House floor, one representative referenced the Winston training, and another representative gave a compelling speech in favor of the amendment based directly on talking points prepared by our team.

Winston's Charlotte attorneys will take up the charge next, working to make North Carolina the 38th and final state needed for ratification. The team anticipates there will be a continued need for our advocacy to finalize the ratification process.



Peter Crowtnei



Paula Hinton



Addressing Allegations of Abuse Against British Para-Swimmers

A London team led by London Partner **Peter Crowther** and including attorneys **Jessica Boardman, Ian Borman, Joe Knox, Michael Madden, Oliver Steeple,** and **Nicholas Usher** and former associate **Jade-Alexandra Fearns** assisted the British Athletes Commission (BAC), the representative body for Britain's elite athletes, assess athlete experiences to determine whether there was prima facie evidence of misconduct by coaches and other senior leaders in the elite para-swimming squad. Our attorneys reviewed numerous accounts of mistreatment and compiled a dossier that indicated a pattern of widespread abuse of various kinds. Armed with the dossier, the BAC persuaded the governing body to commission an independent review. The Winston team vetted the proposed reviewers, and worked with them as they reviewed the team's evidentiary report and interviewed witnesses. The result was a public apology from the governing body and a commitment to effect change benefitting the participating athletes.

Meaningful Access to Courts for Tenants in Alabama

Houston attorneys **Paula Hinton** and **William Logan** scored a critical appellate win for a single mother in Alabama, and in the process changed the law to better protect vulnerable tenants statewide. Our client was evicted from her home in Tuscaloosa, Alabama, after requesting that the local housing authority inspect the poor quality of her unit. After the landlord successfully sued for possession, our client then filed several claims, including retaliation, against the landlord. The trial court ruled against her with prejudice, relying on precedent requiring tenants to identify and raise counterclaims against their landlords' actions in the underlying claim for possession. In practice, this allowed tenants only a tiny window to determine such claims or risk having their claims barred. We successfully argued that a tenant's monetary counterclaims are not mandatory when a landlord sues for possession.

Systemic Changes for Deaf and Hearing-Impaired Inmates in Illinois

Capping nearly a decade of work, a Chicago team secured a settlement that ensured systemic reform for deaf and hard-of-hearing inmates incarcerated in the Illinois Department of Corrections (IDOC). The settlement was the product of a class action lawsuit against IDOC that alleges several years of IDOC violation of statutory and constitutional rights by failing to provide deaf and hard-of-hearing inmates with adequate means of communication while incarcerated.

Among other claims, the complaint asserted that in various prison settings IDOC has failed to provide American Sign Language interpreters, hearing aids, and other critical accommodations needed by deaf and hard-of-hearing inmates in order to communicate effectively. Without these accommodations, deaf and hard-of-hearing inmates have been put in danger and deprived of meaningful participation in and access to medical care, grievance procedures, disciplinary proceedings, religious services, educational and vocational programs, and other IDOC programs and services. The settlement agreement requires IDOC to adopt many measures designed to ensure that deaf and hard-of-hearing inmates receive the auxiliary aids and services they need.

The Winston team was led by Partner **Bob Michels** and included work at various points over the years from many current and past firm members, including **Ken Berry, Ryan Dunigan, Jennifer James, Abby Mast, Mary McCarthy, Kate Watson Moss, Joe Motto, Pat Pratt, Joelle Ross,** and **Nicole Wrigley**. Winston partnered on the matter with Equip for Equality, Uptown People's Law Center, and the National Association for the Deaf.

Kevin Smith

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New York Transactional Attorneys Bolster Nonprofits' Governance Framework In partnership with New York-based public interest agencies, transactional attorneys in the New York office have helped bolster the nonprofit community by reviewing and

strengthening essential core governance documents.

- Real Estate Partner Corey Tessler assisted an upstate community development lender by revising and updating the organization's suite of lending documents. In addition to adding stronger terms and provisions for more suitable protection, Corey helped the organization work through various questions in connection with its community lending practice. Through flexible, innovative, and responsive lending, the community lender serves eight counties in the Hudson Valley and Fairfield County, providing loans that create quality jobs, affordable homes, and tax revenues to foster opportunity and create impact.
- Real Estate Partner Bill Lang and Associate Jeffrey Kahn supported a local Jewish community council in the negotiation of a lease renewal for the entire fourth floor of a community center. This nonprofit client has a mission of providing a wide spectrum of social services to low-income residents of southern Brooklyn, regardless of race and religion, to help foster neighborhood stabilization.
- Corporate Partner Kevin Smith and Associate Tae Sang Yoo assisted a local New York nonprofit with general corporate governance matters, including updating all of the organization's governing documents to ensure compliance with New York Notfor-Profit Laws. The client is a community-based organization focused on educating others about topics in nature through artistic expression.
- Corporate Partner Morton Grosz and Associates Tara Flanagan and Faiz Majidulla completed a corporate governance review and update of organizational documents for a New York City-based nonprofit dedicated to the promotion and funding of advanced research and clinical study of eye diseases and defects in visual development found in children. The ultimate goal of this organization is to reduce childhood blindness and visual impairment through the support of advanced clinical research.

"Corey Tessler assisted an upstate community development lender by revising and updating the organization's suite of lending documents."







Tara Flanagan

<u>CLIENT PARTNERSHIPS</u>





Justice Bus Participants



Irina Lyapis



Rick Frye

Silicon Valley, Los Angeles Attorneys Join Uber on "Justice Bus" Project Silicon Valley and Los Angeles attorneys attorneys Irina Lyapis, Erin Ranahan, Mike Rueckheim, Noori Torabi, and Kathi Vidal partnered with Uber in-house counsel and public interest organization OneJustice to provide pro bono assistance to individuals needing help with DACA and naturalization applications. The volunteer team traveled via a "Justice Bus" to Vallejo in Solano County, where low-income individuals have limited access to legal services.

Dallas Attorneys and Wells Fargo Help Disabled Clients Document Self-Determination

Attorneys in the Dallas office worked with Wells Fargo attorneys and pro bono agency Disability Rights Texas to help disabled adult clients and their families enter into supported decision-making agreements. Supported decision-making is a process of supporting and accommodating a person with a disability to enable the person to make life decisions without impeding the self-determination of the person. This includes decisions related to where and with whom the person wants to live; the services, supports, and medical care they want; and where they want to work. Partners **Rick Frye** and **Jordan Klein** organized the effort, and the team also included **Nick Gurguis**, Brian Jansen, Andrea Scheder, and **Matt Stockstill**.

California Attorneys and VMware Assist DACA Clients Renew Benefits

In collaboration with VMWare's legal department, Winston's Silicon Valley office hosted a pro bono clinic to assist clients brought to the United States as



SV — VMWare - DACA clinic

young children to extend their benefits under the Deferred Action for Childhood Arrivals (DACA) program. Winston and VMware volunteers helped 18 young adult clients apply for renewal of their benefits, which will extend their work authorization, allow them to continue living with their families in the United States, safeguard their ability to seek an education, and contribute to society through employment. Participating Winston volunteers included James Lin, Irina Lyapis, Matt McCullough, Kim Morris, Monique Ngo-Bonnici, Edward Son, Noori Torabi, Kathi Vidal, and Nimalka Wickramasekera.

Chicago Attorneys and JPMorgan Chase Address Tenants' **Living Conditions**

Partner David Baroni led a team of Winston Chicago attorneys who partnered with JPMorgan Chase legal department members to offer legal advice to tenants regarding the condition of their units and potential remedies under relevant Chicago landlord-tenant laws. Participating attorneys included Sean Apfelbaum, Joanna Collias, Sara Franklin, Allie Gecas, Mark Harris, J.R. McNair, Megan Pirooz, Andrew Steiger, Taylor Weaver, and Stephanie Weiss.



David Baroni

ANIMAL RIGHTS

Washington, D.C. Team Helps Strengthen USDA's Animal Exhibitor Licensing Scheme

Kim Ognisty and Vicki Hsai assisted the Animal Legal Defense Fund prepare comments for the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service in response to a proposed rule to modify the USDA regulations that govern standards for exhibitors (e.g., road side attractions with elephants, tigers, etc.). Regulations to stop "rubberstamping" approval of annual license renewals from licensed facilities (mainly exhibitors and breeders/dealers) are among those under consideration.

Pursuant to the current system, USDA will renew licensing based on a facility's assertion that it is in compliance with the Animal Welfare Act, even if there is evidence before the agency to the contrary. The comments we submitted argued that the USDA should strengthen and improve its licensing regulations to ensure that exhibitors with a record of non-compliance and/or animal abuse be barred from receiving licenses or renewals. The comments also request that USDA create better regulations allowing it to confiscate animals from facilities as part of the license revocation process.



"The comments we submitted argued that the USDA should strengthen and improve its licensing regulations..."

APPELLATE

Washington, D.C. Team Files Successful Amicus Briefs on Impact of Solitary Confinement

Washington, D.C. attorneys **Peter Bigelow, Claire Fundakowski, Paul Harold,** and **Chuck Klein**, with help from Chicago Partner **Brook Long**, filed amicus briefs in successful appeals brought before the U.S. Circuit Courts of Appeal for the Seventh and Eleventh Circuits. The briefs were filed on behalf of experts on the impact of solitary confinement, who assert that solitary confinement not only causes psychological harm, but they have conducted studies demonstrating that persons subjected to solitary also suffer physical harm. These findings supported the claims raised by the inmate petitioners that their sentences of solitary confinement constitute cruel and unusual punishment prohibited by the 8th and 14th Amendments.

Chicago Team Wins Immigration Appeal, Secures Asylum for Senegalese Client



Bailey Brandon, Chris Letkewicz, and **Dina Metz**, supervised by **Bob Sperling**, obtained a rare reversal and grant of asylum by the Board of Immigration Appeals for a Senegalese man who was the victim of repeated physical attacks and death threats on account of his sexual orientation. Our client hid his sexual orientation in light of Senegal's criminalization of same-sex sexual conduct and the widespread violence, harassment, and discrimination against gay men in his country. Our client's sexual orientation was discovered via a photo on his phone, and he subsequently endured physical attacks and death threats, lost his business, was ostracized from his family and community, and fled to the United States

CRIMINAL DEFENSE

New Project Provides Criminal Defense to "Emerging Adults"

The Chicago office initiated a partnership with local legal aid organization Lawndale Christian Legal Center to defend "emerging adults" (ages 16-24) residing in Chicago's Lawndale community who are accused of various non-violent crimes. A critical objective of the project is to prevent at-risk youth with a demonstrated commitment to the community and employment training from receiving felony convictions that can have a permanent negative impact on their employment prospects.

• Nathan Gilbert, Kelly Mannion, and Steve Schulte won a suppression hearing for an 18-year-old male who was stopped by police while riding his bike on the sidewalk, a violation of a city ordinance. The officers claimed they could smell marijuana on him and that he had a "suspicious bulge" in his waistband, which they assert provided probable cause for a search of his body. They recovered a gun and charged our client with the felony of aggravated use of a weapon. At the hearing, the Winston team successfully challenged the reasonableness of the stop and the search, and argued that the presence of a "bulge" alone cannot support a search for weapons.



Kelly Mannion



 Michael Bergerson, DaWanna McCray, and Steve Schulte secured a favorable plea agreement of time served and minor felony for a 20-year-old student who was initially charged with a Class X felony for the alleged delivery of 1-15 grams of heroin within 1,000 feet of a school. We demonstrated that the narcotics at issue and the site of the alleged sale did not meet the standards for a Class X felony , and we produced the alleged buyer, who confirmed he had never seen and did not purchase narcotics from our client.



HOUSING



Dallas Associate Wins Full Relief for Mother of Four in Eviction Retaliation Case Michael Fechner

supervised by Brett Johnson won

compensatory and extraordinary damages for a single mother of four who faced illegal eviction and terrible living conditions due to rodent infestation in her south Dallas apartment.

Rat snake

When the landlord denied our client's request for help to get rid of the rodents, she told the landlord (along with a few choice words) that she was calling code compliance. Later that same day, the landlord gave our client a notice to vacate and started eviction proceedings.

Michael quickly got ready for trial based on the expedited time frame for eviction proceedings in Texas. With the potential jury members assembled, he convinced the judge that a good tenant was being retaliated against for exercising her right to call code compliance on her landlord. Faced with the court's strong encouragement – and photos of a large rat snake that had been attracted to our client's apartment – the landlord agreed to —pay \$500, release all claims against our client, provide her with a new apartment, and pay for all moving costs.

"Michael Fechner supervised by Brett Johnson **won compensatory and extraordinary damages** for a single mother of four who faced illegal eviction and terrible living conditions..."

IMMIGRATION

Dallas Team Shields Refugee from Removal to Iraq

A team led by **Taj Clayton** and **Katrina Eash**, with assistance from Chicago Associates **Kevin Simpson** and **Lauren Tortorella**, prevented the removal of a refugee to Iraq, where he faced a high likelihood of torture and possible death. The client was born in Syria and had never set foot in Iraq, but its government considers him Iraqi by virtue of his father's citizenship. After his father died and his mother abandoned him, the client fled to the United States as a refugee, where he lived on the streets and was convicted of a crime in 2006 resulting in two years in prison. He ultimately turned his life around, became a husband, a father, a homeowner, and a skilled craftsman. In 2017, when federal immigration authorities began rounding up and removing Iraqi nationals with criminal records, the client faced removal to a country where his Western ties, criminal history, Syrian origin, and other factors put him at grave risk.

We successfully reopened the client's immigration proceedings based on deferral of removal under the Convention Against Torture, a narrow path to relief. Our team then had to prove that the client would more likely than not be tortured if he were removed to Iraq—a demanding burden that few claimants meet. After a full-day of evidentiary hearing with testimony by the client and expert witnesses and post-trial briefing by Winston, the court ruled in the client's favor. This hard-fought victory allows the client to remain in the United States with his wife and three young children.

New York Team Secures Asylum for Antiguan Domestic Violence Victim

Sofia Arguello, Lauren Duxstad, Matthew Olsen, David Pfeiffer, and **Seth Spitzer** obtained asylum for an Antiguan woman who was a victim of repeated emotional, physical, and sexual abuse by family members and domestic partners. Her most recent domestic partner severely beat and emotionally abused her, and repeatedly threatened to kill her if she left him. Given Antigua's acceptance of domestic violence against women and its government's failure to protect victims, our client was forced to flee to the United States. The Winston team helped our client obtain her work authorization permit, and she has been attending adult classes to learn how to read and write and receiving treatment for post-traumatic stress disorder.

Chicago Team Wins Asylum and Release of Nonverbal, Hearing-Impaired Man

Jasmine Fannell and Schuyler Ferguson, supervised by Steve Schulte and assisted by New York Associate Kathleen Kim, won asylum and release from detention for a 36-yearold man born in Mexico who is unable to hear or speak and is barely literate.

Our client was convicted in 2013 of reckless endangerment because of his involvement in an altercation between his brother and other individuals. Although initially finding him incompetent, the criminal court eventually determined our client could participate in his criminal proceedings and he entered a guilty plea to the offense. Removal proceedings were initiated against him in April 2015, but the immigration court terminated the proceedings, finding that they were fundamentally unfair due to his severe disabilities.

When the government appealed the decision to the Board of Immigration Appeals (BIA), our team stepped in and secured a finding by the BIA affirming the underlying decision;





Sofia Arguello



Jasmine Fannell

however, the BIA remanded the case back to Immigration Court to make additional findings regarding whether safeguards could ensure fair proceedings short of termination. On remand, the Winston team presented evidence – through extensive use of a sign language interpreter and certified deaf interpreter – about the hardship our client and his family would experience if he were deported to Mexico. The court ultimately agreed, holding that our client's deportation would cause his mother, a lawful permanent resident, extreme hardship. He was granted lawful permanent resident status and, after three years of detention, was finally released and reunited with his family in Wisconsin

LGBT ADVOCACY

Teams Partner with Lambda Legal, OutServe to Challenge DoD Policy

Working with Lambda Legal and OutServe-SLDN, Winston teams filed separate lawsuits on behalf of men denied the opportunity to serve as officers and facing possible discharge from the United States armed services because they are living with HIV. OutServe-SLDN is also an organizational plaintiff in this case to advance the interests of its members who are living with HIV and serving in the military. The attorneys on these matters are: **Bryce Cooper, Geoff Eaton, Jason Pesick,** and **Jennifer Parry**; and **Andrew Sommer, Cyrus Frelinghuysen, John Harding**, and **Vinnie Gianino**.

Both lawsuits challenge the Pentagon's current policies preventing enlistment, deployment, or commissioning as an officer of persons living with HIV. If successful, the lawsuits likely would affect implementation of the "Deploy or Get Out" policy announced by the Department of Defense in February 2018. One lawsuit was filed on behalf of a veteran of two overseas combat zones who was denied a position in the Judge Advocate General Corps. The companion second lawsuit was filed on behalf of an anonymous service member living with HIV whom the Air Force refused to commission as an officer after he graduated from the Air Force Academy.

Winston Wins Deportation Order Reversal for Guatemalan Immigrant

Mulan Cui, Tom Frederick, DaWanna McCray, and **Grace Rubalcava** won reversal of a prior immigration court deportation order for a client and cleared the way for his release after 30 months in detention. In November 2015, the client was ordered deported to Guatemala, his country of birth, following his conviction for multiple theft-related offenses, despite his status as a permanent U.S. resident who came to this country legally as a teenager in 1981. The immigration court found that the client failed to establish that, as a gay man with HIV, he would likely be subject to government-sanctioned and tolerated persecution in Guatemala. Our team appealed the court's determination, which was later remanded by the Seventh Circuit for reconsideration based on its decision in a similar appeal argued and won by a different Winston team.

At the remand hearing, we presented testimony from two experts who opined that government-sanctioned and tolerated persecution of the LGBT community, including arbitrary arrest, beatings, and torture, is pervasive in Guatemala and that the client faced a substantial risk of being subjected to such persecution if deported there. Based on this new evidence, the Immigration Court reversed its prior order and granted the client's application for relief from deportation.





Service to Seniors

Washington, D.C. Tax Partner Saves Client from \$46,000 Tax Bill

Ruth Wimer helped an elderly resident of the District resolve a government error in the amount of \$46,000 and secure an available "home-saver" tax refund in the amount of \$3,000. In 2014, the client had discovered a ten-year-old tax debt, which she paid using the proceeds of a reverse mortgage on her home. When the IRS later performed an audit, it located an address in the client's tax records and notified the District's Office of Tax and Revenue (DC OTR) adjustment. DC OTR calculated a tax of \$9,588 based on her adjusted gross income, which grew to \$46,000 with interest and penalties.



Ruth Wilmer

The senior was unaware of this alleged tax liability until she applied for an available "home-saver" tax refund in the amount of \$3,000, and her refund was garnished and applied to the alleged tax liability. Ruth persuaded DC OTR that the tax liability was improper because the client was not a District resident during the tax years in question, but rather had lived in Maryland. DC OTR reversed the liability after the client filed a revised 2003 Maryland return that Ruth calculated and prepared.

Dallas Team Wins Contested Proceeds of a Life Insurance Policy

On appointment by a Texas federal court, **Geoffrey Harper** and **Lane Webster** secured the proceeds of a life insurance plan for an elderly woman who had been named as a beneficiary to a policy purchased several years earlier by a former romantic partner. The children of our client's deceased partner contested the designation and suggested that the beneficiary form was forged and/or was the result of undue influence. Shortly before trial, the team discovered that our client and her former partner had engaged in unrelated litigation in 2009. With considerable effort, we were able to track down the retired court reporter from Johnson County, Texas, who located the tapes and sent typed transcripts two weeks before the pretrial hearing. The transcripts ruined the main theme of the plaintiffs' case, and they agreed to release the funds to our client.

LIFE PLANNING



James Kelly

New York Life Planning Project Assists Cancer Patients and Survivors

Attorneys in our New York office organized a Life Planning Clinic to assist low-income elderly cancer patients, cancer survivors, and disabled veterans prepare and execute vital life planning documents. These include wills, power of attorney, and living wills that empower persons to express their wishes with a legally documented voice. Participating attorneys included: **Shreyansi Agarwal, Mats Carlston, Ekaterina Casali, Bill Egler, Rob Heller, Alan Hoffman, Jaime Huertas, Jose Jaime, James Kachadoorian, Jeffrey Kahn, John Kalyvas, James Kelly, Scott Landau, Sarah Melore, Sara Monzet, Jason Pachter, Ulrika Palsson, Tiffany Pan, Soyun Park, Lars Randel, Zach Schelberg, Claude Serfilippi, Scott Sherman, Lynn Tanner, David Valk, and Jackson Yates**.

PERSONAL BANKRUPTCY

New York Attorneys Assist Pro Se Bankruptcy Litigants

Partners **Carrie Hardman** and **David Neier** led a team including **Glen Barrentine**, **Ekaterina Casali, William Egler, John Kalyvas, Joey Litman, Sara Monzet, Ulrika Palsson, Bart Pisella, Sara Qahoush,** and **Dan Shapiro** in assisting 14 pro bono clients with preparing the paperwork involved in a Chapter 7 bankruptcy proceeding. By guiding these clients through daunting paperwork, Winston volunteers provided an economic fresh start to fellow New Yorkers distressed by dire financial situations and debts.

POST-CONVICTION

Duo Wins Release for Client Ensnared in Administrative Foul-up

New York Associate **Adam Dale** supervised by Dallas Partner **Matt Orwig** secured a reduced sentence in a habeas proceeding in the Eastern District of Texas for a federal prisoner who faced an additional period of incarceration even though he had received a presidential grant of clemency. In 2006, our client was found guilty of a drug-related crime and, as a repeat offender, was sentenced to a term of life imprisonment. He was also sentenced to 37 months of imprisonment for violation of a prior "supervised release" sentence, but this sentence was silent regarding whether it was to run consecutively or concurrently with his life term.

Adam had previously secured an Executive Grant of Clemency, which ordered our client's release from the life sentence. However, the Bureau of Prisons (BOP) refused to release our client on the basis that the two sentences should run consecutively and that he must serve the violated supervised release sentence even though he was released from the life sentence. We convinced the court of the injustice of the BOP position; the court confirmed the sentences should run concurrently, and our client was released.

"Adam Dale secured a reduced sentence in a habeas proceeding

in the Eastern District of Texas for a federal prisoner who faced an additional period of incarceration..."





PRISONER RIGHTS

California Team Obtains Settlement for Severely Beaten Prisoner

Jonathan Goldstein, Scotia Hicks, Irina Lyapis, Jeanifer Parsigian, John Schreiber, Morgan Stewart, and Lev Tsukerman obtained a five-figure settlement for a prisoner severely beaten by police officers. Following a traffic accident, the officers handcuffed our client and placed him in the back of a police car. Our client realized his mother, who had been in the car with him during the accident, was not with him, and he panicked and called out for her repeatedly. The officers responded by removing him from the vehicle and forcing him to the ground on his stomach. The officers placed our client, still in handcuffs, in a control hold, struck him repeatedly with a flashlight, punched him in the face, and slammed his head into the pavement. This beating left our client with a separated shoulder, broken teeth, and lip laceration, and other injuries.

Proceeding against the officers for using excessive force, we conducted substantial discovery, including deposing four police officers and four bystander witnesses, subpoening documents, and issuing requests for admission. We successfully moved to add a claim against the City of San Francisco for failing to properly train its officers, and the officers then agreed to a five-figure settlement to compensate our client for his injuries.

Chicago Team Secures Settlement for Inmate with Seizure Disorder

Our attorneys secured a substantial settlement against the City of Chicago for a client who was detained by the Chicago Police Department and placed in a general population holding cell, despite repeated requests that he be placed in a solitary cell where he could be monitored because of his seizure disorder. The client suffered a seizure while in custody and, while unconscious, was allegedly assaulted by his cellmate. The City then denied his further requests for medical treatment stemming from the assault.



The Winston team pressured the City into settlement by defeating its motion to dismiss. Through aggressive discovery, we established that our client had a medically diagnosed seizure disorder, the City and its officers were aware of this seizure disorder, and the City failed to provide training to officers regarding the housing and treatment of detainees with seizures. John Drosick, Scott Glauberman, Steve Grimes, Sarah Krajewski, Thomas McAndrew, Brian Nisbet, and Thomas Weber worked on this matter.

"Our attorneys secured a substantial settlement against the City of Chicago for a client who was detained by the Chicago Police Department and placed in a general population holding cell..."



Johnathan Goldstein

NONPROFITS AND SMALL BUSINESSES

New York Corporate Lawyers Advise Small Businesses

The firm hosted a successful Small Business Clinic in the New York office organized by local pro bono agency Start Small Think Big. The clinic targeted under-resourced entrepreneurs working in underserved neighborhoods of New York City to help these business owners increase their personal financial security and stimulate economic activity in their communities. The Winston team provided counsel on choice of entity considerations and related formation concerns. Participating volunteers were **Michelle Chan, Lelise Gobena, Bryan Goldstein, Tara Greenberg, Rachel Ingwer, Samantha Katz, Brett Mueller,** and **Ryan Walden**.

Washington, D.C. Team Secures Patent for "Discoverability" Technology

Thomas Dunham, Dee Kumar, and **Sean Pryor** secured a patent for technology developed by a Chicago-based start-up business. The technology, named INFUSED, is a hyper-local discoverability and content management platform that allows businesses and individuals to geocache hotspots that broadcast push notifications to app users anywhere in the world from their mobile device, home, or office.



Samantha Katz



Thomas Dunham



Cross-Office Team Assists Landmine Removal Charity

A team led by Partner **Beth Kramer** counseled The HALO Trust (USA), Inc. and its Board of Directors, advising on board governance matters, providing tax guidance on matters relating to the organization's 501(c) (3) exemption, providing trusts and estates guidance in respect of a sizeable gift

bequeathed to the organization, and researching and advising on issues involving grants from the U.S. Department of State and the U.S. Agency for International Development. The HALO Trust (USA), Inc. is a nonprofit organization engaged with humanitarian de-mining in 20 countries and, together with The HALO Trust (a charity based in the U.K.), has pledged to clear the world of landmines by 2025. Attorneys involved in these matters are **Erin Baldwin, John Fehrenbach, Deborah Goldstein, Peter Hiebert, Jacqueline Hu, James Kachadoorian, Larry Kern, Mary Katherine Kulback, Becky Troutman,** and **Staci Yablon**.

Charlotte Attorneys Help Organic Farming School

Charlotte corporate associate **Jennifer Coupland** assisted an Asheville-based nonprofit that provides local farmers and businesses with organic farming education and instruction. The first such school operating in the Appalachian region, the client needed assistance in updating its key formation and governance documents, and contract templates to reflect the vibrant and dynamic organization it has become since it was formed in the early 1990's. Real estate attorney **Justin Hamrick** provided counseling and guidance on lease concerns.



Beth Kramer



Jennifer Coupland

SOCIAL ENTERPRISES AND INTERNATIONAL NGOS

Dubai Team Helps Social Enterprise Provide Household Goods to Low-Income Kenyans

Fraser Galloway, Christopher Shelton, and **Campbell Steedman** assisted a UK-based social enterprise operating in rural Western Kenya, in connection with a range of corporate matters. The client aims to improve the quality of life of rural families by selling on credit high-quality, low-cost household goods (e.g., solar lamps and systems, small appliances, and efficient cooking stoves) to people living in remote areas of Kenya. The team drafted an intercompany convertible loan agreement between the UK "parent" entity and its fully owned Kenyan subsidiary, and a transfer pricing policy covering the terms on which intragroup loans are provided from the UK parent to the Kenyan subsidiary.

Dallas Team Assists Social Enterprise Secure Impact Financing

Brian Jansen, David Lange, and Yang Wang, along with New York Associate **Ilya Bubel**, assisted a Guatemalan social enterprise raise additional financing available from social impact investors through the issuance of convertible notes. The client is working to build a sustainable, prosperous cacao supply chain in which farmers, chocolate makers, and the environment thrive together. It will use the additional capital for key hires and working capital, fueling the company's continued growth on its path to profitability.

London and Dubai Team Secure Equity Investment for Kenyan Social Enterprise

Zoe Ashcroft, Campbell Steedman, and **Christopher Shelton** represented a Kenyan social enterprise in an equity investment from impact investors. The team provided advice on the structure of the equity investment; reviewed and amended the existing Shareholders' Agreement; advised on establishing an Employee Share Ownership Plan scheme; and advised on moving the holding company from the UK to Mauritius. The social enterprise sells quality crop and livestock products, and provides services and training to over 100,000 farmers in Kenya, with a focus on underserved locations and marginalized communities.

"The team **provided advice** on the structure of the equity investment..."



Ben Bruton

Dubai Dispute Team Aids Consumer Banking Start-up

Ben Bruton and **Nick Sharratt** represent a social enterprise that provides bank accounts to low-income customers who would not otherwise be able to access them. The start-up enterprise is facing a claim in the English court from a former consultant who claims that he is entitled to compensation upon his termination. Our client is vigorously defending the matter on the basis that the proper jurisdiction is the UAE and that any claim should be commenced in the courts of Dubai.





David Lange

Chicago Team Negotiates Transition Placement for Student with Severe Disabilities

Matt DuWaldt and **Jim Junewicz** secured placement in a Chicago Public Schools (CPS) transition center high school for a 19-year-old student with Coffin-Siri Syndrome, associated mild intellectual impairment, traumatic brain injury, and ADHD. CPS had denied the student transition services and placement in a program that would support him in making progress towards his post-secondary goals. Deprivation of these services would have dramatically hindered his ability to live and work independently post-high school.

Working with the student's psychiatrist and members of the student's high school and Individualized Education Plan (IEP) team, our attorneys first convinced CPS to mediate the situation. CPS agreed quickly during mediation to all of the requests presented: special education placement at the student's desired school and door-to-door transportation to and from the school. In addition, the student has been enrolled in CPS' Extended School Year program.

Houston Team Secures Special Education Services for Autistic Child

Brandon Duke, John Keville, William Logan, and **Rick Smith** secured critical educational services for a student diagnosed with autism and ADHD. In crafting the child's IEP, the school had denied substantially all of his mother's requests and refused to consider any contradictory recommendations drafted by an independent expert because those recommendations were not signed prior to the IEP meeting. The child's mother filed a due process action challenging the IEP, but the school stymied her attempts to obtain critical discovery, including documents underlying the school's evaluation of the child's disabilities.

The Winston team joined the fray and immediately scored decisive concessions from the school regarding its claims of privilege and secured the production of critical documents, shifting the parties' bargaining position. The child's mother and the school quickly reached a favorable settlement that allows the child a full range of previously denied educational services, including small-group instruction, counseling services, special education resource-room instruction, and related transportation.

VETERANS AND SERVICE MEMBERS

Los Angeles Partner Secures Discharge Upgrade for Naval Veteran Suffering PTSD

Dan Passage helped a Naval veteran successfully petition for an upgrade of her discharge characterization from "other than honorable" (OTH) to "honorable," giving her vastly improved employment and housing prospects and access to medical benefits.

The client's original OTH discharge was based on her failed drug test and the military's "zero tolerance policy" with regard to use of marijuana. Had the veteran's senior officers and court martial investigated her circumstances, they would have found she had no history of drug use and received only favorable performance reviews. More significantly, they would have discovered that she was raped by a fellow sailor when she was five months pregnant. She began using drugs and alcohol to cope with her resulting

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Brandon Duke



Jim Junewicz



Dan Passage

(undiagnosed) PTSD and, following her discharge, spiraled into depression and anxiety, isolation, and drug use. Her increasing life difficulties eventually led to incarceration for possession. While in jail, our client was officially diagnosed with PTSD caused by the sexual trauma she endured. She has gone on to achieve sobriety, educational achievements, and therapeutic improvements.



Washington D.C. team with client

Washington, D.C. Team Secures Full Pension for Disabled Sailor

Peter Bigelow, Tom Mills and Ray Wuslich, with litigation graphics support from Allie Reagan and Dave Pennel, won

a significant victory for a 19-year-old active-duty sailor at his hearing before the Naval Physical Evaluation Board (PEB). The client suffers from debilitating psoriatic arthritis that renders him largely unable to use his back, hands, wrists, knees, hips, feet, shoulders, and elbows for any activities but light-duty administrative work. The Navy medical staff had issued a preliminary determination that our client was medically unfit for service but only 10% disabled. Confirmation of this finding would have resulted in his discharge from service just shy of the 20 years required to receive a full pension and health plan, and he would have received only a severance and no disability benefits.

The team faced the challenge of threading the needle between the medical unfitness and incapacity level regulations. This meant developing evidence that demonstrated the client was more debilitated than determined by the informal PEB review, but nevertheless capable of performing the reduced duties assigned by his commanding officer. Before the hearing even commenced, the presiding officer offered to settle by stipulating that the client remains medically fit for duty. This validated the team's legal theory and case presentation, and, more importantly, allows the client to complete his 20 years and retire with full pension and benefits.

Houston Associate Helps Vietnam Veteran Overcome Disability Benefits Denials

Rich McCarty won an appeal on remand to the Board of Veterans Appeals (BVA) for a veteran who had served as a helicopter mechanic, gunner, and crew chief on Huey helicopters during the Vietnam War. His service repeatedly exposed him to acoustic trauma from engine and rotor noise, gunfire, mortar blasts, and nearby artillery barrages. Diagnosed with tinnitus years after leaving the military, the client sought VA benefits for the condition starting in 2009, but the VA denied his request and subsequent appeals to the regional office and the BVA.

The U.S. Court of Appeals for Veterans' Claims found the BVA's decision inadequate and remanded the case back to the BVA with instructions to provide an adequate statement of findings and conclusions regarding its decision. Rich submitted a detailed remand brief for the client and coordinated a civilian medical examination to demonstrate that it was more likely than not that the client's condition arose from his military service. The BVA granted the client's entitlement to service connection for tinnitus, more than eight years after his original request for benefits.



Rich McCarty

Winston Offices Celebrate Pro Bono Accomplishments



LA office awards

Los Angeles

The Los Angeles office celebrated its second consecutive year of 100% attorney contribution of 20 or more pro bono hours with an In-N-Out Burger food truck. Along with the party, the office hosted a "pro bono fair" attended by local partner agencies that shared information about pro bono opportunities and the impact they have on the community.

Chicago

At an office-wide luncheon, the Chicago office recognized six teams for their outstanding pro bono service this past year. Honorees included the following firm members: **Carol Abing, Nina Alexander, Frank Battaglia, Ken Berry, Linda**

Coberly, Allison Cooney, Mulan Cui, Stephen D'Amore, Chris Essig, Tom Frederick, Laura Greenspan, Caryn Jacobs, Vivek Krishnan, DaWanna McCray, Samuel Mendenhall, Michael Meneghini, Lee Muench, Jonathan Retsky, Grace Rubalvaca, Sean Suber, Joanna Travalini, and Christopher Wilson.

New York

The New York office hosted its first annual Summer Pro Bono Awards Reception to toast several teams of firm members who participated on impactful projects or garnered significant wins on behalf of pro bono clients. Those recognized were: **Shreyansi Agarwal**, **Jeffrey Amato**, **Sofia Arguello**, **Erin Baldwin**, **Eva Cole**, **Molly Donovan**, **Mikaela Evans-Aziz**, **Rachel Benjamin**, **Jennifer Doran**, **Lauren Duxstad**, **Emily Ellis**, **Allan Fanucci**, **Johanna Rae Hudgens**, **James Kelly**, **Jeffrey Kessler**, **Kathleen Kim**, **Evan Miller**, **Sara Monzet**, **Matthew Olsen**, **Arielle Peters**, **David Pfeiffer**, **Angela Smedley**, **Erica Smilevski**, **Seth Spitzer**, **Corey Tessler**, **Sarah Viebrock**, and **Brett Waters**.



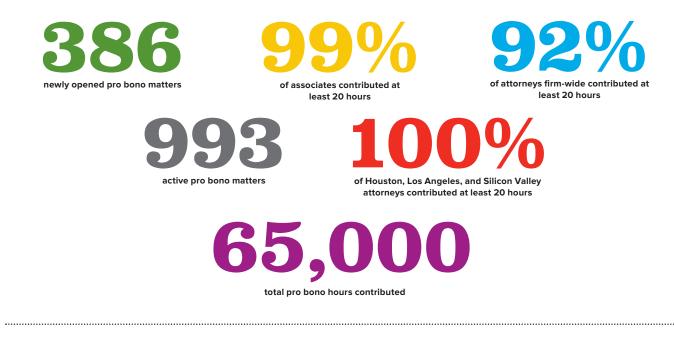
NY office awards event

"...firm members who participated on **impactful projects** or garnered significant wins **on behalf of pro bono clients."**



Winston Achieves Another Exceptional Year in 2017

Firm attorneys once again achieved record participation in pro bono activities, providing critical legal services to those who cannot afford counsel. Led by the Houston, Los Angeles, and Silicon Valley offices with 100% 20-hour achievement, the firm secured a ranking of 21st by *The American Lawyer*.



The firm's pro bono practice was ranked **21st overall**, and **7th internationally** by *The American Lawyer*.

Winston & Strawn LLP Pro Bono Department



Greg McConnell Senior Pro Bono Counsel (CH)



Maria Kutnick Pro Bono Counsel (CH)



Tara Moss Pro Bono Counsel (NY)



Nareeneh Sohbatian Immigration Pro Bono Supervisory Attorney (LA)



Mayra Orduno Pro Bono Assistant (CH)