EQUAL TIME
DIVERSITY AND INCLUSION
ANNUAL REPORT 2018-2019
Excellence in the practice of law, our storied pro bono program and our unbending commitment to diversity and inclusion are core values for all of us at Jenner & Block. It’s the reason why we take steps to ensure our policies and procedures reflect our deep commitment to these values and promote an environment free from discrimination and harassment. We are focused on building a diverse and inclusive culture because we know that a diverse team of extraordinary colleagues will position us to deliver the best possible product for our clients.

This edition features stories about the 2019 Diversity Dinner, headlined by Uber General Counsel Tony West, and our London Partner Christine Braamskamp, who reflects on her career and what it takes to effectively build teams and serve clients. You will also read about some of the firm’s significant matters from the past year and about several of the lawyers on those matters.

We update you on the firm’s diversity and inclusion initiatives, including our pipeline programs, our preferred pronouns initiative and our involvement in the Diversity Hackathon. We share stories from our Diversity Speaker Series, which included speaker Sarah McBride, the Human Rights Campaign press secretary who spoke of her struggle with gender identity.

We are proud of several recognitions we received, including being awarded WILEF’s 2019 Gold Standard Certification and, for 14 consecutive years, receiving a perfect, 100-percent score on HRC’s 2019 Corporate Equality Index for the “Best Places to Work for LGBTQ Equality.”

Our successes are guided by our Diversity and Inclusion Committee, which was formed more than 25 years ago. The committee, chaired by Partner Susan Kohlmann, includes senior partners and firm leaders working closely with Associate Director of Diversity and Inclusion Courtney Carter on a variety of innovative initiatives.

We hope you enjoy reading the report and knowing more about our diverse team of lawyers and initiatives.

Craig Martin
Firm Chair and Partner

Terry Truax
Managing Partner
34% of practice group leaders are women, lawyers of color or LGBT lawyers

48% of Jenner & Block associates are women

25% of Jenner & Block’s Policy Committee are women

39% of our Management Committee are women, lawyers of color or LGBT lawyers

26% of Jenner & Block associates are racially diverse

4% of newly elevated partners have identified as openly LGBT in the past three years
22% of newly elevated partners over the past three years have been lawyers of color.

58% of newly elevated partners have been women over the past three years.

50% of office managing partners are diverse.
CONTENTS

HAPPENINGS
18th Annual Diversity Dinner with Tony West ................................................................. 11
Diversity Speakers Share Their Insights .............................................................................. 13
Chief Judge Ruben Castillo Highlights His Law Career .................................................. 13
US Circuit Judge Robert Wilkins Discusses Mission to Build Monument ...................... 14
Sarah McBride Shares Her Struggle with Gender Identity .............................................. 14
Developing the Next Generation of Leaders ..................................................................... 16
Jenner & Block Becomes Mansfield Certified .................................................................. 17

PEOPLE
Christine Braamskamp: Building Teams and Serving Clients ........................................... 20
Precious Jacobs: Making an Impact in Chicago ................................................................. 23
Two Partners Head to the Bench ....................................................................................... 23
Ed Prokop Named Rising Star in M&A ........................................................................... 24
Carissa Coze and Team Represent Fox ............................................................................ 24
Reginald Hill Named “Nation’s Best” by Lawyers of Color ............................................. 25
SEO Fellows are Seizing Every Opportunity ................................................................... 25
Associates Widen the Diversity and Inclusion Reach ..................................................... 26
Firm Promotes Partner Class of 2019 .............................................................................. 26
Women’s Forum Focuses on Building Relationships ....................................................... 27
MATTERS

Judge Holds that Government Failed to Rationalize Decision to Rescind DACA .................................................. 30
Firm Assists Lonza on Complex Transactions ........................................................................................................ 31
Team Authors Amicus Brief Supporting Transgender Women .............................................................................. 32
Firm Achieves Victory in Cayuga Nation Leadership Dispute ............................................................................ 33
Team Obtains Defense Verdict in $250 Million Partnership Dispute ................................................................. 34
Firm Files Major Briefs for United Nations Re: Mexican Border Asylum Ban Cases ........................................... 35
Telecom Executives Defend Merger at Congressional Hearing ........................................................................... 35
Firm Prevails in Housing Dispute After State Supreme Court Denies Petition for Review ............................... 36
Firm Advises on Singularis Liquidation ................................................................................................................. 37
Unrivaled Prowess before State and Federal Appellate Courts ............................................................................ 38

AWARDS AND RECOGNITIONS

Human Rights Campaign Foundation Awards Firm Perfect Score ................................................................. 42
Firm again Earns Gold Standard Certification from WILEF .............................................................................. 42
Firm Participates in Fall 2018 Diversity in Law Hackathon ............................................................................. 43
Firm Implements Preferred Pronouns ................................................................................................................. 43
Proud to Earn Accolades ...................................................................................................................................... 44
Diversity Scholars Represent the Future ............................................................................................................. 45

THANK YOU

Letter from the D&I Committee ............................................................................................................................ 46
DIVERSITY AND INCLUSION
When Tony West became the chief legal officer at Uber in 2017, his goal extended beyond building a diverse team. He wanted to bring in the best talent he could find and create what he called “the most dynamic in-house team on the face of the planet.”

“I already knew when I said that, that the team was going to be diverse, because everything in my experience tells me that when you go out to get the best and you are intentional about looking for the best and casting a wide net, you are going to bring in a very diverse talent pool,” he told a crowd of more than 200 people during the firm’s 18th Annual Diversity Dinner.

According to Tony, he understood the importance of diversity and inclusion long before he was selected to lead a global team of more than 600 people in Uber’s Legal, Compliance and Ethics, and Security functions. “You can’t grow up in this country and be of color or be a woman and not experience what it feels like to be on the outside or experience what it feels like to have to be twice as good in order to succeed. It is a part of growing up,” he said during a post-dinner discussion moderated by Partner Katya Jestin. But it was during his law school experience that his views on the significance of diversity and inclusion in the legal field “crystalized.” He explains, “You are in this legal framework that in many ways has explicitly excluded you, and you’re trying to figure out ways to operate within it, excel in it and ways in which you can make it work for others.”

While general counsel at PepsiCo, Tony led an initiative to increase diversity and inclusion on his outside legal teams, which involved tabulating extensive metrics. “It’s the way to make sure women and people of
color are becoming a fabric of their law firms and therefore reflecting our values,” he explained, adding that companies often have to engage in some disruption to make a difference in diversity and inclusion. He is implementing a similar initiative at Uber.

With studies including those by Harvard and Stanford repeatedly reinforcing the value of diverse teams, Tony believes we are past making the business case for diversity. “The question is simply how to bring the diversity into your enterprise in order to enjoy some of that success.”

Asked to give advice to the law students in the room, Tony encouraged them to not be afraid of taking risks, acknowledging that this is often easier said than done: “In my experience, doing something unfamiliar is hard to do in the moment, but when you do it, you experience both growth and self-respect in ways that you can’t really imagine, and it makes you a better lawyer, a better professional, and I think it makes you a better person.”

Tony began his legal career at the Justice Department when he joined the Clinton administration in 1993, as a special assistant under Philip Heymann, the deputy attorney general of the United States Department of Justice. In 1994, Tony was appointed as an assistant United States attorney (AUSA) for the Northern District of California. As an AUSA, he prosecuted child sexual exploitation, fraud, narcotics distribution, interstate theft and high tech crime. In 2009, Tony returned to the Justice Department when President Obama nominated him to serve as assistant attorney general of the Department of Justice Civil Division. He transitioned from the Department of Justice to PepsiCo in 2014.

“You are in this legal framework that in many ways has explicitly excluded you, and you’re trying to figure out ways to operate within it, excel in it and ways in which you can make it work for others.”

— TONY WEST
Launched in 2001 by the Diversity and Inclusion Committee, the Speaker Series features prominent guests speaking about contemporary issues. This past year, Chief Judge Ruben Castillo of the US District Court for the Northern District of Illinois, Judge Robert L. Wilkins of the US Court of Appeals for the District of Columbia and Human Rights Campaign Press Secretary Sarah McBride joined us for informative discussions on how their background and their experiences have led to where they are today. The series is broadcast to all firm offices.

CHIEF JUDGE RUBEN CASTILLO HIGHLIGHTS HIS LAW CAREER

On September 21, 2018, the Chicago office hosted the third edition of the 2018 Diversity Speaker Series, featuring Jenner & Block alum Chief Judge Ruben Castillo of the United States District Court for the Northern District of Illinois. In a conversation with Partner Ramon Villalpando, Chief Judge Castillo spoke of his time growing up in the near west side of Chicago; moonlighting at night court during law school; his involvement with the Mexican American Legal Defense and Educational Fund and the US Sentencing Commission; and his ultimate role as chief judge of the Northern District since 2013.

“My two biggest responsibilities at the courthouse are to keep everyone safe, which is mandatory, and to keep everybody happy, which is aspirational,” the chief judge said. He then spoke about his accomplishments at the Northern District, including the integration of new technology in the courtroom and the broadening of diversity in jury pools by expanding data collection to sources such as driver’s license data and unemployment data.
US CIRCUIT JUDGE ROBERT L. WILKINS DISCUSSES MISSION TO BUILD MUSEUM

On March 22, 2019, the DC office hosted the first Diversity Speaker Series of 2019, featuring Judge Robert L. Wilkins of the United States Court of Appeals for the District of Columbia. Judge Wilkins spoke on the topics covered in his book, *Long Road to Hard Truth: The 100-Year Mission to Create the National Museum of African American History and Culture.* He described the endless obstacles and pervasive intolerance that supporters faced, starting with the fight to create a monument to honor the history and achievement of African-American soldiers at the end of the Civil War and ending with the museum’s groundbreaking ceremony in 2012 by our first African-American president, Barack Obama.

In 2000, Judge Wilkins quit his job at the Public Defender Service to focus full time on creating the national museum. He eventually served as chair of the Presidential Commission’s Site and Building Committee. In 2003, after a long and arduous journey, the bill finally passed allowing the creation of the museum. Judge Wilkins then battled to achieve the commission’s initial dream of having the museum located on the National Mall—a mission he eventually accomplished and describes as “one of the most important tasks I had undertaken in my life.”

SARAH MCBRIDE SHARES HER STRUGGLE WITH GENDER IDENTITY

On June 4, the firm continued its 2019 Diversity Speaker Series, featuring Human Rights Campaign Press Secretary Sarah McBride. Sarah spoke about her struggle with gender identity, how others stories have helped shape her work and what lies ahead in the fight for equality. She also discussed stories from her book, *Tomorrow Will be Different: Love, Loss, and the Fight for Trans Equality.* Sarah describes her experiences coming out as transgender to her family and classmates, falling in love and speaking at the 2016 Democratic National Convention where her speech marked the first time a transgender person addressed a national convention.

In her daily work, she is an advocate for a wide variety of LGBT issues, including the legislation around gender-equal bathrooms. During her discussion, Sarah pointed out that bathrooms have been at the center of every civil rights battle over the last 70 years. “If they can legislate, legalize and, in some cases, mandate discrimination in restrooms, it becomes the closest thing to a silver bullet to legislating that particular community out of public life,” she said. Sarah also discussed the importance of ally-ship, both within the LGBT community and with other marginalized communities. Sarah hopes that progress for LGBT individuals in the United States continues on so that children like Stella, a thirteen-year-old transgender girl, can fulfill her dream of becoming the first transgender president of the United States.

Sarah has a long history of LGBT advocacy including interning in 2012 at the White House, where she was the first openly transgender woman to work in any capacity. She worked in the White House Office of Public Engagement and Intergovernmental Affairs, where she advanced LGBT issues. She also served on the steering committee of Trans United for Hillary, an effort to educate and mobilize transgender people and their allies in support of Hillary Clinton.
DEVELOPING THE NEXT GENERATION OF LEADERS

As a firm, we strive to give back to the profession and larger community, including helping develop the next generation of leaders. Here is a snapshot of some of our efforts.

**Leadership Council on Legal Diversity (LCLD)**
Since 2012, 10 lawyers have been selected to be LCLD Fellows and Pathfinders.

**Sponsors for Educational Opportunity (SEO)**
In 2019, we welcomed five SEO Fellows.

**Diversity Lab Initiatives**
Since 2014, three lawyers joined the firm as part of the OnRamp program, we sent 10 lawyers to Mansfield Client Forums and had five partners participate in the OnTrack Sponsorship Program.

**Judicial Intern Opportunity Program (JIOP)**
Over the past year, 20 lawyers have participated in JIOP programs.
JENNER & BLOCK BECOMES MANSFIELD CERTIFIED, RENEWS COMMITMENT TO MANSFIELD RULE 2.0

Jenner & Block is Mansfield Certified, meaning that it has committed to consider at least 30 percent women and minority lawyers in candidate pools for leadership and governance roles, equity partner promotions and lateral positions. In 2017, nearly 50 law firms signed on to the inaugural pilot of the Mansfield Rule, an initiative designed to boost leadership roles for women and minorities in leading law firms. In July 2018, the firm enrolled in the second phase of the program—the Mansfield Rule 2.0—which expands the initiative to include LGBTQ lawyers.

The firm is among 50 firms that implemented the first version of the rule and one of 65 firms that renewed their commitment to the second, updated version of the Mansfield Rule. Jenner & Block plans on enrolling in the third phase of the program, scheduled to launch in late-summer 2019.
Imagine you are 22 years old, leaving your home and moving to a new country where you do not know the people, the customs or the legal system. You start a job in a foreign city, are criticized for your heavy accent and let go by your employer, not once but twice.

How likely are you to become a leader in the legal profession?

If you are Dutch national Christine Braamskamp, partner and co-chair of Jenner & Block’s Investigations, Compliance and Defense (ICD) Practice, the answer is this: very likely. Based in the firm’s London office, Chris is a leading lawyer in multi-jurisdictional white collar cases with extensive experience in high-profile trials and internal investigations.

But it wasn’t always that way. “Coming to England was a conscious decision,” she explains. “Staying was purely driven by curiosity and both a desire to do something different and have a challenge.” With a university scholarship in hand, Chris moved to Bristol, England from the Netherlands and began a part-time job at a local solicitor’s firm to fund her studies. “Part of my job was doing dictation. There were so many complaints about my heavy Dutch accent that I was let go twice, and brought back twice.”

After her second sacking, and also facing an important exam, she turned to a mentor who spent a weekend tutoring her. “Over the course of 48 hours, I learned to speak clearly as well as the skills I needed to pass my exams.” Her accent was never again an issue, and she passed her exams to be an accredited police station representative with one of the highest passing scores in England. “It was all thanks to having someone help me, mentor me, and most importantly, believe in me. These are valuable lessons I’ve tried to pass on,” she says.
Joining Jenner & Block in 2018, Chris was given a leadership challenge—help the ICD practice grow and help guide the flourishing London office, which opened in 2015 with two lawyers and now has more than 20. “I saw these challenges as exciting opportunities. What makes me most happy at this stage in my career is to build teams and to serve clients,” she explains.

She believes that building a successful team takes time and energy, and requires an inclusive mindset. “My leadership style is to understand the strengths and challenges of each team member and then to let each person’s diverse skills and experiences drive the discussions, strategies and approaches to our client’s problems. I put huge value in each person on our team,” she says, adding that her job is to guide the team and keep them focused on their mandate: solving problems.

“Often I am asked if I get frustrated by problems,” Chris explains. “Problems are why we are here. Solving problems are what we as lawyers have chosen to do. That is our job and it is what motivates me every day.”

Jenner & Block Associate Grace Signorelli-Cassady has benefitted directly from Chris’ leadership. “Chris believes in my potential and has fostered my personal and professional growth,” she says, having recently returned to Chicago after three months working with Chris in the London office.

For example, Grace went to Chris for direction about prioritizing multiple projects with competing deadlines. Instead of providing an immediate solution, Chris challenged Grace to explain how she thought the cases should be handled. “She encouraged me to take greater ownership and, in that moment, my mind-set changed. I came up with a plan, we discussed it and I executed it,” Grace explains. “Most importantly, from that moment on, I started to see issues and opportunities differently than before. I am a better lawyer because of her.”

Some other wisdom Chris shares with her team:

**Starting Out**

“Young lawyers often think they have to know everything to have a place on the team. You don’t. The moment you label the feeling of not knowing as ‘I don’t deserve to be here,’ you have held yourself back. Switch that voice off.”

**Mentors**

“Recognize the value of people around you. I benefitted greatly from mentors who helped me understand myself and how to manage people. When I made the transition from a barrister to a lawyer in private practice, I had to learn how to shift my focus from individual accomplishment to a team focus. I could not have made that transition without help.”

**Relinquish Control**

“You can’t control everything. By letting go of the urge to control, you realize that you have hurdles and some of them are very, very high, but that is our job. When you have a good team around you, you are not burdened by solving everything. Lean on the wisdom of your team. When you sit back and listen, others help you find the answers. Trust them to challenge you and remember that you are not always right.”

**Success**

“There is no single path to being successful. I was 42 when I made partner and had been practicing law for 16 years. But that was my path and the linear path to partner is not always the right path. I’m not underestimating how tough the climb may be, but a strict law firm ascension may not be the be all and end all. Look for other opportunities to create breathing room when you need it.”

“Young lawyers often think they have to know everything to have a place on the team. You don’t.”

— CHRISTINE BRAAMSKAMP
Partner Precious Jacobs was named an honoree of Chicago Scholars’ “35 Under 35.” This award recognizes diverse, talented young professionals who are making an impact within Chicago. In her profile for the award, Precious stated that she “lives to inspire other African-American women to not be limited by their circumstances.” Furthering her goal, she moderated a panel for the Black Women Lawyers’ Association of Greater Chicago, Inc., which discussed the different career paths taken by each general counsel, considerations for lawyers of color who are seeking to go in-house and general business development advice for outside counsel. Precious, a 2018 Leadership Council on Legal Diversity (LCLD) Fellow, also facilitated the 2019 Pathfinder Program. That program is designed to train high-performing, early career lawyers in critical career development strategies including leadership and building professional networks. Precious welcomed Associates Amy Inagaki and Tassity Johnson to the 2019 class of the Pathfinder Program, and Partner Ed Prokop as a 2019 LCLD Fellow.

**TWO PARTNERS HEAD TO THE BENCH**

This year, former partners Gabe Fuentes and Ken Lee joined an illustrious group of Jenner & Block lawyers who have served on the bench, including US District Court Chief Judge Ruben Castillo and Associate Justice of the Supreme Court of California Leondra Kruger.

Gabe now serves as US magistrate judge for the Northern District of Illinois, Eastern Division. His appointment was a result of the Judicial Conference of the US Courts held in September 2018. Their approval to add him as the 12th magistrate judge in the Eastern Division marked the first time a new magistrate judge position was open in nine years.

Gabe was a litigation partner focusing on antitrust criminal defense and complex civil matters. He served as a former law clerk to the Honorable John F. Grady and was an assistant US attorney for five years, after seven additional years in civil practice with the firm.

On May 15, the US Senate confirmed Ken’s nomination as US Circuit Judge, US Court of Appeals for the Ninth Circuit, making him the nation’s first Article III judge born in the Republic of Korea. His confirmation is the latest in a career that includes two previous turns in government service—the first as special counsel to the US Senate Judiciary Committee during confirmation hearings for Supreme Court Chief Justice John Roberts and the second as associate counsel to the White House during the George W. Bush administration.

While at Jenner & Block, Ken defended dozens of consumer class actions in California, Florida, New York and elsewhere, primarily those involving the food and beverage industry. In those cases, he achieved early dismissals of claims and denials of class certification, including first-of-its-kind victories in the field.
ED PROKOP NAMED RISING STAR IN M&A

Ed Prokop is a partner in the firm’s Corporate Department. He works closely with clients, advising them on a variety of domestic and cross-border public and private transactions in a broad spectrum of industries, including financial, energy, healthcare, media, technology and investment management, to name a few. These efforts have earned Ed a “Rising Star” recognition from Law360 in the Mergers and Acquisitions category. The honor highlighted his significant work representing General Dynamics through its $9.7 billion acquisition of CSRA, as well as the multibillion-dollar purchase of Diamond Foods and Campbell’s Soup Company by Snyder’s-Lance. Ed has also earned media recognition for his work on the team representing TENGA in its acquisition of 11 stations for $740 million from Nexstar Media Group. The stations included ABC, FOX and CW affiliates across eight Midwest and East-Coast markets. Ed also recently helped lead Lonza Group AG in connection with a $630 million sale of its global water care business to Platinum Equity. This year, Ed was selected for the 2019 Fellows Program of the Leadership Council on Legal Diversity, a national organization comprising corporate chief legal officers and law firm managing partners who are committed to creating a more diverse and inclusive legal profession.

CARISSA COZE AND TEAM REPRESENT FOX IN GROUNDBREAKING SPORTS-BETTING PARTNERSHIP

A firm team, led by Partner Carissa Coze, represented Fox Sports in a first-of-its-kind national media and sports wagering partnership between the company and The Stars Group to form Fox Bet. The companies plan to launch two products in the fall of 2019 under the Fox Bet umbrella: a nationwide free-to-play game, awarding cash prizes to players who correctly predict the outcome of sports games; and a second product that will give customers in states with regulated betting the opportunity to place real money wagers on the outcome of a wide range of sporting events in accordance with applicable laws and regulations. Sports Business Daily called the transaction, announced in May 2019, “the boldest step taken by a US media company in the sports gambling space.” Several other outlets reported on the deal, including The Wall Street Journal, Bloomberg, Financial Times and Associated Press, among others.

The cross-office team included Special Counsel David Sussman and Associates Young Woo (Ariel) Cho, Kristen Iglesias, Sharon Moraes and former associate Brendan Donahue. Members of the Content, Media and Entertainment Practice as well as the Antitrust; Investigations, Compliance and Defense; and Data Privacy and Cybersecurity Practices also assisted with the deal.
REGINALD HILL NAMED “NATION’S BEST” BY LAWYERS OF COLOR

Partner Reginald Hill was named to Lawyers of Color’s inaugural “Nation’s Best” list, which recognizes law firm partners and senior-level corporate counsel who have noteworthy accomplishments and a commitment to diversity and inclusion in the legal profession. Reginald’s commitment to diversity in the legal profession is a cornerstone of his practice. Earlier this year, he fielded a variety of questions from Northwestern University law students eager to learn about a law career. Topics included the underrepresentation of black lawyers in Big Law, gaining experience in the legal field and pitfalls that students of color should avoid. Reginald was also recognized as one of Chicago’s Notable Minority Lawyers by Crain’s Chicago Business, which cited his 24-year career as a patent trial lawyer with important victories for clients including Schneider Electric and Nissan.

From left to right: Tomi Johnson, Tayo Awoyina, Donovan Hicks, Mariah Watson, Denise Laspina.

SEO FELLOWS ARE SEIZING EVERY OPPORTUNITY

Jenner & Block proudly participates in the Sponsors for Educational Opportunity (SEO) program each summer. SEO has been an innovator in the education and mentorship arena for more than 50 years. SEO’s pipeline program pairs diverse incoming law school students with top law firms for a 10-week fellowship the summer before they begin their first year of law school. The program is highly competitive, with SEO selecting 118 Fellows from more than 1,200 applicants.

In summer 2019, the firm hosted five SEO Fellows in three offices: Ibitayo “Tayo” Awoyina, Columbia Law School (New York); Donovan Hicks, Stanford Law School (DC); Oluwatomisin “Tomi” Johnson, Northwestern Law School (Chicago); Denise Laspina, University of Michigan Law School (New York); and Mariah Watson, Harvard Law School (DC).
ASSOCIATES WIDEN THE DIVERSITY AND INCLUSION REACH

With 20 dedicated members, the Associate Board of the Diversity and Inclusion Committee provides a way for the firm’s associates to participate in the planning and execution of our diversity and inclusion goals and related programs. The Associate Board hosts events to promote inclusion and facilitate relationship-building as the members work alongside the D&I Committee to help create a more inclusive environment at the firm. The firm’s annual Diversity Dinner provides an opportunity for the board to meet in person, discuss current and future initiatives and plan the year ahead.

FIRM PROMOTES PARTNER CLASS OF 2019

Before the New Year, the partnership of the firm voted to elevate 10 associates, one special counsel and one of counsel to the partnership. The promotions were a testament to their commitment to excellence, their skills as lawyers and, most importantly, their contributions to our clients. Of these new partners, 75 percent identify as racially diverse or women, which echoes our commitment to diversity and inclusion.

Throughout the year, members of the Women’s Forum gather to support professional development and relationship-building opportunities both inside and outside the firm. The forum hosts a variety of events throughout the year, both internal and with clients and alumni, which has included a highly popular evening at The Joffrey Ballet. Smart programming provides our women lawyers with access to settings conducive for formal and informal networking, learning, mentoring and business development. As part of its long-term strategic planning, the Women’s Forum is focused on creating and maintaining an environment that maximizes the professional success of the firm’s women lawyers. Its efforts are geared toward improving transparency and measuring and improving the impact of firm women’s initiatives, modeling and training for success, and facilitating impactful relationships at every level.
MATTERS
JUDGE HOLDS THAT GOVERNMENT FAILED TO RATIONALIZE DECISION TO RESCIND DACA

The firm earned another victory in its effort to compel the US government to keep the Deferred Action for Childhood Arrivals (DACA) program. A DC federal judge recently held that the US Department of Homeland Security (DHS) failed to adequately rationalize its decision to roll back DACA. In his ruling, US District Judge John D. Bates gave the government 20 days to decide whether to appeal before he officially blocks DACA’s rescission.

The DACA program offers renewable two-year grants of deportation protection to undocumented immigrants brought to the country as children. In the autumn of 2017, the government announced it was rolling back the program. In response, the firm filed suit on behalf of Microsoft Corp, Princeton University and a Princeton student who is a DACA beneficiary.

In April 2018, Judge Bates gave the DHS 90 days to clarify its reasoning for rescinding DACA or else the program would continue. In June of that year, former DHS Secretary Kirstjen Nielsen responded with a three-page memo.

But on August 3, Judge Bates held that the DHS’ “hodgepodge of illogical” assertions in the memo “simply will not do.” Judge Bates wrote that the memo gave “almost no meaningful elaboration” as to why DACA was unlawful. The case is currently pending before the US Supreme Court.

Led by Partners Lindsay Harrison and Tom Perrelli, the team included Partners Ishan Bhabha and Sam Hirsch, Associates Alex Trepp and Jennifer Yun and former associate Benjamin Eidelson.
FIRM ASSISTS LONZA ON COMPLEX TRANSACTIONS

Firm client Lonza Group AG, one of the world’s leading suppliers to the pharmaceutical, biotech and specialty ingredients markets, entered into an agreement with Platinum Equity whereby Platinum Equity will acquire Lonza’s Water Care business and operations for US$630 million. Water Care is a leading provider of innovative water treatment solutions and a top global consumer brand in residential pool care with key positions in high-growth industrial and municipal water care markets. The deal closed in the first quarter of 2019.

In a separate transaction, Lonza acquired a controlling stake in Octane Biotech, a medical technology company with the advanced bioreactors, bioprocesses and biomaterials for regenerative medicine, with the right to acquire full ownership. The two companies have been collaborating since 2015 on the development of the Cocoon™ system, a patient-scale, closed and automated cell-therapy manufacturing system.

The two deals further strengthen Lonza’s focus on its healthcare continuum strategy and commitment to drive the next generation of manufacturing patient-specific and personalized therapies.

For the Water Care sale, (as shown on right) Partners Ed Prokop and Kevin Collins led the firm’s multidisciplinary team that included corporate counsel from Amy Inagaki, Julia Reeves and Sharon Moraes; financing counsel from Brian Hart and Young Woo (Ariel) Cho; antitrust counsel from Lee Van Voorhis, Karthik Reddy and Tarica Chambliss (not pictured); tax counsel from Geoffrey Davis; employee benefits counsel from Matthew Renaud and Jenna Bressel; intellectual property counsel from Steven Englund; environmental counsel from Steven Siros and Matthew Lawson; real estate counsel from Kristen Boike and Angela Williams; and labor and employment counsel from Emma Sullivan.

For the Octane transaction, the team included corporate counsel from Kevin, Ed, Kristen and Julia and tax counsel from Geoff.
The firm represented amici in an Iowa Supreme Court case that resulted in a victory for two transgender women who argued that the state’s failure to cover gender-affirming surgery constituted impermissible discrimination based on gender identity.

The two women, EerieAnna Good and Carol Beal, were Iowa Medicaid recipients who had been diagnosed with gender dysphoria and whose physicians had concluded that gender-affirming surgery was necessary to treat their gender dysphoria. Both women were denied coverage for the surgery based on an Iowa regulation that excluded coverage for surgery related to gender identity disorders and which considered such surgery to be “cosmetic” or “performed primarily for psychological purposes.” They filed a successful petition for review in the Iowa District Court. The Iowa Department of Human Services (IDHS) then appealed to the Iowa Supreme Court. The women were represented by the ACLU of Iowa Foundation and the John Knight of ACLU Foundation LGBT & HIV Project, and by Nixon Peabody LLP.

The firm authored an amicus brief on behalf of The American Medical Association, The Iowa Medical Society, The American College of Physicians, Mental Health America, National Association of Social Workers and GLMA: Health Professionals Advancing LGBT Equality. The brief argued that gender dysphoria is a serious medical condition and that transgender individuals have significantly higher rates of depression, suicide attempts and substance abuse than the rest of the population. The brief described the nature and symptoms of gender dysphoria, explained the pertinent diagnostic criteria, and described current standards of treatment. It explained that for certain individuals suffering from gender dysphoria, gender-affirming surgery is a medically necessary and effective treatment. The brief argued that IDHS’s decision to deny coverage for such treatment was discriminatory and violated the standards of care for treating the condition.

On March 15, 2019, the Iowa Supreme Court unanimously ruled that the IDHS discriminated against the women on the basis of gender identity, in violation of state law. Associate Lindsey Lusk authored the brief, with supervision by Partners Bob Stauffer and Devi Rao.
FIRM ACHIEVES VICTORY IN CAYUGA NATION LEADERSHIP DISPUTE

Partner **Previn Warren** and Associate **Leonard Powell** were part of a firm team that achieved a critical win on behalf of The Cayuga Nation Council. The US District Court for the District of Columbia upheld decisions by the Bureau of Indian Affairs (BIA) and the Department of the Interior recognizing the Nation’s resolution of its long-running leadership dispute. After the Nation’s leadership dispute had festered for more than a decade, the Cayuga people in 2016 undertook a traditional “statement of support” in which an overwhelming majority of eligible Cayuga citizens identified the Cayuga Nation Council as the Nation’s lawful governing body under Nation law. Thereafter, the BIA recognized the results of the process, and the assistant secretary of Indian Affairs affirmed that decision. But the faction rejected by the Cayuga people, known as the Jacobs Group, challenged those decisions in federal court, alleging that the Department acted arbitrarily and capriciously in violation of the Administrative Procedure Act and the Due Process Clause of the 5th Amendment.

The district court, however, rejected those arguments. First, it denied the Jacobs Group’s application for a preliminary injunction, explaining that the Jacobs Group “disagree[d]” with the Department’s decisions, but “that disagreement is not a sufficient basis for this Court to overturn an agency decision under the APA.” Then, on the merits, the district court granted the motions for summary judgment filed by the Council and the federal government—definitively upholding the Department’s decisions. *Cayuga Nation v. Bernhardt*, No. CV 17-1923 (CKK), 2019 WL 1130445, at *1 (D.D.C. Mar. 12, 2019).

Speaking on behalf of the Cayuga Nation Council, the federally recognized leader of the Nation, Clint Halftown, said the federal court’s decision represented a major step forward. “The Nation is grateful for this decision which, we hope, will allow our Nation to move beyond the differences that have divided us for so long and unite us going forward.”
Team Obtains Defense Verdict in $250 Million Partnership Dispute

A Jenner & Block team obtained a defense verdict in a $250 million jury trial over a long-running partnership dispute between brothers.

Our client retained the firm on the eve of trial. At issue in the case was an alleged oral partnership agreement between five brothers, under which one of them claimed that all money made from their businesses—primarily diamond and real estate interests worth an estimated $7 billion—was to be shared equally among the brothers.

That brother sued our client and several of our client’s companies for breach of oral contract, breach of implied covenant of good faith and fair dealing, and breach of fiduciary duty for wrongfully withholding $250 million from him as his share of the alleged partnership interest in the real estate holdings.

Following the two-week trial in Los Angeles County Superior Court and one day of deliberation, the jury returned a verdict in our client’s favor on all three causes of action, finding that the plaintiff’s claims fell outside the statute of limitations.

Partner Richard Richmond led the team, and Partner AnnaMarie Van Hoesen and Associate Nayiri Pilikyan also examined witnesses and handled motions.

Associate Camila Connolly, paralegals Chris Ward and Rachel Yee and legal assistants Laura Saltzman, Julie Lontok, Maria Reyes, Jennifer Rodriguez and Elizabeth Visick also provided support.
FIRM FILES MAJOR BRIEFS FOR UNITED NATIONS RE: MEXICAN BORDER ASYLUM BAN CASES

Last winter, the firm filed briefs of amicus curiae for the Office of the United Nations High Commissioner for Refugees (UNHCR) in three district court cases. The cases involve a challenge to the November 2018 change in federal asylum policy, which purports to ban access to asylum for anyone who crosses the southern border anywhere other than at a designated port of entry. The United Nations submitted the briefs because, in the view of the High Commissioner, the new policy is at odds with the United States’ obligations under domestic and international law.

Granting a preliminary injunction to keep the November 2018 federal asylum policy from going into effect, United States District Judge Jon S. Tigar wrote that the government failed to “grapple with the reasonable views expressed” in the UNHCR amicus brief.

After the government appealed Judge Tigar’s decision, the firm filed a brief of amicus curiae for UNHCR in the Court of Appeals for the Ninth Circuit.

Led by Partner Patrick Pearsall, the team also includes Associates Karthik Reddy and Vaishalee Yeldandi.
FIRM PREVAILS IN HOUSING DISPUTE AFTER STATE SUPREME COURT DENIES PETITION FOR REVIEW

Jenner & Block obtained yet another victory on behalf of three groups that assist low-income and minority homeowners, bringing a long-running lawsuit to a close.

On July 17, 2019, the California Supreme Court denied a petition from California’s governor and other state officials to review a Court of Appeal decision siding with the groups in ordering the transfer of more than $331 million from the State’s general fund to a settlement fund established to provide aid to financially distressed homeowners following the subprime mortgage crisis. After California received these funds in 2012, then-Governor Jerry Brown diverted the money to instead plug holes in California’s budget, despite a federal judge’s consent order directing the use of the funds specifically to help struggling homeowners.

In 2014, the firm filed a lawsuit on behalf of the three groups challenging Governor Brown’s diversions of funds that had been designated to help homeowners from the National Mortgage Special Deposit Fund (NMSDF) to the State’s general fund. In June 2015 after a one-day trial, the trial court agreed with the firm’s position, declaring “that $331,044,084 in offsets were unlawfully diverted from the NMSDF” and that California “is obligated to restore/return those funds to the NMSDF.” However, the court believed that separation-of-powers considerations precluded the court from issuing a writ of mandate requiring the transfer of the funds back to the NMSDF.

The State appealed. Following oral argument in Sacramento, the three-judge appellate court delivered a full victory to the firm’s clients. The appellate court not only agreed with the trial court’s ruling that the funds were unlawfully appropriated, but also went further than the trial court in ordering the full remedy the firm’s clients had requested.

After the Court of Appeal issued its July 2018 decision, Governor Brown appealed it to the California Supreme Court, which remanded the case back to the Court of Appeal in light of a new bill the governor signed into law in September 2018 aimed at circumventing the appellate decision and allowing the $331 million to be spent for general purposes and not in the aid of the struggling homeowners who were supposed to benefit from those funds.

In an April 2019 ruling, the Court of Appeal confirmed the conclusions reached in the original opinion in support of its order.

Governor Gavin Newsom (as successor to former Governor Brown) and co-defendants petitioned for a review from the state’s high court. In denying the review, the California Supreme Court made the Court of Appeal’s ruling final.

The team, led by Partner Neil Barofsky, included Partners Rick Richmond, Jessie Amunson and Jeff Atteberry, Associate Alexander Smith and former associates Benjamin Eidelson and Ava McAlpin.
FIRM ADVISES ON SINGULARIS LIQUIDATION

The firm continues to advise the Liquidators of Singularis in connection with the company’s claim against Daiwa Capital Markets Europe Limited alleging negligence with payments made by Daiwa to third parties to the detriment of Singularis in 2009. Following a three-week trial in December 2016, judgment was handed down in favour of our client. We subsequently defeated the entirety of Daiwa’s appeal to the Court of Appeal, which was heard in December 2017. Together with interest and costs, the value of the judgment in favour of our client stands at approximately US$190 million. Daiwa has obtained limited permission to appeal to the Supreme Court, with a hearing scheduled for July 2019.

The case has attracted much commentary and is being monitored closely by financial institutions as it deals with a range of important and unsettled legal points regarding the duties owed by banks and others handling client monies when there are suspicions of fraud or other financial crime. The judgment and the appeal address the landmark decisions in the Stone & Rolls, Bilta and Patel v. Mirza line of authorities, the latter two decisions being recent leading Supreme Court cases.

Led by Partner Christian Tuddenham, the team includes Partner Kelly Hagedorn and Associates Michaela Croft and Tracey Lattimer.

Top row: Christian Tuddenham, Kelly Hagedorn
Bottom row: Michaela Croft, Tracey Lattimer.
UNRIVALED PROWESS BEFORE STATE AND FEDERAL APPELLATE COURTS

Since July 2018, the firm has secured a number of appellate victories including the following:

**AKEEM DANIELS, CAMERON STINGILY, AND NICHOLAS STONER V. FANDUEL, INC. AND DRAFTKINGS, INC.**

victory in the Indiana Supreme Court.
October 2018. Partners Ian Heath Gershengorn and Ishan Bhabha

**CHARTER ADVANCED SERVICES V. LANGE**

victory in the Eighth Circuit.

**ZALMANOFF V. HARDY ET AL.**

victory in the Delaware Supreme Court, May 2019. Partners Martin Glass, Howard Suskin and Elizabeth Edmundson; Associate Remi Jaffré

**WASHINGTON STATE DEPARTMENT OF LICENSING V. COUGAR DEN, INC.**

victory in the US Supreme Court.
March 2019. Partners Adam Unikowsky, Ian Heath Gershengorn and Sam Hirsch; Associate Leonard Powell
PEOPLE V. KING
victory in the Illinois Appellate Court. August 2018. Partner Cliff Berlow

NATIONAL ASIAN AMERICAN COALITION ET AL. V. GAVIN C. NEWSOM ET AL.
victory in the California Court of Appeal. April 2019. Partners Neil Barofsky, Jessie Amunson, Rick Richmond and Jeff Atteberry; Associate Alexander Smith and former associates Benjamin Eidelson and Ava McAlpin

IN RE HERTZ GLOBAL HOLDINGS INC.

EXELON
victory in the Maryland Court of Appeals. August 2018. Partners David DeBruin, Matthew Price and Zachary Schauf

EXELON ZERO EMISSION CREDITS
victories in the Second and Seventh Circuits. September 2018. Partners Matthew Price; David DeBruin and Zachary Schauf; Associate Corinne Smith

IN RE HERTZ GLOBAL HOLDINGS INC.

AMERICAN EXPRESS
victory in the Second Circuit. May 2019. Partner Stephen Ascher; Associate Jeremy Ershow
AWARDS AND RECOGNITIONS
Once again, Jenner & Block received a 100-percent score in the Human Rights Campaign (HRC) Foundation’s 2019 Corporate Equality Index (CEI), a national benchmarking survey and report on corporate policies and practices related to LGBTQ workplace equality.

“Diversity and inclusion are part of our core values here at Jenner & Block. We make sure that our efforts to promote these values remain not only transparent, but also current in this ever-changing landscape,” said Susan Kohlmann, chair of the firm’s Diversity & Inclusion Committee, member of the Policy Committee and managing partner of the New York office. “Time and again, we’ve been recognized by the HRC for our consistent diversity and inclusion efforts, and as always, we are honored to be acknowledged for our continued initiatives to instill firm-wide fairness and equality.”

For 14 successive years, the firm has achieved a perfect score in criteria that includes prohibiting discrimination based on sexual orientation, gender identity or expression for all operations; having contractor/vendor non-discrimination standards that include sexual orientation and gender identity; offering transgender-inclusive health insurance coverage and firmwide organizational competency programs; and positively engaging external LGBTQ communities, among other standards.

“The top-scoring companies on this year’s CEI are not only establishing policies that affirm and include employees here in the United States, they are applying these policies to their global operations and impacting millions of people beyond our shores,” said HRC President Chad Griffin. “Many of these companies have also become vocal advocates for equality in the public square, including the dozens that have signed on to amicus briefs in vital Supreme Court cases and the more than 170 that have joined HRC’s Business Coalition for the Equality Act. Time and again, leading American businesses have shown that protecting their employees and customers from discrimination isn’t just the right thing to do—it’s also good for business.”

The Women in Law Empowerment Forum (WILEF) awarded Jenner & Block its 2019 Gold Standard Certification, making the firm one of 45 honored in the United States and among only 14 that met all six criteria for inclusion. This marks the sixth time that Jenner & Block has been recertified by WILEF, further reinforcing our core value of diversity and inclusion.

WILEF grants the certification to major firms (more than 300 lawyers in the United States and more than 100 lawyers in the United Kingdom) that meet criteria concerning the number of women among equity partners, in firm leadership positions and in the ranks of their most highly compensated partners.

Launched in New York in 2007, WILEF was founded to educate and provide networking opportunities for women in law firms. Betiayn Tursi, co-founder and global chair, has grown WILEF from a niche network to a global empowerment forum. “The dream is now a reality,” she says. “It’s all about giving women in law the toolbox to become leaders.”
FIRM PARTICIPATES IN FALL 2018 DIVERSITY IN LAW HACKATHON

Jenner & Block joined other leading law firms and legal departments of top companies for Diversity Lab’s 2018 Diversity in Law Hackathon. The Shark Tank-style pitch competition was aimed at generating innovative ideas for boosting diversity and inclusion in the legal profession.

The engaged participants included 63 high-level law firm partners and corporate legal department leaders, as well as 10 advisors and students from Northwestern Pritzker School of Law. Participants from UC Hastings College of the Law completed the 10 teams. After spending two months learning more about topics such as unconscious bias and receiving training on design-thinking and team dynamics, the teams brainstormed solutions for almost three months and presented their needle-moving ideas to a panel of distinguished judges in a pitch event in November 2018.

Partner Marc Van Allen served as the firm’s representative for the Hackathon. His team tied for “Crowd Favorite” for its proposal called the “Inclusion Rider.” The model would serve as a standard addendum to corporate legal department requests for proposals to law firms. It is described as an approach for law firms and legal departments to evaluate firms’ diversity and inclusion outcomes to promote better decision-making in lawyer selections at the outset of the bidding process for new work.

The Inclusion Rider would be completed with each RFP submission and include the most current information on matter staffing and a deep dive into actions that firms are taking to support and improve inclusion beyond diversity statistics. The Inclusion Rider would require review by the proposing partner and leadership. This solution would allow for direct comparison among firms while incentivizing them to make improvements in their diversity and inclusion efforts with every RFP submission. It also would encourage clients to include their own diversity and inclusion targets and allow for real-time, online access to the data to monitor improvements.

FIRM IMPLEMENTS PREFERRED PRONOUNS

In May 2019, Jenner & Block implemented new practices related to the use of preferred pronouns. All personnel now have the option of identifying their preferred pronoun in their email signatures, on the firm’s intranet, on jenner.com and on their business cards. This action places the firm among the first group of law firms to implement an optional process and was implemented as a recognition of the diversity within our society. The Diversity and Inclusion Committee, along with the Transgender Inclusion Working Group, helped to envision the rollout of the new initiative and provided leadership on how best to promote an inclusive environment.
PROUD TO EARN ACCOLADES

REGINALD HILL
Crain’s Chicago Business
“Notable Minority Lawyers”

SUSAN KOHLMANN
New York Law Journal
“Distinguished Leader”

TERRI MASCHERIN AND LINDSAY HARRISON
National Law Journal
“Trailblazers”

AMANDA AMERT AND JESSIE AMUNSON
Law360
“MVP”

CHRISTINE BRAAMSKAMP, GAYLE LITTLETON AND ERIN SCHRANTZ
Global Investigations Review
“Women in Investigations”

PREVIN WARREN
South Asian Bar Association of North America
“Rising Star”
DIVERSITY SCHOLARS REPRESENT THE FUTURE

During the Diversity Dinner, the firm introduced its 2019 Diversity Scholarship recipients. The scholars chosen are first-year law students who have demonstrated strong academic achievement and a commitment to community service. Associate Board of the Diversity and Inclusion Committee members Andrew Noll and Reena Sikdar introduced the recipients: (from left) Divine Collins, University of Chicago Law School; Jocelyn Sitton, Grant R. Folland Scholar, University of Chicago Law School; Sarah Soleiman, University of Illinois College of Law; Diversity Dinner Guest Speaker Tony West; Charles Mahone II, University of Michigan Law School; Kiana Outen, Northwestern Pritzker School of Law; and Partner Katya Jestin. (Not pictured: Diversity Scholar Carolina Herrera, Stanford Law School.)
In 2019, we continue to see news on the importance of diversity and inclusion not only in companies and organizations, but in society as a whole. It is not only a business imperative but, no less important, a moral imperative.

At Jenner & Block, we are fortunate to count many people of diverse backgrounds and cultures among our ranks. That rich diversity of thought and background reflects our deep-seated commitment to equality and social justice, as well as our belief that working collaboratively across diverse teams helps us arrive at better and more creative solutions.

Change happens when a wide range of individuals are actively engaged in efforts to increase diversity and inclusion within an organization. It is this goal that is embodied in both the fabric of the firm as well as its policies.

We thank you all for continuing the dialogue and supporting the committee’s efforts to maintain an inclusive environment where diverse lawyers have the opportunity to advance, develop and succeed.

Susan Kohlmann
Chair, Diversity and Inclusion Committee; Member, Policy Committee; Managing Partner, New York Office