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### Our Mission

Service to the LGBT Community is deeply rooted in Jenner & Block as exemplified in our mission:

*To exceed our clients' expectations every day by providing the highest caliber of legal counsel and advice, to contribute to the legal profession, to maintain our long tradition of public and community service and to provide our people with outstanding and challenging career opportunities.*

## Welcome

On behalf of the Firm and the Firm's Diversity Committee, we welcome you to the first LGBT edition of Jenner & Block's newsletter, Equal Time.

Our commitment to the LGBT Community is longstanding, as the information that follows clearly demonstrates. The importance we place on serving "the Community" is exemplified by the many Firm attorneys who play vital leadership roles within organizations which are dedicated to improving the quality of life for members of the LGBT Community and their families, friends and supporters. A great many attorneys with the Firm have handled matters for clients, including *pro bono* clients, that specifically correlate to present day issues facing the LGBT Community.

Jenner & Block is championing LGBT issues at all levels of the judiciary, including filing a brief *amicus curia*, along with the American Psychological Association, with the United States Supreme Court on behalf of James Dale, in *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000), supporting his position that lesbians and gay men should not be excluded from that organization by virtue of the fact that they belong to the LGBT Community. The Firm is also actively involved in toppling state-based sodomy laws throughout the nation. And the Firm works closely with Lambda Legal Defense of Chicago on a number of matters which touch and concern the LGBT Community.

The internal culture of the Firm is equally supportive of LGBT issues. The Firm's Diversity Committee is composed of members who are openly lesbian and gay, and is dedicated to addressing issues of racial and ethnic diversity, gender diversity, and sexual orientation diversity. Beyond that, the Firm offers domestic partnership benefits to its lesbian and gay employees, provides time off for lesbian and gay employees to care for their family members, and encourages its lesbian and gay employees to attend Firm events with their partners or significant others.

We hope you enjoy reading the LGBT edition of Equal Time. In this and future editions, we will share with you Jenner & Block's commitment to serving all aspects of the LGBT Community.

Sincerely,



**Robert L. Graham**  
Managing Partner



**Gail H. Morse**  
Partner  
Diversity Committee



**Marty Moore**  
Associate  
Diversity Committee

## Championing Causes Affecting the Community

**Jenner & Block has a long history of championing the causes and advancing the interests of the LGBT Community, on both a paid and *pro bono* basis, in a variety of legal matters. The most prominent of these matters include:**

- Jenner & Block's Washington DC office recently filed on behalf of the American Psychological Association, and the National Association of Social Workers, as well as the local Nebraska chapter of each organization, an *amicus* brief before the Nebraska Supreme Court in support of a lesbian's attempt to adopt her partner's biological child. Associate Nicole Berner assisted in the Firm's involvement in this case (*In Re Adoption of Luke*, Neb. Sup. Ct. 2001), which will determine whether Nebraska law permits second parent adoption by same-sex partners.

- Associates William Hohengarten and Nicole Berner in the Firm's Washington DC office are also filing on behalf of the American Psychological Association, and the National Association of Social Workers, as well as branches of the local Arkansas chapters of each organization, an *amicus* brief before the Arkansas Supreme Court in support of a lower court ruling striking down the state's criminal sodomy statute because it violates the right to privacy and equal protection of the laws guaranteed by the Arkansas constitution. The Arkansas statute at issue prohibits certain sexual conduct, but only when performed by persons of the same sex.

- In 2001, Associate Nicole Berner represented the DKT Liberty Project in an *amicus* brief filed in support of an 18-year old, developmentally disabled gay man in Kansas who was sentenced to 17 years in prison for having consensual oral sex with a 15-year old adolescent in their group home. The brief in *Kansas v. Limon*, (Kansas Ct. App. 2001) challenges as a violation of the equal protection clause of the federal Constitution a Kansas statute (the "Romeo & Juliet law") that creates an exception to the Kansas criminal sodomy law for teenagers who engage in consensual sexual conduct with one another. The Romeo & Juliet law only applies to opposite-sex couples.

- Last year, two attorneys in the Firm's Washington, DC office successfully represented various parents, children, and local teachers who challenged a Wichita Falls, Texas law enacted to remove two children's books about lesbian and gay parents -- *Heather Has Two Mommies*, by Leslea Newman, and *Daddy's Roommate*, by Michael Willhoite -- from the children's section of the public library. Represented by Partner Theresa Chmara and Associate Daniel Mach, our clients prevailed in this important First Amendment case, *Sund v. City of Wichita Falls*, 121 F.Supp.2d 530 (N.D. Tex. 2000), and the books were returned to the children's room in the library, where they remain today.

- Jenner & Block Associate Scott Schutte is representing the victim of an anti-gay hate crime in a *pro bono* case referred to the Firm by the

Lawyer's Committee for Civil Rights. In August 2000, a Chicago man was viciously beaten and left for dead by a group of attackers, who yelled anti-gay epithets both during and after the attack. On behalf of his client, Mr. Schutte is seeking civil damages in Cook County Circuit Court.

- Partner Stephen Wood successfully represented two gay Romanian asylum seekers who had fled their country due to anti-gay harassment, criminal prosecution, and imprisonment based on their sexual orientation. Mr. Wood secured political asylum for both clients, based on their membership in a "persecuted social group." One case was won in 1996 on the briefs alone, and the other was won in 1997, after a bench trial in the Federal Immigration Court in Chicago. These two cases were among the first in the nation, and the first in the Midwest Immigration and Naturalization Service region, to secure political asylum based on such persecution. The cases were referred from the Heartland Alliance.

- In 1993 and 1994, Mr. Wood successfully represented two victims of anti-gay hate crimes in a civil action against their attackers. On behalf of his clients, Mr. Wood secured a financial settlement, an injunction barring future harassment, and an in-court apology from each member of the harassing family, in the Circuit Court of Cook County. The case was referred from the Lawyers' Committee for Civil Rights.

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- In *McCaffrey v. State*, Partner Gabrielle Sigel represented Deborah McCaffrey in the Circuit Court of Cook County to regain custody of her adolescent son. Her son was taken from her by her sister-in-law when she left the hospital after receiving treatment for an AIDS-related illness. The Firm successfully represented her in regaining custody of her son.

- In the Virginia Court of Appeals, Jenner & Block filed an *amicus* brief in support of 10 defendants convicted of solicitation to commit oral sodomy (*DePriest v. Commonwealth*). Led by Partner Julie Carpenter, the Firm argued that the sodomy statute violated the right of privacy protected by the Virginia Constitution, and that punishing sodomy as a felony constituted cruel and unusual punishment.

- The Firm also represents two individuals in a federal court challenge to a state sodomy statute, in *Devescovi v. Ventura*, (Dist. of Minnesota).



### Negotiating a sticky wicket for a good cause

Led by Partner Gail Morse, Jenner & Block helped Open Hand Chicago raise over \$26,000 this summer by fielding two 8-player teams at the annual Croquet du Soleil benefit held on Chicago's lakefront. Chicago's leading provider of food and nutritional services for people living with HIV/AIDS, the non-profit agency has served over 3.5 million meals through its grocery centers and home-delivered meal program.

### Jenner & Block's "Community" Involvement

Attorneys at Jenner & Block have long supported efforts to serve the LGBT Community. Their contributions of time, legal assistance and funds have aided a wide variety of organizations including the following:

**Ross Bricker**

Represented the People with AIDS Coalition in Miami from 1992-1996.

**Christopher Dickinson**

Board of Directors member for the AIDS Legal Council of Chicago. Also served as volunteer attorney for the Council.

**Gail Morse**

Serves on the boards of directors for the Women's Treatment Center and Open Hand Chicago; and was the first openly lesbian member appointed to the Cook County Commission on Women's Issues.

**David Neff**

Has handled bankruptcies for the AIDS Legal Council of Chicago for more than a decade.

**Gabrielle Sigel**

Founding Director of the AIDS Legal Council of Chicago, now a widely

respected, United Way funded organization providing *pro bono* legal assistance and advocacy for those affected by AIDS and HIV. From 1988-1999, Gabrielle was Director and Officer of the Council.

**Stephen Wood**

Founding member (1987) of the Lesbian and Gay Bar Association of Chicago. Served on Board of Directors 1991-1996. AIDS Foundation of Chicago, Board of Directors 1997-1999. Gay & Lesbian Victory Fund, Board of Directors (National) 1993-1995.

## *Meet Jenner & Block's Openly Lesbian and Gay Attorneys*

### Partners



**CHRISTOPHER C. DICKINSON**

Partner, Chicago  
Tel: 312 923-2858  
Fax: 312 840-7258  
E-mail: cdickinson@jenner.com

Christopher C. Dickinson is a member of the Firm's Insurance Litigation and Counseling Practice.

Mr. Dickinson focuses primarily on the representation of corporate policyholders pursuing insurance recovery for high-stakes claims in such areas as intellectual property, competitive injury, consumer fraud, fidelity, employment discrimination, catastrophic bodily injury and environmental damage. He has managed and successfully concluded complex litigated insurance coverage disputes on behalf of clients as diverse as the nation's second-largest consumer finance company, an interstate trucking company, local gas utilities, a major high-technology leasing firm and an interstate pipeline company. He has obtained significant recoveries for those and other clients under general liability insurance, directors and officers liability insurance and fidelity bonds, from virtually all of the major insurers in both the domestic and London markets. His insurance litigation practice has taken him to state and federal courts across the nation and is marked by particular emphasis on appellate advocacy.

Mr. Dickinson also counsels corporate policyholders in dealings with their insurers outside the litigation context, for example, in developing coverage-enhancing strategies and in designing new insurance programs in the wake of mergers, divestitures or acquisitions.

Mr. Dickinson graduated with distinction from the University of Wisconsin – Madison in 1982, and received his law degree *cum laude* from the University of Wisconsin in 1988. He is admitted to practice in Illinois and Wisconsin, and in several federal trial and appellate courts, including the trial bar of the federal district court in Chicago.



**GAIL H. MORSE**

Partner, Chicago  
Tel: 312 923-2672  
Fax: 312 840-7672  
E-mail: gmorse@jenner.com

Gail H. Morse heads the Firm's State and Local Tax Practice and is a member of the Firm's Tax Controversy Practice. Ms. Morse also serves on the Firm's Diversity Committee.

Ms. Morse's practice includes federal, state and local tax matters. In her state and local practice, Ms. Morse assists

clients, on a national basis, in formulating and implementing strategies to minimize state tax exposure. Ms. Morse counsels multinational and multistate businesses, private and publicly held businesses, tax-exempt entities, and individuals on all kinds of state and local taxes including, franchise, income, sales, use, personal and real property, gross receipts and miscellaneous other state and local taxes. She also advises clients on related matters such as unclaimed property reporting, tax amnesty programs, voluntary disclosures, and identifying state tax credit and incentive opportunities. Ms. Morse counsels clients on the state tax aspects involved in business acquisitions, mergers and dispositions, and the day to day operations of business. She frequently represents clients before state tax administrative agencies and tribunals and provides clients assistance in state legislative and regulatory matters.

Ms. Morse began tax practice as an attorney advisor in the legislation and regulations division of the Internal Revenue Service's Office of Chief Counsel. While there, she worked on a variety of legislation and regulation issues, including those related to pass-through entities and employment taxes. She continues that federal practice by counseling clients on issues related to pass-through entities, employment taxes and compensation issues, as well as a wide variety of other business and individual tax issues, including collection issues. She represents clients before the IRS, the United States Tax Court and federal district and appellate courts.

Ms. Morse is a member of the American Bar Association's and the Chicago Bar Association's state and local tax committees. She is active in the Women's Bar Association of Illinois, and WILPOWER, the political action committee of the Women's Bar Association of Illinois. Ms. Morse also serves on the boards of directors for the Women's Treatment Center and Open Hand Chicago and is a commissioner on the Cook County Commission on Women's Issues.

Ms. Morse earned her bachelor of business administration with honors from the University of San Diego in 1979, her J.D. from the University of San Diego School of Law with honors in 1982, and her Masters of Law in Taxation from the Georgetown University Law Center in 1986. She was a member of the San Diego Law Review. Ms. Morse is a member of the state bars of California, Colorado, the District of Columbia and Illinois, as well as the United States Supreme Court, the United States Tax Court and numerous other federal district and appellate courts.



**STEPHEN L. WOOD**

Partner, Chicago  
Tel: 312 923-2845  
Fax: 312 840-7245  
E-mail: swood@jenner.com

Stephen L. Wood is a member of the Firm's Class Action Litigation and Securities Litigation Practices.

Mr. Wood's litigation experience includes trial and appellate work in state and federal courts across the country, as well as arbitrations and mediations before single- and multiple-member panels. He has broad experience in defending securities class action cases and he has represented mutual funds, investment advisors, issuers, directors and officers and accountants in securities fraud matters. Mr. Wood also has represented defendants in consumer protection class action litigation. Prior to joining the Firm, he served as a staff attorney on the United States Court of Appeals for the Seventh Circuit.

Mr. Wood is an active member of the consumer and personal rights litigation subcommittee of the ABA litigation section, where he is in-coming co-chair of the program committee. He also is a member of the Chicago Bar Association's securities law and class litigation committees.

Mr. Wood received a business degree in economics from the University of Denver in 1983. He received his law degree with high honors from Chicago-Kent College of Law in 1989, where he was elected to the Order of the Coif and served as editor in chief of the *Chicago-Kent Law Review*. Mr. Wood is admitted to practice in the state of Illinois and before various federal district courts and courts of appeal, and he is a member of the trial bar of the United States District Court for the Northern District of Illinois.

## Associates



### NICOLE G. BERNER

Associate, Washington, D.C.  
Tel: 202 639-6010  
Fax: 202 639-6066  
E-mail: nberner@jenner.com

Nicole G. Berner's practice concentrates on commercial litigation, class action litigation, and civil rights law. She also represents clients in technology licensing agreements and counsels clients with respect to emerging legal and regulatory requirements related to doing business on the Internet.

Ms. Berner's *pro bono* practice includes serving as a guardian *ad litem* for abused and neglected children in D.C. Superior Court.

Prior to joining Jenner & Block, Ms. Berner was an associate in the International Department of a leading Israeli law firm where her practice focused on counseling and representing start-up and established telecommunications, computer software and hardware, bio-tech and e-commerce companies in local and international transactions. In addition to general corporate representation, she prepared and negotiated license agreements, OEM agreements, development agreements, distribution agreements, and teaming agreements.

Ms. Berner served as a judicial law clerk to the Honorable Betty B. Fletcher of the United States Court of Appeals for the Ninth Circuit and to the Honorable Thelton H. Henderson Chief Judge of the United States District Court for the Northern District of California.

Ms. Berner graduated Phi Beta Kappa in 1988 from the University of California at Berkeley, and graduated Order of the Coif in 1996 from Boalt Hall School of Law at the University of California Berkeley, where she completed concurrently a Master's Degree in Public Policy. She is a member of the California Bar and the Bar Association of the District of Columbia.



### JESSE B. CHRISTENSEN

Associate, Chicago  
Tel: 312 840-8624  
Fax: 312 840-8724  
E-mail: jchristensen@jenner.com

Jesse B. Christensen is a member of the Firm's Litigation and Telecommunications Practices.

Mr. Christensen represents WorldCom in litigation in federal and appellate courts in matters arising under the Telecommunications Act of 1996. Specifically, Mr. Christensen represents WorldCom in appeals from state public utility commission decisions arbitrating, interpreting and enforcing interconnection agreements and tariffs.

Mr. Christensen received his B.A. in political science *cum laude* from the University of Colorado at Boulder in 1997. He received his J.D. with high distinction from the University of Iowa College of Law, where he was also awarded the Erich D. Mathias Award for International Social Justice. Prior to entering law school, he worked as a legal assistant to an attorney practicing immigration law in Colorado.



### LISA PARKER GATES

Associate, Chicago  
Tel: 312 923-2624  
Fax: 312 840 7624  
E-mail: lgates@jenner.com

Lisa Parker Gates is a member of the Firm's Intellectual Property and Technology Law Practice and its Health Care Practice.

Ms. Gates concentrates her practice on intellectual property and technology licensing, trademark prosecution, copyright protection, e-commerce and online law, e-health issues and non-profit law.

Before practicing law, Ms. Gates worked as a writer, editor and product development manager for a number of organizations, including the National Restaurant Association Educational Foundation.

Ms. Gates is a member of the Illinois Bar Association, the Chicago Bar Association and the Chicago Council of Lawyers.

Ms. Gates graduated *cum laude* from Loyola University Chicago School of Law in 1999 and received her masters degree in journalism in 1987 from Northwestern University's Medill School of Journalism. Ms. Gates served as both editor-in-chief and features editor of the *Loyola University Chicago School of Law Public Interest Law Reporter*.



**WILLIAM M. HOHENGARTEN**

Associate, Washington, D.C.  
Tel: 202 639-6048  
Fax: 202 639-6066  
E-mail: [whohengarten@jenner.com](mailto:whohengarten@jenner.com)

William M. Hohengarten is a member of the Firm's Antitrust and Trade Regulation, Appellate and Supreme Court, Telecommunications and Litigation Practices.

Mr. Hohengarten maintains an active general litigation practice. He has advised and represented clients in a variety of antitrust and commercial disputes and litigation, including matters under the Sherman Act, the Robinson-Patman Act, and commercial contract, fraud, trade secrets, business torts, and dealer termination litigation. In addition, Mr. Hohengarten has an active appellate and Supreme Court litigation practice, focusing on regulatory appeals, commercial matters, and civil rights and constitutional law.

In the regulatory area, Mr. Hohengarten has represented clients in judicial review proceedings of agency decisions regarding interconnection arrangements between telecommunications carriers, universal service obligations, license revocations, constitutional limitations on ratemaking, and numerous other matters. In commercial appeals, he has represented clients in contract, fraud, and business tort cases.

He has also represented parties and *amici curiae* in appeals presenting a wide variety of constitutional issues, including sovereign immunity, takings of private property, the census and congressional representation, procedural due process, the death penalty, and the right of privacy. The U.S. Court of Appeals for the District of Columbia Circuit appointed Mr. Hohengarten to present arguments as friend of the court in an appeal raising novel questions concerning freedom of religion and qualified immunity.

Mr. Hohengarten received a B.A. in History in 1984 from Reed College, a Ph.D. in Philosophy in 1991 from

Northwestern University, and a J.D. in 1994 from Yale Law School, where he was a Notes Editor for the *Yale Law Journal*. Mr. Hohengarten was also selected as a Fulbright Scholar at the Free University Berlin in 1984-1985.

Mr. Hohengarten served as a law clerk to Justice David H. Souter of the United States Supreme Court in 1996-1997, and to Chief Judge Jon O. Newman of the U.S. Court of Appeals for the Second Circuit in 1994-1995. He is admitted to practice in the District of Columbia and New York, as well as a number of federal courts.

## JORGE M. LEON



Associate, Chicago  
Tel: 312 923-2815  
Fax: 312 840-7215  
E-mail: [jleon@jenner.com](mailto:jleon@jenner.com)

Jorge M. Leon is a member of the Firm's Employee Benefits and Executive Compensation Practice.

Mr. Leon counsels clients on a wide range of issues relating to employee benefits and executive compensation, including the benefit aspects of corporate transactions, executive and equity compensation and qualified and non-qualified retirement plan issues. Recently, he has consulted on ERISA litigation issues, Taft-Hartley trusts and stock option plans for Internet and traditional companies. In addition to his recent work, he counsels clients on a variety of Internal Revenue Code/ERISA compliance issues including fiduciary duties, minimum distribution requirements, qualified domestic relations orders and other plan qualification requirements. He also frequently counsels clients on the securities law and tax aspects of equity-based retirement and equity incentive plans.

Mr. Leon is a member of the Chicago Bar Association, the Illinois State Bar Association and the American Bar Association.

Mr. Leon graduated from the University of Illinois at Urbana-Champaign in 1995 and obtained his J.D., *magna cum laude*, from the University of Illinois College of Law in 1998. Mr. Leon served as a notes and comments editor for the *University of Illinois Law Review*. Mr. Leon is a member of the Illinois bar and is admitted to practice before the U.S. District Court for the Northern District of Illinois.

**MARTY MOORE**

Associate, Chicago  
 Tel: 312 840-7627  
 Fax: 312 840-7727  
 E-mail: [marty.moore@jenner.com](mailto:marty.moore@jenner.com)

Marty Moore is a member of the Firm's Litigation and Telecommunications Practices, focusing on telecommunications law, business torts, insurance coverage, and environmental crimes. Mr. Moore represents WorldCom in federal and appellate courts across the country in appeals from state public utility commissions arising under the Telecommunications Act of 1996. His pro-bono work emphasizes civil rights law, criminal defense work, and domestic abuse cases. At the Firm, he serves on the Firm's Diversity Committee.

Mr. Moore is a member of the National Lesbian and Gay Law Association, Lesbian and Gay Bar Association of Chicago, the American Civil Liberties Union, and the Chicago Council of Lawyers. He was co-founder and currently serves on the Board of Directors of GLO, the Gay and Lesbian Community Center of the Ozarks, located in Springfield, Missouri.

Mr. Moore graduated *magna cum laude* from Southwest Missouri State University in 1996, receiving double Bachelor of Science degrees in both Sociology and Political Science with minors in Gender Studies and African-American studies. He received his *Juris Doctor* with highest honor from DePaul University College of Law in 1999, and was elected to the Order of the Coif. While in law school he served on the Executive Editorial Board for the *DePaul Law Review* as the Review's Symposium Editor. He was also President of the Bi Gay Lesbian Law Student Association. Upon graduation, Marty was selected Graduate of the Year for the class of 1999, and was a member of the Dean's Advisory Committee on Racism and Diversity.

**R. STEPHEN PAINTER, JR.**

Associate, Chicago  
 Tel: 312 840-7469  
 Fax: 312 840-7569  
 E-mail: [spainter@jenner.com](mailto:spainter@jenner.com)

R. Stephen Painter, Jr. practices general business litigation.

Before joining Jenner & Block in 2001, he graduated with honors from the University of North Carolina School of Law. In law school, he was a member of the Lambda Law Students Association, co-coordinator of the Death Penalty Project, and volunteer for the University of North Carolina

Pro Bono Program. He served as Executive Articles Editor of the North Carolina Law Review and published a student note on the United States Supreme Court's continued winnowing of federal *habeas* review.

In 1996, he graduated with Distinction and Highest Honors from the University of North Carolina.

**MARGARET J. SIMPSON**

Associate, Chicago  
 Tel: 312 923-2857  
 Fax: 312 840-7257  
 E-mail: [msimpson@jenner.com](mailto:msimpson@jenner.com)

Margaret J. Simpson is a member of the Firm's Antitrust and Trade Regulation Practice and its Commercial Law and Uniform Commercial Code Practice.

Ms. Simpson concentrates her practice in antitrust and commercial litigation and antitrust counseling. Ms. Simpson has worked on a number of antitrust cases, including patent litigation with substantial antitrust issues and antitrust challenges to distribution arrangements.

Ms. Simpson received her B.A. from St. Olaf College in Minnesota, her M.S. and Ph.D. in economics from the University of Wisconsin-Madison, and her J.D., with honors, from the University of Chicago. She is a member of the ISBA and ABA sections of antitrust law and the American Economic Association.

**LAURA A. THOMAS**

Associate, Chicago  
 Tel: 312 840-8684  
 Fax: 312 840-8784  
 E-mail: [lthomas@jenner.com](mailto:lthomas@jenner.com)

Laura A. Thomas is a member of the Firm's Litigation Practice.

Ms. Thomas graduated from the University of California at Berkeley in 1988 and received her J.D. from the University of Indiana in 2000.

In the summer of 1999, Ms. Thomas clerked for the United Nations High Commissioner for Refugees in Brussels, Belgium. Her work focused primarily on enforcement of convention standards in the BeNeLux countries.

## About Jenner & Block

Jenner & Block is one of the nation's most prestigious law firms. Founded in 1914, the Firm consistently delivers excellent business advice and counsel and secures exceptional victories for clients from the trial level through the United States Supreme Court.

As a national, full-service law firm headquartered in Chicago, Jenner & Block has nearly 400 attorneys offering expertise in virtually every area of the law. The Firm also has offices in Dallas, Lake Forest, Illinois and Washington, DC.

The Firm's clients range from large, international conglomerates to smaller family-owned businesses. They include industrial, commercial, research and development, technology, telecommunications and utility companies, as well as financial and service enterprises. In the public sector, the Firm represents a variety of state and local governmental entities.

The culture of Jenner & Block is a unique mix: it meshes a profound respect for the law and the highest legal standards with a collegial atmosphere.

Equal Time is produced by the Jenner & Block Marketing Department. For additional information or copies, please contact Geoff Potter, Editor at 312 923-2692 or [gpotter@jenner.com](mailto:gpotter@jenner.com).

The Firm prides itself on providing exceptional service. We recruit our lawyers from top tier law schools and prominent clerkships. Roughly 60% of the partners specialize in litigation; 40% of the partners concentrate in corporate and commercial practice groups.

Jenner & Block has a strong, values-driven culture which operates on a platform of five core values:

- Exceeding client expectations
- Service to the Firm
- Continuous learning
- Respect and rewarding our people
- Commitment to our community

These values are the heart of Jenner & Block and shape our Firm's mission:

To exceed our clients' expectations every day by providing the highest caliber of legal counsel and advice, to contribute to the legal profession, to maintain our long tradition of public and community service and to provide our people with outstanding and challenging career opportunities.

Holding true to the vision of our Firm's founders, we have grown and prospered because of our dedication and unwavering commitment to our clients, to the Bar, to our people and to public service.



Photo courtesy of Mel Ferrand

### Jenner & Block attorneys honor late colleague

A number of Jenner & Block attorneys honored their late colleague Bon Foster at an October 2001 fund-raiser held in Chicago to benefit the Lambda Legal Defense and Education Fund, Inc. Pictured from left are Stephen Painter, Marty Moore, Jesse Christensen, Mike Fitzpatrick (Public Guardian's Office), Gail Morse and Laura Thomas. The Bon Foster Memorial Civil Rights Address honors the legacy and generosity of Robert Bonvouloir "Bon" Foster, a gay Jenner & Block associate who was passionately devoted to the civil rights of lesbians, gay men and people with HIV/AIDS. Bon died of AIDS in 1991, but his passion for civil rights continues through his bequest to Lambda that enabled it to open its Midwest Regional Office two years later. This office has contributed significantly to Lambda's national LGBT strategy and success, while also creating a greater regional presence in support of lesbians, gay men and people with HIV/AIDS living throughout the Midwest.