

LGBT COMMUNITY SERVICE 2013

JENNER & BLOCK PLAYS IMPORTANT ROLE IN SUPREME COURT'S HISTORIC DOMA DECISION

When the U.S. Supreme Court handed down its decision on June 26, 2013, holding that Section 3 of the federal Defense of Marriage Act (DOMA) was unconstitutional, Jenner & Block Partner Paul M. Smith invited everyone in the firm's D.C. office to a celebratory toast. Not only was the ruling historic in the evolution of gay rights, but the firm had, from the beginning, played an integral role in the effort to overturn the law that defined "marriage" as between one man and one woman and "spouse" as a "person of the opposite sex who is a husband or a wife."

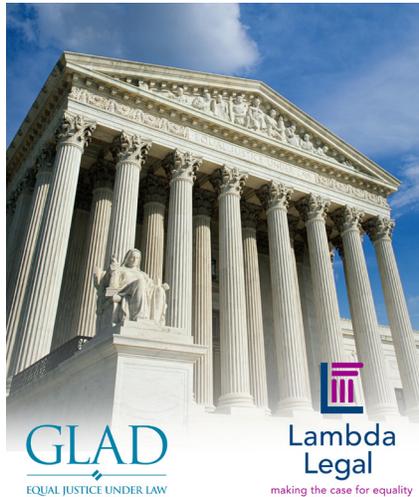
In early 2009, when Gay & Lesbian Advocates and Defenders (GLAD) filed an equal protection challenge to Section 3 in *Gill v. Office of Personnel Management*, Paul quickly signed on as co-counsel. Partner Luke C. Platzer, who was an associate at the time, immediately joined the litigation team. GLAD's Legal Director Gary Buseck commented that Luke had been waiting for the filing of the lawsuit since 2004, when marriage equality came to Massachusetts and GLAD had its first discussions about a DOMA challenge with Jenner & Block.

Collaborating with GLAD and two other law firms, Paul and Luke devoted hundreds of hours to strategizing and drafting trial and appellate briefs in *Gill*, helping secure a victory in 2010, when the U.S. District Court for the District of Massachusetts ruled Section 3 unconstitutional. A year later, with Associate Melissa A. Cox having joined the firm's team to work on the appeal, the First Circuit Court of Appeals struck DOMA a major blow when it upheld the district court's decision – the first time that a federal appeals court found the law unconstitutional.

In the meantime, Paul and Luke also helped draft, edit and coordinate briefs in *Pedersen v. Office of Personnel Management*, another challenge to Section 3 that was successfully brought in Connecticut District Court.

Ultimately, the Supreme Court accepted certiorari to address the constitutionality of DOMA in the case of *United States v. Windsor*. Paul, Luke and Melissa submitted an amicus brief

in *Windsor* on behalf of GLAD and Lambda Legal Defense & Education Fund, Inc., urging the Court to affirm the appellate court rulings that had found the Act unconstitutional.



In the 10 years since Lawrence, Paul and the firm continued to champion gay rights.

In the months leading up to the issuance of the Court's opinion in *Windsor*, Paul became the subject of much media attention, as a thought leader, media resource, and two days before the *Windsor* decision was announced, the subject, personally, of an in-depth profile titled "A Lawyer's Evolution, Mirroring the Law's" in the *New York Times*. The feature noted that Paul's "life and career have been entwined with the court's three-decade evolution on gay rights."

By coincidence, the Supreme Court's rulings in *Windsor* and the California Proposition 8 case of *Hollingsworth v. Perry* occurred on the 10th anniversary of its decision in *Lawrence v. Texas*, the landmark case striking down that state's same-sex anti-sodomy laws, which Paul had argued.

From Washington (2005) to New York and Maryland (2006) to Connecticut (2007) to Iowa (2009), Paul and other Jenner & Block attorneys wrote amicus briefs challenging those states' refusals to grant marriage licenses to same-sex couples.

The Court's ruling in *Windsor* delivered what Paul called an incremental, but still influential, victory for supporters of same-sex marriage. In a June 26 article on *Bloomberg Law's SCOTUSBlog*, Paul observed that the day of the decision was "a day when the movement toward equality for LGBT citizens gained considerable momentum."

With Paul's history of leadership in this area, it was natural for *SCOTUSBlog* to seek him out as a commentator on the day of the same-sex marriage decisions. Other media sought his insight as well, including *The Washington Post*, *Law360*, the *Blog of the Legal Times*, *Washington Blade*, *Above the Law* and *The Dish*. The blog of The Smithsonian's National Museum of American History, meanwhile, celebrated new additions to its collection – the tie Paul wore when he argued *Lawrence* and the notes he took to the podium. ■■

LGBT FORUM HOSTS A Q&A LUNCHEON WITH PAUL SMITH

The LGBT Forum recently hosted a Q&A luncheon with Partner Paul M. Smith, where he analyzed several major decisions delivered by the Supreme Court before it recessed for the summer and suggested what the next steps would be on the federal and state level. The discussion covered the Court's rulings on issues including same-sex marriage and affirmative action, among others. Summer associates in all offices were invited to attend.

"Getting the opportunity to attend the luncheon with Paul Smith was one of the highlights of my summer internship. Not only was it wonderful just to meet him, but his insight into the various rulings the U.S. Supreme Court had just handed down ... was invaluable. He both unraveled some of the more confusing

and co-chair of the Content, Media and Entertainment Practice, where his focus is on First Amendment litigation. One of Paul's best-known cases is *Lawrence*



Partners Paul M. Smith and Gail H. Morse at Q&A lunch

v. Texas, which was a landmark victory for establishing the civil rights of lesbian, gay, bisexual and transgender persons. Several summer associates commented that having the opportunity to ask questions and hear Paul speak was particularly enlightening.

I left the lunch event feeling humbled, inspired and hopeful, particularly for the future of marriage equality.

parts of the recent opinions and shed light on all of the careful strategy and planning that goes into meaningful impact litigation like the type that helped strike down the Defense of Marriage Act," said Summer Associate Giselle Safazadeh.

Paul is the Supreme Court and Appellate Practice co-chair,

Summer Associate Edward Vrtis said, "Meeting Paul Smith was one of the highlights of the summer program. Paul's work typifies Jenner & Block's unwavering commitment to public service ... It was an honor to meet him and to hear

his perspective on the Court's recent decisions in *Windsor* and *Perry*, decisions that, thanks in part to Paul's work, dramatically and positively affected the lives of LGBT Americans."

"I left the lunch event feeling humbled, inspired and hopeful, particularly for the future of marriage equality," said Giselle. ■■

FIRM WINS ISBA'S 2013 COMMUNITY LEADERSHIP AWARD

Jenner & Block is the 2013 winner of the Community Leadership Award given by the Illinois State Bar Association's Standing Committee on Sexual Orientation and Gender Identity.

The award recognizes individuals and organizations that have worked to eliminate discrimination based on sexual orientation or gender identity, as well as to foster understanding of the legal issues of concern to lesbian, gay, bisexual and transgender persons.

Jenner & Block is the first law firm to be honored with the award, which was created in 2006.

The firm was nominated for the award by the American Medical Association for an amicus brief regarding standards of care for transgender individuals. That brief was prepared and submitted to the Seventh Circuit in *Fields, et al. v. Smith* and was filed on behalf of the AMA, Mental Health America, the National Commission on Correctional Health Care, the World Professional Association for Transgender Health, Dr. Wylie Hembree and Dr. Loren Schechter.

Dr. Schechter, the only plastic surgeon in Illinois and one of fewer than a handful of doctors in the country who performs gender confirmation surgery for transgender individuals, was a co-recipient of the ISBA award.

The *Fields* case involved three transgender women

incarcerated in male correctional facilities in Wisconsin. The women challenged a Wisconsin law barring access to hormone therapy or sex reassignment surgery for prison inmates (and others in state custody) with Gender Identity Disorder (GID), regardless of medical need or prior treatment. The plaintiffs argued that the law violated the Eighth and Fourteenth Amendments by denying medically necessary treatment to transgender prisoners. The district court agreed and entered an injunction against the law.

The amicus brief provided additional medical and mental health research to support the plaintiffs' argument that the Wisconsin law was fundamentally at odds with widely accepted standards of care in the field. During questioning of the Wisconsin Assistant Attorney General, Seventh Circuit Judge Ilana Rovner specifically cited the firm's brief, stating that it made it "clear as clear can be" that the medical community accepts hormone therapy as appropriate treatment for individuals with GID. In its opinion affirming the lower court's decision, the Court relied on the standards of care discussed in the amicus brief.

Jenner & Block's team included Partner David M. Kroeger and Associates D. Matthew Feldhaus and Kyle A. Palazzolo. Partner Barry Levenstam also provided valuable contributions in preparing plaintiffs' counsel for oral argument. ■■



SUCCESSFUL SETTLEMENT OF SECTION 1983 CASE AGAINST DC POLICE SWAT TEAM

Associate Melissa A. Cox was a key member of a firm team that represented, pro bono, two District of Columbia residents whose home was broken into by 22 members of a DC Police SWAT Team. The police had a search warrant that, the team argued, permitted daytime execution only, yet they entered the house at 4:30 a.m., armed with sub-machine guns and riot shields and smashing ground-floor windows and using flash-bang grenades. Our clients thought their home was being invaded by criminals and frantically called 911 before realizing that the invaders were police. The SWAT team made the female

client lie half-naked on the floor, pointing an assault rifle at her while they searched her bedroom. After searching the entire house, the police found no evidence of any crime. They seized nothing. These events traumatized our clients — one of them had to seek intensive psychological treatment and, shortly after the raid, she dropped out of her college classes and lost her 20-year job with the DC public schools. The team filed a Section 1983 case against the District and 11 police officers, argued an appeal to the DC Circuit on qualified immunity issues and were prepared to go to trial when the DC Attorney General agreed to a very favorable settlement with the clients. ■■



PARTNER NAMED TO BTI "CLIENT SERVICE ALL-STAR LIST"

Partner Lindsay C. Harrison was named to the BTI Consulting Group's 2013 "Client Service All-Star List" of the legal industry's client service elite. While a total of 307 attorneys were selected for recognition, Lindsay was among only 95 litigators, nationwide, who were chosen. According to BTI, more than 240 corporate counsel of large and Fortune 1000 companies, from across more than 15 industries, were interviewed to arrive at this year's "All-Star" list. In a *Law360* article entitled "GCs Name Cream of the Crop Litigators," BTI President Michael Rynowecer noted that the all-star attorneys were recognized for their "intense focus, exceptional understanding of their client's business, ability to deliver a plan of action that yields results and their overall legal prowess." ■■



PARTNER JERRY BURGDOERFER RECEIVES INDIANA UNIVERSITY "DISTINGUISHED ALUMNI AWARD"

Partner Jerry J. Burgdoerfer was selected to receive an Indiana University "Distinguished Alumni Award." The all-university award, which was presented on February 1, 2013, recognizes Jerry's outstanding achievements in his career, as well as his substantial and significant contributions through his service to the university, the legal profession, organizations furthering diversity and equality, and the community-at-large. Jerry holds three degrees from IU, including his J.D., which he earned *cum laude*, in 1983, an M.B.A., also earned in 1983, and his bachelor's degree. Jerry is a founding member, former vice-president and current president of an Alumni Advisory Board of the Indiana University Maurer School of Law. For a number of years, Jerry also has served as a volunteer Class Agent for the School's Fund for Excellence. IU Bloomington Provost Lauren Robel, who introduced him at the presentation of the award, said, "I am particularly delighted to participate in the ceremony honoring Jerry, who was my classmate at the IU Maurer School of Law and has gone on to lead an exemplary career." ■■



LEGAL AID SOCIETY OF D.C. HONORS PAUL SMITH AS A "SERVANT OF JUSTICE"

Partner Paul M. Smith was honored with one of the Legal Aid Society of the District of Columbia's "Servant of Justice Awards." United States Solicitor General Donald Verrilli, a former partner at the firm, presented the award to Paul. Mr. Verrilli spoke about Paul's role in reshaping voting rights and election law, constitutional rights for the LGBT community and privacy rights. It was also noted that Paul argued the landmark *Lawrence v. Texas* case before the U.S. Supreme Court and worked to overturn the federal Defense of Marriage Act. ■■



FELDHaus HELPS DRAFT AMENDMENTS TO NEW LOCAL PATENT RULES

Associate D. Matthew Feldhaus helped draft amendments to the existing Local Patent Rules and new rules for electronically stored information (ESI) for the U.S. District Court for the Northern District of Illinois. The Local Patent Rules for Electronically Stored Information are based on the Seventh Circuit Electronic Discovery Pilot Program Principles and the Federal Circuit Model Order on E-Discovery. According to a press release by the Court, "The purpose of the amendment is to secure the just, speedy and inexpensive determination of patent cases and to promote, whenever possible, the early resolution of disputes regarding the discovery of electronically stored information without court intervention." ■■



HOWARD SUSKIN NAMED CBA GENERAL COUNSEL

Partner Howard S. Suskin, who recently concluded his term on the Chicago Bar Association's Board of Managers, has been selected to serve as the Association's general counsel. Founded in 1874, the CBA is one of the oldest and most active metropolitan bar associations in the United States, with a membership of 22,000 lawyers and judges. ■■



Law360's "Top Pro Bono Firm" Award Recognizes Firm's Efforts to Strike Down DOMA

When Law360 named Jenner & Block a "Top Pro Bono Firm of 2012," the publication highlighted the firm's significant role in achieving the first appellate ruling that Section 3 of the Defense of Marriage Act was unconstitutional, paving the way for the challenge before the U.S. Supreme Court in 2013. Law360's in-depth profile of the firm extensively quotes Partner Luke C. Platzer, a key member of the pro bono team in *Gill v. Office of Personnel Management*. "That Jenner has gotten involved in something this important and historic is special," Platzer told Law360.



Firm Earns 100% Rating on Human Rights Campaign's "Corporate Equality Index" For Eighth Year in a Row

Partners and associates have been recognized on the "Best LGBT Lawyer Under 40" list by the National LGBT Bar Association for 2010, 2011 and 2012.



In Vault's most recent survey, Jenner & Block ranked among the top 20 law firms, nationally, in the following categories:

- Overall Diversity **Top 5**
- Diversity – Women **Top 10**
- Diversity – LGBT **Top 5**
- Diversity – Minorities **Top 20**
- Diversity for Individuals with Disabilities **Top 20**



The American Lawyer A-List – 2013

The AmLaw A-List recognizes the 20 most elite law firms across the country for outstanding performance in areas including diversity representation. The firm's selection in 2013 marked the fifth time it was named to the A-List since the ranking was instituted 10 years ago.

OUR LGBT ATTORNEYS

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 Howard S. Suskin, Partner
 Michael S. Terrien, Partner
 James A. Tucker, Associate
 Adam G. Unikowsky, Associate
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 Paul M. Smith [Appellate Practice: Litigation; First Amendment](#)
 Howard S. Suskin [Commercial Litigation](#)

2013 Chambers USA

Christopher C. Dickinson [Insurance: Dispute Resolution \(Illinois\)](#)
 Paul M. Smith [Appellate Law \(Nationwide\)](#), [First Amendment Litigation \(Nationwide\)](#),
[Media & Entertainment \(District of Columbia\)](#)

2013 Illinois Super Lawyers

Jerry J. Burgdoerfer [Securities & Corporate Finance](#)
 Christopher C. Dickinson [Insurance Coverage](#)
 Howard S. Suskin [Securities Litigation](#)

2013 Washington, DC Super Lawyers

Paul M. Smith [Top 100 Lawyers in Washington, DC; Top 10 Lawyers in Washington, DC \(Appellate\)](#)
 Scott B. Wilkens ["Rising Star" \(Business Litigation\)](#)

2013 Legal 500

Gail H. Morse [Tax- Domestic Tax: Central](#)

2012 Lawdragon "500 Leading Lawyers in America"

Paul M. Smith [Appellate](#)