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Jenner & Block Takes *Lawrence* to United States Supreme Court

Jenner & Block has teamed up with Lambda Legal Defense & Education Fund to seek United States Supreme Court review of the constitutionality of same-sex sodomy laws: The Firm has asked the Supreme Court to review the decision in *Lawrence and Gardner v. Texas*, in which two men were convicted of "homosexual conduct" involving consensual adult sexual intimacy between the men in the privacy of one of their homes. The Texas law criminalizes only same-sex conduct, not identical conduct by male-female couples.

The case began on Sept. 17, 1998, when sheriff's deputies, responding to a false report of an armed intruder, entered John Lawrence's apartment. Inside, the police found Mr. Lawrence and Tyron Gardner having sex. Both were arrested and jailed overnight. After the trial judge refused to throw out the charges, the men pleaded no contest and were required to pay a fine. The Texas appellate court upheld the convictions, finding that Texas's desire to enforce "moral standards" provided adequate support for the law. The Texas Court of Criminal Appeals—the state's highest appellate court for criminal cases—refused to hear an appeal.

Two main arguments for the Supreme Court's consideration have been presented by the team,

which includes Jenner & Block Partners **Paul Smith** and **William Hohengarten** and Associates **Daniel Mach** and **Sharon McGowan**, and Lambda attorneys Ruth Harlow, Susan Sommer and Patricia Logue, who is a Jenner & Block alumna.

First, they argue that the Texas statute, which singles out gay men and lesbians for discriminatory treatment, cannot survive equal protection review in light of several Supreme Court decisions including *Romer v. Evans*. In *Romer*, the Supreme Court struck down a Colorado provision that would have made it more difficult for gay men and lesbians than for any other class of people to secure legislative protections against discrimination.

"By criminalizing conduct only when the participants are of the same sex, Texas has attempted to make gay men and lesbians 'strangers to the law,'" said Paul Smith, "and the Supreme Court has explicitly ruled that the Constitution prohibits states from legislating in this manner."

The team also is arguing that the constitutional right to privacy protects individuals from prosecution for consensual sexual intimacy in the confines of the home. The petition for *certiorari* encourages the Supreme Court to reconsider its 1986 decision in *Bowers v. Hardwick*, which held that there is "no fundamental right [of] homosexuals to

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CALENDAR

▼ **Sept. 26-28:** Jenner & Block sponsored a table at the Mautner Project's National Lesbian Health Conference: "Healing Works!" Gala, the fundraiser for the only national organization dedicated to lesbians with cancer, their partners and caregivers. Attorneys from the Firm's Chicago and D.C. offices attended the Gala held in Washington, D.C. to personally support the project.

▼ **Oct. 10-13:** Partner **Gail Morse** and Associate **Nicole Berner** speak on the "Out on the Job" panel discussion at Lavender Law 2002. Associate **Jorge Leon** staffs the Firm's Career Fair booth. Jenner & Block also serves as a sponsor of this annual conference of the National Lesbian and Gay Law Association (NLGLA) and the National Lesbian and Gay Law Foundation (NLGLF).

▼ **Oct. 16:** Partner **William Hohengarten** speaks on a panel at the Minority Corporate Counsel Association's Annual Creating Pathways to Diversity Conference in New York City. The panel, "The Question of Partnership," discusses qualities expected in law firm partners, the assignment process and what firms should do to develop and retain minority, women, and LGBT attorneys.

Championing Causes Facing the Community

Continued from page 1

engage in sodomy.” At the time *Hardwick* was decided, 24 states and the District of Columbia had laws prohibiting consensual sodomy. However, since 1986, half of those jurisdictions—including Georgia, whose statute was at issue in *Hardwick*—have repealed their sodomy laws legislatively or invalidated them as contrary to their state’s constitution.

The *Lawrence* petition also contains compelling data regarding the integration and acceptance of gay and lesbian families into civic life and notes the many state and federal statutes enacted to provide gay men and lesbians with the same benefits of citizenship enjoyed by heterosexuals.

“The nation’s conception of the types of conduct that should be considered private and out of the reach of government intrusion has evolved tremendously over the past decade,” said Bill Hohengarten. “Considering these significant changes in social attitudes regarding sexual orientation, we believe the time is ripe for the Supreme Court to reconsider its ill-conceived decision in *Bowers v. Hardwick*.

“If the case is taken up by the Court, it will undoubtedly be one of the most important gay and lesbian rights cases ever considered by the Court,” he said. “Either way, we are extremely proud to be involved in this critical litigation.”

Ruth Harlow, Lambda’s Legal Director, noted that “Jenner & Block’s expertise in Supreme Court litigation and its real commitment to *pro bono* work—including for LGBT rights—made an enormous contribution in presenting a compelling case why the court should review this issue now.”

The state of Texas initially declined to file an opposition to the petition for *certiorari*. On Sept. 18, however, the Court issued an order calling for a response from the state—indicating that at least some of the Justices are giving this petition close scrutiny. ▼

William Hohengarten and **Nicole Berner** filed an *amicus* brief in *Jegley v. Picado* on behalf of the American Psychological Association and the National Association of Social Workers, as well as the local Arkansas chapters of each organization, in the successful challenge to the state’s criminal sodomy statute before the Arkansas Supreme Court. In July, the court struck down the statute, which prohibited certain sexual conduct but only when performed by persons of the same sex, on the grounds that it violated the state constitutional rights to privacy and to equal protection of the laws.

Associate **Scott Schutte** is representing the victim of an anti-gay hate crime in a *pro bono* case referred by the Lawyer’s Committee for Civil Rights. In August 2000, the 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. In July 2001 he filed a civil suit in Cook County Circuit Court seeking damages. By August 2002, both defendants were served; the case is now in the discovery stage.

Jenner & Block filed an *amicus* brief on behalf of the American Psychological Association in the U.S. Supreme Court in support of James Dale in *Boy Scouts of America v. Dale*, arguing that lesbians and gay men should not be excluded from that organization by virtue of the fact that they belong to the LGBT community. Although Dale did not ultimately prevail, in his powerful dissent Justice John Paul Stevens specifically cited the brief filed by Partner **Paul Smith** and other Firm attorneys.

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 Project’s brief in *Kansas v.*

Limon challenged as a violation of the equal protection clause of the federal Constitution the so-called “Romeo & Juliet law” that applies only to opposite-sex couples. Unfortunately, in February the Kansas Court of Appeals rejected the appeal and the state’s Supreme Court refused to consider the case. Jenner & Block continues to work with the litigation team, which is considering an appeal to the U.S. Supreme Court and pursuing *habeas* relief for Mr. Limon.

The Firm’s Washington, D.C. office filed an *amicus* brief on behalf of the American Psychological Association and the National Association of Social Workers, as well as the local Nebraska chapter of each organization, before the Nebraska Supreme Court in support of a lesbian’s attempt to adopt her partner’s biological child. In March, however, the court ruled that Nebraska law did not permit second parent adoption by same-sex partners. Although the ultimate outcome *In Re Adoption of Luke* was disappointing, it serves as another important reminder of the challenges facing gay and lesbian parents throughout the country. The Firm remains steadfast in its effort to protect the rights of LGBT families.

Managing Partner **Robert Graham** contributed to a crucial brief that helped Lambda Legal Defense and Education Fund, the nation’s largest and oldest organization working for the civil rights of LGBT people, win recognition as a charitable organization in Illinois. For eight years, the Illinois Department of Revenue had continually ruled that Lambda, as an organization advancing a “social, moral, or political point of view,” could not qualify as a charitable organization exempt from Illinois sales and use tax. In September, a Cook County Circuit Court Judge ruled that the Department’s refusal to recognize the exemption was clearly erroneous, stating that such position “has never been the law of Illinois, nor is such a categorical exclusion of those viewpoints permitted under the First Amendment.” ▼

New Associate Updates ACLU Book on Rights of LGBT People

What a difference a decade makes. When the third edition of the ACLU's *Rights of Lesbians and Gay Men* was published in the early 1990s, the LGBT legal landscape looked very different. *Romer v. Evans*, the landmark Supreme Court decision striking down Colorado's anti-gay and -lesbian Amendment 2, had not yet been decided. The majority of states still had sodomy laws on their books. Lesbian and gay parents embroiled in divorce or custody proceedings were at the mercy of often hostile family court judges. And LGBT student groups were virtually non-existent.

When Nan Hunter, one of the authors of the third edition, decided that it was time to update the book a few years ago, she called upon new Washington, D.C. Associate **Sharon McGowan** for assistance. Sharon had worked as Hunter's research assistant at Harvard Law School in 1998, and the two had continued to collaborate on various projects over the years. Along with Courtney Joslin, an attorney at the National Center for Lesbian Rights, Sharon and Nan began drafting a new edition of the ACLU layman's guide to

LGBT civil rights.

One of the most noteworthy changes to the new edition is revealed by the title. To reflect the diversity of the community, the authors decided to change the title to *The Rights of Lesbians, Gay Men, Bisexuals and Transgender People: The Basic ACLU Guide*, and added a chapter on transgender legal issues as well as a section focusing on the rights of LGBT students.

The most significant change, though, is the sheer number of cases that have been decided in the last 10 years affirming LGBT civil rights and equality.

"In the world of LGBT civil rights, the vast majority of the 'newsworthy' developments are positive ones, as advocates are continuing to chip away at the status quo that still privileges heterosexuality," Sharon notes.

Sharon feels extremely proud about the role that Jenner & Block has played in bringing about these exciting changes: "After researching and writing this book, I am convinced more than ever that Jenner & Block is one of the true leaders in the fight for LGBT rights."

The new edition is scheduled for publication in Fall 2003. ▼

Firm Alums Move to Public Service

Several attorneys in the Firm's Chicago office who were profiled in the 2001 edition of Equal Time: LGBT Community Service have moved on to positions in the public sector:

At the end of 2001, Partner **Stephen Wood** was appointed Chief Attorney of Policy and Appeals for the Chicago Transit Authority. Steve had been at Jenner & Block for 10 years, after beginning his legal career as staff attorney on the U.S. Court of Appeals for the Seventh Circuit.

In the Fall of 2002, Associate **R. Stephen Painter Jr.** moved to Washington, D.C. to begin a clerkship at the United State Bankruptcy Court for the District of Columbia.

Also this Fall, Associate **Jesse Christensen** moved to Washington, D.C. to become an Enforcement Attorney in the Office of the General Counsel at the Federal Election Commission. Among other duties, he conducts investigations of violations of the Federal Election Campaign Act.

We wish our colleagues well in this new stage of their careers. ▼

Jenner & Block's Community Involvement

Firm attorneys have long supported efforts to serve the LGBT Community, and their contributions of time, legal assistance and funds have aided a wide variety of organizations. The following is a representative sample.

Jenner & Block

Was a sponsor of "It's a Pride Thing" business expo held in Chicago during Pride Month.

Gail Morse

Serves on the board of directors for Open Hand Chicago, and was the first openly lesbian member appointed to the Cook County Commission on Women's Issues. Gail will speak at a Northern Trust Seminar Series addressing the

unique legal and financial issues affecting the LGBT Community. She is a charter member of Harris Private Bank's LGBT Initiative Advisory Council.

Barry Sullivan

Served as the Chair of the ABA's AIDS Coordinating Committee, the core of the ABA's response to the HIV/AIDS pandemic, from its founding in 1987 until 1994.

Christopher Dickinson

Board of Directors member and volunteer attorney for the AIDS Legal Council of Chicago, a widely respected, United Way-funded organization providing *pro bono* legal assistance and advocacy for those affected by AIDS and HIV.

Gabrielle Sigel

Served as Co-Chair of the ABA's AIDS Coordinating Committee from 1998 to 2000. Founding Director of the AIDS Legal Council of Chicago. From 1988-1999, Gabrielle was Director and Officer of the Council.

Lisa Parker Gates

Serves on the steering committee of the newly formed Northwestern University Gay and Lesbian Alumni Club, and is leading the effort to draft the group's bylaws.

Sharon McGowan

Is a contributing author for *Lesbian & Gay Law Notes*.

Meet Jenner & Block's Openly Lesbian and Gay Attorneys

Partners



CHRISTOPHER C. DICKINSON

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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.



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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.



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Gail H. Morse is a member of the Firm's Tax Practice, heads its State and Local Tax Practice and is Co-Chair of the Firm's Tax Controversy Practice. Ms. Morse also serves on the Firm's Diversity and Pro-Bono Committees.

In her practice, Ms. Morse counsels multinational and multistate businesses, private and publicly held businesses, tax-exempt entities and individuals on federal, state and local tax matters. She helps clients formulate and implement strategies to minimize tax exposure including state franchise, income, sales, use, gross receipts and personal and real property taxes. Ms. Morse counsels clients on the tax aspects involved in business acquisitions, mergers and dispositions, and the day to day operations of business. Ms. Morse 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 frequently represents clients before the IRS and state tax administrative agencies and tribunals, and also provides clients assistance in federal and state legislative and regulatory matters.

Ms. Morse began tax practice as an attorney advisor in the Internal Revenue Service's Office of Chief Counsel in the Legislation and Regulations Division, after receiving her J.D. from the University of San Diego School of Law with honors in 1982. She was a member of the San Diego Law Review from 1980-1982. Ms. Morse earned her bachelor of business administration with honors from the University of San Diego in 1979, and her Masters of Law in Taxation from the Georgetown University Law Center in 1986. 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.

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.



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Susan Podolsky is a member of the Firm's Litigation Practice. Ms. Podolsky has a nationwide litigation practice and has litigated in federal courts around the country, including the District of Columbia, the Eastern and Western Districts of Virginia, the District of Maryland, the Northern District of Ohio, the Western District of Louisiana, the Middle and Southern Districts of Florida, and the Northern, Central and Southern Districts of California. Of these courts, Ms. Podolsky specializes in cases brought in the Eastern District of Virginia, which has become known as the "Rocket Docket," and has litigated in that district for over ten years.

Ms. Podolsky's practice ranges from litigating large, complex civil commercial cases to advising and counseling clients on internal matters. Her practice has included a variety of subject matters, including telecommunications, employment, contracts, and intellectual property. Ms. Podolsky's litigation experience includes cases for multi-billion dollar clients, on both the plaintiff and defendant sides, and she enjoys working with smaller clients as well.

Ms. Podolsky has counseled clients on various types of contractual claims and disputes such as those involving discrimination claims of all sorts, including race, gender, and religion. She has litigated these matters before numerous federal and state courts and agencies.

Ms. Podolsky is a 1986 graduate of the University of Virginia Law School and a 1981 graduate of Dartmouth College.

She is a member of Phi Beta Kappa. She clerked for Albert V. Bryan, Jr., then-Chief Judge of the Eastern District of Virginia, from 1986-88.



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Paul M. Smith is Co-Chair of the Firm's Appellate and Supreme Court Practice and of its Media and First Amendment Practice.

In 21 years of practice in Washington, D.C., Mr. Smith has argued seven cases in the United States Supreme Court, and been actively involved in dozens of additional cases.

As a partner at Jenner & Block since 1994, Mr. Smith has argued three Supreme Court cases, including *Swint v. Chambers County Commission* (1995), and *McMillian v. Monroe County* (1997), both dealing with county liability for civil rights violations under section 1983, as well as *Mathias v. WorldCom* (2001), dealing with the Eleventh Amendment immunity of state commissions. He also represented a group of congressional interveners in *Department of Commerce v. U.S. House of Representatives*, involving the constitutionality of "sampling" and the census. He has worked on several First Amendment cases in the Supreme Court, including *Rubin v. Coors* (1995) (dealing with restrictions on beer labeling) and *Reno v. ACLU* (1997) (involving restrictions on indecent communications over the Internet), and was substantially involved with *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach* (argued in 1997), dealing with the scope of the federal multidistrict litigation statute.

Mr. Smith has also briefed and argued a large number of cases in the federal and state appellate courts in areas as diverse as telecommunications, redistricting, civil rights, and antitrust, plus a number of significant commercial disputes. In early 2002, he was lead counsel for the American Library Association at the trial of a case challenging the constitutionality of the Children's Internet Protection Act. Finally, he also has developed an active redistricting and voting rights practice, which has included trials during 2001-02 in New Jersey, Texas, and Pennsylvania, among others.

Mr. Smith graduated from Amherst College in 1976 and in 1979 received a J.D. from Yale Law School, where he served as Editor-in-Chief of the *Yale Law Journal*. He was a law clerk to Judge James L. Oakes of the United States Court of Appeals for the Second Circuit, and to Supreme Court Justice Lewis F. Powell, Jr.

Mr. Smith was recently elected to the Board of Governors of the District of Columbia Bar. He is also a long-time Board member of the Washington Council of Lawyers and served as its President in 1990-91. He is a Trustee of the Washington Lawyers Committee for Civil Rights and Urban Affairs.

Associates



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Nicole G. Berner is a member of the Firm's Class Action Litigation and Commercial Code and Uniform Commercial Code Practices.

Ms. Berner's practice concentrates on commercial litigation, class action litigation, and civil rights law. 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.

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 from the University of California at Berkeley, and graduated Order of the Coif from Boalt Hall School of Law at the University of California Berkeley, where she was Articles Editor for the *Berkeley Women's Law Journal*. Ms. Berner also completed a Master's Degree in Public Policy at U.C. Berkeley's Graduate School of Public Policy.



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Nada Djordjevic is an associate in Jenner & Block's Chicago office. She is a member of the Firm's Litigation Practice.

Ms. Djordjevic graduated from Grinnell College in 1996 and received her J.D., *summa cum laude*, from the University of Illinois College of Law in 2002, where she was elected to the Order of the Coif. While at the University of Illinois, Ms. Djordjevic was a Symposium Editor for the *University of Illinois Law Review*, and served two years as the President of the Sexual Orientation and Legal Issues Society. She also received the 2001 Esther R. Rothstein Scholarship from the Women's Bar Association of Illinois Foundation.

Prior to entering law school, Ms. Djordjevic worked as a legal assistant to an attorney practicing in the areas of international tax and estate planning and immigration law.

In the summer of 2002, Ms. Djordjevic worked at Equip for Equality, Inc. as a Public Interest Law Initiative (PILI) Fellow. While at Equip for Equality, Ms. Djordjevic assisted clients in the areas of special education, restoration of rights, and

eliminating discrimination on the basis of disability in employment, travel and public accommodations.



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

Ms. Gates concentrates her practice on intellectual property and technology licensing, trademark prosecution, copyright protection, mergers and acquisitions, e-commerce and online law, e-health issues and non-profit law. Before practicing law, Ms. Gates worked as a writer and editor for a number of organizations, including the National Restaurant Association Educational Foundation.

Ms. Gates graduated *cum laude* from Loyola University Chicago School of Law in 1999 and received her master's degree in journalism in 1987 from Northwestern University's Medill School of Journalism.



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Kathleen R. Hartnett is a member of the Firm's Litigation Practice.

Ms. Hartnett received an A.B. in Government, *magna cum laude*, from Harvard College in 1996. In 2000, she received her J.D., *magna cum laude*, from Harvard Law School, where she served as Treasurer of the *Harvard Law Review*.

In 2001-2002, Ms. Hartnett clerked for Justice John Paul Stevens of the United States Supreme Court, and in 2000-2001, she clerked for Judge Merrick B. Garland of the United States Court of Appeals for the District of Columbia Circuit.



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Bobby J. Hollis II is a member of the Firm's Corporate Practice.

Mr. Hollis' primary focus is on mergers and acquisitions, especially in the areas of new technology and government contracting, for Fortune 500, small and mid-size companies. He also assists clients with required filings to the Securities and Exchange Commission.

Mr. Hollis received his J.D. with high honors from the University of Iowa College of Law in 1999. He received his B.A. with honors from the University of Florida in 1996 and was inducted to Phi Beta Kappa the same year.

**JORGE M. LEON**

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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, 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*.

**SHARON M. MCGOWAN**

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Sharon M. McGowan is a member of the Firm's Litigation, Appellate and Supreme Court and Media and First Amendment Practices.

Ms. McGowan has published extensively in the realm of LGBT civil rights. She co-authored the forthcoming book, *The Rights of Lesbians, Gay Men, Bisexuals and Transgender People: The Basic ACLU Guide*. She also published an article regarding the Employment Non-Discrimination Act (ENDA) in the *Harvard Journal on Legislation*. In addition, Ms. McGowan is a contributing author for *Lesbian & Gay Law Notes*.

Ms. McGowan currently serves as co-chair of The Serpentine Society, the LGBT Alumni Network of the University of Virginia, and chair of the Harvard Law School LGBT Alumni Association. She is also a member of the Massachusetts Lesbian and Gay Bar Association and the Lesbian and Gay Law Association of Greater New York.

Ms. McGowan graduated *cum laude* from Harvard Law School in 2000. Prior to joining Jenner & Block, Ms. McGowan served as a law clerk to the Honorable Norman

H. Stahl of the United States Court of Appeals for the First Circuit and to the Honorable Helen G. Berrigan of the United States District Court for the Eastern District of Louisiana. She is admitted to practice in New York, Massachusetts and the District of Columbia.

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Daniel E. Shaw is an associate in the Firm's Litigation Practice.

Mr. Shaw received his J.D. from the University of Chicago in 2002, where he served as Articles Editor for *The Chicago Journal of International Law*. Mr. Shaw graduated, *magna cum laude*, from Williams College in 1997 with a B.A. in History. In 2000, Mr. Shaw served as Legal Intern and Jail Project Coordinator for Chicago Legal Advocacy for Incarcerated Mothers.

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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.

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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 Indiana University 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.

Firm Engineers "Merger" of HIV/AIDS Service Agencies

This summer, Firm Partner **Paula Cozzi Goedert** and Associate **Hollis Hanover** represented Open Hand Chicago in its historic combination with two other AIDS service organizations: Community Response, Inc., and the HIV Coalition.

Before the three nonprofit agencies combined, Open Hand was Chicagoland's largest provider of food and nutrition counseling services to people impacted by HIV/AIDS; Community Response a significant resource for case management services as well as housing and housing advocacy in Chicago's western suburbs; and HIVCO the only food distribution program covering northern Illinois from Lake Michigan to the Mississippi River as well as an innovative provider of AIDS prevention programs.

"The newly combined organization is on the cutting edge of providing comprehensive services for people affected by HIV and AIDS," said Paula Goedert, Chair of Jenner & Block's Association Practice.

"This 'merger' has created a leader in providing collaborative, culturally appropriate, community-based services to help Chicago area people living with HIV/AIDS to sustain health and achieve self-sufficiency."

A task force of representatives from each of the organizations met together for over a year, working on strategies to insure that each organization's clients would benefit from the combination.

"Everyone worked very hard to ensure that no service recipient would be left behind," said Hollis Hanover.

Once the vote to combine was decided, Paula and Hollis on behalf of Open Hand and lawyers representing the other organizations handled the related legal issues including negotiating and documenting the transaction.

"This historic combination serves as a great model for further cooperation, consolidation and improvement in the AIDS service community," said Partner **Gail Morse**, Co-Chair of the Firm's Tax Controversy Practice and a board member of Open Hand Chicago who served on the group's consolidation task force.

"The new organization plans to enhance and expand the services that the three agencies used to provide independently."

The combined entity is now operating under the Open Hand Chicago name, and will adopt a new name to be announced in January 2003. ▼



Absence of Mallets at Open Hand Fundraiser

Jenner & Block helped Open Hand Chicago raise nearly \$30,000 this summer at the annual Croquet du Soleil held in Chicago's Lincoln Park along Lake Michigan. Open Hand is the area's leading provider of food and nutritional services for people living with HIV/AIDS (see related story on this page). The Firm fielded two teams, which included gay and straight attorneys, summer associates, staff and guests. Although neither of the Firm's teams won the tournament, the "Wickets of Odds" team made it to the semifinals and the "Absence of Mallets" team took great pride in claiming the plaque for Best Team Name.



Vault has ranked Jenner & Block in the top 10 Best Law Firms nationwide regarding Diversity for Gays/Lesbians.

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