

# The Heart of the Matter

## JENNER & BLOCK

Pro Bono and Community Service News

Winter 2006

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**Victory in New York Judicial Reform Case**

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## Jenner & Block's 2006 Pro Bono Effort Celebrated by Peers and the Public

Jenner & Block's pro bono program earned a remarkable number of accolades during 2006 from bar groups and non-profits.

"We've always believed that performing public service is its own reward," said Partner and Pro Bono Committee Co-Chair Barry Levenstam. "Yet, we know this year's exceptional recognition is deeply appreciated by and inspiring to our attorneys."

The latest awards and other pro bono honors received by Jenner & Block include:

- The Pro Bono Institute's John H. Pickering Award;
- The American Bar Association Death Penalty Project's special recognition for "exceptional pro bono contributions" on behalf of Death Row prisoners;
- The National Coalition to Abolish the Death Penalty's 2006 Legal Services Award; and
- The Public Interest Law Initiative's 2006 Pro Bono Initiative Award.

Many Jenner & Block individuals were also honored during 2006. For example:

- The Chicago Appleseed Fund for Justice recognized Partner Robert L. Graham;
- The Chicago Volunteer Legal Services Foundation honored Associate Kathryn C. Newman with the group's Distinguished Service Award;
- The DePaul University Black Law Students Association gave Partner Barry Sullivan its "Progressives in the Profession Award";
- The University of Notre Dame bestowed an honorary degree upon Partner Thomas P. Sullivan; and
- The Southern Center for Human Rights gave its Equal Justice Award to Partner Donald B. Verrilli, Jr.

Mr. Levenstam noted that Jenner & Block attorneys are on a pace during 2006 to notch approximately 50,000 hours of work on behalf of the poor.

Many current pro bono cases continued to involve those criminal felony defendants and Death Row inmates upon which the Firm built its pro bono

reputation since 1950. In addition, Jenner & Block attorneys this year have been at the forefront of litigation in several states challenging

the constitutionality of lethal injection as a means of administering capital punishment.

### Celebrating Service to Others

"We're proud of the contributions made by the Jenner & Block attorneys who have made pro bono service an integral part of their practices," concluded David DeBruin, Partner and Co-Chair of the Pro Bono Committee. "We're also confident our lawyers will look back on that body of work as among the most rewarding in their professional careers."

The year-long effort may have been best exemplified, Mr. DeBruin noted, by the 2006 recipients of the Firm's Albert E. Jenner, Jr. Pro Bono Award and their outstanding efforts in a number of high profile cases – Patricia A. Bronte, for her work in representing detainees at Guantánamo Bay; Partner Thomas J. Perrelli, for his right to die work on behalf of Michael Schiavo; and Associate Martina E. Vandenberg, for her work representing human trafficking victims.

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**"We've always believed that service is its own reward."**

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## Aid to Non-Profits Helps Katrina Victims, Others

Jenner & Block provided pro bono legal assistance to several non-profits in 2006 by helping them with their toughest tax, organizational and governance issues.

One of the most urgent needs to be filled occurred in the aftermath of Hurricane Katrina. Partner Steven R. Meier assisted Architecture for Humanity in Biloxi, Mississippi to establish the legal framework for a pilot program designed to assist families who lost their homes to connect with architects, engineers and designers to help reconstruct their residences.

Mr. Meier negotiated funding and service agreements with donors, collaborating agencies and the volunteer professionals.

"As a result of this program, our client was able to play an integral role in post-Katrina reconstruction efforts in Biloxi," said Mr. Meier. "We were very glad to help people rebuild their lives through this work."

Jenner & Block also helped other non-profits address equally compelling needs in the community.

Partner John W. Newlin helped the not-for-profit National Association for Urban Debate Leagues to secure tax-exempt status earlier this year. The NAUDL promotes and organizes urban debate leagues that aim to empower

youth through policy debate training, preparation and mentoring.

"Our work will help the NAUDL with its fundraising efforts and ultimately, it will help more schoolchildren become better advocates for themselves and their communities," said Mr. Newlin.

Jenner & Block also assisted The School Street Movement in its successful merger with another non-profit organization to create a new entity dedicated to reaching at-risk youth through the performing, visual and literary arts. Associates Christine L. Childers and David S. Drachler, and Partner Geoffrey M. Davis provided corporate and tax advice in the merger.

In addition, associate David S. Drachler assisted The National Association of Veterans Upward Bound Project Personnel with incorporating, amending its bylaws and applying for tax-exempt status in May. The association helps U.S. military veterans by developing, improving and extending educational access through academic needs assessment and instruction, among other things.



Partner Robert S. Portman, Mr. Meier and former associate Todd Johnston provided pro bono assistance this year to the American Special Hockey Association, which organizes hockey programs for children with developmental disabilities. The team helped the organization by reviewing its bylaws and helping it obtain 501(c)(3) tax status.

Partners Tobias L. Knapp and Steven R. Meier, and Associate Peter H. Rosenbaum also helped the American Association of Rhodes Scholars (AARS) by reviewing its governance and organizational status, and in helping to convert the AARS from an unincorporated association to a not-for-profit non-stock corporation.

The AARS recently honored Jenner & Block for its contributions in a resolution unanimously passed by the AARS board.

## Jenner & Block Represents Public Housing Residents Displaced by Hurricane Katrina

Jenner & Block Partners Ross B. Bricker and John F. Ward, Jr. are leading a pro bono team in a discrimination class action lawsuit against U.S. Department of Housing and Urban Development (HUD), the Housing Authority of New Orleans (HANO) and various senior government officials on behalf of public housing residents displaced as a result of Hurricane Katrina.

Like the rest of the city, the Firm's clients fled their homes when the hurricane struck New Orleans in

August 2005. Unlike other evacuees though, the public housing residents have not been helped by government programs designed to support their return. Rather, federal and local housing agencies have actively blocked the homecoming of these poor and longtime New Orleans residents, according to the Firm's lawsuit.

"HUD and HANO are taking deliberate steps to keep low-income, African American families out of New Orleans, including barricading their

apartments, while plans are finalized to demolish New Orleans' historic public housing buildings. These families are not disposable. They have a right to return to the security of their apartments and community, to be consulted about the future of public housing, and to participate in the rebuilding and economic redevelopment of New Orleans," said Mr. Bricker.

The Firm has a history of defending the civil liberties of public housing residents on a pro bono basis. The

## Firm Helps the Persecuted Gain New Lives

Jenner & Block attorneys successfully obtained asylum for ten individuals this year, enabling the refugees – who were persecuted in their homelands for their political views and ethnic identities – to remain in the United States and eventually seek U.S. citizenship.

Among the Firm's pro bono clients was Kisuule Magala Katende, a prominent broadcast journalist from Uganda who was repeatedly harassed, threatened and beaten for reporting on activities of the Ugandan government and broadcasting interviews with those who opposed the ruling party.

The Firm's efforts before the U.S. Department of Homeland Security, led by Associate Wade A. Thomson, aided Mr. Katende in resuming his journalism career here.

A team of Jenner & Block attorneys also represented a human rights attorney from Mongolia, persecuted by the Mongolian police for handling cases that challenged unconstitutional police practices, before the United States Immigration Court in Chicago.

In addition, the Firm successfully represented individuals from the Republic of Congo, Guinea, Liberia, Tibet, Togo and Turkmenistan before the Immigration Court and the Seventh Circuit Court of Appeals, all of whom had suffered trauma in the hands of government officials in their native countries. In many instances, the clients and their families had been repeatedly raped, beaten, and tortured by government officials for reasons as innocuous as belonging to

a certain tribe or associating with an opposition political party.

Jenner & Block Partners Lawrence S. Schaner and Charlotte L. Wager, and Associates Denise Kirkowski Bowler, Alison A. Dieterichs, Aaron M. Forester, Shahid U. Haque, Bryan D. King, Kathryn E. Loncarich, John K. Min, Keith V. Porapaiboon and Mr. Thomson, all successfully represented asylum seekers in 2006. Mr. Schaner, as well as Partners Donald R. Cassling, Richard J. Gray, James A. McKenna and Shelley Smith served as supervisory attorneys.



Jenner & Block hosted training sessions in collaboration with the National Immigrant Justice Center (NIJC) that provided a comprehensive overview of asylum law and practice. Pictured: Partner and Pro Bono Committee Co-Chair Barry Levenstam, NIJC Coordinator Keren Zwick, NIJC Director Mary Meg McCarthy, and Partner Lawrence S. Schaner, who helped organize the event and serves on the Leadership Council of the National Immigrant Justice Center.

"Representing asylum seekers has been an extremely rewarding part of my work with Jenner & Block," said Mr. Thomson. "Intelligent, upstanding individuals in other countries endure tremendous suffering for exercising rights we take for granted in the United States"

The Firm often discovers opportunities to provide legal

assistance to refugees seeking asylum through the National Immigrant Justice Center (NIJC), formerly the Midwest Immigrant and Human Rights Center. Mr. Schaner serves on the group's Leadership Council.

According to an article published in the *CBA Record*, current law makes it difficult for asylum seekers to successfully substantiate their cases. NIJC Director Mary Meg McCarthy noted that it takes a "special type" of lawyer to accept the challenge of representing asylum seekers. "Pro bono representation in this context requires intensive country condition study, delicate personal communication, and a commitment to winning an uphill battle," Ms. McCarthy told the *Record*.

### Educating Others

In addition to representing clients in need, the Firm hosted training sessions with the NIJC in March and November, designed to educate new attorneys on the proper handling of pro bono asylum cases. At these best practices seminars, attorneys learned about client interviews and the immigration court hearing process, and were coached on how to develop trust with traumatized and sensitive clients. Attorneys who attended these seminars are expected to take on a pro bono asylum case in the upcoming year.

The Firm also sponsored the Seventh Annual Midwest Light of Human Rights Awards Luncheon, which benefited the NIJC and the Marjorie Kovler Center for Treatment of Survivors of Torture.

## Victory in New York Judicial Reform Case

Jenner & Block achieved a pro bono victory in a landmark judicial reform case when a federal appeals court on August 31 affirmed a preliminary injunction barring the state of New York from using “judicial conventions” to select candidates for its Supreme Court.

The trial court had ruled in January that the state’s judicial election scheme was a violation of the federal constitution’s First Amendment associational right of voters and candidates to participate in the electoral process.

“New York’s nominating process, as found by the District Court, does not merely deprive a candidate of a realistic chance to prevail; rather, through the use of overlapping and severe burdens, it deprives a candidate of access altogether,” the U.S. Court of Appeals for the Second Circuit wrote in its decision.

“The decision confirms what everyone already knew – the judicial convention system deprives voters of a say in selecting judges and is firmly unconstitutional,” said Jeremy M. Creelan, an associate at Jenner & Block who served as co-lead counsel for the plaintiffs in the case. “Hopefully this marks the beginning of true reform for the process.”

*Lopez Torres v. New York State Board of Elections* was filed by a group of plaintiffs led by New York Judge Margarita Lopez Torres. The group had argued that the use of the judicial conventions deprived voters of their right to cast a “meaningful” vote for trial court judges and imposes “insurmountable burdens” on challenger candidates who have significant support among party members, but are opposed by their county’s party leaders.

### The Convention System

The plaintiffs in *Lopez Torres* take issue with New York’s “closed” judicial electoral scheme, in which judicial candidates for New York’s highest trial court must be nominated through conventions. As the plaintiffs argued at the preliminary injunction hearing before Judge John Gleeson of the U.S. District Court for the Eastern District of New York, those



Pictured: Ms. Higginson, Ms. Valentina and Mr. Creelan.

conventions are controlled by local party leaders rather than by delegates or voters.

Mr. Creelan, formerly the Deputy Director of the Democracy Program at the Brennan Center for Justice at New York University School of Law, helped conceive of the constitutional challenge to New York State’s judicial convention system as co-lead counsel for plaintiffs in the case.

Upon joining the Firm’s New York office earlier this year, Mr. Creelan continued work on the case, and was joined by Associates Brian Hauck, Carletta F. Higginson, Adam H. Morse and Elizabeth Valentina.

## Student Newspaper’s Free Speech Rights Defended

Jenner & Block convinced a northwest suburban school district in March to lift its censorship of a high school newspaper and to apologize publicly to the student newspaper’s staff.

Partner Gabriel A. Fuentes told the board of Consolidated School District 158 during a hearing in Algonquin, Illinois that its quarantining of 1,500 copies of *The Voice*, the school-sponsored student newspaper at Huntley High School, was “not related to any legitimate educational purpose” and therefore violated the students’ constitutional right to free speech as established by the U.S. Supreme Court in *Hazelwood School District v. Kuhlmeier*.

The dispute, widely reported in the local media, centered on an editorial

which took a school board member to task for his alleged campaign activities in a neighboring school district, where local voters had recently approved two school tax increase referenda. Among other things, the editorial had urged the board member to focus on local matters, not those in neighboring districts.

After the board member questioned the students’ right to publish the editorial, school officials delayed publication of the March 24 issue of *The Voice* until at least the special board meeting. But the district’s spring break began on March 24, and students were not to return to school until April 3. The delay in publishing the newspaper was unacceptable and amounted to unlawful censorship, Mr. Fuentes told the board.

The board voted unanimously to allow publication of the newspaper and to apologize to its student staff, after many of the approximately 100 persons at the board meeting spoke against the district’s censorship of the newspaper. Board member Kim Skaja said the district’s apology extended to the public.

After the board’s vote, Mr. Fuentes told the board that it needs to take students’ First Amendment rights more seriously from the outset, and that any future efforts to censor the paper should prompt an immediate analysis of whether the censorship would be unlawful.

“When it comes to these students’ First Amendment rights, don’t shoot first and ask questions later,” Mr. Fuentes told the board.

## Jenner & Block Defends Anti-Spam Group's Efforts

A team of Jenner & Block attorneys led by Partners Matthew M. Neumeier and Craig C. Martin have appealed a closely-watched \$11.7 million default verdict in favor of an Internet marketing company in Wheeling, Illinois and against Spamhaus, a small British nonprofit group that identifies e-spammers and helps corporations avoid unsolicited email traffic.

According to the federal tortious interference and defamation suit filed in June by e360Insight, the plaintiff was unfairly labeled an Internet spammer by Spamhaus and its marketing efforts thereby harmed. On September 15, Chief U.S. District Judge Charles P. Kocoras entered a default judgment against Spamhaus, which had declined to defend itself on the ground that U.S. courts have no jurisdiction over its London-based operations.

Mr. Neumeier said that one of the key issues of the case he's now

handling on a pro bono basis boils down to whether the U.S. courts have the power "to police organizations that operate in other countries, but have no physical presence or activities in the U.S."

Mr. Martin also noted that this case may eventually help set a "First Amendment" precedent involving the "extent to which people are free to maintain their own lists of what they believe is spam and express that opinion globally."

In addition to Messrs. Neumeier and Martin, the Firm's legal team includes Associates Stephen M. Geissler, Carrie A. Fino, J.H. Jennifer Lee, Chad E. Bell, and Benjamin P. Wieck.

The unfolding case may profoundly affect future Internet enterprise everywhere, the attorneys agree. Spamhaus maintains an extensive list of Internet addresses known to be used to send spam. Client companies

then query this block list to decide whether to accept an email. This was the fate of the plaintiff who maintains that it is not an Internet spammer, but rather a multi-channel marketing company that utilizes both the Internet and direct mail.

According to Spamhaus, however, it has received many complaints from Internet users that e360Insight sends unsolicited bulk e-mail. Additionally, no lawsuits against Spamhaus have been filed in the U.K., Spamhaus officials have maintained, because such challenges would typically be viewed by the British judiciary as frivolous.

On October 15, Jenner & Block attorneys filed the appeal to the default judgment on behalf of Spamhaus with the U.S. Court of Appeals for the Seventh Circuit. Their appellate brief was filed in November and oral arguments will be scheduled for early 2007.

## Home Ownership Restored for Elderly Client

Jenner & Block Partner Steven McMahon Zeller recently helped a pro bono client regain her home after it had been fraudulently transferred, mortgaged and foreclosed upon without her knowledge.

Following her husband's sudden illness, the client turned to an acquaintance, who was posing as a credit counselor, for assistance. The acquaintance allegedly forged the client's signature and that of her husband in order to sell the home and pocket the proceeds of a fraudulently obtained mortgage.

The house was then transferred a second time, and another fraudulent mortgage was taken on the home. The second mortgage company eventually foreclosed on the home and attempted to evict the client in 2002, just months after her husband died from his long illness.

Mr. Zeller became involved in the matter through The Pro Bono Center for Disability and Elder Law (CDEL), a nonprofit organization that provides free legal services to the elderly and persons with disabilities in the Chicagoland area. CDEL has provided pro bono legal services to more than 40,000 elderly and persons with disabilities during the past two decades.

At Mr. Zeller's request, the court agreed in 2002 to stay the eviction proceedings, and granted him time to file an action to quiet title, in order to establish that the transfer of the title away from the client was not legal.

During the ensuing discovery process, Mr. Zeller learned that the mortgages taken on the client's property and the persons involved with them were the subject of two different federal criminal

investigations, and that the acquaintance herself had served time in federal prison for tax evasion since working with his client. After the acquaintance was released from federal prison, Mr. Zeller was able to depose her and obtain handwriting samples from her. A handwriting expert believed that it was "highly likely" that the signatures on the mortgage transfers were forged and that it was "likely" that the acquaintance forged at least one of the signatures. As a result of those and other revelations, the parties agreed to a settlement whereby the client would regain full ownership of her home after paying off the client's legitimate mortgage that had been extinguished by the first fraudulent one.

Mr. Zeller was assisted by Partner Matthew M. Neumeier throughout the course of this case.

## Record Attendance at Chicago Pro Bono Fair

Hundreds of attorneys and law students recently gathered at Jenner & Block for the Chicago Bar Association Young Lawyers Section's annual Pro Bono & Community Service Fair. Now in its 13th year, the event was an opportunity for members of Chicago's legal community to meet with representatives from 45 pro bono clinics, public service organizations and mentoring programs.

Jenner & Block Partner Anton R. Valukas delivered the evening's keynote address and said that it is "individual efforts that make the most significant difference" in the community.

Co-sponsors of the event were The Chicago Bar Association Young Lawyers' Section, The Chicago Bar Foundation, Jenner & Block, Exelon Corporation and the Public Interest Law Initiative.

The Pro Bono & Community Service Fair was the centerpiece of Chicago's Pro Bono Week, which Mayor Richard M. Daley and Illinois Governor Rod R. Blagojevich declared as a time "to honor lawyers' pro bono efforts."



Pictured, top: Kimball R. Anderson, President of the Chicago Bar Foundation; Megan Healy McClung, Chair of the CBA Young Lawyers Section; Partner Anton R. Valukas; Pamela Sakowicz Menaker, Co-Chair of the Pro Bono Week planning committee; Kevin P. Durkin, President of the CBA; and Mary Meg McCarthy, Co-Chair of the Pro Bono Week planning committee.



Pictured, left: Sherizaan Minwalla and Jeff Mok of the National Immigrant Justice Center meet an attendee.

Those organizations exhibiting and recruiting at the fair included:

- Abraham Lincoln Marovitz Lend-a-Hand Program
- Access Living
- AIDSCARE
- AIDS Legal Council of Chicago
- Cabrini Connections: Tutor/Mentor Connection
- Cabrini Green Legal Aid Clinic
- CARPLS
- CBA Membership
- Center for Conflict Resolution
- Center for Economic Progress
- Centro Romero
- The Chicago Bar Foundation
- Chicago Coalition for the Homeless
- Chicago HOPES
- Chicago Legal Clinic
- Chicago Volunteer Legal Services (CVLS)
- ChildServ
- Christopher House
- Chicago Lawyers' Committee for Civil Rights Under Law
- Chicago Legal Advocacy for Incarcerated Mothers
- Community Economic Development Project
- Constitutional Rights Foundation
- Council on American-Islamic Relations
- East Village Youth Program
- Equip for Equality
- Evanston Community Defender
- Fairygodmother Foundation
- Farmworker Advocacy Project
- First Defense Legal Aid
- Horizons for Youth
- Illinois Legal Aid Online
- JVS Chicago
- Lawyers' Committee for Better Housing
- Lawyers for the Creative Arts
- Legal Aid Bureau of Metropolitan Family Services
- Legal Assistance and Resource Center, Catholic Charities of the Archdiocese of Chicago
- Legal Assistance Foundation of Metropolitan Chicago
- Mercy Home for Boys & Girls Tutoring Project
- Midtown Educational Foundation
- National Immigrant Justice Center
- Northwestern Children & Family Justice Center
- Pro Bono Center for Disability and Elder Law
- Public Interest Law Initiative (PILI)
- Voices for Illinois Children
- YLS Volunteer Projects for the Community

## Partner Aids Ethiopians in Humanitarian Mission

Jenner & Block Partner Debbie L. Berman participated this summer in a week long trip to Ethiopia and Israel, where she helped 130 Jewish Ethiopians emigrate to Israel as part of the Operation Promise program.

"We do not usually have the opportunity in life to play a part in history," said Ms. Berman.

Operation Promise provides Ethiopians of Jewish descent with airfare and transition services to aid their relocation from Ethiopia to Israel. Making ten airline flights in seven days, Ms. Berman assisted in the humanitarian effort by traveling alongside and supporting the émigrés to Israel as well as by observing the progress of the program in both countries. She began her trip in Israel, where she visited a school and

met émigrés from many different nations who had been successfully integrated into Israeli life and culture.

The group flew to Ethiopia to meet and help transport émigrés back to Israel. "One highlight was in watching a father reunite with the son he hadn't seen in almost two decades," said Ms. Berman.

Over 10,000 Jewish Ethiopians are on the program's waiting list to move to Israel, Ms. Berman said. Operation Promise has also made improvements to the quality of life for Jewish people in Ethiopia by providing food, medical and education services while they await relocation to Israel, she added. Upon moving to Israel, the émigrés are provided with accommodations and an education in Israeli culture, including the Hebrew language, in

order to facilitate their acclimation to the community.

Ms. Berman shared her experience with the Firm upon her return to the United States at a special reception. The Firm's Chairman, Jerold S. Solovy, lauded the program and Ms. Berman's service to others. We are fortunate to live in a nation of plenty, and we have the duty to help those in need, he told the audience.

The Operation Promise program is led by the United Jewish Communities and the federations of North America, including the Jewish United Fund/Jewish Federation of Metropolitan Chicago. Ms. Berman is the Secretary and a member of the Executive Committee of the Jewish United Fund/Jewish Federation of Metropolitan Chicago.

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### ***Katrina Story, continued from page 2***

Firm in 2005 obtained a landmark victory on behalf of 14,000 Baltimore public housing residents when a federal court ruled that HUD officials had violated the Fair Housing Act in their failure to consider a regional approach to solving that city's public housing needs. The Firm also obtained significant relief for public housing residents in cases in Illinois and Miami.

The New Orleans class action complaint alleges that, before Hurricane Katrina, over 5,000 families lived in New Orleans public housing. While many neighborhoods were devastated by Katrina, public housing developments mostly came through the storm intact, with minimal or no damage. Yet, rather than opening the public housing, or clean and repair any modest damage that existed, HANO and HUD elected to shutter the developments with locks and steel bars.

As a result, displaced residents still remain in Baton Rouge, Houston,

Atlanta and numerous other cities, separated from their families, and often ostracized as unwelcome or undesirable additions to the community.

The class action complaint contends that defendants' actions violate the Fair Housing Act, Louisiana law, and other federal and state laws. The complaint alleges that one of the reasons for HANO and HUD's actions is drawn from the public and private sector opportunities presented by post Katrina New Orleans. Together with private interests, HANO and HUD have developed plans to demolish all 5,000 public housing units that existed before Hurricane Katrina and replace them with homes geared to more mixed income residents. The plans call for only a limited number of units to be reserved for public housing tenants, and even then with restrictive eligibility criteria.

The primary beneficiaries of this approach will be real estate and other developers, to the detriment of New

Orleans working poor, the suit claims. Furthermore, this planned demolition, at a time of unprecedented housing crisis in New Orleans, will inevitably change the city's demographics.

In addition to Mr. Bricker and Mr. Ward, the Jenner & Block team on this matter includes Associates Adam H. Morse, Lara E. Fitzsimmons, Gabriel A. Crowson, Abby J. Clark, Anne C. Fitzpatrick, and paralegal, Shawn K. McGee. Third-year law students Nancy Jacobson, John Roberts and Sara Ruff, who worked extensively with the class during their summer clerkship at the Firm, have continued to provide assistance. Co-counsel includes Advancement Project, a democracy and justice action group to promote a fair and just multi-racial democracy in America, William P. Quigley, and R. Judson Mitchell, professors at Loyola University New Orleans School of Law, and civil rights attorney Tracie L. Washington.

## Lethal Injection Cases Question State Procedures

Jenner & Block attorneys challenged the constitutionality of state lethal injection procedures in several nationally watched pro bono cases during 2006.

Jenner & Block represented Missouri Death Row inmate Michael Taylor, who successfully challenged the state's lethal injection protocol as being a violation of the Constitution's prohibition against cruel and unusual punishment.

In July, a federal court stayed Mr. Taylor's execution and halted all executions in Missouri pending changes to the state's lethal injection protocol to ensure the condemned are not subjected to unconstitutional pain and suffering.

The Taylor case revealed multiple issues with the state's lethal injection procedures. During the course of discovery it became apparent that Missouri had vested almost total discretion regarding the execution procedure to a single physician, who periodically changed fundamental aspects of the procedure, including the amount of anesthesia administered.

The case further revealed that inmates who had received lethal injections may have been given insufficient doses of anesthesia and that the Department of Corrections'

physician "often transposes numbers" and "can make mistakes" due to his dyslexia condition.

Mr. Taylor was convicted of murder in 1989.

Missouri is currently appealing the trial court's stay and revising its lethal injection protocols to comply with the Court's ruling. Partner Donald B. Verrilli, Jr. and Associates Ginger D. Anders, Eric Berger and Matthew S. Hellman represented Mr. Taylor, along with Missouri attorneys John William Simon, Chet Pleban and Lynette Petruska.

In California, another Jenner & Block team led by Partner Richard P. Steinken is representing Death Row inmate Michael A. Morales, who was sentenced to death for a 1981 murder. Mr. Morales had been scheduled to be executed on February 21, 2006, but was spared when the Firm, along with California attorneys David A. Senior and John R. Grele, secured a federal injunction halting his execution and all others in the state until the lethal injection protocol was reviewed to ensure inmates did not suffer unnecessarily during the process.

In the Morales case, the Jenner & Block legal team presented evidence at a September hearing that the

state's execution system subjects inmates to an unnecessary risk of pain because officials have failed to provide adequate training or install safeguards designed to prevent suffering.

U.S. District Judge Jeremy Fogel is expected to rule on Mr. Morales' case soon. In addition to Mr. Steinken, the Firm's team includes Associates Ginger D. Anders, Janice H. Lam and Stephanie L. Reinhart.

One of the legal underpinnings for such challenges to lethal injection protocols was established earlier in 2006 with the help of the Firm's advice to the counsel of record for Death Row inmate Clarence Hill in the U.S. Supreme Court case *Hill v. McDonough*. In that case, the Court unanimously ruled that inmates can challenge a state's method of execution in federal court when there is "a risk of pain the State can avoid" and without having to file a habeas corpus petition contesting the original death sentence.

Partners Donald B. Verrilli, Jr. and Ian Heath Gershengorn as well as Associate Eric Berger had assisted the counsel of record to Mr. Hill, who was convicted of murder in 1983.

### Firm Honored By ABA For Death Penalty Representation

Jenner & Block was honored by the American Bar Association's Death Penalty Representation Project for "exceptional pro bono contributions" on behalf of Death Row prisoners at the Project's recent 20th Anniversary & Volunteer Recognition event. Partner Terri L. Mascherin accepted the Volunteer Award on behalf of the Firm. Ms. Mascherin is the former Chair of the Project's Steering Committee and has represented several Death Row inmates on a pro bono basis throughout her career. Pictured: Ms. Mascherin and Robin M. Maher, Director of the Death Penalty Representation Project.



## Favorable Consent Decrees in Landmark Pro Bono Disabled Rights Case

A federal court approved consent decrees mandating that public transportation services be improved for the disabled in Lake County, Indiana on October 6 in a closely-watched legal battle led by Jenner & Block attorneys on behalf of persons with disabilities there.

The court-sanctioned agreements require that the defendants take immediate steps to improve services for the disabled, including requiring specific training for drivers on how to interact with people with disabilities and establishing policies and procedures to ensure that persons with disabilities can avail themselves of public transportation services that are fully compliant with the Americans with Disabilities Act.

"The outcome sends a strong message that the Americans With Disabilities Act must be fully complied with and reaffirms the fundamental rights of the disabled," said Partner Steven M. Siros, who led the Firm's legal team.

The Firm represented Everybody Counts Center for Independent

Living, a not-for-profit advocacy agency and a certified class of persons with disabilities, in a pro bono class action lawsuit filed six years ago. The lawsuit alleged a systemic failure by the governmental oversight entities and transportation providers to provide ADA-compliant public transportation services to persons with disabilities.

The lawsuit also alleged multiple violations of the ADA, which was passed by Congress more than 15 years ago to protect disabled individuals' ability to have equal access to public facilities and services. The complaint contended that the defendant state agencies misused federal funds earmarked for improving transportation services to people with disabilities and that they ignored repeated complaints about the lack of transportation for persons with disabilities in Northwestern Indiana.

Said Teresa Torres, Executive Director of Everybody Counts: "For individuals with significant disabilities, adequate and appropriate public

transportation is much more than a convenience – it is absolutely essential. It is difficult to convey just how significantly the terms of the settlements will positively impact the lives of many thousands of people in our community – now and in the future. And, given the amount of interest that has been generated nationwide, we believe that this case will likely have a ripple effect in many other communities as well!"

One defendant, Northwest Community Action Corporation, has not agreed to settle and a trial is expected next year.

In addition to Mr. Siros, the Jenner & Block team on this matter included Associates Nada Djordjevic, Katherine Rahill, Emma J. Sullivan, Kristen M. Boike, Tracy E. Dardick, Christina Tomaras Hansen, Andrew F. Merrick, Elizabeth A. Kalisz, Laura E. Pelanek, Shana A. Shifrin, Benjamin M. Vetter, Anne K. Wasilchuk and Melissa S. Wills.

### Chicago Appleseed Fund Honors Graham for His Commitment to Social Justice

Jenner & Block Partner Robert L. Graham was honored in March for his commitment to social justice and community service by the Chicago Appleseed Fund for Justice at a gala that was attended by over 200 people. Mr. Graham has served on the Fund's Board of Directors for many years, helping to guide the organization in its mission to identify social justice and government effectiveness issues.

Randall E. Mehrberg, Executive Vice President and Chief Legal Officer of the Exelon Corporation and former Jenner & Block Partner, presented the Appleseed award to Mr. Graham. Among other things, Mr. Mehrberg highlighted Mr. Graham's commitment to the legal issues of the less fortunate and his encouragement of others to take on pro bono matters and otherwise help the needy.



Pictured: Linda Singer, then Executive Director of Appleseed, the national network of Appleseed public interest law centers; Mr. Graham; and Malcolm Rich, Executive Director of the Chicago Appleseed Fund for Justice.

## Human Rights of Detainees Defended on Many Fronts

Jenner & Block attorneys were significantly involved during 2006 in the litigation and national debate surrounding the legal status of the detainees being held at the U.S. Naval Base in Guantánamo Bay, Cuba.

Several of the Firm's attorneys from the Firm's Chicago and Washington, DC offices represent 15 of the detainees held at the facility, who are challenging the legality of their detention.

Jenner & Block attorneys have also authored influential amicus briefs in several Guantánamo-related cases before the U.S. Supreme Court and other courts.

In addition, Partner Thomas P. Sullivan testified before the U.S. Senate Judiciary Committee at a hearing on the Military Commissions Act of 2006's controversial provision stripping habeas corpus rights from detainees.

"Locking away hundreds of men for years without charge, and without a fair system of freeing the innocent among them, runs contrary to everything our country stands for," said Partner Patricia A. Bronte, who represents several of the detainees. "We feel very strongly that our clients' cases raise issues central to the rule of law, human rights and the integrity of our legal system."

Jenner & Block attorneys have also been persistent advocates for their clients in the media, including publishing opinion pieces in leading newspapers, as well as providing commentary to the national media.

According to published sources, approximately 435 detainees are currently at the Guantánamo facility. Many have been held for more than four and one-half years.

Jenner & Block is one of many law firms involved in the litigation surrounding the rights of the detainees. The Center for Constitutional Rights in New York is spearheading the coordinated efforts of all counsel, which includes large law firms, solo practitioners, civil rights groups and Federal defenders.

### Legal Status

Following the 2004 U.S. Supreme Court decisions in *Rasul v. Bush*, which held that Guantánamo



Partner Thomas P. Sullivan testified on September 25 before the Senate Judiciary Committee on Congressional proposals to limit detainee access to habeas corpus review included in the Military Commissions Act. Mr. Sullivan said that the authorization by Congress of the habeas stripping provisions was a "a momentous moment in our history," and urged the senators to vote against the provisions because they do not comport with traditional notions of due process.

prisoners had the right to file habeas petitions regarding their detentions in federal court, and in *Hamdi v. Rumsfeld*, which reaffirmed constitutional rights of U.S. citizens to challenge their detentions, the Department of Defense established a review procedure for the detainees call the Combatant Status Review Tribunals (CSRTs).

According to the government, the CSRT hearings were intended to provide a venue for the government to justify the prisoners' "enemy combatant" status, and to provide the prisoners with a "meaningful opportunity" to challenge their detentions. However, the Firm's attorneys have charged that many of the rules surrounding the hearings, in which the prisoners had no right to counsel or to view the evidence against them and the government's charges were presumed "genuine and accurate," did not allow the prisoners to challenge their detentions effectively.

According to the Firm's legal briefs, between August 2004 and January 2005, CSRT military tribunals found over ninety percent of the prisoners to be "enemy combatants," including many prisoners who told the CSRT that their confessions were false and

had been coerced from them through torture and other unconstitutional treatment.

The Detainee Treatment Act (DTA), which took effect at the end of 2005, provided that Guantánamo prisoners could no longer challenge their detention through petitions for habeas corpus. Instead, the prisoners could only obtain a limited court review of their CSRT determinations. In June 2006, the Supreme Court rejected the government's argument that the DTA operated retroactively to invalidate the pending habeas petitions. The decision in *Hamdan v. Rumsfeld* also overturned the Defense Department's rules for military commissions to try violations of the law of war.

The Military Commissions Act was enacted in response to *Hamdan* and was signed into law in October 2006. Among other things, the Act attempts to overrule *Hamdan* and strips the right of habeas corpus for all non-citizens labeled "enemy combatants," including all Guantánamo prisoners.

The Firm's attorneys have filed habeas petitions and an extensive series of motions on behalf of their clients, including motions to show cause, requiring the government to produce findings and transcripts from the prisoners' CSRT hearings, and

emergency motions for the Firm's attorneys to gain access to and meet with their clients.

In May 2006, three of the Firm's clients were released from the facility at Guantánamo Bay and were transferred to the custody of the Kingdom of Saudi Arabia.

Jenner & Block attorneys continue to travel to Cuba to attempt to meet with their clients, assess their case status, and monitor the conditions of their imprisonment.

"Some are very receptive to our efforts," said Partner David J. Bradford, one of the Firm's attorneys representing the prisoners. "Others have been respectful, but have resisted our help due to mistrust or their desire to make a stand against the entire detention process."

In addition to Mr. Sullivan, Mr. Bradford, and Ms. Bronte, other Jenner & Block attorneys representing prisoners include Partners Jeffrey D. Colman and Associates Wade A. Thomson, Maya D. Nath, Matthew Devine, Douglas A. Sondgeroth, and Elton Y. Wong and Project Assistant Martin Mackowski.

#### Hicks Case

Meanwhile, another team of Jenner & Block attorneys from the Washington, DC and Chicago offices have since 2004 assisted the military defense counsel for David Hicks, an Australian citizen detained at Guantánamo Bay, Cuba and charged with war crimes as part of the U.S. War on Terrorism. He has maintained his innocence of all charges.

The Firm's representation has included filing a habeas petition on Mr. Hicks's behalf in federal court and authoring an amicus brief in the *Hamdan* case before the U.S. Supreme

Court. The Supreme Court cited this amicus brief in its *Hamdan* opinion.

Mr. Hicks remains at Guantánamo Bay, awaiting a hearing authorized by the Military Commissions Act.

The Jenner & Block attorneys representing Mr. Hicks include Partners Michael B. DeSanctis, Marc A. Goldman and Andrew A. Jacobson and Associates Omar R. Akbar, Eric Berger, Craig E. Estes, Elizabeth L. Kendall and Andrew W. Vail.

#### Other Amicus Activity

Most recently, former U.S. Attorney and Jenner & Block Partner Anton R. Valukas joined former Attorney General Janet Reno and other former prosecutors to file a brief in a detainee case before a federal appeals court.

The brief argued that the existing criminal justice system is up to the task for prosecuting those who plan or attempt terrorist acts within the United States and without sacrificing any of the rights "that have been the hallmarks of the American legal system for more than 200 years."

Also this Fall, Partner Patricia A. Bronte and Associate Douglas A. Sondgeroth submitted an amicus brief on behalf of seven retired federal judges in the consolidated cases now pending in the D.C. Circuit Court of Appeals contesting the constitutionality of the habeas-stripping provisions of the Military Commissions Act. The brief contends that the Act could force the judiciary to affirm detentions based on evidence wrenched from prisoners by torture or other unconstitutional treatment. The Firm worked along with attorney Agnieszka M. Fryszman of Cohen, Milstein, Hausfeld & Toll, PLLC on the brief.

In February, Partner Lorelie S. Masters and Associate Scott B. Wilkens, in conjunction with the Brennan Center for Justice at New York University School of Law, filed an amicus brief in a federal appeals court, also on behalf of several retired federal judges, in support of two detainees, who had been held for four years at Guantanamo Bay. The U.S. Government continued to hold them even after a CSRT had determined that they were not enemy combatants. The Firm's brief on behalf of six retired judges, both Republicans and Democrats, argued that the two detainees should be granted habeas relief. Just before oral argument in the case, the government flew the detainees to Albania and released them without any prior notice to their lawyers or the court.

In *Rasul*, Mr. Bradford and Partner Steven McMahon Zeller filed a brief before the U.S. Supreme Court on behalf of several retired judges. In *Hamdi*, Partners Barry Sullivan and Shelley Smith led a Jenner & Block team to file a brief with the Court on behalf of the American Bar Association.

The Firm also served as co-lead counsel to Jose Padilla in the 2004 U.S. Supreme Court case *Rumsfeld v. Padilla*, which also addressed whether a U.S. citizen can be held indefinitely and without trial. However, the Court ruled that the lawsuit improperly named then Defense Secretary Donald Rumsfeld and did not rule on the case's merits. The Firm's team on the *Padilla* case was led by Partner David W. DeBruin and included Partner William M. Hohengarten and Associates Matthew S. Hellman, Duane Pozza and Scott B. Wilkens.

## MacArthur Justice Center Celebrates 20 Years



Over 100 members of the Chicago legal community gathered at Jenner & Block in December to celebrate the MacArthur Justice Center's 20th year of criminal justice reform. Partner David J. Bradford, founding attorney and General Counsel of the organization, is pictured (left), with former Illinois Death Row inmate Dickey Gaines (second from left), whom the Center and Jenner & Block helped free on constitutional grounds after a lengthy appeals process. Mr. Gaines has gone on to become an advocate for prison reform. Also pictured are Solange MacArthur and Rick MacArthur, principal board members of the Justice Center.

## News & Notes

### NY Pro Bono Pledge

The attorneys in Jenner & Block's New York office pledged unanimously to perform at least 50 hours of pro bono service each year as part of the Association of the Bar of the City of New York's initiative to "increase legal aid to the needy and to foster a strong culture of pro bono work within the city's law firms." In agreeing to make the pledge, Jenner & Block's New York office signaled its commitment to uphold the City Bar's "Statement of Pro Bono Principles," which provides a road map for lawyers and law firms to increase the amount of meaningful pro bono legal services in and around New York City.

### Defending Free Speech on Film

Partner Ronald M. Daignault and Associate Sami J. Valkonen, of Jenner & Block's New York office, filed an amicus brief in the U.S. Court of Appeals for the Second Circuit earlier this year on behalf of the Volunteer Lawyers for the Arts, a not-for-profit organization that provides legal advice and assistance to low-income artists and non-profit artistic organizations. The filmmaker had challenged the qualified immunity of federal agents, who allegedly used the color of their authority to have a politically-oriented film removed from the Internet. The Firm's brief defended the independent filmmaker's First Amendment rights, and highlighted the Internet as an unrivaled means for distributing creative expression. The parties are waiting for the decision from the Second Circuit.

### Opposing Mandatory Deportation

State-law convictions for mere possession of illegal drugs do not constitute "illicit trafficking" "aggravated felonies" triggering mandatory deportation under the Immigration and Nationality Act, according to an amicus brief recently

filed on behalf of the American Bar Association by Jenner & Block Partner David W. DeBruin and Associate Iris E. Bennett. The case, *Jose Antonio Lopez v. Alberto Gonzalez*, was argued before the U.S. Supreme Court in October. The Court ruled 8-1 in December that possession offenses that would not be felonies under federal criminal law are not "aggravated felonies" for purposes of immigration law.

### Battling Lung Disease

More than 50 Jenner & Block lawyers and staff members raced up 94 floors to the top of the John Hancock Tower in March as part of "Hustle up the Hancock," an annual fundraising effort by the American Lung Association of Metropolitan Chicago for lung research, advocacy and education. The team raised more than \$13,000 in donations for the event, which the ALAMC will use to help the thousands of people in Chicago who suffer from lung disease, like lung cancer, emphysema and asthma. Partner Barry Levenstam led the Firm's participation in the event and serves on the Board of Directors of the ALAMC.

### Appellate Victory for Prisoner

Jenner & Block Associate, Craig E. Estes obtained a victory in the D.C. Circuit on behalf of a federal prisoner who sued the Bureau of Prisons after being denied the use of electronic documents on the grounds that prison regulations forbid inmates from possessing electronic documents and/or accessing computers. In response to Mr. Estes' argument and brief, the D.C. Circuit issued a unanimous opinion reversing the district court and directing that judgment be entered for the prisoner, ruling that the BOP has a clear obligation under the Freedom of Information Act to provide him with the requested documents in electronic format.

### Successful Felony Defense

Partner Terrence J. Truax and Associate Darren J. Schmidt successfully defended a 15 year old pro bono client this Summer against a felony armed robbery charge. Despite facing a minimum 21 years in prison, the client rejected a plea offer from the state that would have allowed him to avoid prison time but yet saddled him with a debilitating adult felony conviction for most of his life. On the day of trial, it was revealed that the victim was refusing to testify against the client. Given this refusal and the absence of other credible evidence, the state was forced to dismiss the case and the Firm's young client was finally allowed to return to his family.

### Production Company Assisted

Associate Elizabeth Valentina counseled Waterwell Productions, a non-profit theater production company, on negotiating the right to produce an adaptation of the Eugene O'Neill play "Marco Millions," which ran in New York City in August. In connection with that project, Ms. Valentina drafted releases for the performers, musicians and other contributors to the production.

### Model Leasing Law

Associate Brian Hauck and Of Counsel Ronald DeKoven this summer drafted a preliminary model law on leasing for UNIDROIT, an independent intergovernmental organization based in Rome that studies methods for modernizing and coordinating commercial law between countries. The law, targeted for developing countries, will provide the legal framework necessary to attract leasing investment in those areas. In appreciation of the Firm's contributions in developing the model law, UNIDROIT named Jenner & Block a "Corporate Correspondent." It was the first time in the

organization's 80-year history that it honored a corporate body with the Correspondent title.

**Children's Hospital Fundraiser**

Jenner & Block Partner Joseph G. Bisceglia co-chaired the 12th annual Four Stars of Chicago Restaurant Extravaganza in an effort to help raise funds for St. Jude Children's Research Hospital. The event was attended by 800 people and raised over \$540,000 for the hospital, which maintains the single largest center in the United States for the treatment and research of childhood catastrophic diseases, such as cancer and pediatric AIDS.

**Supporting Scholarship Program**

Jenner & Block received an award for being a "High 5" sponsor of Scholarship Chicago, a nonprofit organization that provides economically disadvantaged youth in Chicago with programs and scholarships to help them pursue college or other post-secondary education. Chairman Jerold S. Solovy and Partner J. Kevin McCall spearheaded the Firm's donation to the organization. On November 2, Jenner & Block was one of several firms recognized for their exceptional support during a reception and award dinner attended by more than 300 executives, professionals and academics.

**Acquittal in Criminal Case**

Jenner & Block pro bono client DeMarko Williams was acquitted of two counts of aggravated vehicular hijacking after Associate Christopher V. Parente and former Associate Donald S. Boyce Jr. convinced an Illinois jury that the case against Mr. Williams was based on flawed identifications, lack of physical evidence and an inadequate crime scene investigation.

**ACS Fundraiser**

Jenner & Block continued its tradition of supporting the American Cancer Society as it was the nonprofit's largest law firm contributor for the third consecutive year, and was the second highest fundraiser among all Chicago participants, during the ACS' "Daffodil Days."

**Supporting Fairfield Academy**

In November, Jenner & Block attorneys and other professionals judged the compelling science projects of Fairfield Academy's sixth, seventh and eighth graders. Shortly after the Science Fair, The Firm also brightened



the Academy's holiday season when attorneys and staff members teamed up to provide each of the 700 students with educational gifts. Jenner & Block has donated over 80 computers for the school's computer lab and classrooms. Pictured: Principal Brenda Thomas with Partner Anton R. Valukas talking with Fairfield students.

**Adoption Benefits Restored**

Associate Hanna L. Stotland helped an adopted child regain lost government benefits after challenging a provision in New York law that withdrew benefits for adoptees over the age of 18 whose adopted parents had died. Typically, adopted children in New York are entitled to benefits until age 21. As a result of the Firm's actions in the matter and other pressures, the state changed the law and the client was awarded \$17,000 in lost benefits.

**DC Criminal Case Continues**

Partners David A. Handzo and Darren H. Lubetzky represented this year a man who had been indicted for murder. After a trial in which the attorneys impeached two key government witnesses, the jury deadlocked and a mistrial was declared. The case will be re-tried in March 2007.

**Battle for Mentally Ill Home Owner**

In December 2005, Jenner & Block began representing the Cook County Public Guardian and the Estate of Mary Lowe, who was a mentally ill and hospitalized homeowner whose house was sold to a tax scavenger at a tax sale for \$110.65 in unpaid taxes. At that time, the Illinois Supreme Court had rejected the Public Guardian's argument that the process used to give notification to Ms. Lowe failed to comply with minimum constitutional due process requirements. The Firm filed a petition for certiorari with the U.S. Supreme Court, which then vacated and remanded the case to the Illinois Supreme Court for further proceedings. The case is now being rebriefed and will be reargued in the Illinois Supreme Court in early 2007. The Firm's team on the case is being led by Partner Barry Sullivan and includes Chairman Jerold S. Solovy and Associates Denise Kirkowski Bowler and Benjamin M. Vetter. Co-counsel are Cook County Public Guardian Robert F. Harris, Charles Golbert, and Kass Plain.

**Attorneys Sprint for Justice**

Nearly 20 Jenner & Block attorneys and staff members this summer participated in the 13th annual Chicago Volunteer Legal Services Foundation (CVLS) "Race Judicata Sprint for Justice 5K" held along Lake Michigan in downtown Chicago. Proceeds from the event supported the CVLS's mission to provide free legal services to low-income Chicagoans.

## Associates Gain Victory in Same-Sex Custody Case

Associates Scott B. Wilkens and Duane Pozza recently helped client Ulf Hedberg remove a court-ordered custody restriction that had prevented his same-sex life partner from living in the same household with Mr. Hedberg and his son. The attorneys persuaded a Maryland court that the restriction was harmful to the client's 13-year-old son, and that it was in the child's best interest to reunite the trio.

"Reuniting this loving and dedicated family was clearly in the best interest of this child," said Mr. Wilkens.

In 2002, and following Mr. Hedberg's divorce, a Virginia judge had awarded Mr. Hedberg physical custody of his son on the condition that his partner not live in the same household, even though there was no evidence to suggest that the presence of Mr. Hedberg's partner was harmful to the child.

Mr. Hedberg and his son subsequently moved to Maryland, where he filed a petition to remove the custody restriction on the

grounds that it had diminished the quality of his son's life and deprived him of a stable two-parent home. The Maryland trial court denied Mr. Hedberg's petition, but the Maryland Court of Special Appeals reversed the decision and remanded the case to determine the best interest of the child.

After the appeal, Messrs. Wilkens and Pozza joined the case on a pro bono basis. Together with Susan Silber, Mr. Hedberg's long-time attorney, and with the help of Jenner & Block paralegal Albert Peterson, they presented extensive evidence to the trial court about the negative impact of the restriction on the son and about the child's positive relationship with Mr. Hedberg's partner. Among other things, the attorneys interviewed and prepared witnesses for an evidentiary hearing, submitted a pretrial brief, and examined key witnesses at the hearing.

In addition, Mr. Hedberg and his partner have disabilities – Mr.

Hedberg is deaf and his partner is partially blind as well as deaf – yet the attorneys were able to convince the court that they have overcome their disabilities and have helped others to overcome similar disabilities, making them particularly fit parents. In lifting the custody restriction, the judge noted that Mr. Hedberg's partner had served as a leader and mentor to youth in the deaf and blind community.

"Here's a young boy who is able to see up close and personal two people with a disability, who have conquered the disability to the extent that they can, and at the same time have gone out of their way to help others who have a like disability," the judge ruled. "It's not something that all children are exposed to.... It can only serve to have a beneficial purpose" for the boy, he concluded.

After four years of separation, Mr. Hedberg and his partner now share a home with Mr. Hedberg's son.

### 5K Race for American Brain Tumor Association



A team of Jenner & Block attorneys and staff were part of the 2,200 participants who raised more than a quarter million dollars for brain tumor research at the American Brain Tumor Association (ABTA) Path to Progress 5K Walk and Fun Run in May. Associate David S. Drachler led the Jenner & Block team, which consisted of Partner John J. Buttita, Associate Mercedes M. Davis, former Associate Ami J. Galani, Associate Jessica A. Garascia, Associate Bobby J. Hollis, II, former Associate David M. Kavanaugh, Associate Rebecca J. Krasaeath, Associate Lisa S. Lauer, Legal Secretary Joan E. O'Brien, Pro Bono Coordinator Caroline Padmanabhan and Associate Shehla F. Syed. Pictured, from left: Ms. Krasaeath, Ms. Syed, Ms. O'Brien, Ms. Davis, Mr. Kavanaugh, Mr. Drachler, Brett Bottorff, Ms. Garascia and Ms. Padmanabhan.

## Honors & Awards

### Equal Justice Award

Partner Donald B. Verrilli, Jr. was honored in November with the Southern Center for Human Rights Equal Justice Award for his commitment to protecting the civil rights of Death Row inmates throughout his 20 year career. In bestowing the award, the Center praised Mr. Verrilli's victory before the Supreme Court in *Wiggins v. Smith*, which reaffirmed the importance of the right to counsel in capital cases, and also helped to establish meaningful standards for defense counsel's performance. Pictured: Mr. Verrilli accepting the award at the Center's Frederick Douglass Awards Dinner.



### Barry Sullivan Honored for Civil Rights Work

In March, the DePaul University Black Law Students Association honored Partner Barry Sullivan with its inaugural "Progressives in the Profession Award." Mr. Sullivan was recognized for his longstanding pro bono representation in important civil rights and civil liberties cases, including his argument in the landmark death penalty case *People v. Wilson*, in which the Illinois Supreme Court reversed a capital conviction because of a coerced confession obtained by police brutality in Chicago's Area 2 police district, which later gained notoriety because of other cases involving the same practice. Mr. Sullivan has been involved in many other landmark cases, such as *Batson v. Kentucky*, and *Hamdi v. Rumsfeld*.

### Valukas Wins Coveted AJC Award

Jenner & Block Partner Anton R. Valukas was honored with the American Jewish Committee's prestigious Judge Learned Hand Human Relations Award for his outstanding leadership in the legal profession and the community. Jenner & Block Chairman Jerold S. Solovy presented the award to Mr. Valukas, calling him "a true leader" both inside and outside the Firm. Pictured: Mr. Valukas and Mr. Solovy, who received the same award in 1988, at the award ceremony.



### Distinguished Public Service

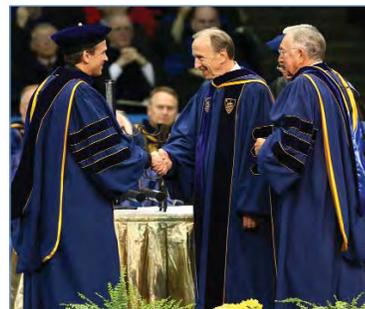
Associate Kathryn C. Newman received the Chicago Volunteer Legal Services Foundation's Distinguished Service Award at a ceremony on November 9. Ms. Newman was honored for her pro bono work at Our Lady of Mercy/St. Clement's Church Legal Clinic in Chicago, handling family law, contract disputes, child custody and tenant landlord issues.

### NCADP Honors Jenner & Block

Jenner & Block was honored with the National Coalition to Abolish the Death Penalty's "Legal Service Award," based on the Firm's tradition of pro bono work on behalf of those facing the death penalty. Partner Scott T. Schutte accepted the award at a ceremony in Austin, Texas.

### Notre Dame Honors Thomas Sullivan

Partner Thomas P. Sullivan was among a distinguished group of business, community and academic leaders who received honorary degrees at the University of Notre Dame's 161st Commencement exercises in May. In its honorary degree citation, Notre Dame observed that Mr. Sullivan "immeasurably strengthened our nation's justice system" through his "unflagging advocacy for all human life through pro bono work to abolish the death penalty," among other things. Pictured: Mr. Sullivan (middle) receiving his honorary degree.



### Pro Bono Institute Award

Jenner & Block was honored by the Pro Bono Institute with the 2006 John H. Pickering Award on November 9, in recognition of its outstanding commitment to pro bono legal services. The Pro Bono Institute also named Jenner & Block to the 2005 Public Interest Law Initiative's "Pro Bono Initiative Honor Roll," which recognizes law firms and in-house law departments in the Chicago area that have made outstanding pro bono contributions.

### PILI Award

Jenner & Block received the Public Interest Law Initiative's 2006 Pro Bono Initiative Award at the organization's annual awards luncheon on December 7. The honor acknowledges "unprecedented" pro bono work in the community.

### DC Judges Honor

Jenner & Block was again honored by the chief judges of the District of Columbia federal courts at the "40 at 50" Judicial Pro Bono Recognition Breakfast. Established by the DC Circuit Judicial Conference Standing Committee on Pro Bono Legal Services, the "40 at 50" breakfast recognizes law firms for which 40% of their attorneys have individually fulfilled at least 50 hours of pro bono service.

# The Heart of the Matter

## JENNER & BLOCK

Pro Bono and Community Service News

Winter 2006

### Three Honored with Albert E. Jenner, Jr. Pro Bono Award

Jenner & Block Partners Patricia A. Bronte, Thomas J. Perrelli and Associate Martina E. Vandenberg were honored with the 2005 Albert E. Jenner, Jr. Pro Bono Award on Saturday, October 28 for their exceptional legal services to the needy.

Ms. Bronte received the Albert E. Jenner, Jr. Pro Bono Award for her representation of several detainees being held at Guantánamo Bay, who are challenging the legality of their prolonged detention. Her award also recognized the more than 20 years of service she has given to the Lawyers' Committee for Better Housing, which helps secure safe and affordable housing for the poor in Metropolitan Chicago. Ms. Bronte also supervised two murder cases in 2005, one on appeal and one through a post-conviction hearing.

Mr. Perrelli received the award for his pro bono representation of Michael Schiavo in the litigation concerning his wife, the late Terri Schiavo, who had been kept alive against her wishes by a Florida law supported by that state's Governor. Mr. Perrelli led the Jenner & Block team that developed the legal briefs opposing appeals by Mrs. Schiavo's parents in light of a Congressional act that gave the federal courts jurisdiction in the case.



Patricia A. Bronte



Thomas J. Perrelli



Martina E. Vandenberg

Ms. Vandenberg received the award for her extensive pro bono work representing human trafficking victims and for her advocacy efforts in calling for more stringent policies and laws to combat human trafficking. As part of her work, she has testified before

NATO and Congress about the problem, and was the author of an influential Human Rights Watch report on human trafficking in post-war Bosnia and Herzegovina.

The Albert E. Jenner, Jr. Pro Bono Award was inaugurated in 2002 to recognize persons who have provided exceptional legal services to the needy. The winners receive a \$5,000 award that they may donate to the charity or charities of their choice. The 2004 Award Winners were Associates Brian P. O'Donnell and Amy L. Tenney. The 2003 Award Winners were Partners Terri L. Mascherin and Susan R. Podolsky and Associates Jason J. Green and Kathleen R. Hartnett. The 2002 Award Winners were Partners Thomas P. Sullivan and William M. Hohengarten. The 2001 Award Winners were Partner Richard P. Steinken and Associate Christopher M. O'Connor.

### Jenner & Block's *The Heart of the Matter* Honored



The Burton Foundation along with the Association of Legal Administrators honored Jenner & Block with the 2006 Best Law Firm Newsletter Award for its Winter 2005 issue of *The Heart of the Matter*. The attorney-co-editors of the newsletter are Partners Barry Levenstam and David W. DeBruin, both of whom are Co-Chairs of the Firm's Pro Bono Committee. The newsletter was created by the Firm's Marketing Department and Pro Bono Committee in 2001. Pictured, from left: Jenner & Block Public Relations Manager Darryl Van Duch and Chief Marketing Officer Theresa Jaffe accept the award on behalf of the Firm from retired Judge James D. Ward, a member of the Burton Foundation's Board of Directors.

*The Heart of the Matter* is produced by Jenner & Block. For additional information or copies, please contact [HeartoftheMatter@jenner.com](mailto:HeartoftheMatter@jenner.com).

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