FOCUS ON DIVERSITY 2012

CYPRESS HILL COPYRIGHT INFRINGEMENT WIN

Partner Carletta F. Higginson was part of the Jenner & Block team that represented hip-hop group Cypress Hill in the appeal of a copyright infringement case. In the case, blues singer Sly Johnson accused Cypress Hill of infringing his copyright for one of his 1960s hits. This suit was removed to the U.S. Court of Appeals for the Seventh Circuit based on diversity jurisdiction where, in February 2010, the Court granted defendant’s motion for summary judgment on the grounds of res judicata, and dismissed the suit with prejudice. On appeal, the plaintiff claimed that the district court abused its discretion in the first action by denying his motion for leave to amend, lacked subject matter jurisdiction and therefore was without power to grant summary judgment on the merits, and erred in granting attorneys’ fees. The plaintiff also appealed the dismissal of the second suit asserting that the court erred in finding the amended complaint was barred by res judicata. The Seventh Circuit rejected all of the claims. ■

LONZA GROUP LTD. $1.2 BILLION ACQUISITION OF ARCH CHEMICALS

Partner S. Tony Ling and Associates Christine K. Bedi, Donald E. Goff and Eugene R. Hsia were part of a large, multidisciplinary Jenner & Block team that represented Swiss-based Lonza Group Ltd. in its agreement to acquire all of the outstanding shares of Arch Chemicals, Inc., for a purchase price of approximately $1.2 billion. Lonza is one of the world’s top suppliers of drug ingredients to pharmaceutical companies; Arch is a global biocides company listed on the New York Stock Exchange. ■

SCRUGGS HONORED WITH MOST POWERFUL & INFLUENTIAL WOMEN IN ILLINOIS AWARD

Partner Lisa T. Scruggs was honored with a Most Powerful & Influential Women in Illinois Award at the National Diversity Council’s Third Annual Illinois Women’s Conference, held in March 2012. The Award recognizes high ranking female executives in various industries in Illinois who demonstrate leadership excellence in the public or private sector and exhibit “the tenacity it takes to excel in their field of expertise.” The National Diversity Council (“NDC”) is the first non-profit organization to bring together the private, public and non-profit sectors to discuss the many dimensions and benefits of a multicultural environment. Through various conferences, symposiums and programs in state and regional councils, the NDC is a

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Fox Sports Victory in L.A. Dodgers Lawsuit

Partner Kenneth K. Lee was part of the Jenner & Block team that achieved a significant ruling for Fox Sports in a dispute with the Los Angeles Dodgers regarding the sale of the team's lucrative television rights. Fox has the exclusive right to broadcast the Dodgers' regular season games through the end of the 2013 baseball season. Fox also has the exclusive right to negotiate a renewed local-media deal with the team. However, following the announcement that the team would be sold in an effort to resolve its Chapter 11 reorganization, the Dodgers attempted to impair Fox's exclusive rights to negotiate a renewed media rights deal by asking the Bankruptcy Court to allow the Dodgers to start talking to potential buyers of the TV rights for the 2014 season and beyond in January 2012, over 10 months earlier than allowed under the current contract. While the Bankruptcy Court granted the Dodgers' request, that order was almost immediately stayed by the District Court at the request of Fox Sports who also filed a notice of appeal from the decision of the Bankruptcy Court. Days before the appeal was set to be heard, Fox Sports and the Dodgers reached a settlement in which the Dodgers agreed to stop all attempts to conduct an early sale and negotiations of the media rights, which was the relief Fox Sports had requested.

€922 Million Ziggo N.V. IPO

Partner Raymond D. Sinnappan was part of the Jenner & Block team that represented GM Asset Management, Performance Equity Management and affiliated investors as selling shareholders in the €922 million initial public offering of Ziggo, N.V., a Dutch cable television operator. Mr. Sinnappan advised on ERISA matters. JPMorgan and Morgan Stanley served as joint global coordinators for the initial public offering.

HHI Group Holdings’ Dividend Recapitalization

Associate Mercedes M. Hill was part of the Jenner & Block team that represented HHI Group Holdings in the $425 million dividend recapitalization completed by the company. HHI Group Holdings, the portfolio company of KPS Capital Partners LP, has completed three successful recapitalizations in the last 12 months and has used proceeds to refinance outstanding debt, fund growth and pay a $100 million cash distribution to stockholders. HHI is the largest independent manufacturer of forged parts and the leading manufacturer of wheel bearings for the North American automotive industry.
Second-largest Private Equity Buyout in the Energy Industry

Jenner & Block represented GM Asset Management and Performance Equity Management as co-investors in the acquisition of El Paso Corp.’s oil and natural gas exploration business by a consortium of private equity investors led by Apollo Global Management. The transaction was reported in the financial press and industry publications as the second-largest private equity buyout in the energy industry at the time. The Firm’s team included Partner Raymond D. Sinnappan on ERISA matters.

General Dynamics Corporation $960 Million Acquisition of Vangent Holding

Partner S. Tony Ling and Associates Donald E. Goff, Mercedes M. Hill, Eugene R. Hsia and Anna Barreiro Sutti were part of a multi-disciplinary Jenner & Block team that represented General Dynamics Corporation in its entry into a definitive agreement to acquire Vangent Holding Corp. in a cash transaction valued at approximately $960 million. Vangent Holding Corp. is the parent company of Vangent, Inc., a leading provider of healthcare information technology and business systems to federal agencies, including the U.S. Departments of Health and Human Services, Education, Labor, State and Defense. The Arlington, VA based Vangent will become part of General Dynamics Information Technology.

Choice-of-Law Ruling for ProBuild

Associate Caroline D. Lopez was instrumental in drafting the choice-of-law brief for the Firm’s client ProBuild, which resulted in a ruling against Granite Slate Insurance Company. ProBuild is engaged in ongoing litigation regarding insurance coverage for claims arising from the distribution of Chinese drywall. The Jenner & Block team achieved a significant ruling in the case filed by Granite Slate when Colorado State Court Magistrate Judge Lisa Hamilton-Fieldman found that Massachusetts law, not Florida law, governs the interpretation of Granite Slate’s $2 million policy. Florida law is highly adverse to ProBuild’s coverage claim, while the law in Massachusetts is more unsettled and has never been interpreted by a Massachusetts court as barring coverage for Chinese drywall claims.

JENNER & BLOCK CONTENT, MEDIA & ENTERTAINMENT PRACTICE RECEIVES CHAMBERS USA AWARDS FOR EXCELLENCE HONOR

Jenner & Block’s Content, Media & Entertainment Practice was honored at the Chambers USA Awards for Excellence dinner in New York on June 7. The Practice Group bested five other shortlisted finalist firms to take home top honors in the media category. Partner Carletta F. Higginson and other Firm partners accepted the award on the Firm’s and Practice’s behalf in front of a packed house of more than 500 people at the famed Cipriani 42nd Street restaurant.

The awards dinner program noted:

“Jenner & Block has an unparalleled track record in media and entertainment litigation, particularly involving copyright and content protection issues, and is a counsel of choice for major motion picture studios, record companies and other producers and providers of creative content. Jenner has had a stellar year once again and notably is representing motion picture studios in their copyright infringement suit against file-sharing website Hotfile.com.”

In addition to Mr. Bart, other members of the practice include Partners Carissa Coze, as well as Associates Farnaz M. Alemi, Phillip E. Jackman, Jolene E. Negre, and Jennifer V. Yeh. ■

Pictured from the left: Awards Dinner emcee Angus Deayton; Partners Carletta F. Higginson, Andrew H. Bart and Paul M. Smith; Chambers USA Editor Laura Mills
Patent Infringement Appeal Victory for Viskase Companies

A Jenner & Block team including Associate Yusuf Esat won a significant appellate victory for client Viskase Companies, Inc., when the Federal Circuit affirmed, in all respects, a Northern District of Illinois decision in Viskase’s favor in a patent infringement case involving a food casing product that is a key product line for the company. In 2009, World Pac, a competitor, directly contacted Viskase’s customers and potential customers suggesting that Viscoat infringed a World Pac food casing patent. In August 2009, Viskase sought a declaratory judgment that it did not infringe the World Pac patent and that World Pac’s patent was invalid. World Pac counterclaimed, asserting that Viscoat infringed several claims of World Pac’s patent. In February 2011, District Court Judge Elaine Bucklo granted summary judgment to Viskase, holding that the asserted claims of World Pac’s patent were invalid. After hearing oral argument on March 6, 2012, the Federal Circuit affirmed and upheld Judge Bucklo’s ruling.

False Claims Act Suit Against Q2Administrators Dismissed

A Jenner & Block team including Associate Marina K. Jenkins achieved a significant victory for Q2Administrators, a former subsidiary of Firm client Blue Cross Blue Shield of South Carolina, when the District Court for the Eastern District of Pennsylvania dismissed the plaintiff’s False Claims Act case in its entirety for lack of subject matter jurisdiction. The plaintiff alleged that the defendants had improperly reviewed appeals of Medicare claims for durable medical equipment because they allegedly did not provide for review by a physician or healthcare professional as required by the regulations. The Judge concluded that the Court did not have subject matter jurisdiction and granted the motion to dismiss after determining that the plaintiff’s complaint was based on public disclosures in other, prior administrative proceedings, as well as a separate bankruptcy case, and that plaintiff was not an original source of the information on which the allegations were based.

Securities Case Dismissal for Anixter International Inc.

Associate Som P. Dalal was involved in the Firm’s significant victory for Anixter International Inc., a leading global distributor of communication and security products, electrical and electronic wire & cable, fasteners and other small parts, when the U.S. District Court for the Northern District of Illinois dismissed with prejudice the entirety of a plaintiff-shareholders’ second amended class action complaint alleging violations of the federal securities laws by Anixter and certain of its officers and directors.

JENNER & BLOCK’S PRO BONO PROGRAM RECOGNIZED BY NATIONAL LAW JOURNAL

Jenner & Block was named to the National Law Journal’s 2012 “Pro Bono Hotlist,” as a firm that hasn’t “forgotten [its] professional obligations even — especially — during hard times.” The Firm was profiled in a lengthy feature highlighting its work in the precedent-setting case of State of Illinois v. Pursley and the 12,000 hours devoted by Firm attorneys to the defense of Juan Rivera in People v. Juan Rivera. Pursley was a post-conviction matter in which the Firm’s team convinced an Illinois appellate court to reverse a lower court and grant ballistics testing, for the first time, under the state’s post-conviction testing statute, which had been changed in 2007. The Firm’s client had sought the testing ever since his conviction for first-degree murder during the course of an attempted robbery in 1993. In the Juan Rivera matter, Jenner & Block achieved a significant victory when, after three trials in which Mr. Rivera was found guilty of first-degree murder, on December 9, 2011, a unanimous three-judge panel of the Illinois Appellate Court for the Second District reversed, outright, his conviction, holding that “the State’s evidence was insufficient to establish guilt beyond a reasonable doubt.” The National Law Journal article also quotes Esther Lardent, President of the Pro Bono Institute, who said, “What’s particularly striking about Jenner is that they’re a firm with a remarkable pro bono culture.” Steven Drizin, Director of Northwestern University School of Law’s Center on Wrongful Convictions, which partnered with the Firm in both cases, said that Pursley was “a case that could have been handled by a number of other law firms, but I chose Jenner because we knew they’d be in for the long haul.”
resource and an advocate for the value of diversity and inclusion. The NDC’s Illinois Women’s Conference is a statewide event focusing on professional development, community, networking, entrepreneurship and women’s health.

Ms. Scruggs was also honored with the “Commitment to Justice Award” by the Chicago Appleseed Fund at the Pillars of Justice Awards Gala. Ms. Scruggs was honored “for her work on education reform in Chicago and throughout Illinois.” The awards program highlighted the “exceptional efforts and achievements of those who promote Appleseed’s mission and vision,” which is to uncover and correct “injustices and barriers to opportunity through legal, legislative and market-based structural reform.” Through a network of 16 public interest justice centers in the United States and Mexico, the not-for-profit identifies and examines social injustices, makes specific recommendations, and advocates for effective solutions to deep-seated structural problems.

Ms. Scruggs is a member of the Firm’s Complex Commercial Litigation, Real Estate and Construction Litigation, and Health Care Litigation Practices, and serves on the Finance, Hiring, and Diversity & Inclusion Committees. Clients seek her counsel on matters including commercial, unfair competition, education, civil rights and constitutional law. She also maintains a litigation and counseling practice that focuses on advising education industry clients on how to achieve their policy goals and on a variety of education and school reform law issues. She draws on extensive experience in the education industry, including serving as Senior Policy Advisor to the Chicago Public Schools’ Chief Executive Officer, as well as positions at Business and Professional People for the Public Interest, the Consortium on Chicago School Research and the Chicago Public Schools.

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**SCRUGGS HONORED WITH MOST POWERFUL & INFLUENTIAL WOMEN IN ILLINOIS AWARD**

**ATTORNEYS RECOGNIZED BY ILLINOIS SUPER LAWYERS**

**Illinois Super Lawyers**

**Gabriel A. Fuentes**
Criminal Defense: White Collar 2012

**Philip L. Harris**

**Reginald J. Hill**

**Lisa T. Scruggs**
Business Litigation 2012

**Illinois Super Lawyers “Rising Stars”**

**Reena R. Bajowala**
General Litigation 2011

**Olivia T. Luk**

**NATIONAL LAW JOURNAL RECOGNIZES JENNER & BLOCK’S APPELLATE PRACTICE FOR THE FOURTH YEAR IN A ROW**

For the fourth year in a row, Jenner & Block was named to the “Appellate Hot List” by the National Law Journal. The newspaper’s annual list recognizes firms that made “exemplary contributions to appellate practice during the year,” and had “at least one significant appellate win between May 2011 and May 2012” and an “impressive track record overall.”

The National Law Journal noted that, despite losing star appellate advocate Donald Verrilli Jr. to the Obama administration in 2009, the Firm’s Appellate and Supreme Court Practice has “held its own and has continued to pull in top-tier work.” And that during the past eight years, Jenner & Block has argued 25 cases before the U.S. Supreme Court, and that in recent years “the firm delivered a significant First Amendment win” and another victory that “could affect thousands of asylum seekers and immigrants seeking safety in the United States.” The NLJ noted that the cases on the list are those which “affected the course of industries” and “vindicated important constitutional rights.”

Focus on Diversity 2012  
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PARTNER GABRIEL FUENTES RECEIVES NU LAW STUDENT PUBLIC INTEREST FELLOWSHIP PROGRAM DISTINGUISHED ALUMNUS AWARD

Partner Gabriel A. Fuentes received a Distinguished Alumnus Award from the Northwestern University School of Law Student Funded Public Interest Fellowship Program (“SFPIF”) in April 2012.

The award celebrates Northwestern University School of Law alumni who have made outstanding contributions to public service and the legal community. According to the SFPIF, Mr. Fuentes was selected in recognition of his “exemplary commitment to public service,” as evidenced by his “extraordinary service as co-chair of the Jenner & Block Pro Bono Committee, participation on CARPLS (Coordinated Advice & Referral Program for Legal Services) board and service on the Chicago Council of Lawyers.”

LEADERSHIP COUNCIL ON LEGAL DIVERSITY NAMES PARTNER CARLETTA HIGGINSON TO 2012 FELLOWS PROGRAM

Partner Carletta F. Higginson was selected for the 2012 Fellows Program of the Leadership Council on Legal Diversity (“LCLD”), a national organization made up of general counsel of the country’s preeminent corporations and managing partners of leading law firms.

Ms. Higginson is one of a select group of 134 young attorneys from across the country who will be participating in the year-long professional development program. The Fellows are all mid-career emerging leaders who have distinguished themselves within their firms or corporations.

The Program focuses on relationship-building and leadership skills and offers Fellows a unique opportunity to network with and learn from top leaders in the legal profession. Organizations such as The Coca-Cola Company, Microsoft Corporation, Macy’s and McDonald’s Corporation will host visits from Fellows during the course of the year, providing structured interaction with key leaders in those corporations.

The LCLD, which was formed in May 2009, is an organization of corporate chief legal officers and law firm managing partners whose vision is to advance significantly diversity and inclusion in the legal profession. One of its goals is to ensure that critical legal talent, particularly from diverse backgrounds, is wisely invested into the work of the profession.

ASSOCIATE TARSHA A. PHILLIBERT NAMED A “LEGAL INDUSTRY RISING STAR”

Associate Tarsha A. Phillibert was named a “Legal Industry Rising Star,” by Diversity & the Bar, the publication of the Minority Corporate Counsel Association in June 2012.

Noted as one of the “stars of the next generation” by the magazine, Ms. Phillibert was one of only four attorneys nationwide from “America’s leading companies and firms” who were selected for this recognition. She was profiled in a lengthy feature in the publication’s May/June issue.

The article states that Ms. Phillibert had originally thought she wanted to practice medicine, but became interested in law school when her sister became a law student. Ms. Phillibert attended Case Western Reserve University Law School, where she was a two-time winner of an award given to the highest scoring student in each law school class. She then clerked for Judge Richard Webber of the Eastern District of Missouri and subsequently for Judge Charles Haight, Jr. of the Southern District of New York.

Ms. Phillibert’s profile highlighted her work as a member of the Firm’s Complex Commercial Litigation Practice, as well as her experience in white collar defense matters and internal investigations. It also mentioned her pro bono efforts.

Now “thrilled” with her decision to become a lawyer, Ms. Phillibert told Diversity & the Bar that she would like to influence other young people “to come into the profession.”

Mr. Fuentes is a member of the Firm’s White Collar Defense and Investigations, Antitrust Litigation, and Media and First Amendment Practices. He draws on a varied background including time as a federal prosecutor and professional journalist in both his private and his pro bono practices.

In addition to his public service endeavors, Mr. Fuentes is a member of the adjunct faculty of the Northwestern University School of Law Introduction to Trial Advocacy program and serves as an informal advisor to the Student Press Law Center.

The award will be presented to Mr. Fuentes at the Program’s Ninth Annual Public Service Benefit Dinner. Proceeds from the event provide grants for Northwestern law students who work in unpaid public interest jobs during the summer.
PROFESSIONAL RECOGNITION

OLIVIA LUK RECEIVES SANDRA DAY O’CONNOR AWARD FOR PROFESSIONAL SERVICE AND THE LINN INN ALLIANCE DISTINGUISHED SERVICE MEDAL

Associate Olivia T. Luk was named the recipient of the American Inns of Court’s Sandra Day O’Connor Award for Professional Service for 2011. The award recognizes an American Inn of Court member who has been in practice for 10 or fewer years for excellence in public interest or pro bono activities. Ms. Luk was presented with the award at the Inns of Court annual Celebration of Excellence, which was hosted by Associate Supreme Court Justice Sonia Sotomayor at the Supreme Court in November 2011.

Ms. Luk, who is co-founder and President of the Richard Linn American Inn of Court in Chicago and co-founder of the Linn Inn Alliance, was nominated for the award by Circuit Judge Richard Linn of the U.S. Court of Appeals for the Federal Circuit.

Ms. Luk was also presented with the first "Linn Inn Alliance Distinguished Service Medal" at a special reception ceremony prior to the New York Intellectual Property Law Association Judge’s Dinner in March 2012. Ms. Luk was recognized for her “outstanding leadership in bringing the American Inns of Court experience to the IP Community.” Ms. Luk was honored alongside distinguished members of the Linn Inn Alliance including Judge Timothy B. Dyk and Retired Judge Paul R. Michel. The award was presented by Federal Circuit Judge Richard Linn.

Ms. Luk is an associate in the Firm’s Litigation Department and a member of the Patent Litigation and Counseling and Technology Litigation Practices. She has experience in litigating cases involving intellectual property rights, including patents, trade secrets and copyrights, representing technologies including computer engineering, electrical engineering, software design, and mechanical engineering. She is experienced in procedures available before the United States Patent and Trademark Office and also has experience before the International Trade Commission.

In addition to her Inns of Court activity, Ms. Luk has leadership roles in the Chicago Bar Association, the Federal Circuit Bar Association and the Intellectual Property Law Association of Chicago.

Partner Jessie K. Liu was profiled in the January/February 2012 edition of Diversity & the Bar as a 2011 National Asian Pacific American Bar Association “Best Lawyers Under 40” Award recipient. The NAPABA award recognizes talented individuals in the Asian Pacific American legal community who are under the age of 40 and who have achieved prominence and distinction in their respective fields while demonstrating a strong commitment to the community. Honorees are selected through a rigorous process; since its inception in 2002, NAPABA has bestowed this “BU40” honor to a total of only 200 lawyers. According to Jim Goh, chair of the Selection Committee, “candidates who make the cut are not only superstars in their chosen fields but must also have demonstrated a steadfast commitment to the Asian Pacific community and its causes.” In September 2011, Ms. Liu was also honored with an Asian Pacific American Bar Association-DC Rising Star Award. This award recognizes talented individuals in the Washington, DC Asian Pacific American community, under the age of 40, who have achieved prominence and distinction in their respective fields, while demonstrating a strong commitment to the APABA-DC and the Asian Pacific American community.

Staff Attorney Spiridoula “Litza” Mavrothalasitis was elected to serve as Membership Secretary of the Hispanic Lawyers Association of Illinois (“HLAI”). The HLAI is a not-for-profit corporation that was established in 1995. HLAI was formed through the joining of its predecessor organizations, the Latin American Bar Association and the Mexican American Lawyers Association, which had previously served the Hispanic legal community in Illinois since 1970.
ALEMI CO-AUTHORS CONTENT MATTERS COLUMNS

Associate Farnaz M. Alemi co-authored “Making a Federal Case Out of It: Website Terms of Use,” for the Creative Content group’s monthly column “Content Matters” which appeared in the Los Angeles Daily Journal and the San Francisco Daily Journal. In the article, the authors discuss the potential interplay between website terms of use and the Computer Fraud and Abuse Act (CFAA), 18 U.S.C. Section 1030, and the California corollary, the Comprehensive Computer Data Access and Fraud Act, Penal Code Section 502. Ms. Alemi also co-authored the “Content Matters” column titled, “Copyright fair use: courts poised to seek limiting principles amid the labels.” The authors examine the Copyright Act’s fair use doctrine, and report that, since the Supreme Court’s 1994 decision in Campbell v. Acuff-Rose Music, courts, in weighing a fair use defense to an infringement claim, have emphasized the “purpose and character of the use” factor — treating “transformativeness” as the linchpin of the four-factor test.

HARRIS AS KEYNOTE SPEAKER

Partner Philip L. Harris served as the keynote speaker for the African American Heritage Committee Student Awards Ceremony and Luncheon at Wilbur Wright, a City College of Chicago. The luncheon was included in the college’s February 2012 Black History Month program to celebrate the culture, history and achievements of African Americans.

SINNAPAN CO-AUTHORS ARTICLE ON SECTION 409A

Partner Raymond D. Sinnappan co-authored an article titled “Mergers & Acquisitions Due Diligence: Practical Considerations to Section 409A M&A Issues,” in Bloomberg Law Reports – Executive Compensation and Bloomberg Law Reports – Mergers & Acquisitions. With M&A activity increasing after the recent economic and market turmoil, the authors address certain issues related to Internal Revenue Code Section 409A (generally regarding nonqualified deferred compensation) that may arise during such a corporate transaction.

FIRM HOSTS 2012 DIVERSITY DINNER

Over 150 attorneys and summer associates gathered in the Firm’s Chicago office for the annual Diversity Dinner to celebrate the Firm’s commitment to diversity and inclusion and recognize the seven recipients of the Firm’s Diversity Scholarships. The 2012 scholars are: Kathryn Martinez - Chicago-Kent College of Law, Erika James - Howard University School of Law, John Mack - Northwestern University School of Law, Hamida Owusu - Stanford Law School, Nicholas Plassaras - University of Chicago Law School, Kyle Shires - University of Illinois College of Law, and Priya Bhanu - University of Michigan Law School. The event featured keynote speakers Partner Paul M. Smith and Camilla Taylor, National Marriage Project Director, Lambda Legal.

SHANKAR SPEAKS ON LEGAL OUTSOURCING

Associate Ravi S. Shankar spoke at the International Association of Outsourcing Professionals’ 2012 Outsourcing World Summit. Mr. Shankar spoke on two market research reports he authored titled “2010 State of the Indian LPO Sector” and “2011 State of the Legal Outsourcing Sector,” and the need for more market research to assist in guiding vendor and customer decisions in the legal outsourcing industry.
FUENTES ADDRESSES PRO BONO BEST PRACTICES

Partner Gabriel A. Fuentes wrote an article titled “Lessons from the Maples case,” in the National Law Journal. In the article, Mr. Fuentes outlines several important lessons to be learned from the U.S. Supreme Court’s decision in Maples v. Thomas, a case involving the pro bono representation of a defendant in a capital case in Alabama. When two associates from a prominent New York law firm left the firm during their post-conviction representation of Cory Maples, without informing him or the court, it ultimately led to the death-row inmate’s missing a deadline for filing an appeal. Following much litigation, in a 7-2 decision in January, the high court held that Mr. Maples had shown cause to excuse his procedural default and remanded the case. Mr. Fuentes suggests that attorneys and law firms that maintain large and active pro bono practices should take note of the lessons learned from this case.

HIGGINSON SPEAKS ON COPYRIGHT ISSUES

Partner Carletta F. Higginson spoke at a Columbia Law School seminar entitled “Current Issues in Copyright.” She discussed the Capitol Records v. Mp3tunes.com case that the Firm is handling and copyright issues related to digital storage lockers. The seminar session was preceded by a lunchtime talk on the same subjects earlier the same day, which was open to the entire law school community.

BAJOWALA ANALyzES STOCK DROP CASES

Associate Reena R. Bajowala co-authored an article in the Benefits Law Journal titled, “The Final Chapter of the Stock Drop Story? Judicial Considerations from Final Adjudications in Three Stock Drop Cases.” In this article the authors take an in-depth look at three high-profile stock drop cases that have been resolved on the merits, following full bench trials in three different federal district courts: Brieger v. Tellabs, Inc. in the Northern District of Illinois; Nelson v. IPALCO Enterprises, Inc. in the Southern District of Indiana, and DiFelice v. U.S. Airways, Inc. in the Eastern District of Virginia. Additionally, Ms. Bajowala spoke at the North American South Asian Bar Association’s Annual Convention in a session titled, “Hot Topics in Employee Classification.” Ms. Bajowala discussed the ERISA implications of employee misclassifications and best practices to avoid such errors.

HILL DISCUSSES REPRESENTATION OF MULTIPLE CLIENTS

Partner Reginald J. Hill spoke at a DRI seminar titled, “Business Litigation and Intellectual Property Seminar — Winning Strategies For Hard Cases.” Mr. Hill will spoke in a session titled, “Where Zippers Meet Buttons and Hooks: Representation of Multiple Defendants in Complex Cases,” in which he discussed how representing multiple defendants in a complex patent or commercial case can challenge even the seasoned litigator. Mr. Hill also provided specific pointers on how such representation should work, when it needs to change and when it should end. Mr. Hill also shared advice at a Chicago-Kent College of Law panel discussion titled “Tips for Success: How to Stand Out in a Competitive Marketplace,” which was aimed at helping law students maximize their job-search efforts. Mr. Hill shared his perspective about working in a large firm and “big firm” hiring criteria, as well as on practicing intellectual property law.

HSIA DISCUSSES HERMELIN V. KV PHARMACEUTICAL

Associate Eugene R. Hsia co-authored an article titled, “Case Study: Hermelin v. KV Pharmaceutical,” published in Law360 on March 30. In it, the authors analyze the decision of the Delaware Chancery Court in Hermelin v. K-V Pharmaceutical Company. KV Pharmaceutical Co. terminated CEO Marc Hermelin following an investigation into allegations that Hermelin had refused to take proper action in response to KV’s production of oversized medicine tablets. Hermelin sued KV for indemnification and advancement for several criminal, civil and regulatory matters that arose out of his termination. The Court determined that certain aspects of former CEO Marc Hermelin’s actions were not entitled to mandatory indemnification because Hermelin failed to meet the “successful on the merits” requirements under Section 145(c) of the Delaware General Corporation Law. The authors explain why the case is of special interest to both Delaware corporations and the directors and executives who serve for them.
THOUGHT LEADERSHIP IN THE PROFESSION

JENKINS AUTHORS ARTICLE ON PARTISAN GERRYMANDERING

Associate Marina K. Jenkins co-authored an article titled “The Need for State Redistricting Reform To Rein in Partisan Gerrymandering,” in the Spring 2011 issue of the Yale Law & Policy Review. The article discusses possible solutions to the “rampant self-dealing in the form of partisan gerrymandering” that has been the “overwhelming result” of legislative redistricting due to population shifts as determined by the decennial national census. Ms. Jenkins examines the response by federal courts from the “Reapportionment Revolution” of the 1960s to the present, which, she writes, demonstrates an “inability to present a clear stance on partisan gerrymandering evidenc[ing] the discordance of judicial management of electoral outcomes.”

SCRUGGS SPEAKS ON EDUCATION

Partner Lisa T. Scruggs spoke on a panel moderated by Georgetown University President John DeGioia on “Education and American Competitiveness: Classroom Innovation in Urban Chicago” as part of the University’s John Carroll Weekend. Ms. Scruggs also spoke on an Education Law Panel before students at the University of Chicago as part of the Chicago Careers in Law program.

LUK CO-AUTHORS ARTICLE ON DOCTRINE OF PATENT MISUSE


JEAN-JACQUES AND MCCLATCHEY SHARE ADVICE ON LEGAL CAREERS

Associates Stephanie Jean-Jacques and Tamara T. McClatchey participated in a panel discussion as part of the University of Chicago Black Law Students Association’s “Shadow Day,” for students of the Young Women’s Leadership Charter School. During the discussion, Ms. Jean-Jacques and Ms. McClatchey shared advice regarding legal careers and law school. Both Ms. Jean-Jacques and Ms. McClatchey are University of Chicago Law School alumni.

LING ADDRESSES EXECUTIVE COMPENSATION AND EMPLOYEE BENEFITS

Partner S. Tony Ling wrote a chapter in Recent Changes in Employee Benefits and Executive Compensation: Leading Lawyers on Understanding ERISA Changes, Navigating Disclosure Guidelines, and Designing Compliance Strategies. Mr. Ling’s chapter, titled “The Changing Landscape of Executive Compensation and Employee Benefits,” addresses such significant issues as the impact of health care reform on employee benefits and the effects of Section 409A of the Internal Revenue Code on executive compensation strategies. Mr. Ling also discusses recent benefits plan litigation, including stock drop and excessive fee cases, as well as litigation over the health care reform law. He also shares some insights on what he believes may be future developments with respect to these issues. Mr. Ling also discussed the applicability and impact of Sections 280G and 409A of the Internal Revenue Code in mergers and acquisitions at the Chicago Bar Association’s “Fifth Annual Executive Compensation Institute.”
Partner Jessie K. Liu co-authored an article titled, “Foreign Corrupt Practices Act: Central District of California Rejects Argument that State-Owned Corporations Can Never Be ‘Instrumentalities’ of Foreign Governments,” published in Business Law Today. The article examines the decision of the U.S. District Court for the Central District of California, in United States v. Noriega, a rare Foreign Corrupt Practices Act case that has gone to trial against a company, in which the court provided some guidance for how to assess whether a state-owned or state-controlled entity is an “instrumentality” of a foreign government, and thus, whether such a company’s employees are “foreign officials” within the meaning of the FCPA. Additionally, Ms. Liu co-authored and published the 2012 edition of the Foreign Corrupt Practices Act (FCPA) Business Guide, which provides practical guidance for companies competing in the global marketplace and analyzes the latest developments and trends in FCPA enforcement.

Associate L. David Russell co-authored an article titled, “The Facebook Effect on Litigation and Civil Discovery,” in the Los Angeles Daily Journal. The article discusses the ways in which social media has presented new challenges in courtrooms, especially regarding the use of evidence gathered from social media sites in the context of civil discovery. Mr. Russell also co-authored a Los Angeles Daily Journal article titled “Am I on Speaker? Privacy in the Age of Smartphones.” In this article, the authors discuss legal concerns raised by the explosion in smartphone capabilities such as texting, checking business email, accessing social media websites, listening to music, watching movies, managing personal and/or work schedules, surfing the Internet and taking pictures, as well as the phones’ ability to collect information about the users even when users are not actively “using” their phones.

Associate Eddie Jauregui moderated a panel on Civil Rights at the second annual Metropolitan New York Latino Law Students Association Conference at the Benjamin N. Cardozo School of Law in New York. The theme of the conference was Pa’Lante: Diversity of Origin, Unity of Intent. The conference addressed the consequences of Latino under representation in the legal community and provided students, professors, and practicing attorneys an opportunity to collectively discuss and strategize means by which Latinos can impact the legal world.

Associate A. Samad Pardesi was the speaker at the monthly meeting of the Chicago Bar Association’s Committee on Attorney Malpractice. His presentation, entitled “Rule 4.2 – Recent Developments on the No-Contact Rule,” covered ABA Model Rule 4.2 and the ability of lawyers to assist their clients in communicating with represented parties. Mr. Pardesi explained that ABA Formal Opinion 11-461, released on August 14, 2011, allows lawyers to have extensive involvement in their clients’ communications with represented parties. He then discussed a February 2012 Wyoming Supreme Court opinion which essentially rejected the reasoning in the ABA Formal Opinion. Mr. Pardesi also offered insight on the impact of the ABA Formal Opinion in practice.
NEW PARTNER PROFILES

ANA R. BUGAN

Newly elevated Partner Ana R. Bugan is a partner in the Firm’s Litigation Department. She is a member of the White Collar Defense and Investigations Practice.

Ms. Bugan received her A.B., magna cum laude, from Kenyon College in 1991. She was elected to Phi Beta Kappa and graduated with High Honors in Political Science. Ms. Bugan earned an A.M. in Political Science from the University of Chicago, where she was the recipient of the Olin and Bradley Fellowships and was awarded the Joseph Cropsey Prize for the Outstanding Master’s Thesis in Classical Political Philosophy. Ms. Bugan earned her J.D. in 2002 from Harvard Law School, where she served as an executive editor of the Harvard Law Review.

Before joining Jenner & Block, Ms. Bugan served as a law clerk to the Honorable Matthew F. Kennelly, United States District Judge for the Northern District of Illinois. Ms. Bugan is fluent in Spanish and French.

CARISSA COZE

Partner Carissa Coze represents public and privately held companies in a broad range of corporate and securities transactions, including mergers and acquisitions, joint ventures, strategic investments, public equity and debt securities offerings, tender offers, technology acquisitions, and venture capital and private equity financings. She also has extensive experience counseling companies regarding insider trading compliance, corporate disclosure, corporate governance, and other corporate and securities matters.

Ms. Coze has substantial experience in the practice areas of telecommunications, media, and entertainment, focusing on cable television networks, digital media, telecommunications systems, and the technologies developed in those industries. She also works extensively with technology companies, including software developers and semiconductor device and equipment manufacturers, and solar and other renewable energy equipment manufacturers and developers.

Ms. Coze is a member of the Firm’s Corporate Department and a member of the Content, Media & Entertainment practice. Prior to joining Jenner & Block, Ms. Coze was a partner at a large international law firm.

FORMER PARTNER AJIT V. PAI SELECTED AS FCC COMMISSIONER

The Senate voted unanimously to confirm former Jenner & Block Partner Ajit V. Pai as a Commissioner on the Federal Communications Commission (“FCC”). In his new role, he will serve as one of the five commissioners who determine, implement and enforce U.S. communications policy.

“We are thrilled that Ajit has been appointed by the President and now unanimously confirmed by the Senate to this important office as a commissioner for the FCC,” said Jenner & Block Managing Partner Susan C. Levy. “While we will miss his contributions to the Firm and its clients, we congratulate him on this wonderful achievement. We are proud that Ajit joins the long list of Jenner & Block lawyers who have answered the call for public service.”

Mr. Pai’s appointment to the FCC position is the latest example of Jenner & Block’s commitment to public service as a core value and long-standing tradition. He joins a lengthy list of Firm attorneys who have been appointed to senior-level positions in government. Former partner Donald Verrilli, Jr. currently serves as Solicitor General of the United States, and former partner Thomas J. Perrelli served as Associate U.S. Attorney General. Former partner Andrew Weissmann is general counsel of the Federal Bureau of Investigation. Other former partners serving in senior positions at the Justice Department include Ian Heath Gershengorn, the Department’s senior litigator responsible for defense of the Affordable Care Act in the federal courts.
FIRM HOSTS SUCCESSFUL DIVERSITY RETREAT FOR ATTORNEYS

In June 2012, the Firm’s Diversity & Inclusion Committee and Associate Board hosted an extremely successful Diversity Retreat for its ethnically diverse attorneys and LGBT attorneys. Partners, associates and staff attorneys from all four offices were invited to Chicago to participate in a series of programs and social activities. The two-day event started with a cocktail party and affinity group dinners at local restaurants.

More than 50 attendees met early the next day for breakfast and networking. Partner S. Tony Ling and Associate Mercedes M. Hill created and led a “speed-dating” type of activity designed to facilitate relationship building across offices and practice groups. After breakfast, Partner and Diversity & Inclusion Committee Chair Susan J. Kohlmann briefed the attendees on the day’s activities and gave a short presentation on “Best Practices for Pitching Clients.” Attendees then broke into small teams to prepare for a mock “business pitch.” Associate Olivia T. Luk described the experience: “When I first received the binder in the inter-office mail, I thought it was going to be a burden to prepare for the pitch. As it turned out, both the concept and the experience of working in teams with attorneys from other offices, was brilliant. I made wonderful new friends and learned a lot from the exercise.” Shortly before lunch, the “teams” presented to the “clients” – senior partners from throughout the Firm, including practice group leaders and members of the Management and Policy Committees.

Over lunch, Firm Chairman Anton R. Valukas discussed the importance of teamwork to successful business development. During the afternoon, the Firm’s affinity groups met to establish goals and priorities for the year. There was also a reception to meet the new Diversity Scholars.

All agreed that the Diversity Retreat was a huge success and provided a wonderful opportunity to meet colleagues and build relationships. Associate Eddie A. Jauregui concluded, “It was an excellent day. The whole program was perfect.”

JENNER & BLOCK 2012 DIVERSITY & INCLUSION COMMITTEE

Susan J. Kohlmann, Chair
Andrew H. Bart
Mary Craig Calkins
Elaine J. Goldenberg
E. Lynn Grayson
Joseph P. Gromacki
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Gail H. Morse
Lisa T. Scruggs
Paul M. Smith
Howard S. Suskin
Charlotte L. Wager

2012 Law Rankings

#1 LGBT Diversity
#4 Overall Diversity
#5 Diversity for Women
#16 Diversity for Minorities

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CLACY WATSON HERRERA TRIAL RESULTS

Partner Gabriel A. Fuentes was an invaluable member of the Firm’s trial team in U.S. v. Clacy Watson Herrera. The client was alleged to be the “kingpin” of a drug-smuggling conspiracy that brought liquefied narcotics into the United States from Panama in baby formula cans, carried by drug couriers who posed as the mothers of infants who were rented from their parents for use as cover. A federal jury returned a split verdict, convicting the client of a drug conspiracy count but acquitting on numerous individual drug smuggling counts, reaching drug quantity findings far lower than the amounts sought by the government. The client is facing a sentence that could be a third (or less) of the 30-plus years of exposure he had been facing.

NY OFFICE HONORED WITH PRO BONO SERVICE AWARD

Associates Kelly D. Gardner, Eddie A. Jauregui and Prashant Yerramalli devoted many pro bono hours to the Center for Constitutional Rights (“CCR”). Due in part to their pro bono service, the New York office was honored with CCR’s Pro Bono Service Award. Referring to Jenner & Block as “an invaluable ally in the struggle for justice,” the award was given for the New York office’s “overall pro bono partnership with the Center on groundbreaking legal matters.” The Firm’s representation of the CCR as amicus curiae in the case of United States v. Ahmed Ghailani and of Majid Khan as co-counsel with CCR was highlighted at the award ceremony. Mr. Ghailani was convicted for offenses related to the 1998 embassy bombings in Kenya and Tanzania. Mr. Khan is a “High Value Detainee” in Guantanamo Bay, Cuba, who was taken into CIA custody in 2002. As amicus in the Ghailani case, the Firm team authored a brief arguing that pre-trial delay violated the accused’s statutory and constitutional rights to a speedy trial. While the U.S. District Court for the Southern District of New York ultimately ruled in favor of the government (and Mr. Ghailani was subsequently tried in the district court, found guilty and sentenced to life in prison), the Court, in its opinion, specifically thanked CCR for its assistance in analyzing the difficult legal issues involved. Further, the speedy trial issue will likely be a central issue in Mr. Ghailani’s appeal.

JENNER & BLOCK ATTORNEYS STEP UP FOR DOMESTIC VIOLENCE CLINIC

Associates Genevieve J. Essig and Nangah N. Tabah and numerous other Jenner & Block attorneys are making a major impact by providing assistance to individuals seeking orders of protection under the Illinois Domestic Violence Act through a pro bono project in which Jenner & Block and several other firms around the city are partnering with the Circuit Court of Cook County’s Domestic Violence Division to help victims of domestic violence.

Through this program, Jenner & Block attorneys aid clients in obtaining both emergency and plenary orders of protection. Jenner & Block staffs the clinic during the morning sessions every other Friday and one Monday afternoon a month. On clinic intake day, Firm attorneys meet and interview clients who would otherwise be pro se, write up and file a petition for an emergency order of protection, and represent them in an ex parte hearing on that same petition. Three weeks later, the attorneys return with the client for a contested hearing to obtain a plenary order of protection. Jenner & Block attorneys have successfully represented many clients in obtaining emergency orders of protection as well as more long-term plenary orders of protection.

DEPORTATION PROCEEDINGS, REPUBLIC OF SOUTH SUDAN

Associate L. David Russell was part of the Jenner & Block team that successfully represented pro bono client Zakaria Bullen Wani Site in the Seventh Circuit Court of Appeals in the first deportation proceedings involving someone from the newly founded Republic of South Sudan. On August 26, 2011, the Seventh Circuit vacated removal of Mr. Wani Site and ordered the Board of Immigration Appeals (“BIA”) to devise a protocol for dealing with future deportations involving the newly recognized country. The client’s family had fled Sudan to avoid persecution by the Sudanese government during a violent civil war began in 1983. Mr. Wani Site was later admitted into the United States as a refugee. In 2007, he became a permanent resident but was subject to removal proceedings after being convicted of a crime a year later. He sought deferral of removal under the Convention Against Torture, claiming that the Sudanese government would detain and torture him upon arrival in Khartoum because he is a failed asylum seeker and fled Sudan in part to evade conscription into the Sudanese Army. Mr. Wani Site’s petition was denied by an immigration judge, however, and the BIA affirmed the IJ’s analysis and the client appealed to the Seventh Circuit.
JENNER & BLOCK NAMED NATION’S TOP FIRM FOR PRO BONO BY THE AMERICAN LAWYER

Jenner & Block has been recognized as the No. 1 law firm in the country for pro bono service by The American Lawyer magazine in its annual pro bono rankings. More than 71,000 hours of pro bono service were provided by Jenner & Block attorneys in 2011 in a wide range of matters, from litigation in trial and appellate courts across the country to transactional work for non profits.

The Firm obtained the top ranking through a combination of having 154.9 average pro bono hours per attorney, as well as having 85% of our attorneys — 100% of associates and approximately two-thirds of partners — contribute more than 20 hours to pro bono matters.

“This is a significant honor for our Firm,” said Jenner & Block Managing Partner Susan C. Levy. “The AmLaw recognition confirms the substantial commitment and efforts our Firm made in 2011 to helping the neediest in our communities, and reflects our unwavering commitment to Jenner & Block’s core values.”

Jenner & Block’s long-standing tradition of providing legal services to those without the resources to pay for them has been recognized by The American Lawyer as one of the top 10 programs in the country every year since 1990, and the Firm has been ranked No. 1 in the country five times – in 2012, 2010, 2009, 2008 and 1998.

The wide variety of pro bono matters handled by the Firm during 2011 included human rights and civil liberties, asylum and immigration, death penalty litigation and other indigent criminal defense, not-for-profit transactional work, education, disability rights, domestic and family law, environmental law, housing and veterans’ benefits.

TABAH’S PRO BONO SUCCESSES

Associate Nangah N. Tabah argued an appeal pro bono before the U.S. Court of Appeals for the Seventh Circuit in May 2011 and achieved a partial win for her client in a February 2012 decision. The client’s sentences were vacated (convictions were upheld) and the case was remanded for resentencing. Ms. Tabah also achieved a favorable ruling for the parents in an appeal of indicated finding of child neglect before the Department of Children & Family Services administrative hearings unit. The final administrative decision was to expunge indicated finding of child neglect.

HUSTLING UP THE HANCOCK

Associate Precious S. Jacobs was part of Jenner & Block’s “Hustle Up the Hancock” team, which participated in the 15th annual 94-floor stair climb of Chicago’s John Hancock Center, to benefit the Respiratory Health Association of Metropolitan Chicago. The attorneys were climbing in honor of two Jenner & Block partners, Jerold S. Solovy, the Firm’s Chairman Emeritus who died in January 2011, and John C. Tucker, a retired partner who died in 2010. The team t-shirts proclaimed, “This Climb’s for Jerry” on the back. Ms. Jacobs called Mr. Solovy “an incredible person and mentor to me.” Additional members of the Firm’s team, named the “Not Ready for Climb Time Players,” included Associate Brij V. Patnaik. The team raised more than $20,000 and finished in 16th place out of 144 groups – coming in just ahead of the Chicago Fire Department team.

FIRM ACHIEVES TERMINATION OF REMOVAL PROCEEDINGS

Partner Kenneth K. Lee was a member of the Firm team representing pro bono client Luis Rendon-Rendon. The team successfully achieved termination of removal proceedings on behalf Mr. Rendon-Rendon in a cancellation-of-removal case that has been pending since 1997. Mr. Rendon-Rendon is a native and citizen of Mexico who was brought to the United States by his father in 1987, when he was 15 years old. He married in the United States and has four children who are all U.S. citizens; his father became a U.S. citizen in 2008. After two appeals to the U.S. Court of Appeals for the Ninth Circuit, two rounds of mediation in the Ninth Circuit’s mediation program, three motions to reopen before the Board of Immigration Appeals and two U.S. Citizenship and Immigration Services adjustment-of-status petitions, on July 20, 2011, the Board of Immigration Appeals agreed to terminate removal proceedings so the client’s status can be adjusted to that of a permanent resident of the United States based on his skilled-worker visa.

Equal Time — Focus on Diversity is produced by Jenner & Block. For additional information or copies, please contact EqualTime@jenner.com.