

[ KIRKLAND & ELLIS LLP ]

2010

Pro Bono Achievements

Using our legal skills to improve lives,  
communities, and our profession



[ Through their volunteer pro bono representations, Kirkland attorneys and staff make a significant, positive difference in the lives of individuals and families, and contribute in meaningful ways to the vitality of our communities and the fairness of society. ]

— THOMAS GOTTSCHALK

Message from the  
**Pro Bono**  
Committee Chair



Thomas Gottschalk  
Chair

In 2010, Kirkland lawyers undertook more than 700 pro bono matters — some large in scope representing large classes of individuals, some large in the significance of the issues involved, and all important to the individuals and organizations represented. This — our second annual *Kirkland Pro Bono Review* — summarizes just some of these matters. The efforts described demonstrate how meaningful pro bono work is, especially when personal security or family welfare are at stake.

The Firmwide Pro Bono Management Committee thanks and salutes all the lawyers and staff members who take on pro bono representations for their support of the Firm's commitment to pro bono, and for their personal commitment of time and energy on behalf of their pro bono clients.

With the support of the Firm, the committee will continue to expand the range of pro bono opportunities and facilitate the administration of our program in order to encourage even more Kirkland attorneys to get involved in pro bono work. Pro bono is a professional responsibility of each and every attorney in order to make legal counseling and representation available to all who need it, and not to just those who can afford it.

# More than 700 Pro Bono Matters, some large, some small, all meaningful

## [ SUCH AS ]

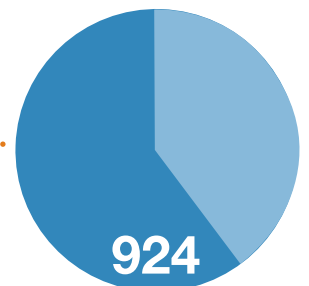
- Achieving a landmark settlement benefiting thousands of Illinois residents with mental illness
- Operating the first-ever neighborhood legal clinic in Southwest Washington, D.C.
- Winning asylum for a gay Egyptian man fleeing from government persecution
- Protecting the rights of a prisoner abused by prison guards
- Assisting a Romanian anti-trafficking organization

## [ TOTAL PRO BONO HOURS ]

77,893

## [ PERCENTAGE OF ATTORNEYS INVOLVED IN PRO BONO ]

64%



Attorneys Involved in Pro Bono

## [ ESTIMATED DOLLAR VALUE OF PRO BONO HOURS ]

\$39 million

## Pro Bono Management Committee Members



James  
Basile



Stephanie  
Biggs



Robert  
Boldt



Jonathan  
Bunge



Mark  
Cramer



Terrence  
Dee



Elizabeth  
Deeley



Michael  
Garcia



Seth  
Gastwirth



Marc  
Kieselstein



Jennifer  
Levy



Marjorie  
Lindblom



Emily  
Nicklin



William  
Pratt



Claudia  
Ray



Stephen  
Ritchie



John  
Schoenfeld



Martin  
Ströhm



Frederick  
Tanne



Susan  
Zachman

## Mission Statement

Kirkland is committed to providing legal services without charge to those who cannot afford counsel with the goals of improving lives, bettering communities and deepening our own professional experience.

## Message from the Firmwide Management Committee

Pro bono is a top priority at Kirkland. We encourage all lawyers at all levels, from senior partners to summer associates, to participate in our pro bono program. By treating pro bono work equivalently with billable client work in performance reviews and for compensation purposes, by insisting that our pro bono clients receive the same quality legal representation that our other clients enjoy, and by providing substantial financial support, Kirkland devotes considerable resources to supporting its lawyers' pro bono efforts. In 2010, our attorneys averaged 61 pro bono hours per attorney. We thank each lawyer who made time to volunteer for pro bono representations this past year, as well as the many staff members who support our program in so many ways. We hope and expect that our past successes, which you will read about in this report, will inspire others to join with their colleagues in making time for pro bono work in this next year.



[ Kirkland's commitment to a high volume of cases, and the involvement of lawyers at every level of the Firm and across many departments, has been key to creating a deep, sophisticated practice that has been particularly valuable to Immigration Equality. ]

— **RACHEL TIVEN**, Executive Director,  
Immigration Equality

## Immigration & Asylum





## Kirkland Immigration Network (KIN) Launches Firmwide

Kirkland officially launched its new Firmwide Kirkland Immigration Network (KIN) in October 2010. KIN is led by a team of partner and associate representatives from each office. Their role is to identify and share best practices for Kirkland's immigration pro bono work, develop Firmwide and office-specific immigration projects, and enhance the training and resources available to Kirkland attorneys practicing in this area. KIN has a dedicated portal on the Firm's pro bono management site that provides an avenue for attorneys working on immigration matters to share precedent, get advice and locate other attorneys interested in working on similar matters.

Kirkland's legal aid partners have welcomed the launch of KIN. As Mary Meg McCarthy, executive director of the National Immigrant Justice Center (NIJC), recently said:

[ Kirkland has long been an invaluable pro bono partner of the National Immigrant Justice Center. Although our relationship began with Kirkland's Chicago office, we have had the opportunity over the years to work with lawyers in many of Kirkland's offices. Kirkland's commitment to expand the Kirkland Immigration Network Firmwide serves to ensure access to justice for immigrants, refugees and asylum seekers and expands the opportunities to work together to help ensure human rights protections for all individuals. ].....

Through NIJC, Kirkland attorneys and staff have worked on asylum petitions, U visa (a special visa status for victims of violent crimes) and Violence Against Women Act (VAWA) petitions, appellate advocacy and the representation of unaccompanied minors. Other offices also have a long history of successful projects in the immigration area. For instance, the New York office initiated the Immigration Intervention Project for Domestic Violence (formerly known as the VAWA

Program), which encompasses VAWA and U visa petitions, and the LGBT Asylum Project. The Los Angeles, San Francisco and Washington, D.C., offices have also handled a number of immigration matters.

In 2010, more than 240 Kirkland attorneys and staff devoted more than 12,000 hours to immigration matters, including 3,150 hours of work on U visa, VAWA petitions and battered spouse waivers, and nearly 1,100 hours serving gay, lesbian, bisexual and transgendered clients fleeing persecution in their native countries and seeking asylum in the United States. According to New York intellectual property partner Joe Loy, "Working with refugees is especially gratifying because, despite the unfathomable cruelty these clients have invariably suffered, the legal services we provide can truly be life-altering."

These efforts have earned significant recognition for the Firm and its attorneys, including the 2010 Safe Haven Award from Immigration Equality and the Sanctuary for Families Award for Excellence in Pro Bono Advocacy, which five Kirkland attorneys have received since 2004.

## Kirkland Secures Immigrant's Release Before Fifth Circuit

Kirkland secured a victory in the U.S. Court of Appeals for the Fifth Circuit for Carlyle Dale, a 61 year-old detained immigrant, who suffered from sharply declining health after more than five years in immigration custody. Mr. Dale has resided legally in the United States for 39 years, and operated a series of halfway houses in New York before pleading guilty to attempted assault for an incident stemming from an act of self-defense. U.S. Immigration and Customs Enforcement (ICE) placed Mr. Dale in custody and instituted removal proceedings, arguing that he was deportable as an "aggravated felon." Kirkland undertook his representation from NIJC and argued before the Fifth Circuit that the Board of Immigration Appeals erred in failing to hold the government to its burden of proof that Mr. Dale's conviction amounted to an "aggravated felony." The court held that Mr. Dale had exhausted his administrative remedies and that the Board of Immigration Appeals had erred as a matter of law in determining Mr. Dale's guilty plea to attempted assault necessarily constituted a crime of violence warranting removal. The court remanded the case for further proceedings. Less than one week after the Fifth Circuit decision was filed, Mr. Dale was finally released from custody.

## Asylum for Gay Egyptian Man

The Kirkland & Ellis LLP LGBT Asylum Project was formalized as a Firmwide program in December 2009. While Kirkland attorneys had previously won a number of pro bono asylum cases referred through Immigration Equality, the formalization of the LGBT Asylum Project in partnership with Immigration Equality allows for much greater coordination of experience and resources, which enables the Firm to take on more cases in more offices. This past year, Kirkland attorneys secured asylum for five individuals.

One of those individuals was Mr. T, a 20 year-old gay male from Egypt referred to attorneys in the Firm's San Francisco office through Immigration Equality. When Mr. T began to understand his sexual orientation during his adolescent years, he faced homophobic conditions in which being "out" as a gay male would result in arrest, detention and torture. Mr. T was also aware of reports detailing abhorrent tactics used by Egyptian police to find and arrest gay men, including use of informers coerced into cooperating through torture, and vicious raids on clubs believed to be frequented by gay men. Mr. T also relayed with horror descriptions of physical abuse and torture inflicted on gay men once in police custody.

Petrified of government persecution, Mr. T fled to the United States. A California-based Kirkland pro bono team working on his case compiled an extensive collection of reports and news stories chronicling the abysmal conditions facing gay men in Egypt. Kirkland attorneys obtained affidavits from Mr. T's boyfriend as well as two of his friends who were familiar with Mr. T's fear and plight. On February 2, 2011, the U.S. Department of Homeland Security granted Mr. T's application, allowing him to stay in the United States indefinitely.

## Political Asylum for Cameroon Native

In July 2010, Kirkland attorneys obtained asylum for Mr. J, a 45 year-old native and citizen of Cameroon. For nearly two decades, Mr. J worked as part of Cameroon's political opposition. He organized grassroots opposition, culminating with running on the opposition ticket in a local election. Mr. J also served as a Christian pastor, and in that role, traveled throughout his region seeking to provide humanitarian aid and criticizing the corrupt and authoritarian regime of Paul Biya, Cameroon's *de facto* president for life. Government agents repeatedly arrested, beat and threatened to kill Mr. J and his family unless he stopped his political activities. They confiscated the computers Mr. J used to print political material. Worst of all, the secret police invaded Mr. J's house and raped his wife while he was traveling, forcing him to flee to the United States and his family to go into hiding in Cameroon.

... [ My legal team (at Kirkland) were so very helpful. They were, we say in French, *organisé* or *meticuleux*. Until today, I did not meet so many great people who take care for me. They tried very hard to be in my place and understand me. It was very helpful. They have become like a family for me. I keep them in my prayers everyday. I thank God for them preparing my case. ]

— MR. J

Kirkland took the case along with the NIJC and the Marjorie Kovler Center for the Treatment of Survivors of Torture. Kirkland gathered extensive documentary evidence of Mr. J's political activities, expert testimony about conditions in Cameroon and medical and psychological proof of Mr. J's ordeal. In June 2010, the Kirkland team won asylum for Mr. J on an affirmative application and is now working to help bring his family to safety.

## Asylum for Persecuted West African Woman

Kirkland successfully represented Ms. T, a pro bono client from Mali, in Western Africa, in connection with her affirmative application for permanent asylum in the United States. The U.S. Bureau of Citizenship and Immigration Services granted Ms. T's application for asylum on June 22, 2010.

The Refugee Assistance Project at the City Bar Justice Center in New York City referred Ms. T to Kirkland in April 2010. As an infant, Ms. T had been subjected to female genital mutilation (FGM), a widespread practice in Mali which leads to severe and long-term physical and psychological consequences. As an adult, Ms. T was also facing an arranged marriage to her first cousin. She would have been his third wife, and he was known throughout her village to abuse his other wives. To escape this persecution, Ms. T fled to the United States in May 2009, and while in the United States, gave birth to a daughter. If Ms. T and her infant had been forced to return to Mali, her daughter would have been forcibly taken from her and subjected to FGM, and Ms. T would have been severely punished for having a child out of wedlock.





## Immigration Intervention for Victims of Domestic Violence

In 2010, through its Immigration Intervention Project for Victims of Domestic Violence, Kirkland lawyers handled VAWA petitions, battered spouse waivers and U visa applications on behalf of more than 85 immigrant victims of domestic violence, helping these clients work toward a life free of abuse.

Mr. P was one of the clients Kirkland assisted in the past year who faced particularly unique circumstances. A 29-year-old Ecuadorian national, Mr. P was a victim of domestic violence at the hands of his former boyfriend. His U visa petition was predicated on his cooperation with the Queens County District Attorney's office in New York state in the investigation and prosecution of Mr. P's abuser. Mr. P left Ecuador to escape constant anti-gay abuse, both verbal and physical, including at the hands of his family, who deprived him of a basic education because they were embarrassed by his mannerisms. Mr. P arrived in the United States searching for a better life, but suffered even more abuse. His U.S. boyfriend constantly beat him, intimidated him and threatened to report him to immigration authorities.

Despite the clear history of abuse, Mr. P faced significant hurdles in convincing authorities to grant him U visa status. Twice before, Mr. P had entered the United States illegally. The first time, immigration authorities arrested, detained and deported him back to Ecuador. In addition, Mr. P's abuse had occurred in the context of a same-sex relationship, and he had to pursue U visa status without documentary evidence of that relationship.

Although Mr. P was not an applicant for asylum, the conditions for him as a gay man in Ecuador played a large role in his decision to flee to the United States, and made it even more important that he be able to remain here. With Kirkland's assistance, he secured U visa status and employment authorization, and now sees a counselor to cope with his past abuse. He is relieved to live and work here free of intimidation and threatened deportation.

## Settlement Frees Licensed Doctor from Immigrant Detention

In cooperation with the Lawyers' Committee for Civil Rights of the San Francisco Bay Area and the Washington Lawyers' Committee for Civil Rights and Urban Affairs, Kirkland attorneys successfully represented an immigrant detainee in a case filed against both state and federal agencies and officers. Dr. Farhan Bukhari, a licensed medical doctor in the Middle East, was traveling to the United States in November of 2007 to interview for medical residency programs. Due to an alleged visa issue, he was detained at Dulles International Airport and then jailed for almost a year at Piedmont Regional Jail, an ICE detention facility in Virginia, where several immigration detainees have died due to the lack of basic medical care. On behalf of Dr. Bukhari, Kirkland brought claims for multiple constitutional violations, including the widespread lack of medical care, unlawful strip and body cavity searches, and interference with the Muslim detainee's religious freedoms. Kirkland served as lead counsel during the administrative review stage and through the completion of litigation. The case settled on highly favorable terms, and Dr. Bukhari is currently working in the United States.

[ It was gratifying to finally expose and begin to rectify the horrendous treatment of individuals with mental illness. We would not have been able to do this without the help of Kirkland & Ellis. As an added bonus, our legal staff and law clerks had the opportunity to learn from watching the stellar performances of the Kirkland litigators. It was truly inspiring. ]

— **NELL HAHN**, Director of Litigation and Systems Advocacy, Advocacy Center (Louisiana)

Civil & Human  
Rights







## Feliciana: A Victory for the Disabled

On August 9, 2010, Kirkland lawyers won a mandatory preliminary injunction — without having the benefit of any discovery — requiring the state of Louisiana to transfer pretrial detainees adjudged incompetent to stand trial to Feliciana Forensic Facility, the state’s psychiatric forensic hospital located in Jackson, East Feliciana Parish, within 21 days. Previously, the state had held incompetent detainees in parish jails for months or even years — without the court-ordered mental health treatment needed to restore their competency.

Civil rights advocates promptly hailed the decision as a triumph for mentally disabled people nationwide. Marjorie Esman, executive director of the American Civil Liberties Union (ACLU) of Louisiana, described the victory in the U.S. District Court for the Eastern District of Louisiana as “long overdue and absolutely essential.”

Kirkland devoted more than 1,600 attorney hours and almost 200 staff hours to the case. On April 12, 2010, Kirkland filed suit with the ACLU on behalf of the Advocacy Center, a nonprofit organization that advocates for the elderly and people with disabilities, and W.B., an Orleans Parish inmate, against three state officials in their official capacities. The plaintiffs subsequently moved for a preliminary injunction.

At a hearing on June 22, 2010, the medical director of St. Tammany Parish and the criminal sheriff of Orleans Parish testified on behalf of the plaintiffs and in support of an injunction that would require prompt transfer of incompetent detainees to Feliciana Forensic Facility, in compliance with existing court orders and state law. The evidence showed that parish jails were not equipped to deal with incompetent detainees who threatened to commit suicide. Instead, detainees were kept in booking cages that were only about 16 square feet, or tied to beds with restraints.

In granting the plaintiffs’ motion for a preliminary injunction, Chief U.S. District Judge Sarah Vance held that the state’s failure to promptly transfer the incompetent detainees violated their 14th Amendment rights because the detainees’ continued confinement bore no reasonable relationship to the purpose for which they had been committed.

The judge also found that the jail-based treatment for such inmates was “minimal,” with incompetent defendants provided “virtually the same level of mental health treatment that is available to the average inmate who has not been deemed incompetent.” Chief Judge Vance further held that the defendants had presented no evidence that the incompetent detainees were receiving court-ordered restorative care in the parish jails, and that the defendants had cited “no legal authority” in support of their position.

In October 2010, the Advocacy Center presented Kirkland with its Professional Advocate award for the Firm’s work on the case.

## Kirkland Defends Mental Health Patients Who Were Forcibly Medicated

In New Jersey, state prison inmates have greater rights to challenge the unwanted administration of psychotropic medications than state psychiatric patients. That simple reality explains why in August 2010, Kirkland and Disability Rights New Jersey (DRNJ) sued the New Jersey Department of Human Services and the New Jersey Department of Health and Senior Services on behalf of thousands of state psychiatric patients. The lawsuit, filed in the U.S. District Court for the District of New Jersey, alleges that these agencies allow patients to be forcibly medicated in complete disregard of their rights to consent to treatment, and without meaningful review of their need for medication.

The relief being sought would require that any patient who does not want to receive medication be given an attorney and a court hearing. At these hearings, the hospital would have the burden of proving that the medication is necessary, and strict controls over the amount and duration of the proposed medication could be clearly imposed.

“Honoring patients’ rights and dignity by giving them a greater voice in medication decisions will result in better treatment and can save the state money on unwanted and unnecessary medication,” said New York litigation associate Michael Reisman.

The suit alleges that in New Jersey, patients in psychiatric hospitals are routinely drugged with massive doses of mind-altering psychotropic drugs, sometimes administered by painful intramuscular injection, without any meaningful medical oversight and without adequate due process of law. This is in opposition to all patients’ fundamental legal rights to refuse medical treatment and to make decisions regarding their individual care.

“We’ve tried for years to make New Jersey officials understand the concerns of their patients,” explains Emmett Dwyer, DRNJ’s director of litigation, “but state officials continue to disregard the idea that patients should have rights and should have an active role in their own recovery. Pointing out to state officials that the practice of forcibly medicating patients is outlawed in neighboring states has fallen on deaf ears.”

Although psychotropic drugs can help patients, they can also have powerful side effects on a person’s ability to think and feel, can cause disabling and sometimes incurable disorders including memory loss, and may prove to be fatal.

An investigation by the U.S. Department of Justice recently concluded that medication practices in New Jersey’s largest state psychiatric hospital substantially deviate from generally accepted professional standards elsewhere in the nation. More than two-

thirds of Americans today live in states that provide hearings to people who want to refuse psychotropic medication. The lawsuit filed by Kirkland and DRNJ does not seek to forbid doctors at state mental hospitals from administering medication — even by injection — in emergency situations, but seeks to change the procedures by which powerful psychotropic drugs are administered to objecting patients on a long-term basis.

## Kirkland Teams With The Williams Institute on ENDA Study

Kirkland attorneys worked with The Williams Institute, a national think tank at the UCLA School of Law that studies sexual orientation law and policy, on a research project related to the federal Employment Nondiscrimination Act (ENDA). ENDA is federal legislation that would prohibit employment discrimination based on sexual orientation and gender identity. Kirkland participated in work on a national research study coordinated by The Williams Institute on state laws, public policies and anecdotal reports of alleged employment discrimination based on sexual orientation and gender identity. Kirkland prepared reports on the status of employment discrimination laws and other public policies pertaining to sexual orientation and gender identity in 11 states. Kirkland’s work was used to support testimony by The Williams Institute before Congress on ENDA, and Kirkland was thanked in the materials submitted in connection with the testimony. Thirteen attorneys, from Kirkland’s Chicago, Los Angeles, New York and Washington, D.C., offices, worked on this project.

## Firm Negotiates Key Settlement with D.C. Department of Corrections

Since 2006, Kirkland has represented Ronald DuBerry in litigation against his former employer, the District of Columbia Department of Corrections.

Mr. DuBerry alleged in his *pro se* complaint that the Department of Corrections discriminated and retaliated against him in violation of the Americans with Disabilities Act when it terminated his employment, and then subsequently failed to rehire him.

After agreeing to represent Mr. DuBerry, Kirkland successfully reopened discovery and found that the District had failed to produce dozens of key documents relating to Mr. DuBerry and his claims. As trial approached, Kirkland moved for sanctions.

On the eve of trial, the court ordered the parties to attend a final mediation session. Faced with the prospect of sanctions — and strong evidence of discrimination obtained during discovery — the District of Columbia agreed to a comprehensive settlement of Mr. DuBerry’s claims totaling more than \$150,000.



## Kirkland Associates Represent Prisoner in Five-Day Jury Trial

Kirkland has represented Gary Meeks in both the U.S. Court of Appeals for the Ninth Circuit and before that, the U.S. District Court for the Eastern District of California. Mr. Meeks was a prisoner in California state prison who alleged that his prison doctor violated the Eighth Amendment's prohibition against cruel and unusual punishment by not treating his broken jaw — an urgent medical need — in a timely fashion.

Mr. Meeks originally filed the case *pro se* in 2003, and in 2005, the district court granted summary judgment against him. Kirkland was then assigned to his appeal through the Ninth Circuit's pro bono program. Lawyers in Kirkland's Chicago office represented Mr. Meeks, and in 2008, they obtained reversal of the grant of summary judgment against one of the defendants, Dr. Parsons. Associates in the San Francisco office then took over Mr. Meeks' case upon remand to the trial court.

The associates representing Mr. Meeks conducted full document discovery, took six depositions and defended one deposition. The associates also obtained an expert witness to testify on Mr. Meeks' behalf. There were a number of discovery disputes which resulted in a motion to compel and three hearings on the motion, all argued by the associates on the case. The end result was a 20-page order granting Mr. Meeks' motion to compel in full. Kirkland also defeated the defendant's summary judgment motion.

The case was tried over five days in 2010 before a jury in the Eastern District of California. Associates handled all aspects of the trial. Ultimately, the jury found for Mr. Meeks on two of the three elements necessary to establish his Eighth Amendment claim, but found for the defendant doctor on the third element, which required proof that the doctor deliberately caused Mr. Meeks harm.

The case is currently on appeal to the Ninth Circuit.

## Kirkland Wins Civil Rights Case for California Inmate

Kirkland attorneys obtained a favorable settlement in a Section 1983 civil rights case brought by a prisoner in the U.S. District Court for the Central District of California. Two associates in the Los Angeles office represented Jason White, who had been forcibly removed from his cell and physically abused in retribution for a flood that had occurred in the jail. Mr. White filed a handwritten complaint alleging the use of excessive force in violation of the Eighth Amendment of the Constitution, and Kirkland represented him in jailhouse mediation before a federal magistrate judge.

## The Name Change Project

For many transgendered people, a legal name change is an important step toward conforming their legal identities to their lived experience. A lack of appropriate identity documents can deter people from applying for jobs, school and public benefits, and can lead to discrimination. As *The New York Times* reported in January 2010, many who have changed their gender identities say that a name change made official through a court's approval sends an important message to the world.

The name change process is legally straightforward, but involves enough bureaucracy and interaction with the court system to be quite daunting for some individuals. In 2010, Kirkland began to assist individuals interested in legal name changes by taking on clients referred through the Transgender Legal Defense and Education Fund (TLDEF) Name Change Project. TLDEF referred three clients to Kirkland's New York office in 2010, and the project is likely to grow in 2011 based on the positive experiences Kirkland attorneys have had in working with these clients.

[ The process of reclaiming my name as something of personal meaning has been an important part of my experience as a transgender person. Changing my name was a way of repossessing part of my identity, after concluding that the name I had been given at birth was not mine anymore. I am immensely grateful for the counsel provided to me through The Name Change Project. ]

— ELIAS, Client of The Name Change Project

[ From the top of our  
house down, we take  
our pro bono  
obligations seriously. ]

— **RICK GODFREY**, Kirkland  
Chicago litigation partner

Criminal  
Defense

## Seventh Circuit Reverses Criminal Conviction

On August 18, 2010, the U.S. Court of Appeals for the Seventh Circuit — including retired Supreme Court Justice Sandra Day O'Connor, sitting by designation — reversed and set aside the criminal conviction of Kirkland pro bono client Debra Hills. Prior to Kirkland's involvement in the case, a trial jury had convicted Ms. Hills of criminal tax-fraud conspiracy and filing a false tax return. Two alleged co-conspirators were also convicted. In July 2009, the Seventh Circuit appointed Kirkland to handle Ms. Hills' appeal. On appeal, Kirkland argued that Ms. Hills' Fifth Amendment rights had been violated at trial when during its closing arguments, the government negatively commented on her failure to testify. Ms. Hills' prior counsel had not raised this issue or objected to the comments. Nevertheless, the Seventh Circuit agreed with Kirkland's position that the prosecution's improper closing arguments constituted plain error, and were prejudicial and nonwaivable under the circumstances of the case. In a 45-page opinion, the court reversed Ms. Hills' conviction and remanded the case for a new trial. At the same time, the court affirmed the convictions of the non-Kirkland clients, the two alleged co-conspirators.

## Seventh Circuit Finds Sixth Amendment Violation, Grants New Trial for Kirkland Pro Bono Client

In February 2005, the government indicted Roosevelt Turner on drug conspiracy charges. Mr. Turner retained an attorney who also represented another alleged conspirator. Prosecutors suggested that a single attorney representing two alleged conspirators presented a conflict of interest. The district court agreed and disqualified Mr. Turner's attorney based on the possibility that one defendant might decide to provide information or testimony against the other.

With new counsel, Mr. Turner was tried and convicted of conspiracy charges and sentenced to 30 years in prison. Mr. Turner appealed to the U.S. Court of Appeals for the Seventh Circuit and Kirkland was appointed to represent him. The Kirkland team focused on the disqualification of Mr. Turner's attorney. Kirkland argued that it is always possible for a jointly represented defendant to choose to cooperate with the government against his co-defendant, and the disqualification amounted to a *per se* rule against joint representation.

In a unanimous opinion issued on February 20, 2010, the Seventh Circuit wholly adopted this argument, holding that the district court's disqualification of Mr. Turner's attorney of choice violated his Sixth Amendment right to counsel. The Seventh Circuit vacated Mr. Turner's conviction and remanded the case for a new trial.

[ My supervising partner was amazingly generous with his time and I learned a great deal. He was willing to supervise this case with me having only a few months' experience at the Firm. He attended all of the client calls, and spent significant time discussing facts and refining our legal theories ... After several rounds of edits, he personally proofed and assembled the brief with me, and traveled to the courthouse with me to file the brief at the Seventh Circuit. He coordinated a three-partner moot panel prior to oral argument ... and attended the oral argument to provide last-minute advice on customizing our argument to the panel and on rebuttal. ]

— CHRIS COULSON, Kirkland Chicago intellectual property litigation associate

## Kirkland Lawyers Successfully Argue that District Court Committed Constitutional Error

Kirkland attorneys recently won an appellate victory for client Dianne Smagola in the U.S. Court of Appeals for the Sixth Circuit. Kirkland successfully convinced the court to vacate Ms. Smagola's sentence in a direct appeal of her conviction. Spotting an issue that her appointed defense counsel had failed to notice, Kirkland argued that the district court committed constitutional error by advising Ms. Smagola of the incorrect maximum sentence during her plea colloquy, and then subsequently sentencing her to a longer period of time than she was originally advised she could receive. Kirkland argued that Ms. Smagola's plea was therefore not knowing and voluntary, and that the court committed reversible error that directly and substantially affected Ms. Smagola's rights.

As a result of Kirkland's efforts, Ms. Smagola's sentence was vacated in its entirety, and the Sixth Circuit directed that she be resentenced to no more prison time than she was originally advised by the trial court that she could receive, resulting in a substantial reduction of her sentence.





[ Some of my best professional and personal experiences at Kirkland have come from pro bono opportunities — arguing before the Ninth Circuit, briefing the mayor of Los Angeles and his staff, and negotiating a settlement with the ACLU and the nation’s second-largest school district to improve the delivery of education to students attending dozens of the lowest-performing, highest-need public schools. It is humbling to realize we have the skills and resources to make positive change, and it is a privilege to be able to provide services to those who need it most. ]

— **ELISA MILLER**, Kirkland Los Angeles litigation associate

Rights in  
Education





## Kirkland Represents Maryland Higher Education Coalition in \$2 Billion Lawsuit

Kirkland is working pro bono alongside the Lawyers' Committee for Civil Rights Under Law in *The Coalition for Equity and Excellence in Maryland Higher Education v. Maryland Higher Education Commission*, a \$2 billion federal lawsuit set for trial in the U.S. District Court for the District of Maryland in June 2011. The trial would be the first of its kind in 15 years.

In the case, the plaintiffs allege that Maryland higher education officials have failed to satisfy their legal obligation to dismantle remnants of the state's former segregated higher education system. Plaintiffs are seeking in excess of \$2 billion in funding for Maryland's four public Historically Black Colleges and Universities (HBCU) — Morgan State University, Coppin State University, Bowie State University and the University of Maryland, Eastern Shore — as well as upgrading of their campus facilities and eradicating unnecessary program duplication. Defendants are the state of Maryland, the secretary of higher education in Maryland and the Maryland Higher Education Commission (MHEC).

In 2000, the U.S. Department of Education's Office for Civil Rights (OCR) found that Maryland was not in compliance with Title VI of the Civil Rights Act of 1964 and standards set forth in *U.S. v. Fordice*, a 1992 Supreme Court decision on higher education desegregation. The *Fordice* decision held that a state's duty is not discharged "until it eradicates policies and procedures traceable to its prior *de jure* dual system that continues to foster segregation."

After the 2000 finding of noncompliance, OCR and Maryland entered into a five-year resolution agreement to remedy its civil rights violations. The agreement expired at the end of 2005, and in 2006, the Civil Rights Clinic at the Howard University School of Law and professor Aderson Francois filed the original complaint.

"The case is absolutely necessary," said David J. Burton, president of the coalition, which includes current and former Maryland HBCU students as well as economic advocacy groups and local professionals. "Unfortunately, HBCU in Maryland are still suffering under the weight of disparities that were not remedied 40 years ago."

The Lawyers' Committee became involved in the summer of 2009. Kirkland partners who serve as Lawyers' Committee board members agreed to take on the case pro bono. Partners from the Washington, D.C., office are leading Kirkland's pro bono team, and working with the chief counsel from the Lawyers' Committee.

## Kirkland Secures Approval for Settlement Protecting Students' Right to Education at Los Angeles Schools

Kirkland is representing the Partnership for LA Schools, a nonprofit organization started through the office of Los Angeles Mayor Antonio Villaraigosa, which operates 21 of the lowest-performing and most-neglected schools in the Los Angeles Unified School District (LAUSD). In the last few years, the partnership's efforts have been severely undermined by large-scale "reductions in force" issued by the school district to deal with budget shortfalls plaguing the state. The loss of teachers disproportionately impacted some of the most vulnerable LAUSD schools, due in large part to the procedure for implementing layoffs based on teacher seniority. The result was devastating to these schools. In an effort to challenge the district's system of implementing layoffs, a groundbreaking lawsuit was brought on behalf of a class of students against the LAUSD, the California State Board of Education and other state government entities to challenge these layoffs as a violation of the students' rights under the Constitution of the State of California. United Teachers of Los Angeles (UTLA), the teachers' union, opposed the challenge to the pure seniority-based system for conducting layoffs. On behalf of the partnership, Kirkland supported the student-plaintiffs in their successful attempt to secure a preliminary injunction to protect current teaching staff from layoffs during the current school year. In light of the preliminary injunction and the court's finding that the seniority-based layoff system implicates constitutional concerns under the Equal Protection Clause, the parties reached a long-term, groundbreaking settlement benefiting students at several partnership schools as well as other low-performing and disadvantaged public schools. On January 21, 2011, Judge Highberger of the Los Angeles County Superior Court approved the joint settlement between the plaintiff student class, the partnership and the LAUSD.

## Protecting Students Against Harassment

In April 2009, Kirkland and Lambda Legal filed a complaint in the U.S. District Court for the Northern District of New York on behalf of Charlie Pratt, a former student in the Indian River Central School District, and his sister A.E.P., a current student. The complaint alleged that the school district allowed an atmosphere in which Mr. Pratt was subject to pervasive anti-gay and sexual harassment, which eventually caused him to withdraw from school. The complaint also alleged that the school district then refused to allow Mr. Pratt and A.E.P. to form a gay-straight student alliance. Plaintiffs asserted claims under the First and 14th Amendments of the Constitution, Title IX, the Equal Access Act and New York state law.

Five days after the suit was filed, the school district indicated it would allow formation of a gay-straight student alliance. But the school district and other defendants continue to fight the lawsuit, and filed a motion to dismiss and for summary judgment. In March 2011, the Northern District of New York denied the defendants' motion nearly in its entirety, refusing to dismiss any of plaintiffs' federal claims, and allowing nearly all claims under New York law to proceed.

## Attorney Profile: Mike Jones



Washington, D.C., litigation partner Mike Jones is helping to lead a Kirkland pro bono team working alongside the Lawyers' Committee for Civil Rights Under Law in representing *The Coalition for Equity and Excellence in Maryland Higher Education* in its federal civil rights lawsuit (see page 19).

Recently, Mike took time out of his busy schedule to talk about his pro bono work at Kirkland.

### What kind of pro bono work interests you?

I'm interested in a variety of pro bono work. Currently, I'm involved in the Maryland lawsuit, *The Coalition for Equity and Excellence in Maryland Higher Education v. Maryland Higher Education Commission*.

I'm in the process of settling another pro bono case that was going to trial. It was referred to us by the ACLU. In the District of Columbia, a class of protesters was arrested in 2005 on the night of President George W. Bush's second inauguration, for among other things, protesting the Iraq war. The District of Columbia Metropolitan Police arrested about 75 people for protesting without a permit and other offenses. The case was supposed to go to trial on February 1, 2011, but we reached a settlement in principle about four or five days before trial.

In preparing for trial, we did an internal focus group using support staff, paralegals and secretaries. For a couple of hours, we let them see some of the principal evidence — cell phone videos of the demonstrations, and the flyers that were handed out. It helped us to hone in on the strengths of the case and better formulate an opening statement.

In the settlement discussions, we persuaded the District of Columbia to expunge the arrests from their records, which was very important to some class members. We had one who was a lawyer and wants to work for a U.S. Attorney's Office at some point.

### How did you come to be involved in pro bono work at Kirkland?

My first pro bono case was frankly, a consumer protection case that I worked on with (Washington, D.C., litigation partner) Stuart Drake. This involved a senior citizen that entered into a home improvement contract with a shady contractor and ended up getting a bad deal, and was ripped off. We were able to get her money back and some additional money as well. That was my first introduction to pro bono work.

### How did you become involved with the Maryland higher education case?

New York partner Marge Lindblom is on the Lawyers' Committee for Civil Rights Under Law Board of Directors, as am I. This case came through the Lawyers' Committee, who was looking for lawyers who were interested in it. Marge reached out to me, and I was very interested because it dealt with Historically Black Colleges and Universities (HBCU). This was in the summer of 2009. At that time, the Lawyers' Committee was not yet involved. The lawsuit had been filed through the Civil Rights Clinic at Howard University School of Law — a law professor there, Aderson Francois, and some of his students. The case had not gotten to the point of discovery or depositions. The heavy lifting, so to speak, had not started, and we came in to do the heavy lifting.

### Did your undergraduate degree from Dillard University — a private, historically black liberal arts college in New Orleans — factor in your interest in the case?

That was a part of it. As I read about it, it seemed to be an interesting case, and had some interesting cultural issues. I thought it would be an important case.

### From your perspective, why is the case so significant?

There's a lot of money at stake. The basic principle and guideline is how the state of Maryland is going to prioritize the universities, the HBCU, and whether they are going to make a more concerted effort to give the HBCU the academic programs to be comparable and competitive with the rest of the schools. I know the presidents of the HBCU in Maryland are very interested in these issues. There is no other suit like this around the country, but lawyers for other HBCU are interested and watching the case.







[ Our clients, people with disabilities who had been warehoused needlessly for years in large institutions, were overwhelmed by the dedication of the Kirkland lawyers. Because of Kirkland's remarkable work, thousands of people who had been trapped in nursing homes will have the chance to get the services they need in their own apartments. Words cannot express their gratitude. ]

— **BENJAMIN WOLF**, Associate Legal Director of the ACLU of Illinois

Public Benefits &  
**Housing**



## Kirkland Helps Secure “New Hope” for Mentally Ill Nursing Home Residents in Illinois

The article in the March 15, 2010, issue of the *Chicago Tribune* summed up the pro bono work in *Williams v. Quinn* best, describing the outcome as “a landmark legal agreement designed to reshape Illinois’ troubled long-term care system.” Benjamin Wolf, the associate legal director for the ACLU of Illinois, told the publication, “This is a momentous day for people with disabilities in Illinois.” Jennifer Mathis, deputy director of the Bazelon Center for Mental Health Law, said, “This settlement is about people with mental illnesses in Illinois having the freedom to live the lives that we take for granted every day, like making their own breakfast and buying their own groceries.”

The agreement between the state and thousands of people with mental illnesses will result in significant reforms to the state’s nursing home system, often described as outmoded, overcrowded and scandal-ridden. Filed in the U.S. District Court for the Northern District of Illinois on March 15, 2010, the agreement begins a systemic process of giving approximately 4,500 people with mental illnesses the choice to move out of large nursing homes, known as “institutions for mental diseases” (IMDs), and into community-based settings, which will provide care and services appropriate for their individual circumstances.

In addition to Kirkland — which contributed more than 6,400 pro bono hours to the case — lawyers for the plaintiffs represented a coalition of organizations, including Access Living, the Bazelon Center for Mental Health Law, Equip for Equality and the Roger Baldwin Foundation of the ACLU of Illinois.

Two individuals forced to live in Chicago-area IMDs filed the original lawsuit in August 2005 against defendant Rod Blagojevich in his capacity as Illinois governor. Following a fairness hearing to consider the specifics of the agreement, the federal district judge approved the settlement. The state of Illinois will now develop, implement and track individualized plans to transition those with mental illnesses and currently housed in IMDs to community-based settings. The parties agreed that the transitions will take place over the next five years. Most experts estimate a vast majority of the more than 5,000 people with mental illnesses who are housed in IMDs would flourish living in community settings.

In addition, the agreement also relieves some of the state’s financial burden of housing individuals in IMDs, which state funding supports entirely. This will not only reduce costs — more than \$50 million, according to plaintiffs’ estimates — but the state will be eligible to receive federal Medicaid reimbursements for medications and health care when an individual is receiving those services in a community-based setting.

## Jeremiah Circle of Friends — Southwest D.C.’s First-Ever Neighborhood Legal Clinic

In 2008, Kirkland’s Washington, D.C., office partnered with Friendship Baptist Church in Southwest Washington to form a nonprofit organization called Jeremiah’s Circle of Friends (JCF). Through a generous donation from the Kirkland & Ellis Foundation, in January 2009, JCF opened the first and only pro bono legal clinic in that section of Washington, D.C. — the only quadrant of the city without neighborhood legal services.

Currently staffed and operated by Kirkland volunteer attorneys and legal assistants, the clinic provides free legal services to the community’s most disadvantaged individuals. In 2010, Kirkland attorneys and staff assisted more than 125 clients through JCF, covering a broad range of issues, including civil rights, housing, contracts, public benefits, family law, employment matters and discrimination claims. Clinic volunteers have helped clients prevent eviction and foreclosure proceedings by banks and landlords; secured custody, visitation and child support rights for indigent parents; negotiated debt reduction with creditors; helped numerous clients secure overdue unemployment or disability benefits; and helped a client earn U.S. citizenship after preliminary denial.

[ The opportunity to work at the JCF clinic is a gift. Reverend J. Michael Little, the founder, is a special person and truly inspirational. The clinic helps so many people that might not otherwise have access to legal assistance. One recent example is a man who was able to get the \$90,000 the Social Security Administration owed him. At the time, he was living on \$750 dollars a month. His joy made us all feel good. ].....

— MARIMICHAEL SKUBEL, Kirkland Washington, D.C., litigation partner

Nearly a third of the attorneys in the Washington, D.C., office and dozens of staff members have donated their time to staffing the clinic and working on clinic cases. Kirkland volunteers contributed more than 4,200 hours to helping indigent individuals through JCF in 2010.



## Social Security Overpayment Project

Kirkland has piloted a new Social Security Overpayment pro bono program in collaboration with the Chicago Bar Foundation and four Chicago-based legal aid organizations to assist low-income disabled individuals who receive “overpayments” from the Social Security Administration (SSA). Overpayments can occur in error when a beneficiary is attempting to return to work. Often, the SSA will require the recipients to pay back any overpaid benefits and will reduce their current benefits until the money is paid back. A reduction in benefits can be devastating to these disabled individuals, who survive on extremely limited income, primarily the Social Security payments.

The Chicago Bar Foundation approached Kirkland to pilot the new pro bono program. Since the project began in November 2009, Kirkland attorneys have taken on nearly 30 overpayment matters and have assisted many vulnerable individuals.

In one case, Kirkland represented an HIV-positive recipient of Social Security who, for nearly a year, was at risk of losing those benefits. The client did not understand the technical requirements of the Social Security laws, and never provided the SSA with proper evidence of his transportation expenses. Without deducting for these expenses, the SSA thought that he had earned too much to be categorized as disabled during a particular year, and sought to recoup the benefits they had already paid him from future payments he was due. This would have been financially catastrophic for the client. Kirkland promptly filed a request for reconsideration, providing documentation of the client’s transportation expenses during the year at issue. After several discussions with the SSA, Kirkland was able to negotiate a drastically reduced repayment plan, spread out over three years, which preserved the client’s financial integrity, and allowed him to continue receiving his disability benefits.

Another client referred to Kirkland through the project is deaf, living with AIDS and receiving Social Security Disability Income (SSDI). In 2009, the client performed some part-time work that put him over the eligibility limits for receiving SSDI payments. However, the client’s hearing disability prevented him from fully understanding the SSA’s warnings and explanations about the SSDI eligibility limits, and had he lost his SSDI, would have had no other source of income. Kirkland talked with the client on the phone a number of times through a sign language interpreter service, and met with him to review his waiver application and obtain his signatures. A week after submitting the waiver application, the client’s SSA liaison officer called to inform Kirkland that the SSA would grant the waiver.

... [ When clients come in now with overpayment problems, it feels great to tell them that we have a group of terrific attorneys who will be working with them. ]

— ANN HILTON FISHER, Executive Director, AIDS Legal Council of Chicago

## Kirkland Teams Up With Washington Legal Clinic for the Homeless

In January 2010, a Kirkland team secured victory for a homeless man in his fight to obtain disability benefits. With the assistance of the Washington Legal Clinic for the Homeless, Kirkland represented a homeless man in Washington, D.C., before the Social Security Administration. The client’s application for disability benefits had previously been denied because the SSA determined he was not disabled. Kirkland gathered and submitted abundant medical records documenting the client’s long history of debilitating diabetes and severe depression. Following extensive briefing and an evidentiary hearing, the administrative law judge overruled the previous decision and found that Kirkland’s client was disabled and entitled to receive benefits.

## Kirkland Resolves Landlord-Tenant Dispute

Kirkland represented Ms. Jacquelynne Holt, the defendant in a small claims landlord-tenant dispute. Ms. Holt had moved into an apartment building in Washington, D.C., in August 2008. In April 2009, she heard the building was going into foreclosure, and after paying rent for May, stopped making payments. The foreclosure took place during the summer of 2009, but Ms. Holt's former landlord continued to act as though ownership of the property had not changed, and continued seeking rent payments. The landlord harassed Ms. Holt to the point that she obtained a restraining order against her. Eventually, the landlord brought an action in small claims court for more than \$4,000 in back rent, repair payments and other fees and charges. Ms. Holt's hearing and trial were scheduled for February 22, 2010 — less than one week after Kirkland took on the matter.

In preparing for the hearing, Kirkland determined the foreclosure deed of trust became effective two months earlier than the landlord had alleged. Kirkland worked with the client to develop counterclaims that the landlord had violated the local housing code by failing to hold Ms. Holt's security deposit in escrow, and by failing to keep her air conditioning unit in working order.

On February 22, 2010, Kirkland presented Ms. Holt's case to the Small Claims Division of the Superior Court of the District of Columbia. The court ruled in favor of Ms. Holt on every issue. As a result, Ms. Holt, who walked into her hearing facing a claim exceeding \$4,000, was awarded judgment in the amount of \$607, plus costs.

..... [ It was a great experience and my supervising partner struck a perfect balance of being supportive while letting me run the case myself. ]

— **ARJUN GARG**, Kirkland Washington, D.C., litigation associate



[ As a producer of a boutique film production house that endeavors to use media to promote global arts deeply and broadly, I have always understood that altruism was a natural quality of our work. I am very happy to now know that the notion transcends the arts world and finds a comfortable home at Kirkland & Ellis. ]

— **JOAN FROSCH**, Producer, Movement Revolution Productions

The Arts



Kirkland lawyers in all offices have supported the arts by representing artists and arts organizations. Kirkland's Chicago office has enjoyed a long-standing relationship with Chicago-based Lawyers for the Creative Arts (LCA). Since 2007, 95 attorneys and 40 other members of Kirkland's legal staff have contributed nearly 7,000 hours assisting more than 50 LCA-referred clients. In that time, no firm in the Chicago area has taken on more LCA matters than Kirkland.

In one extremely contentious LCA-referred matter, Kirkland represented César Russ, a world-class photographer, in a dispute with his former business partner, a senior partner at a major U.S. firm. This business partner sought to liquidate the business, and obtain control of its assets, including the copyrights to César's work. Kirkland represented César in a multiday, evidentiary "replevin" hearing before negotiating a favorable settlement wherein César was acknowledged to be the owner, and have all right, title and interest in his work.

In recognition of Kirkland's work on behalf of LCA clients, the organization awarded Kirkland its 2010 Lawyers for the Creative Arts Law Firm Award.

[ My life would be very different — and certainly not better — without the extraordinary support of Kirkland. In the most difficult and outrageous situation that I have experienced in my adult life, Kirkland provided me with enormous help and support. Their thoughtful understanding, dedication, strategic analysis, broad vision and clever management of the case led to our success in recovering my most important assets. I will be grateful forever. ]  
— CÉSAR RUSS

## Help to Electronic Publisher

In February 2011, Untreed Reads Publishing celebrated its first anniversary, thanks in large part to the work of Kirkland attorneys. Referred to the Firm by the Lawyers' Committee for Civil Rights of the San Francisco Bay Area and its Legal Services for Entrepreneurs program, Untreed Reads Publishing is a fledgling electronic publisher that believes in making electronic publishing available to everyone. The company's business model helps to provide higher royalties to their authors and makes e-book reading more affordable.

Kirkland attorneys from the San Francisco office helped Untreed Reads Publishing form an LLC and created other standard agreements for the company to use with its authors. Today, Untreed Reads Publishing offers an online store where buyers can purchase e-books for \$5.99 or less and at the same time, supports independent authors and publishing.

## Kirkland Negotiates Settlement with Eames Office and Family Heirs

Kirkland represented John and Marilyn Neuhart in a case brought by the Eames Office and the heirs of the iconic midcentury furniture designers Charles and Ray Eames. During the last 40 years, the Neuharts have worked as archivists, organizing exhibitions of Eames designs and writing books about the couple, but without any funding from the Eames or the Eames Office. After meticulously collecting and organizing photographs, supporting documentation and other materials from various projects for decades, the Neuharts included them in an Eames-themed auction scheduled for April 10, 2010, at the Wright auction house in Chicago.

A few days before the auction, however, the plaintiffs filed suit in Illinois state court to block the auction, alleging that the Eames Office owned portions of the materials in the auction. In light of the lawsuit, the Wright auction house withdrew the disputed items until ownership could be resolved. At the request of the LCA, Kirkland represented the Neuharts — who are in their eighties, in declining health and had no legal representation — and took on their case pro bono in May 2010. A few months later, the parties reached a negotiated settlement under which the plaintiffs were permitted to make copies of certain disputed auction items, and to take possession of the originals of others. The Neuharts kept the originals of the remaining disputed auction items, and received copies of items that the plaintiffs took under the settlement. Plaintiffs also agreed to pay all settlement costs, and agreed to grant the Neuharts a worldwide royalty-free license to use certain Eames Office images in the Neuharts' third book, "The Story of Eames Furniture," published in September 2010.

## Kirkland Resolves UK Film Rights Dispute

Movement Revolution Productions (MRP), a small Florida-based film production company specializing in featuring artists, turned to Kirkland when a dispute arose over the UK ownership rights of "Nora," an award-winning film shot on location in Zimbabwe and based on the life of famous African dancer Nora Chipaumire. Faced with the "bully" tactics of the claimant, Joan Frosch, one of the producers at MRP and a faculty member at the University of Florida, reached out to an intellectual property partner in Kirkland's London office. With "masterful skill" and "civility," as Ms. Frosch described Kirkland's pro bono assistance, a successful resolution was arrived at that preserved MRP's rights.

[ I believe in the old adage,  
“to whom much is given,  
much is expected.” ]

– **CHRIS GREENO**, Kirkland Chicago  
corporate partner

Expanding  
Internationally





## Response to Devastation in Haiti

After the devastating earthquake struck Haiti on January 12, 2010, corporate partner Chris Greeno led an effort to collect contributions for those in need, including specifically the Grace House of Hope orphanage and school located just outside of Port-au-Prince. Chris had developed close ties to Grace House and its founder, Marie Major, through his church. The orphanage houses 35 girls, and the school provides education and meals to more than 200 children. Chris sponsors several of these children and in 2009, traveled to Haiti to do pro bono work for Ms. Major.

Ms. Major and the girls escaped unharmed from the earthquake, but the orphanage collapsed, leaving the girls homeless. Chris helped raise more than \$400,000 to provide emergency relief via the American Red Cross, rebuild the collapsed orphanage and build a clinic to provide medical care to the Grace House girls and other Haitians in need. The Kirkland & Ellis Foundation and Kirkland employees contributed \$310,000, and Chris' family, friends, church and clients donated an additional \$120,000 to the cause.

In the year since the earthquake, Chris has traveled to Haiti to assist with the rebuilding of the orphanage and to help others displaced by the disaster. In November 2010, after living in makeshift tents and temporary shelters for 10 months, the girls were able to move into the new orphanage and start attending school again. Ms. Major and the girls now have better shelter and food sources than ever before. Chris also coordinated a nationwide collection of relief supplies with the Kirkland Community Outreach Team, and with several partners in Kirkland's Washington, D.C., office, he is co-leading a pro bono effort to establish an expedited adoption process for Haitian orphans.

The Grace House of Hope is a rare example in Haiti of successful rebuilding in the year since the earthquake. Most of the rubble has yet to be removed and more than one million people still live in tent cities.

## Assisting Romanian Anti-Trafficking Organization

In 2010, the Munich and London offices began providing pro bono assistance to a Romanian charity assisting victims of human trafficking. The organization "Associata Reaching Out" rescues trafficked girls and operates a shelter where the young women receive psychological care and other assistance to

transition back to normal life. Kirkland has assisted the organization in drafting requests for funding from international organizations and the European Union. Kirkland is also assisting the organization in establishing a community-based tourism project that will provide work for trafficked girls going forward. The organization's founder, Iana Matei, is Romania's leading advocate for the victims of trafficking and was named the "European of the Year 2010" by *Reader's Digest* for rescuing 420 women from forced prostitution.

## London Corporate Attorneys Assist Broad Range of Charities

During 2010, corporate attorneys in Kirkland's London office helped a number of charitable organizations to review, update and improve their constitutional documents, and assisted several of those organizations with applying for charitable status in the U.K. The charities included a think tank researching the environmental impact of population growth, a local Muslim women's support group, a charity that helps children with special educational needs to participate in mainstream leisure activities such as swimming and football — and a brass band!

## Firm Assists with Nepalese Project

Lawyers from the Chicago, New York, San Francisco and Washington, D.C., offices worked with representatives from International Senior Lawyers Project, the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples and the Forest Peoples Programme to submit a complaint to the United Nations Human Rights Committee regarding the ongoing exclusion of indigenous peoples' freely chosen representatives from the process of drafting a new constitution for Nepal. Indigenous people comprise nearly 38 percent of the population in Nepal, yet they have been systematically excluded from participating in the political process for centuries. The team prepared a comprehensive memo laying out the legal alternatives available to the indigenous people of Nepal and guidelines for drafting the complaint.

[ I really cannot express enough how honored we have been to work with ... Kirkland & Ellis. I'm sure Kirkland has the opportunity to do pro bono work every day with various organizations on many different issues. We are proud to have been represented by Kirkland and are truly grateful for the work your team is doing for us. ]

— **MICKEY CLANCY**, President, Stroke Survivors Empowering Each Other, Inc.

Nonprofit  
Organizations



## Kirkland Assists Better Government Association to Promote Public Transparency

Since 2009, attorneys in Kirkland's Chicago office have assisted the Better Government Association (BGA) with several initiatives aimed at promoting compliance with the Illinois Freedom of Information Act (FOIA). BGA is a nonpartisan, nonprofit organization formed in 1923 to combat waste, fraud and corruption in government at all levels in Illinois.

In 2010, two associates in the Chicago office — including a former Public Interest Law Initiative® (PILI) fellow at the BGA — led sessions on FOIA at several citizen watchdog training seminars, which taught engaged citizens how to monitor their governments using FOIA and other tools. Those seminars are expanding to the Chicago suburbs and downstate Illinois in 2011.

In November 2010, Kirkland attorneys teamed with the BGA and the Center for Open Government at Chicago-Kent College of Law for a free FOIA clinic. There, attorneys devoted their time pro bono to meet with individuals one-on-one, to answer questions and offer legal advice about specific FOIA requests. As a result of this clinic, Kirkland has taken on a group of teachers as pro bono clients.

In addition, in January 2011, Kirkland attorneys filed a lawsuit on behalf of the BGA challenging the Chicago Police Department's refusal to release public records regarding the size and cost of the protection detail assigned to Alderman Edward Burke. Kirkland attorneys have previously represented the BGA in successful appeals of the CPD's refusal to produce records related to a high-profile investigation, and Cook County's refusal to produce the cell phone records of the Cook County Board President and other officials.

## Kirkland Pro Bono Teams Up with Boehringer Ingelheim

On June 15, 2010, Kirkland attorneys partnered with 10 in-house attorneys from Boehringer Ingelheim to provide legal assessments to six nonprofit organizations in suburban New York City concerning various corporate governance issues. Pro Bono Partnership, a legal aid agency based in Westchester County, New York, that provides pro bono business legal services to nonprofit agencies in Connecticut, New Jersey and New York, first presented a two-hour CLE program on nonprofit corporate governance issues to the participating attorneys. The attorneys then split into six teams to meet with the nonprofit clients. Each team went through the client organizations' bylaws, policies and other documents to spot any potential problems. Additional pro bono partnerships between Kirkland and Boehringer Ingelheim are planned for the future.

[ The law team at Kirkland has provided sustained pro bono legal services and made its biggest contribution to JVS Chicago's Illinois Small Business Development Center/Duman Microenterprise Center by providing a broad range of transactional and business law counsel. The Center could not have improved and streamlined its lending operations without the help and dedication of the lawyers at Kirkland. ]

— DONNA ROCKIN, Director, JVS Chicago's Illinois Small Business Development Center/Duman Microenterprise Center

## Supporting Small Business

The Illinois Small Business Development Center/Duman Microenterprise Center of Jewish Vocational Services (JVS) Chicago deploys loans of up to \$15,000 for small businesses and entrepreneurs that have limited access to traditional credit sources. As a nonprofit community lender, the Duman Microenterprise Center also provides entrepreneurial training and business mentoring. Kirkland attorneys provide soup-to-nuts support by advising on each step in the process, from conducting due diligence interviews with potential borrowers and crafting tailored loan documents to hosting in-person closings at the Chicago office's conference center. Being able to interface directly with potential borrowers also allows Kirkland the opportunity to help business owners and operators think through their business plans and projections, discuss the challenges and highlight inherent risks. Not only does this hands-on approach benefit JVS Chicago by increasing the likelihood that the loans will be fully repaid — and subsequently redeployed to the benefit of other worthy candidates — but it also gives business owners access to the advice normally reserved for sophisticated institutions.

## Protecting DREAM

Since 2002, the Dominican Republic Education and Mentoring Project, Inc. — popularly known as DREAM — has been working to improve the quality of education for impoverished students in the North Coast region of the Dominican Republic. DREAM currently serves some 2,000 students in seven different schools. In 2009, DREAM fired its executive director, after discovering she had been using company funds for personal expenditures. She responded by asserting claims against DREAM in New York state court for, among other things, sexual harassment, retaliation and intentional infliction of emotional distress. Kirkland represented DREAM pro bono and moved for summary judgment on these claims. On June 28, 2010, the court granted DREAM's summary judgment motion in full, and disposed of the plaintiff's claims that sought more than \$2 million in damages.

[ My PILI Fellowship with the Domestic Violence Legal Clinic was very rewarding, both personally and professionally. The legal process can be daunting. I had the opportunity to guide clients through that process — from intake interview to argument for relief before a judge — all while honing my advocacy skills with clients, colleagues and the court. ]

— **MISHELE KIEFFER**, Kirkland Chicago intellectual property associate and 2010 PILI Fellow of the Domestic Violence Legal Clinic

Public Interest Fellowships





## Kirkland & Ellis Pro Bono Fellowship Program

Started in 2010 with one Chicago-area law school, the Kirkland & Ellis Pro Bono Fellowship Program provides a unique opportunity for select law students to gain practical experience in a law firm setting while engaging in public interest work during the summer after their first year of law school.

Our 2010 Fellows worked with Chicago-area legal aid providers Chicago Volunteer Legal Services, The Law Project (formerly the Community Economic Development Law Project), Equip for Equality, Lawyers for the Creative Arts and the National Immigrant Justice Center.

## The Public Interest Law Initiative

Each year, Kirkland funds multiple summer and school-year internships for law students as part of the Firm's commitment to the Public Interest Law Initiative® (PILI), an organization whose mission is to facilitate equal access to justice. Most notably, the Firm sponsors postgraduate PILI Fellowships, in which incoming Kirkland lawyers gain valuable experience while representing those who may not otherwise have access to quality legal representation. Kirkland's PILI Fellows work at various legal service organizations across Chicago while studying for the bar exam, and may help clients become citizens, buy homes, adopt children, secure disability benefits and gain asylum, among many other achievements. Kirkland sponsors more PILI Fellows than any law firm in Chicago.

..... [ My PILI Fellowship at the ACLU of Illinois allowed me to work in constitutional law — an area that I find fascinating and important, but which I could not reasonably expect to practice at a law firm. I worked on cases that will have societal repercussions, and if successful, will improve the lives of vulnerable people. From researching the law to writing briefs, all of my projects developed my legal skills, which allowed me to start at Kirkland with more experience and confidence. ]

— **LOUIS KLAPP**, Kirkland Chicago intellectual property associate and 2010 PILI Fellow of Roger Baldwin Foundation of the ACLU of Illinois

## New York City Public Service Fellowships

Since 1995, the Kirkland & Ellis New York City Public Service Fellowship has sponsored the New York City-based public service work of a graduating student from Columbia Law School and the New York University School of Law.

The 2010 recipients of the fellowship were Kate Stinson from Columbia and Julia Dietz from NYU. Kate worked with the African Services Committee, where she provided legal assistance to African women survivors of gender-based violence living in New York.

Julia worked with Make the Road New York. Her project focused on helping low-wage workers recover the wages that are routinely stolen from them. She led community education and training seminars to help workers assert their rights, and provided informal legal advocacy for workers who had been denied wages or exploited on the job, in addition to exploring possible federal litigation.



Awards  
& Events



### Advocacy Center

In October 2010, the Advocacy Center presented Kirkland with its “Professional Advocate” award for the Firm’s work on the Feliciano case described on page 12.

### Chicago Appleseed Fund for Justice

In March 2010, Kirkland received the “Pro Bono Champion” Award for leadership in pro bono work on behalf of the Chicago Appleseed Fund for Justice.

### Chicago Lawyers’ Committee for Civil Rights Under Law

The Chicago Lawyers’ Committee for Civil Rights Under Law awarded Kirkland its 2010 Pro Bono Award for Kirkland’s support of the Community Economic Development Law Project. The Firm received the honor at the Committee’s October 2010 annual meeting.

### Homeless Persons Representation Project

The Homeless Persons Representation Project gave Kirkland the Outstanding Volunteer Law Firm of the Year award on April 10, 2010.

### Immigration Equality

Immigration Equality bestowed on Kirkland its 2010 Safe Haven Award for its work on the LGBT Asylum Project.

### Lawyers’ Committee for Civil Rights Under Law

In December 2010, the Lawyers’ Committee for Civil Rights Under Law awarded the Firm the Robert F. Mullen Pro Bono Award for its “extraordinary contributions of pro bono legal services.”

### Lawyers for the Creative Arts

On October 28, 2010, Lawyers for the Creative Arts awarded Kirkland with its Distinguished Service Award for the Firm’s work on behalf of LCA-referred clients.

### The Legal Aid Society

Kirkland was one of the recipients of The Legal Aid Society’s 2010 Pro Bono Publico Awards for outstanding service to the society and its clients.

### National Center for Law and Economic Justice

The National Center for Law & Economic Justice named Kirkland a Distinguished Honoree on June 9, 2010.

### Pro Bono Resource Center of Maryland

On June 12, 2010, the Pro Bono Resource Center of Maryland honored Kirkland with the 2010 Maryland Pro Bono Service Award.

### Tennessee Justice Center

The Tennessee Justice Center named Kirkland its Pro Bono Law Firm of the Year on June 4, 2010, at a reception in Nashville. The Firm was honored for its ongoing work on a case that concerns TennCare, Tennessee’s Medicaid program, and its delivery of health care services to more than 600,000 Tennessee children.

### Washington Lawyers’ Committee for Civil Rights and Urban Affairs

In 2010, the Firm received an Outstanding Achievement Award in the field of Fair Housing from the Washington Lawyers’ Committee for Civil Rights and Urban Affairs. Kirkland was honored for its commitment to and successful resolution of a litigation matter on behalf of the Equal Rights Center.

### Kirkland & Ellis Pro Bono Competition

In 2008, the Kirkland Pro Bono Management Committee challenged the Firm’s lawyers to improve their participation in pro bono matters. The objective was to increase the number of attorneys who annually perform at least 20 hours of pro bono legal work. An interoffice competition was established to identify and recognize the U.S. office with the highest annual participation rate overall, and the U.S. office with the highest participation rate among transactional lawyers. Kirkland’s Washington, D.C., office took top honors in both categories for 2010 — with 62 percent of lawyers performing 20 or more hours of pro bono legal services and 54 percent of transactional lawyers meeting or exceeding this goal.

### Kirkland Hosts Pro Bono & Community Service Fair

On October 28, 2010, Kirkland’s Chicago office hosted the 17th Annual Chicago Bar Association (CBA) Young Lawyers’ Section’s Pro Bono and Community Service Fair. The event provided an opportunity for lawyers across the city to meet with representatives from 50 of Chicago’s legal aid, pro bono and community service organizations and find volunteer opportunities. The fair, which Kirkland sponsored with The Chicago Bar Foundation (CBF) and the Public Interest Law Initiative, was part of the CBA and CBF’s Sixth Annual Pro Bono Week.

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