



PRO BONO REPORT 2005

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Jones Day demonstrates our deep commitment to the needs of the public and particularly the disadvantaged in our society through a wide array of pro bono cases and public service activities. The success of the Firm's pro bono practice can be seen in the numerous awards Jones Day has received in the last year; for example, the Atlanta Office was recognized for a special education advocacy project, the New York Office was honored for significant contributions to Habitat for Humanity over the years, and the Washington Office was recognized for outstanding work in the area of fair housing. In 2005, Jones Day lawyers invested a record amount of time on pro bono matters. Between 2000 and 2005, the total number of pro bono hours for the domestic offices increased nearly fivefold.



MAKING A DIFFERENCE— WORLDWIDE

by Managing Partner *Stephen J. Brogan*

Lawyers have choices regarding how to expend their immense legal talents. At Jones Day, lawyers have very real opportunities to make the most of themselves, both as lawyers and as people. Jones Day lawyers can, and do, channel their imaginative spirit in ways that serve the interests of society. Inspired, perhaps, by the ideals expressed by President John F. Kennedy, who issued a personal challenge to leaders in the legal community nearly four decades ago to work for the disadvantaged and promote greater justice in our society, Jones Day lawyers across the globe have taken advantage of the opportunities provided by this Firm to perform pro bono services for the poor and work to promote justice. As the Managing Partner of Jones Day, I am proud of the hundreds of lawyers Firmwide who have joined the Firm's effort to provide pro bono legal services to those in need and to fight injustice in its many forms.

As Jones Day grows internationally, more opportunities become available for collaboration between the Firm and its lawyers to make a difference in all the countries in which we practice. Toward that end, I have asked our Firmwide head of pro bono, Don Ayer—himself a veteran of many hours of pro bono work as well as distinguished service at the highest levels of the Department of Justice—to work with our international offices to increase the extent and nature of pro bono and public service activities there. Many of our international offices already engage in one form of pro bono or another. But I believe we can, and should, work to support our lawyers in making the most of themselves and their profession through imaginative and creative ways of strengthening a pro bono ethic and culture throughout the Firm and throughout the world.



CONTINUED COMMITMENT

by Firmwide Partner in Charge of Pro Bono,
Donald B. Ayer

Jones Day, as a firm and as a group of individuals, embraces the obligation to give back to the communities in which we practice. For many years, lawyers in our domestic offices have provided a broad range of pro bono services as an integral part of their professional work. Recently, the level and diversity of our pro bono commitment have expanded greatly, and the satisfactions of that work have been shared more and more widely by lawyers and staff. We look forward to continued expansion of those efforts, and especially to focusing on the opportunities for pro bono services that exist in the communities surrounding our 16 foreign offices.

One of the hallmark strengths of Jones Day's pro bono program is the breadth of opportunities afforded to each individual lawyer. While we always have pro bono opportunities available to interested attorneys, we encourage our lawyers to look for their own opportunities in areas in which they are particularly interested. This allows individual lawyers to develop their own relationships with organizations throughout our community and across the nation. I believe our more junior lawyers appreciate the freedom and flexibility to find their own pro bono opportunities and develop their own relationships with various nonprofit organizations.

This report highlights a few of those many individual efforts in the past year. But the more important focus is on what we can do this year. We can and must strive to do more. Four years ago, in 2002, Jones Day lawyers in the United States provided over 31,000 hours of pro bono services. Yet last year, they logged nearly twice that: 57,249.

Jones Day is committed to providing quality pro bono legal services in the communities in which we practice. That commitment is evident in the breadth of pro bono legal services provided, including staffing legal clinics, representing defendants on death row, advocating on behalf of individuals with disabilities, and assisting immigrants in their struggles to obtain asylum in this country. The following are some examples of pro bono cases handled in 2005.

U.S. COURTS OF APPEAL

■ SIXTH CIRCUIT

Turner v. Bagley, No. 03-3130 (U.S. Court of Appeals for the Sixth Circuit)

This case concerns a *pro se* prisoner whose federal *habeas* petition was dismissed for failure to exhaust state remedies. On appeal, we argued that the need to exhaust state remedies before bringing a federal *habeas* action was excused because of an 11-year delay in adjudicating the prisoner's direct appeal in state court. The Sixth Circuit agreed; it reversed the district court's judgment and granted Mr. Turner an unconditional writ of *habeas corpus* because the excessive delay in the state court proceedings had violated his constitutional rights. **Shay Dvoretzky** from the Firm's Washington Office argued this case in December 2004, and the Sixth Circuit issued its decision in March 2005.

■ DISTRICT OF COLUMBIA CIRCUIT

United States of America v. Rasheed Rashad, A/K/A Michael Thomas

On January 21, 2005, the United States Court of Appeals for the District of Columbia Circuit awarded Jones Day attorneys their second victory on behalf of Mr. Rashad. **Dan Bromberg** and **Danielle Hohos** from the Firm's Washington Office argued to the appellate court that the district court erred in rejecting Mr. Rashad's ineffective assistance of counsel claim and remanded the district court's decision for further findings of fact.

Mr. Rashad was arrested and charged with, among other things, selling crack cocaine. Based upon the testimony of a government informant as well as a videotape of one supposed sale, a jury found Mr. Rashad guilty, and he was sentenced to 235 months' imprisonment. On Mr. Rashad's first appeal, Jones Day attorneys **Mike Fried** and Dan Bromberg argued that Mr. Rashad received ineffective assistance of counsel because his trial counsel understated the strength of the government's case against him and never accurately informed him of his potential sentence if he was found guilty at trial. The appellate court held that Mr. Rashad had stated a valid claim of ineffective assistance and remanded the record to the district court for an evidentiary hearing.

On remand, the trial court rejected Mr. Rashad's ineffective-ness claim and reinstated his sentence. On appeal, Dan Bromberg and Danielle Hohos once again persuaded the court of appeals to remand Mr. Rashad's claims. In particular, they persuaded the court of appeals that the trial judge had erred in finding Mr. Rashad ineligible to plead guilty based upon his assertion of innocence as to some of the charges against him.

■ NINTH CIRCUIT

Prewitt v. Evan Roos, et al., No. 03-35874

Jones Day represented Rex A. Prewitt, a prisoner in an Idaho state correctional facility who had been pursuing a § 1983 action against state prison officials since 1999. Mr. Prewitt's *pro se* complaint alleged that, incident to his arrest, he was shot in the hand and shoulder and underwent surgery before being released into police custody. While awaiting trial at the Bonner County jail, he was routinely denied prescribed pain medication and physical therapy devices, suffering severe pain as a result. His complaint was dismissed by the district court, which held that the jail officials were entitled to qualified immunity from Prewitt's claims because they had adhered to certain jail policies in dispensing medication and physical therapy equipment.

Charles Kotuby from our Washington Office appealed this decision to the United States Court of Appeals for the Ninth Circuit, which submitted the case for consideration after oral argument on December 8, 2005. In a unanimous decision two weeks later, the Ninth Circuit vacated the decision of the district court and remanded the case. The court held that the "interference with Prewitt's prescribed medical treatment... violated [his] constitutional rights" that were "clearly established at the time of the alleged [incident,]" and that "a reasonable jury could find on the summary judgment record that the Defendant's reliance on the jail's medication dispensing schedule is an insufficient justification for the defendants to prevail."

CIVIL RIGHTS CASES

■ PADILLA V. HANFT, NO. 05-533 (U.S.)

Washington attorneys **Larry Rosenberg, Julia Ambrose, Katherine Stern, Tom Davis, Sameh Mobarek, and Hugh**

Hollman submitted to the United States Supreme Court an *amicus curiae* brief on behalf of Human Rights First supporting *certiorari* in *Padilla v. Hanft*. That case involves the question of whether the United States government can indefinitely detain a U.S. citizen as an “enemy combatant” without criminal charge. Mr. Padilla had been held in a naval brig for approximately three and a half years without charge, based on a variety of evolving allegations that he had planned to detonate a nuclear device or “dirty” radioactive bomb on U.S. soil, that he had planned to blow up apartment buildings with natural gas, or that he had been a battlefield combatant in Afghanistan.

In September 2005, the U.S. Court of Appeals for the Fourth Circuit held that the government was authorized to detain Padilla. Just one business day before the government would have been required to respond to Padilla’s petition for *certiorari*, the government indicted him on charges entirely unrelated to the supposed grounds upon which he had been detained previously—this time, that he had planned to commit terrorist acts overseas. The *amicus* brief argues that the issue presented in the case is of exceptional importance, that the Fourth Circuit’s decision is erroneous and would lead to significant curtailment of the civil liberties of U.S. citizens, and that the case was not mooted by Padilla’s indictment, because the government has retained the prerogative to again detain Mr. Padilla if he is acquitted of the criminal charges brought against him or if he receives a sentence that the government believes is insufficiently severe.

■ **HAMDAN V. RUMSFELD**, NO. 05-184 (U.S.)

Washington attorneys **Larry Rosenberg, Lou Fisher, Fahad Habib, Sameh Mobarek,** and **Hugh Hollman** submitted an *amicus curiae* brief on behalf of the Yemeni National Organization for Rights and Freedoms supporting the petitioner in *Hamdan v. Rumsfeld*, No. 05-184 (U.S.). That case involves the question of whether the United States may try alleged “enemy combatants” currently held at the Guantanamo Bay naval base before military commissions that employ procedures inconsistent with fundamental due process of law. The detainees held at Guantanamo have had no opportunity to contest before any judicial tribunal the U.S. government’s classification of them as enemy combatants. Moreover, the military commissions established by the executive branch would not permit the defendants to be present

for the entire duration of their trials or to confront all of the witnesses against them, while permitting unsworn testimony and testimony procured by torture and coercion, as well as hearsay evidence. The decisions of the proposed commissions would be appealable only to a panel selected by the President and over which the President has final review.

The *amicus* brief argues that these military commissions are plainly contrary to Supreme Court precedent and the Geneva Conventions that protect prisoners of war, that the failure of the United States to adhere to the rule of law in its treatment of the detainees significantly erodes its ability to promote human rights reforms in Arab countries, and that the United States’ actions in proposing the military commissions have already been used to attempt to justify human rights abuses in the Middle East.

LEGAL CLINICS AND REFERRAL PROGRAMS

■ **LEGAL AID FOUNDATION OF LOS ANGELES**

V. CALIFORNIA LAW CLINIC

Jones Day’s fight to protect the integrity of the Legal Aid Foundation of Los Angeles (“LAFLA”) against the activities of the California Law Clinic (“CLC”) has concluded with a resounding victory for LAFLA. On June 29, 2005, Los Angeles County Superior Court Judge James Dunn issued a judgment and permanent injunction against CLC. As part of its findings, the court ordered CLC to cease using the name “Legal Aid” in any of its clinics (*e.g.*, Legal Aid Crenshaw, Legal Aid Broadway, etc.) and to stop supplying legal or paralegal services. Jerry Bloom, the nonattorney who ran CLC, was ordered to pay LAFLA \$1 million in damages, plus an additional \$500,000 to fund LAFLA ads notifying the public about the terms of the judgment. Bloom also has to turn over all of the telephone numbers that he used in operating his fraudulent clinic.

This case began in 2003 when the highly regarded LAFLA began receiving several complaints per week regarding inferior work being done by the organization. LAFLA knew it had a problem because its attorneys were not the ones providing the substandard advice. Ultimately, LAFLA determined that another entity, CLC, had been using Legal Aid’s name, and it contacted Jones Day for help.

Los Angeles partner **Maria Nelson** led the Legal Aid team, and associates **Chris Broderick, John Kim, and Giam Nguyen** all worked on the case, which resulted in the restoration of LAFLA's good name.

■ CLEVELAND REFERRAL AND LAW FIRM CLINIC PROJECTS

The Legal Aid Society of Cleveland and the Cleveland Bar Association, under the leadership of **David Kutik**, a Jones Day Cleveland partner, launched two initiatives in 2005: the Brief Advice and Referral Clinic and the Law Firm Clinic. Each clinic is offered at least once a month, and each is staffed by a different law firm. The Brief Advice and Referral Clinic (also called "the Saturday Clinic") makes attorneys available to needy persons for brief consultations on a walk-up basis. If necessary, referrals are made to other attorneys or social service agencies for long-term legal assistance. The Law Firm Clinic makes attorneys available on a longer-term basis to persons already screened by the Legal Aid Society for need and viable legal issues.

Jones Day staffed the inaugural Brief Advice and Referral Clinic in January 2005 with 12 lawyers. Forty-six people came to the clinic for advice, and we were able to help all of them. The few people whose issues presented a conflict for the Jones Day lawyers were seen by Legal Aid staff attorneys. Comments from the clinic were uniformly positive.

■ PITTSBURGH NEIGHBORHOOD LEGAL SERVICES

The Pittsburgh Office has a long-standing relationship with Neighborhood Legal Services, from which Pittsburgh attorneys accept pro bono referrals on a variety of matters. Over the last several years, Pittsburgh has handled more than 100 Protection From Abuse ("PFA") proceedings referred to it by Neighborhood Legal Services, which has seen PFA representation demand grow and its resources shrink. PFA matters typically involve claimants seeking PFA orders against family members or domestic partners on behalf of themselves and, often, their children or other relatives. In 2005, more than 10 attorneys from the Pittsburgh Office handled PFA proceedings for 24 clients, expending more than 260 hours, and we also involved our entire summer associate class in PFA client interviews, negotiation sessions, and court

proceedings. While many of these matters are negotiated to a stipulated order, Jones Day has also taken a number of PFAs to hearing and has never lost. Pittsburgh associate **Heather Boylan Clark** manages the program with oversight from Pittsburgh pro bono partner **Peter Laun**.

■ D.C. BAR ADVICE & REFERRAL CLINIC

Jones Day cofounded and proudly supports the D.C. Bar Advice & Referral Clinic, a program designed to provide free assistance and legal advice to members of the Washington community. Most people seeking free legal services need only brief advice and counsel; the Advice & Referral Clinic utilizes the time and talent of law firms in Washington to help these people, identifying their legal issues and providing brief, on-the-spot information and advice on matters such as family law, bankruptcy, landlord-tenant issues, probate, and public benefits. Volunteers also help individuals requiring additional assistance by referring them to appropriate legal or social service providers in the Washington area. Questionnaires completed by clinic visitors have been overwhelmingly positive, reflecting satisfaction with, and gratitude for, services received. Involved attorneys include **Laura Tuell Parcher** and **Thomas Henry**.

The Advice & Referral Clinic provides an excellent opportunity for our lawyers to meet directly with "clients" and make an immediate impact on their lives and the community. Jones Day looks forward to continuing our support of the clinic and to performing work that, in the words of the D.C. Bar, "represents the best that our profession has to offer."

■ DISTRICT OF COLUMBIA LANDLORD TENANT RESOURCE CENTER

Jones Day participates in staffing the District of Columbia Landlord Tenant Resource Center on a pro bono basis. The Resource Center is a free walk-in information service operating just down the hall from the Landlord Tenant Branch of the District of Columbia Superior Court. Following appropriate training, staffers in the resource center provide information on the substantive and procedural landlord-tenant law of the District. One of the interesting aspects of the resource center is that it is open both to residential landlords and to tenants; its goal is not to advocate for either side, but to improve

the process by helping those within the system do things properly themselves.

Jones Day lawyers, such as **Steven Teitelbaum**, aided by Jones Day legal assistants who provide intake assistance, staff the resource center one day every other week whenever the court is in session. Reaction from participants has been extremely positive. Because the resource center operates as the legal equivalent of a hospital emergency room, lawyers who participate are able to substantively assist a significant number of customers in a relatively short period of time.

IMMIGRATION LAW/ASYLUM

■ IN RE CLIENT H

Jones Day successfully obtained a grant of asylum for client H, a gentleman from Bangladesh who had been seeking such relief since his arrival in the United States in 1991. Mr. H fled Bangladesh because of persecution he suffered at the hands of the Bangladeshi police due to his political affiliation and related activities.

Mr. H arrived in the United States unable to speak English and with a fraudulent passport that had been provided to him to enable his escape. His asylum application was denied by an asylum officer and was about to be denied by the immigration judge when Jones Day was retained as pro bono counsel in 2001. After a merits hearing handled by Mr. H's prior counsel, the immigration judge indicated she was inclined to deny Mr. H's application because an arrest warrant which had been submitted in support of Mr. H's claim, and which the court requested Mr. H to have authenticated through the applicable procedure, had apparently been improperly certified.

Upon Jones Day's entrance into the case, the immigration judge again asked Mr. H to obtain the requested authentication. Through numerous calls to and communications with the U.S. embassy in Bangladesh, Jones Day attempted to obtain the requested authentication, but the process was delayed by numerous communication problems, some of which were caused by the intervening Iraq war and a related embassy shutdown. The immigration judge ultimately denied the

application due to the client's inability to obtain the requested authentication in the time allotted. Four days after entrance of the immigration judge's decision, however, a properly authenticated version of the arrest warrant was received from the U.S. embassy in Bangladesh.

Jones Day subsequently appealed the decision, and the government surprisingly opposed it. The appeal was successful and Mr. H's application was remanded for *de novo* consideration with instructions for the court to consider the newly authenticated affidavit and several other pieces of evidence that the immigration judge had not considered. Mr. H's application was subsequently granted in December 2005.

Lawyers on the matter included **Michael Shumaker**, **Matthew Hoefling**, and **Jennifer Merzon**.

■ IN RE POLITICAL ASYLUM CLIENT EMMANUEL NJI

In January 2005, Jones Day successfully obtained asylee status for pro bono client Emmanuel Nji. Mr. Nji arrived in the United States in August 2003 with a falsified visa and passport. He had been jailed twice in the Republic of Cameroon for being a member of the Southern Cameroons National Council ("SCNC") and the Southern Cameroons Youth League ("SCYL"), the youth wing of the SCNC. Both organizations peacefully advocate for the independence of the English-speaking Southern Cameroon states from the oppressive French-speaking regime of the Republic of Cameroon, led by President Paul Biya. Over the course of his two imprisonments, Mr. Nji spent over eight months in jail, during which time he was often beaten, tortured, and interrogated about his knowledge of, and participation in, the SCNC and SCYL. The police also brutalized our client's brother and pregnant wife, who had been beaten so badly that she miscarried and spent three weeks in the hospital.

Jones Day began representation of Mr. Nji in January 2004. We filed Mr. Nji's application for asylum and represented him before an asylum officer. The asylum officer denied Mr. Nji's request for asylum, based on an adverse credibility rating regarding his involvement in the SCNC and SCYL, and referred him to immigration court. Jones Day attorneys filed a supplemental brief and conducted extensive research into the conditions in Cameroon and the factions within the SCNC



I wish to seize this opportunity to thank you for the excellent job you did to assist me in the process of my asylum proceeding. You sacrificed valuable time and efforts running up and down, making phone calls, and even represented me both at the asylum interview and the immigration court at Baltimore for nothing.

Each time I navigate through a thoughtful world, I wonder how long my siege of darkness would have lasted without your intervention. There were times when the road went rough and

I was at the verge of giving up, but you stood firm, rekindling my hopes, rebuilding my faith, and gave me the courage to move on. Thank you a million times for that glimpse of light you brought into my life. My boundless appreciation to Mr. Chudd, Ms. Mae, Ms. Martina, Mr. Kelvin and all your coworkers out there at Jones Day law firm on whose shoulders I was privileged to stand to see where I might go. May God bless you all for this marvelous job.

Emmanuel Nji

and SCYL. We found an SCNC official in North America who could testify not only to Biya's oppressive treatment of SCNC members but also to Mr. Nji's involvement with the SCNC. Based on the overwhelming evidence of Mr. Nji's past torture and well-founded fear of future persecution, the immigration judge granted Mr. Nji asylee status. Attorneys **Daniel Chudd**, **Bevin Murphy**, and **Mae Cheung** worked on the matter, under the guidance of **Kevin McIntyre**. Neither Daniel nor Bevin is still with Jones Day, but Mae continues to represent Mr. Nji in

applying for derivative asylum for his wife and daughter, who still live in fear in Cameroon.

■ **MoHIDEEN V. ASHCROFT SUB NOM. GONZALES**,
NO. 03-4040 (7th CIR. JULY 21, 2005)

Carrie Bassi and **Lee Ann Russo** from the Chicago Office successfully represented a family from Sri Lanka who were seeking asylum based on their claim that they had been singled out for persecution by the terrorist Liberation Tigers of

Tamil Eelam (“LTTE”) because of their Muslim religion. On July 21, 2005, the Seventh Circuit Court of Appeals overturned and vacated the order of removal entered by the Board of Immigration Appeals (“BIA”) against our clients. Both the immigration judge and the BIA had rejected our clients’ claim of asylum, ruling that the LTTE had targeted our clients because of their wealth, not their religion. It was at this point that Jones Day began representation, filing a petition for review before the Seventh Circuit and arguing that the BIA failed to properly apply the doctrine of mixed motives to our clients’ claim.

■ IN RE CLIENT M

Dallas attorneys **Kathleen Ryan McLaurin** and **Thomas Jackson** successfully represented client M, who fled Zimbabwe with her three young children, leaving a 17-year career as a professor at the University of Zimbabwe and her entire extended family. Persecuted by the regime in Zimbabwe for her membership in the opposition political party, client M came to the United States. In August 2004, Jones Day agreed to represent client M on a pro bono basis in her application for asylum. After filing an I-589 Application for Asylum and for Withholding of Removal on behalf of our client in September 2004, Jones Day prepared and filed a trial brief on March 9, 2005. On March 15, the government’s attorney called and offered withholding of removal; *i.e.*, the family was permitted to remain and client M was permitted to work in the United States. At the immigration-court hearing on March 23, the judge granted our client’s application for withholding of removal without requiring testimony beyond the affidavits contained in the trial brief.

■ IN RE CLIENT E

In August 2002, Client E fled his native Serbia after repeated detention by Serb authorities for his political activities and an attempt on his life by corrupt political leaders he threatened to expose. He arrived in Chicago and applied for asylum. Following rejection of his application by an asylum officer, Jones Day agreed to represent Client E on a pro bono basis before the immigration judge assigned to his case.

From a young age, Client E actively sought to bring about human rights and political reforms on behalf of the ethnic Albanian population of Serbia. Because of this conduct and because of his ethnicity, Client E was repeatedly detained, jailed, and tortured by Serb authorities. Additionally, after exposing corruption between Albanians in his own political party and the Serbs, leaders of that party also attempted to kill Client E in order to silence him.

The Jones Day team, consisting of Chicago lawyers **Lee Ann Russo**, **Michael S. Ferrell**, and **Albert D. Sturtevant**, prepared and filed a trial brief on Client E’s behalf on November 23, 2005. The team also identified and prepared an affidavit and testimony by an expert on country conditions in Southern Serbia. Following Client E’s testimony and cross-examination by the assistant chief council for the Department of Homeland Security, the immigration judge immediately granted Client E’s application for asylum in an oral opinion and the government waived its right to appeal the matter.

■ POLITICAL ASYLUM CLIENT Z V. ASHCROFT

On January 11, 2005, Jones Day won a resounding victory in the Fourth Circuit Court of Appeals for a pro bono client, a political refugee from Albania. The client had fled Albania after he and various members of his family repeatedly had been detained and tortured because of their opposition to the communist regime and its socialist successor. **Emily Morris** of the Washington Office argued the case before the Fourth Circuit. **Julia Ambrose** and **Angela Olsen** drafted the briefs, under the guidance of **Don Ayer** and **Larry Rosenberg**.

Former Jones Day Cleveland attorney **Jonathan Witmer-Rich**, with **Julie McEvoy** and **Kris Garcia** from Jones Day Washington, is representing a minor immigrant living without his parents in Tuscarawas County, Ohio. The initial civil rights issue—the local school district’s threat to expel the minor from high school on the basis of his alien status—has been resolved; however, the immigration-law issue—whether the minor is eligible for normalized immigration status—is just beginning.

NONPROFIT CORPORATE COUNSELING

The Firm's transactional lawyers also play an important role in Jones Day's pro bono practice. Jones Day lawyers frequently advise charitable organizations regarding corporate and tax issues on a pro bono basis. For example, **Washington attorneys** assisted the Down Syndrome Association of Northern Virginia in obtaining nonprofit status and being incorporated as a § 501(c)(3) organization.

Working with attorneys in the Jones Day Washington Office, the Cleveland Office's **Ellen Halfon** began providing advice regarding the tax-exempt status and the start-up activities of Wave of Courage Foundation, an organization formed to provide assistance to families of competitive swimmers struck down by debilitating illness, in honor of a talented young swimmer battling an aggressive form of brain cancer.

Chuck Wehland, Albert Sturtevant, and Gabe Scannapieco represented a Chicago nonprofit organization in its acquisition of an abandoned steel mill in South Chicago for renovation as the Steel Heritage Museum. The representation focused on the environmental assessment of the site, including potential CERCLA liability.

LITIGATION

■ **SATTERWHITE V. STEWARD AND PERMANENT GENERAL ASSURANCE CORP. V. PATRICE BROOKS, ET AL.**

In a representation referred by the Legal Aid Society of Cleveland, **Dan Messeloff** and **Rob Rivera**, with supervision from **Brian Toohey**, are representing a mother and her minor daughter in two separate lawsuits in state court. The first case involves the defense of a tort claim brought against both clients arising out of an automobile accident in which the minor was driving. The second case is a declaratory judgment action brought by the mother's insurance company, seeking to terminate coverage due to the same accident. The tort case has been stayed pending a resolution of the declaratory judgment action, which has been set for trial in September 2006.

■ **ESTATE OF HORTENCE STATEN**

Attorneys in Jones Day's Dallas Office (**Sally Crawford, Deborah Savarese Sloan, Everett Upshaw, Evan Singer, and Sean Whyte**) represented the estate of a deceased woman who allegedly had been defrauded of her home shortly before she died. Although the case involved a very complicated fact situation and required the team to file proceedings in three different courts, after two and a half years and more than 2,600 hours of attorney work, the team recovered the family home, free and clear, for the beneficiaries of the estate.

PUBLIC COUNSEL

■ **MARGARITA HINOJOSA V. LEASECOMM CORPORATION**

On January 11, 2005, the Los Angeles County Superior Court approved a class action settlement granting broad relief to approximately 150 Spanish-speaking clients. Through misleading advertisements and seminars, victims had been persuaded to purchase calling cards for personal use and for resale to consumers and to lease the equipment necessary to activate the cards. The calling rates, which included hidden charges, were not competitive (sometimes up to 50 times the amount per minute advertised), and the unconscionable lease rates for the equipment resulted in payments totaling more than 10 times its value.

The lawyers on this case were **Phil Cook, Mike Morgan, and Steve Weisskopf**.

■ **MANUEL JIMENEZ V. JOSEPH LUNA, ET AL.**

Working in conjunction with Los Angeles Public Counsel's Consumer Law Project, **Reed Aljian** represented Mr. Jimenez pro bono as the plaintiff in a lawsuit against his former lawyer and paralegal, alleging that the lawyer and paralegal stole his home by fraud, as well as malpractice, practicing law without a license, and elder abuse. The case was resolved by stipulated judgment in our client's favor, with the judge finding that the deed had been obtained by fraud in its inception and was therefore void as a matter of law. Reed was named Public Counsel's *Consumer Law Project Volunteer of the Year* for 2005 in connection with this representation.

Dear Colleagues,

On behalf of Public Counsel and our clients, we want to congratulate everyone on the Jones Day team for a spectacular settlement on the Jimenez matter. For many years, Jones Day has had a distinguished and exceptional record of obtaining fantastic results for our pro bono clients—an achievement that results from your tenacity, attention to detail, superb legal abilities, and true commitment to the cause of providing the very best legal services to the poor. The work done on the Jimenez case could not be a better example of Jones Day's dedication to pro bono.

Hernan Vera (Public Counsel, Los Angeles)

CRIMINAL REPRESENTATIONS

■ U.S. V. CORTEZ

Marc Fulkert from our Columbus Office is representing a criminal defendant who pled guilty to illegal reentry into the United States. Marc represented Mr. Cortez during his resentencing hearing in the district court, presenting arguments as to why Mr. Cortez should receive a sentence of less than 46 months in light of the U.S. Supreme Court's recent sentencing decision in *Booker*. Marc currently represents Mr. Cortez in his Sixth Circuit appeal of the district court's reimposition of his original 46-month sentence. The case has been briefed, and the attorney is awaiting a decision.

■ STATE V. DURHAM

Michael Gladman, Columbus, is representing Roy A. Durham, Jr., on appeal to the Ohio Supreme Court. Mr. Durham was convicted of rape in the Cuyahoga County Common Pleas Court, but the conviction was reversed when the Eighth District Court of Appeals determined that the trial judge improperly excluded exculpatory statements the alleged victim made to a psychologist. The state sought discretionary review of the appellate court decision, and the Ohio Supreme Court accepted jurisdiction. Michael Gladman was appointed

after jurisdiction was accepted, and he subsequently filed a merit brief on behalf of Mr. Durham in October 2005. Oral argument is pending.

■ D'AMBROSIO V. BAGLEY

Columbus lawyer **Kelly Renker Green**, along with Cleveland attorneys **Ed Sebold**, **John Lewis**, and **Rob Rivera**, is representing an individual on death row on a *habeas* petition filed in the Northern District. An evidentiary hearing on the Brady and actual innocence issues in the petition was held, and currently they are waiting for a ruling.

■ FULCHER V. MOTLEY

Chad A. Readler and **Marc Fulkert**, both with the Columbus Office, are representing a criminal defendant before the Sixth Circuit on a *habeas* petition seeking relief for violation of his constitutional rights under the Confrontation Clause. Chad and Marc briefed the issue of whether the admission of certain testimony at Mr. Fulcher's trial violated the Confrontation Clause. Chad argued the case in December 2005, and they are awaiting a decision.

PUBLIC INTEREST PROGRAMS

Jones Day Neighbors volunteers—lawyers and staff—worked with Buildable Hours and Habitat for Humanity to assist in building a new home for a Cleveland family. Working one Saturday every month since July 2005, more than 25 volunteers took on tasks ranging from installing windows and vinyl siding to basic carpentry and painting. Participants included **Regan Fay** and **Michael Martis**, among many others. The home was completed in May 2006.

Jones Day makes annual monetary contributions to and participates in fund-raising activities for law school public-interest organizations such as the Public Interest Law Foundation and the Equal Justice Foundation. We also match donations made to those organizations by law students who have accepted employment offers. Our participation in 2005 included the law schools at the University of Southern California, Yale, the University of Virginia, Howard University, and Harvard, to name a few.

Jones Day also hosts numerous fundraisers and events for nonprofit and other nonpublic organizations, such as the Appleseed Foundation, the Asian Pacific American Bar Association, the Capital Area Immigration Rights Coalition, the Federalist Society, GAYLAW, Legal Momentum (formerly the NOW Legal Defense and Education Fund), the Special Olympics, and the Victims of Hurricane Katrina.

■ OSBA RENT ESCROW PILOT PROGRAM

At the request of the Access to Justice Committee of the Ohio State Bar Association (“OSBA”), Columbus attorneys **Erick Gale**, **Kerstin Sjoberg-Witt**, and **Shawn Turner** are preparing materials for a pilot program to be implemented by the OSBA in two Ohio counties. The pilot program will promote proper utilization of Ohio’s rent escrow provision, with the short-term goal of preventing eviction actions where tenants have withheld rent due to deplorable housing conditions and the long-term goal of reducing slum-housing conditions.

■ THE JONES DAY SPECIAL EDUCATION ADVOCACY PROJECT

In response to the acute shortage of attorneys willing to represent low-income families with disabled children, the Atlanta Office of Jones Day has partnered with two local legal service organizations, the Atlanta Volunteer Lawyers Foundation and Atlanta Legal Aid, to create the Jones Day Special Education Advocacy Project. Attorneys from all Firm practice areas represent these families to ensure that the schools provide the “free and appropriate public education” to which each child is entitled under federal law. With the assistance of experts who understand the child’s condition, attorneys advocate for the child in meetings with school officials and promote development of an “individualized education plan” that will satisfy federal law. Cases that cannot be resolved through mediation or other informal means go to litigation.

During the initial orientation sessions, we trained over 26 of our lawyers and paralegals to represent families with children with special-education needs. Since that time, we have accepted thirteen cases. Although many of the cases are still ongoing, our office has already achieved positive results.

For example, thanks to the efforts of **Rick Kirby** and **Amy Sullivan**, the first client of the Jones Day Special Education Project recently received his high school diploma. Luke H., a hearing-impaired student who previously had been denied a testing accommodation waiver, was honored in a ceremony in which he finally received the high school diploma he earned in June 2004.

The program is headed by **Doug Towns**, pro bono coordinator for the Atlanta Office, and **Theresia Moser**, associate in the Labor & Employment Practice. In total, more than 20 attorneys and paralegals are actively included in the program at any one time. The program is the primary resource for Atlanta-area low-income families who need this type of assistance.

PRO BONO WORLDWIDE

When the tsunami hit Southeast Asia on December 26, 2004, Thailand’s west coast suffered significant damage. The Phang Nga province was among the most severely affected areas, with over 5,000 fatalities, 5,600 people injured, and 4,500 homes destroyed, along with most of the tourism infrastructure.

Working through Habitat for Humanity with the support of funds donated for tsunami relief by the Firm and Jones Day’s **Singapore lawyers** and staff, seven staff members went to Khao Lak on July 30, 2005, to build homes for the families of Orawan and Prattana, two women with young children who lost their husbands in the tsunami. The team worked along with a family of construction workers, filling in floors, completing brick walls, and preparing materials for the roof. (See <http://www.jonesday.com/tsunamihabitat/> for pictures.)

Evelyne Friedel in Paris has worked for many years to advance the legal rights and educational requirements of special-needs children. Through her work, Jones Day represents Autism-Europe and Autism-France before the European Union and the Council of Europe. This representation contributed to the French government’s decision to set up a Plan for Autism for 2005–2006, which included action to speed up the opening of specialized institutions.

My Linh Vu-Grégoire, also from our Paris Office, helps with all the corporate secretary work of the French Helen Keller Association (drafting management reports and minutes of meetings, amendments to articles of association, corporate formalities, etc.). She also drafts and negotiates contracts with the organization's various partners.

Andreas Köster-Böckenförde from the Frankfurt Office continues to advise the Special Olympics Germany on tax and corporate issues. He has been contributing his services to the organization since 2002.

THE JONES DAY HONOR ROLL

In 2005, as in previous years, numerous Jones Day offices and individual lawyers were recognized for outstanding pro bono contributions.

Laura Tuell Parcher, an attorney in Jones Day's complex commercial and multijurisdictional litigation practice, was selected by the D.C. Bar as its *Pro Bono Lawyer of the Year* for 2005. Laura began doing pro bono work as a summer associate in 1995 and has kept an active docket ever since. Last year, Laura served as lead plaintiffs' counsel in a high-profile lawsuit brought under the Fair Housing Act on behalf of the Equal Rights Center and three individual plaintiffs. She was instrumental in establishing the D.C. Bar's free Advice & Referral Clinic in 1996 and has spent countless hours volunteering at legal aid clinics, representing defendants on death row, serving on boards of directors for legal and community service organizations, and representing individuals in asylum hearings.

The Legal Aid Foundation of Los Angeles ("LAFLA") honored **Chris Broderick** and **John Kim** of Jones Day's Los Angeles Office for their efforts to close down sham legal clinics that had been defrauding clients by posing as affiliates of LAFLA. According to Toby Rothschild, LAFLA's general counsel, Chris, John, and Jones Day partner **Maria Nelson** "provided outstanding representation to

LAFLA and to the community by their creative legal work." Rothschild added that "[t]his case will help put an end to the use of our name to rip off low-income clients in desperate need of legal help." (See description on pages 4–5.)

Jones Day Cleveland's **David Kutik** has been recognized by the Ohio Legal Assistance Foundation for leadership in bringing significant increases in pro bono services by Cleveland-area attorneys.

When David became president of the Cleveland Bar Association for the 2004–2005 term, he was well aware of the need for civil legal assistance in Cleveland. He initiated the Cleveland Bar Association's "Our Commitment to Our Community" campaign, an unprecedented effort to enlist Cleveland attorneys to meet the growing need for quality legal representation among low-income individuals and non-profit groups in Northeast Ohio.

In its first year, the campaign gathered pledges from 35 law firms and legal departments, representing 2,000 lawyers who agreed to provide more than 70,000 hours of volunteer service in 2005.

The **Dallas Office** of Jones Day was awarded the *W. Frank Newton Award* at a luncheon on June 23, 2005. The W. Frank Newton Award is one of the highest honors given by the State Bar of Texas's Legal Services to the Poor in Civil Matters Committee. The award was accepted by **Sally Crawford**, head of the Dallas Office pro bono effort.

The application for the award was submitted on the Firm's behalf by the Dallas Bar Association, which stated that Jones Day regularly goes above and beyond the call of pro bono duty. In fact, in 2004, 70 lawyers from the Dallas Office logged over 5,500 hours volunteering with the Dallas Volunteer Attorney Program. The award committee also cited the pro bono representation of a Dallas family who had been evicted from the dwelling they had called home for more than 40 years. (See description on page 9.) A team of attorneys led by **Evan Singer**, an attorney in the Dallas Office, worked on the case.



New York volunteers at Habby award ceremony.

Additionally, **Sally Crawford** was named the *Outstanding Pro Bono Attorney* for the City of Dallas by the Dallas Bar Association in 2005. The Dallas Office also received the *Gold Award* from the Dallas Bar Association for the most pro bono hours reported for a firm with 150 lawyers or more.

These two awards are a result of work with the Dallas Volunteer Attorney Program (DVAP), which is a partnership between the Dallas Bar Association and Legal Aid of NorthWest Texas. DVAP also gives awards in other categories, including for firm pro bono coordinators, court reporters, judges, staff, and young pro bono attorneys. These awards are based on hours worked as well as other activities. In addition, a former Dallas Office staff member was recognized for her outstanding intake efforts at neighborhood legal clinics in 2005.

Habitat for Humanity New York City awarded **Jones Day New York** its 2005 *Special Appreciation Award* for Outstanding Corporate Volunteer Group at its Habby volunteer appreciation event and award ceremony on June 7, 2005. New York Partner **Dan Kusnetz** accepted the award on behalf of the Firm.

From 1997 through the first quarter of 2005, Jones Day New York devoted more than 3,800 pro bono hours to Habitat for Humanity, providing the organization with free legal services valued at over \$1.1 million. In addition to contributing legal services, the Firm has participated annually in Jones Day Build Days, building homes in Harlem, Queens, Brooklyn, and the Bronx.

Jones Day's pro bono commitment in the area of special education has already received media attention and community awards. In June 2005, **Jones Day Atlanta's Special Education Advocacy Project** (jointly with another pro bono project focusing on preschool children) was selected for the *William B. Spann, Jr. Award* presented by the State Bar of Georgia. This is an annual award given to a "local bar association or a community organization in Georgia which has developed a pro bono program that has satisfied previously unmet needs or extended services to the underserved segments of the population." (See description on page 11.)

The Washington, D.C., chapter of the American Immigration Lawyers Association presented Jones Day associates **Julia Ambrose** and **Angela Olsen** with its *Outstanding Pro Bono*



Washington Office award recipients, from left: John Majoras, Laura Tuell Parcher, Sean Malone, Amy Ray, Thomas Henry, Satyra Riggins, Tom McCarthy.

Representation Award for their efforts to obtain asylum on behalf of their client, Malik Jarno, a mentally retarded orphan from Guinea. Julia and Angela served as lead counsel in an unprecedented 12-day merits hearing in one of the most political and controversial asylum cases ever undertaken by the Firm. This case has attracted widespread media coverage and has generated tremendous support from over 70 members of Congress and numerous international human rights organizations. Julia and Angela received this prestigious award in conjunction with three lawyers from two other Washington law firms.

Los Angeles lawyers **Samantha Eisner** and **Reed Aljian** were named Public Counsel's *Consumer Law Project Volunteers of the Year* in 2004 and 2005 for their outstanding contributions to public pro bono counseling.

In connection with his successful 2004 U.S. Supreme Court representation of an indigent prisoner, **John Lewis** (Cleveland Office) was featured in the August 2005 "Rising Stars" edition of *Ohio Super Lawyers 2005*.

The **Washington Office** received the *Outstanding Achievement Award* in the field of fair housing from the Washington Lawyers' Committee for Civil Rights and Urban Affairs on June 28, 2005.

For the fifth consecutive year, Jones Day's **Chicago Office** has been recognized as a member of the Pro Bono Initiative Honor Roll, a consortium of law firms and corporations in Chicago, as a result of its increased annual average hours per lawyer devoted to providing pro bono legal services.

The Harriet Buhai Center for Family Law awarded its 2005 *Pro Bono Volunteer of the Year Award* to a team of lawyers in our **Los Angeles Office** who worked on a case involving a mother from Mexico seeking custody of her three-year-old son, who had been abducted by his father, a citizen of the United States. The team consisted of **Alexandria Dominguez**, **Justo Gonzales**, **Cindy Reichline**, and **Kate Wallace**, as well as paralegals and assistants including **Cynthia Marchena**, **Alicia Lopez**, and **Elba Alonso de Ortega**. The supervising attorney was **Gary Nugent**.

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