

FOR THE PUBLIC GOOD

The publication highlighting pro bono work of K&L Gates LLP in 2016.

K&L GATES

TABLE OF CONTENTS

FINDING A SAFE HOME	5
ADVOCATING FOR INDIVIDUALS SEEKING SAFETY	
Church Community Rallies Behind Liberian Refugee	7
Ensuring Abuse Victim’s Safety.....	7
Helping Client Pursue Lawful Permanent Residency	8
Securing Financial Stability for Homeless Teen	8
Creating Guide to Fairly Assess Refugees on the Grounds of Sexual or Gender Identity.....	8
Protecting College Victim from Domestic Abuse	9
Immigration	9
Cameroon	9
Canada	10
China	10
El Salvador.....	11
Guatemala	13
Honduras.....	13
Iraq.....	16
Uganda.....	17
Continued Support for Kids in Need OF Defense (KIND)	18
Helping Unaccompanied Minors through KIND Residency.....	18
Boston	19
New York	19

SAFEGUARDING INDIVIDUAL RIGHTS

Protecting Victims of Sexual Cyberharassment.....	21
Fighting for Client’s Custody of Frozen Embryos	22
Advocating for Nongendered Rights in the UK	22
Representing Federal Police Officer and Former Marine in Civil Rights Case	23
Filing <i>Amicus Curiae</i> Brief in Support of LGBT Parenting Rights	24
Representing Client in Civil Rights Appeal.....	24
Defending Competitive Swimmer Against Antidoping Charges	25
Advocating for Client in Discrimination Mediation.....	26
Obtaining Tuition Insurance for College Student.....	26
Protecting Children’s Right to Education	26
Safeguarding a Mother’s Parental Rights	27
Fighting for the Rights of Human Trafficking Victims	27
Securing Survivor Benefits for Widow of Vietnam Veteran.....	27

SERVING THE UNDERSERVED

Fighting for Federal Recognition on Behalf of the Duwamish Tribe	31
Representing Respondent in a Divorce Proceeding.....	32
Defending Elderly Homeowners Against a Solar Company Scam ...	32
Helping the Disadvantaged Navigate the Australian Court System	32
Providing Free Legal Services to New Migrants, Refugees, and Asylum Seekers	33
Conducting Legal Clinics for Homeless Adults.....	33

Advocating for Elderly Woman Forced into Nursing Home.....	33
Securing a Fresh Start for Teen in Foster Care	34
Advising Newly Arrived Migrants and Refugees.....	34
Defending a Nonprofit Provider of Social Services	34
Staffing a London Free Legal Advice Clinic.....	35
Advising Cancer Patients	35
Providing Legal Assistance to Brisbane Community.....	35
Hosting Schedule H Tax Clinic for the Elderly	36
Assisting Elderly Washington, D.C. Residents with Estate Planning	36
Conducting Wills Clinic for Veterans, Law Enforcement, and Firefighters.....	37

JUSTICE FOR THE ACCUSED AND IMPRISONED

Freeing Innocent Death Row Inmate.....	39
Protecting Transgender Sexual Assault Victim	39
Helping a Client Falsely Accused of Misfeasance.....	40
Achieving Justice for Transgender Inmate.....	40
Defending an Inmate's Constitutional Rights	40
Representing Victim of Illegal Search and Seizure.....	41
Pursuing Post-conviction Writ of <i>Habeas Corpus</i> for Death Row Inmate	41
Preserving a Prisoner's Constitutional Rights.....	42
Advocating for Inmate Sentenced as a Minor to Life without Parole.....	43
Obtaining <i>Habeas Corpus</i> Relief for Client Challenging Prison Sentence	43

Reviewing Case Files of the Wrongfully Convicted	43
Advocating for Prisoner Alleging Constitutional Violations	44

BUILDING BETTER COMMUNITIES

Guiding Client through Right-to-Know Appeal	47
Improving the Administration of Justice in Washington, D.C.	47
Inspiring Interest in Science, Technology, Engineering, and Math	47
Community Outreach	48
Coaching Underserved Students in Congressional Mock Hearing	48
Educating Youth on Democracy through Mock Trials.....	48
Promoting Philanthropy and Community Outreach in Charlotte	48

IMPROVING CONDITIONS IN THE DEVELOPING WORLD

Exploring Global Pro Bono Practices and LGBT Access to Justice	51
Securing Access to Safe Drinking Water	51
Advocating for the People of the Democratic Republic of the Congo	52
Raising Funds for Global Health Programs.....	52
Continuing Our Support of the International Senior Lawyers Project	53
Leading a Workshop to Promote Contracts for Federal Government of Somalia	53
Reviewing Myanmar's Draft Investment Law	53

ASSISTING NONPROFITS AND NASCENT BUSINESSES

Recovering Damages for Breach of Contract.....	55
Helping Filmmaker Win Rights to Rwandan Genocide Documentary	55
Guiding Nonprofit Working to Break Stigma	56
Supporting Humanitarianism Around the Globe	56
Tackling IP Issues for Antibullying Organization.....	56
Advising Organization Dedicated to Increased Energy Efficiency.....	56
Collecting Owed Damages on Behalf of Community Organization	57
Securing Fair Agreement for Playhouse Parent and Childcare Centre	57
Assisting Company Focused on Exploring Spirituality through Play.....	57
Representing Sammamish Symphony Orchestra Association in Dispute	57
Negotiating Critical Agreements for Land Mine Safety Charity.....	58
Providing Pro Bono Support to London Women's Organization	58
Helping Metabolic Disorder Nonprofit Launch New Website.....	58
Assisting Organization Supporting the Mentally Ill through Farming.....	59
Guiding Client Running for a Cause.....	59
Advising Nonprofit Working to Help Special-needs Children and Adults.....	60
Providing Legal Assistance to Mental Health Care Foundation.....	60
Establishing LLC for Community Development in Texas.....	60

RECOGNITION

Levine Honored with Attorney General's Community Service Law Award.....	63
Wittow Receives Robert C. Cumbow Brio Award for Volunteer Legal Service for the Arts	63
Loughlin Recognized for Extraordinary Pro Bono Service.....	63
Fine Appointed Pennsylvania Supreme Court Pro Bono Coordinator.....	64
Case Honored with Light of Justice in Action Award	64
Walker, Anderson, Schmitz Honored with "WCE Hero Award"	64

We are humbled each
day by the challenging
circumstances faced
by the courageous
individuals whom
we represent.

FINDING A SAFE HOME

WELCOME

We are grateful for the ability to reach so many different parts of the world and for the opportunity to offer assistance to those who face hardship and injustice, often with very little help or access to legal resources. As lawyers, we hold a sacred commitment to defend the most vulnerable individuals among us, notably those who face abuse and discrimination and those who are fleeing a life of violence, intimidation, and fear.

This edition of K&L Gates' "For the Public Good" highlights our lawyers' efforts to help people find a safe home—a right that every individual should have. Our lawyers promote this goal through their pro bono service in many ways: by providing a voice for the homeless, by defending the victims of domestic abuse, by advocating for immigrants fleeing violence and persecution, by improving access to safe drinking water and sanitation, and by protecting the victims of online abuse.

We are humbled each day by the challenging circumstances faced by the courageous individuals whom we represent, and we are honored, individually and as a firm, to advocate on their behalf.

Peter Kalis

Chairman and Global Managing Partner



**ADVOCATING FOR
INDIVIDUALS
SEEKING SAFETY**

CHURCH COMMUNITY RALLIES BEHIND LIBERIAN REFUGEE

A Liberian refugee escaped to the United States nearly 10 years ago with two small children from a war-torn and famine-stricken country. Prior to her escape, she endured years of physical, sexual, and mental abuse.

The woman eventually settled in a small community north of Pittsburgh and attended a local church where several K&L Gates lawyers are active members. Among them were partner Dave Murdoch and his wife Joan. The Murdochs took the woman and her family under their wing and treated them as their own, even helping the woman secure a job with the local YWCA.

Like so many victims of abuse, the woman struggled to deal with emotional trauma. In late 2014, she developed an addiction to illicit drugs, which ultimately led her to theft. During a shift at the YWCA in January 2015, she stole the credit cards of several members and incurred approximately US\$600 in unauthorized charges.

The woman was charged with numerous offenses, some of which may have jeopardized her ongoing efforts to gain citizenship. She currently has permanent residency.

The Murdochs jumped into action and asked a team from our Pittsburgh office to represent her through the criminal process with the goal of getting her back on the right path.

At the preliminary hearing in local magistrate court in March 2015, our lawyers were able to negotiate a resolution that included only a summary offense charge and dropped all of the more serious offenses. This avoided any possible implications

for her immigration proceeding. Further, the Murdochs rallied the congregation to raise the funds to satisfy restitution. They also generously paid for her inpatient drug treatment.

Because of the Murdochs' selfless commitment, the client was able to move forward from this episode and get her life back on track.

The team representing the client includes partners Mark Rush and Thomas Ryan, of counsel Hayes Stover, and associate Meredith Bateman.

Dave Murdoch passed away in November 2015 following a courageous fight against cancer.

ENSURING ABUSE VICTIM'S SAFETY

Our client was 17 years old and living in a psychiatric facility when she first met her abuser—a mental health counselor twice her age. The abuser took advantage of her trust and began an inappropriate relationship that eventually led to marriage. During their six-year relationship, the client suffered repeated physical, mental, and emotional abuse at the hands of her physically stronger wife.

After our client filed a petition for a restraining order, she fled the state of Washington for protection. Seattle associate DC Wolf worked with her by phone to draft her declaration and assemble supporting evidence, as she was in hiding from her abuser. He argued her case at a contested hearing in King County Superior Court, with the client appearing via phone. The court issued a one-year restraining order on her behalf.

Wolf was supervised by partner Bill Shaw.

HELPING CLIENT PURSUE LAWFUL PERMANENT RESIDENCY

New York associate Chelsea Stevens won employment authorization and U-nonimmigrant status for her client, who is a victim of domestic violence. The purpose of the U-nonimmigrant status or U-visa program is to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, and other crimes. It also protects victims of these crimes who have suffered substantial mental or physical abuse and are willing to help law enforcement authorities in the investigation or prosecution of the criminal activity.

The firm originally filed an application for a U-visa for this client in August 2013. She was granted deferred action in 2014, but was unable to receive status because the U-visa cap of 10,000 individuals per fiscal year had been reached.

The client has now received U-nonimmigrant status, and after three years of continuous physical presence in the United States, she will be eligible to adjust her status and become a lawful permanent resident.

New York senior paralegal Beata White provided translation services for the client. Initially, the client spoke only Polish, but she is currently learning English.

SECURING FINANCIAL STABILITY FOR HOMELESS TEEN

A teenager was kicked out of the house by her parents for being a lesbian. She had no source of income or a place for safe shelter, and she soon became homeless and sick. She also fell off the track for high school graduation. She was just 17 years old.

Although the client had a small settlement account from a Tilt-

a-Whirl accident she had had as a child, she was not allowed to access the funds until she turned 18. Her school social worker called Lawyers Fostering Independence (LFI), which matched the client with Seattle of counsel Joanne Hepburn and associate Breanna Van Engelen.

Through their work, they were able to secure a small monthly disbursement from the settlement account for housing and food and a complete disbursement when the client turned 18 in July 2015.

Our client has since graduated from high school, obtained a good job, and improved her relationships at home, and she is looking for an independent living situation through the YMCA.

LFI provides legal advocacy in civil matters on behalf of youth transitioning out of the foster care system.

CREATING GUIDE TO FAIRLY ASSESS REFUGEES ON THE GROUNDS OF SEXUAL OR GENDER IDENTITY

A cross-border team of lawyers from our Melbourne, Chicago, and Seattle offices assisted Kaleidoscope Australia in the development of a best-practice guide, the first of its kind, to determine applications for asylum made by lesbian, gay, bisexual, transgender, and intersex (LGBTI) refugees. The guide was launched in our Melbourne office and attracted significant media coverage.

The purpose of the guide is to assist decision makers around the world in properly and fairly assessing applications for refugee status based on sexual orientation or gender identity. It is also a useful tool for refugee advocates to use when assisting asylum seekers with their claims.

There are some existing resources that spell out what decision makers should not do when assessing refugee claims based on sexual orientation or gender identity—e.g. the types of questions they should not ask—but this is the first guide to give detailed, practical guidance on how to interview asylum seekers, and to provide appropriate sample questions.

K&L Gates was named a finalist in the *Lawyers Weekly* Australian Law Awards' "Pro Bono Law Firm of the Year" category for launching the guide.

Kaleidoscope Australia Human Rights Foundation is a nonprofit organization committed to promoting and protecting the human rights of LGBTI people in the Asia Pacific region.

The team includes Melbourne of counsel Andrew Mansour and Seattle partner Suzanne Thomas. Mansour and Thomas were supported by senior associate Katie Sweatman and lawyers Lauren Norris, Julia Baldi, John Monroe, and Andrew Chan.

PROTECTING COLLEGE VICTIM FROM DOMESTIC ABUSE

Seattle associate DC Wolf obtained a two-year restraining order on behalf of a University of Washington (UW) student who was being stalked and harassed by an abusive ex-boyfriend. During their relationship, the client suffered both mental and physical abuse. Shortly after a prior restraining order against him expired, the ex-boyfriend proceeded to accost the client on the UW campus.

Wolf filed a petition for a new restraining order and the client's ex-boyfriend retained a criminal defense lawyer to oppose the petition. In turn, Wolf prepared and filed a brief in support of the client's petition and assisted her in drafting declarations and assembling health records, witness statements, and police reports

to use as supporting exhibits. Additionally, he appeared at a contested hearing in Snohomish County Superior Court. The court found that the client demonstrated a reasonable fear of domestic violence by a preponderance of evidence and entered a two-year restraining order preventing her ex-boyfriend from contacting or harming her.

Wolf received additional support from the firm's shared services team and library staff.

IMMIGRATION

Cameroon

Protecting Client Seeking Political Asylum

Our client was tortured and abused by the government of Cameroon based on her political activities supporting the opposition party. K&L Gates took on the case in June 2013, and a team prepared and filed an application for asylum.

The government issued a Notice to Appear in late 2013, which signals the initiation of removal proceedings in the Immigration Court. However, the Notice to Appear was improperly served, and the client never received it. In April 2014, the team successfully argued that the notice was improperly served and the judge sent the case back to the asylum office.

While the case was shuffled between the asylum office and Immigration Court, our lawyers secured the client's work authorization and several other evidentiary documents supporting the client's claim, including an expert affidavit on the political conditions in Cameroon. They worked with translators outside and within the firm to help the client

prepare for the interview with the asylum office. After two years of work, the client was granted asylum and is now able to safely work in the United States without fear of further persecution.

The team includes Chicago associates Margaux Nair, Lauren Salins, and Abigail Schmitz.

Canada

Achieving Victory for Immigration Client

Our client is a lawful, lifelong permanent U.S. resident of Canadian citizenship, who was detained in immigration custody for removal to Canada. His entire family lives in the greater Boston area.

Boston associates Roger Smerage and Eric Lee had just over a month to assemble a complex evidentiary record and prepare the client and potential witnesses for trial before the U.S. Immigration Court in Boston. Smerage, with Lee's assistance, tried the case to the Immigration Court judge, conducting direct and redirect examinations of the client and the client's brother.

At the close of the hearing, the judge granted the client's application to cancel his removal. The government waived any appeal. The client was released from custody and allowed to remain in the country, in close proximity to his parents and five siblings.

China

Helping Clients Pursue Asylum Based on Fear of Persecution

A couple who relocated to the United States from Beijing to further their graduate studies are now seeking affirmative asylum in the country based on a fear of future religious persecution.

In August 2013, the couple came to the United States on student visas to study at California State University in Fullerton. While in school, the husband began volunteering for China Aid, a nonprofit organization dedicated to exposing human rights abuses and promoting truth, justice, and freedom by advocating for religious liberty and the rule of law in China. He became increasingly involved with China Aid and eventually decided to commit himself to the organization as a full-time employee.

The couple relocated to China Aid's headquarters in Midland, Texas in October 2014, where the husband began work as the head of the organization's information technology and marketing departments. He currently holds an H-1B visa, a nonimmigrant visa that allows U.S. employers to temporarily employ foreign workers in specialty occupations. He continues to reside in Midland with his wife and their newborn son.

Since its inception in 2002, China Aid has drawn increasing attention from the Chinese government. Chinese nationals directly and indirectly affiliated with the organization have endured various acts of religious persecution upon returning to China, including protracted detentions by Chinese officials, invasive searches of person and property, and arrests and imprisonments—all due to a suspected involvement with or linkage to China Aid. Given the client's affiliation and integral role within the organization, he fears that the freedom and lives of his family will be threatened, or worse, if they are forced to return to China upon the expiration of his H-1B visa.

Houston partner John Sullivan and associates Devin Wagner and Allyson Pait filed affirmative asylum applications for the couple with the USCIS in February 2016 and are awaiting an interview with an asylum officer.

Protecting Client from Religious and Political Persecution

Our client is a Chinese woman persecuted for years by the Chinese government due to her Christian faith and public outspokenness regarding her father's unjust arrest and imprisonment. Her father, the pastor of a large Christian church in China, was persecuted because of his religion. The woman's husband and daughter all belong to the church.

The injustice of her father's treatment, and that of his family, by the Chinese government caught the attention of the media and several human rights organizations that saw it as an example of religious repression in China. One such group was China Aid. Given the extreme circumstances that the client and her family faced, they all received Humanitarian Parole to enter the United States lawfully. The client, her husband, and daughter are now living in Midland, Texas, where they regularly and freely practice their Christian faith.

Houston partner John Sullivan and associate Allyson Pait filed an affirmative request for asylum in July 2015. They are awaiting notice of the date for the client's interview with an asylum officer. The team is currently finalizing the brief and other ancillary documents to support her application, which they will present before her asylum interview.

El Salvador

Advocating for Child Seeking Asylum

When our client was only three years old, he arrived in the United States as an unaccompanied minor. He escaped a life in El Salvador that was surrounded by violence, both gang-related and domestic. Some of the most horrific violence he experienced was at the hands of a drug-addicted uncle who lived in

the same home. The uncle physically abused him as well as other family members.

The government initiated deportation proceedings against our client when he was four years old. Retired San Francisco of counsel Richard Phillips and associate Daniel Fox filed for asylum on his behalf. The team argued, in part, that the child would be persecuted if forced to return to El Salvador without any parental protection. The asylum office granted the asylum request and our client now resides in the United States, far away from the violence he experienced from a very young age.

Securing Temporary Protected Status for Missionary

A missionary from El Salvador is attempting to file for temporary protected status (TPS) in the United States. He works with a Christian organization dedicated to discipleship of young professionals in the Houston area and focuses on outreach to Spanish-speaking individuals. He came to the United States for this work many years ago and to seek better care for his daughter, who suffers from a rare medical condition.

El Salvador had a series of earthquakes in 2001. Because the country remains unable to adequately handle the return of its citizens, those who were living in the United States during a certain time period may qualify for TPS. After moving to the United States, the client became eligible for TPS and filed his application in 2001. Since then, he has prepared and filed his own application to renew his TPS status and it has been granted.

In early 2015, the client prepared and filed his form for TPS renewal. During this time, his daughter's medical con-

dition worsened and she had emergency surgeries. When the client submitted his form, he mistakenly overlooked and did not complete several items on the form. In April, the United States Citizenship and Immigration Services (USCIS) sent the client a letter stating that he did not fill out the form correctly, but they did not specify what information was missing. In addition, the letter failed to inform him that he had 30 days to provide evidence of good case for failure to register. The client sent a new form within a week of receiving the letter, but mistakenly failed to complete all the missing information. Shortly thereafter, the client realized his mistake and sent a new completed form. USCIS did not send an official receipt acknowledging receipt of the form and, in October, sent a decision letter withdrawing the client's TPS, thus revoking his legal status to be in the country.

Houston partner John Sullivan and associate Elizabeth Gilman prepared an appeal with an affidavit from the client. USCIS accepted the appeal and vacated its prior decision, thus reinstating the client's TPS and legal status to remain in the country.

Representing Endangered Brothers in Asylum Matter

Two brothers were forced to flee their home country of El Salvador because of gang violence. The brothers, both minors, were threatened by members of the MS-13 gang who were looking to extort money from a store owned by the boys' parents. When the brothers refused to cooperate with the gang, they were robbed and their family was threatened.

After a precarious journey, the brothers were detained upon their arrival in the United States. Los Angeles partner Hector Espinosa assisted in the preparation and submittal of asylum applications for the brothers, as well as preparing them for their asylum interview. After weeks of follow up, the asylum applications for both brothers were approved in December 2015.

Helping Client Facing Removal Proceedings

Our client fled El Salvador to find safety in the United States after members of the MS-13 gang repeatedly threatened him and his family with violence, including kidnapping him prior to his escape. He currently lives in Los Angeles with his aunt, uncle, and cousins.

Los Angeles associates Trevor Belton and Cassandra Payton represented the client in his removal proceedings and successfully completed and filed an asylum application. They hope that the client will be granted asylum after an interview with the asylum office.

Securing Permanent Residency for Teenager

Human Rights First sought our firm's assistance in a case involving a 17-year-old native Salvadoran who has been living in Houston for the past several years. His father passed away when he was six years old and his mother lives in another state. She has refused to care for him for years.

A team from our Houston office is currently seeking a predicate state court order in Harris County Family Court that will name his aunt as his sole managing conservator. After the state court issues its order, the team will petition the United States Citizenship and Immigration Services (USCIS) for Special Juvenile Immigrant Status and permanent residency.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in New York, Washington, D.C., and Houston.

The team includes partner John Sullivan and associate Ed Duffy. Legal secretary Candice Munoz has provided interpretation assistance.

Guatemala

Advocating for Client Escaping Poverty, Fear, and Threats of Gang Violence

Before arriving in the United States in 2014, our 13-year-old Guatemalan client knew nothing but a life of poverty, fear, and threats of gang violence. He is currently living in Massachusetts with his mother but now faces the possibility of deportation. Returning to Guatemala, likely unaccompanied, would put him in danger once again.

Boston associates Hayley Trahan-Liptak and Shamus Hyland and partner Phi Lan Tinsley successfully moved to continue the client's deportation proceedings. This allowed them time to bring the case to the Massachusetts Family Court, which could allow him to gain Special Juvenile Immigrant Status in the federal Immigration Court. With this status, he could also seek to terminate the deportation proceedings and subsequently apply for permanent resident status.

The matter is ongoing.

Obtaining Special Juvenile Immigrant Status for Client Fleeing Domestic Abuse

At the age of 17, our client fled domestic abuse in Guatemala, entering the United States as an unaccompanied minor. As he faces deportation, a team from our Boston office is applying for relief on the boy's behalf and is seeking Special Juvenile Immigrant Status, a special designation for children who have been abandoned by one or both parents and whose best interest is to remain in the United States.

The client has joined his mother and siblings and hopes to remain in the United States with his family.

In order to receive Special Immigrant Juvenile status, the client must be determined to have been abandoned by one or more parents (in this case his father, who left when he was a child), to have crossed the border alone, and to have it be in his best interest to remain in the United States.

The team has successfully petitioned the Massachusetts Probate and Family Court to award custody to the client's mother and the issue special findings that it is the client's best interest to remain in the country. This favorable finding will allow the team to apply for Special Juvenile Immigrant Status and hopefully stop the client from being deported.

The team includes Boston associates Hayley Trahan-Liptak and Damien Grierson.

Through this client relationship, Trahan-Liptak, Grierson, and Boston associate Austin Simko have accepted representation of the client's sister and her young child. They plan to pursue her immigration case in 2016

Honduras

Obtaining Asylum for a Mother and Her Son

A Honduran woman fled her country after suffering extreme domestic abuse at the hands of her ex-partner. After meeting with two mental health experts, she was diagnosed with severe depression and post-traumatic stress disorder as a result of the physical, sexual, and emotional abuse she suffered. Following a referral from the Northwest Immigrant Rights Project, a team of Seattle lawyers applied for asylum for her and her six-year-old son based on her status as a victim of domestic violence.

THE TOP TEN COUNTRIES OF ORIGIN FOR REFUGEES IN THE UNITED STATES IN 2015:



Iraqis accounted for **NEARLY 20%** of refugees resettling in the **United States** **IN 2015**

More than a **MILLION** migrants and refugees crossed into **Europe** **IN 2015**

In 2015, **38%** of all refugees in the **United States** were resettled in **Texas, California, New York, Arizona, Michigan, and Ohio**

THE TOP TEN COUNTRIES OF ORIGIN FOR REFUGEES IN THE EU IN 2015:

- 1 SYRIA
- 2 AFGHANISTAN
- 3 IRAQ
- 4 KOSOVO
- 5 ALBANIA
- 6 PAKISTAN
- 7 ERITREA
- 8 NIGERIA
- 9 IRAN
- 10 UKRAINE

GERMANY and **HUNGARY** received the highest number of asylum applications—Germany had **476,000** and Hungary had **177,130**

The **Asia Pacific** region is home to **3.5 MILLION** refugees, the majority of which originate from **Afghanistan** and **Burma**

After a preliminary hearing, the team submitted a prehearing brief and corresponding evidence packet prior to two final hearings in July and September. Our client and two expert witnesses provided testimony regarding past trauma and current diagnoses.

The Seattle Immigration Court granted asylum for our client and her son, as well as withholding of removal and protection under the United Nations Convention Against Torture. The client is now petitioning to bring her daughter, whom she was forced to leave behind, to the United States from Honduras.

The team was led by associate Elliot Watson, with assistance from partner Rob Mitchell.

Seeking Permanent Residency for 16-year-old Client

Keeping a 16-year-old Honduran girl in the United States with her great aunt is the prime focus of New York partner Joanna Diakos and associate Kimber Hargrove's recent juvenile immigration case.

The K&L Gates team petitioned to have the family court appoint the girl's great aunt as her guardian and make special findings that will allow the girl to petition the U.S. Citizenship and Immigration Services (USCIS) for Special Immigrant Juvenile Status (SIJS). SIJS will allow the girl to stay in the United States as a lawful permanent resident.

The judge granted the guardianship petition and made the special findings on the grounds that both the client's parents had abandoned and neglected her and that reunification with one or both parents was not viable.

The team is now in the process of filing their client's application with the USCIS for SIJS.

Iraq

Advocating for a Family's Safety

For the past several years, Washington, D.C. associate Amy Conant has been assisting a client who fled Iraq for fear of persecution. She is helping the client with his application for political asylum, which has been pending at the Arlington Asylum Office for more than a decade.

During the past year, Conant also assisted the client's wife with an independent application and represented her and her children during an interview at the asylum office. The outcome remains pending.

Conant hopes to obtain asylum for the rest of the family while the client's application is under review.

Representing Iraqi Facing Physical and Psychological Violence

After Saddam Hussein's fall, many minority religious groups living in Iraq no longer received adequate protection from persecution. Our client and his family are Mandaean, a small Christian sect, and they experienced this vulnerability firsthand by being subjected to physical and psychological violence. The situation continued to worsen when the client's father left for work with two colleagues he carpooled with and was never seen or heard from again. Sadly, the driver of the carpool was found executed near the location of the empty car.

Following the disappearance of his father in January 2007, the client and his family fled to Syria. He eventually received a full academic scholarship to study at a college in New York as part of a program aimed to educate young Iraqis in hopes of having them eventually return to Iraq to help rebuild the country.

During the client's time in college, the situation in Iraq continued to deteriorate, and his mother and sister received refugee status in Australia. His brother obtained refugee status in Europe.

Washington, D.C. partner Rick Valentine and associate Amy Eldridge assisted with the client's asylum application and represented him during his immigration interviews.

In May 2015 the client was granted asylum. In 2016 the team will file paperwork for him to become a permanent resident.

Assisting with Iraqi Resettlement Efforts

Iraqis accounted for nearly 20 percent of refugees resettling in the United States in 2015 . A cross-office team of lawyers has been working closely with firm client JP Morgan Chase and the International Refugee Assistance Project (IRAP) to assist Iraqi refugees in their resettlement efforts. Currently, the team is helping two Iraqi nationals, one of whom provided invaluable translation services to the U.S. Armed Forces while in Iraq. His application for a Special Immigrant Visa is in the processing stage and awaits approval.

The other client is facing severe threats to her well-being and religious persecution and is seeking refugee status in the United States. On her behalf, the team is working on a submission to the United States Citizenship and Immigration Services (USCIS), part of which will include a brief letter on why the client should be admitted to the United States as a refugee under U.S. law. They will also be helping her prepare for an interview with USCIS, which has not yet been scheduled. The case was referred to IRAP by the United Nations High Commissioner for Refugees (UNHCR).

The team includes Boston partners Andrew Glass and Gregory Blase.

Uganda

Assisting Client in Asylum Claim

For more than three years, a Seattle team has represented a woman from Uganda in her asylum claim.

The client was beaten and raped by Ugandan government officials on account of her political-organizing efforts with other young people. She arrived in the United States in 2011 and tried to file for asylum without a lawyer, but the application was denied. She was facing deportation, and with her funds running out, she was no longer able to attend school.

The K&L Gates team began working with the client in 2012. They renewed the client's asylum application and helped her get a work permit so she could support her family while her application was pending. The team helped her prepare to testify and also arranged for a psychologist to evaluate the client and testify on her behalf. The evaluation indicated that the client suffered from severe depression and post-traumatic stress disorder.

Following the hearing, Judge Paul DeFonzo granted her asylum, withholding of removal, and protection under the Convention Against Torture.

The team includes associates Ryan Groshong, Will Smith, and Elliot Watson, with guidance from partner Jeff Johnson. Jacki Badal, in-house counsel at an investment firm represented by K&L Gates, acted as co-counsel on the case.

CONTINUED SUPPORT FOR KIDS IN NEED OF DEFENSE (KIND)

Kids in Need of Defense (KIND) was launched in collaboration with Microsoft in 2008. K&L Gates was one of the founding firms to sign on to KIND, which works to provide representation to unaccompanied minors in proceedings before the U.S. Citizenship and Immigration Services. KIND has offices in eight U.S. cities: Baltimore, Boston, Houston, Newark, New York, Los Angeles, Seattle, and Washington, D.C.

According to KIND, more than 100,000 children came alone to the United States in the last two years, many fleeing severe violence in their home countries. The following stories illustrate the legal problems confronting unaccompanied minors who arrive in the United States and are entangled in the immigration process.

Helping Unaccompanied Minors through KIND Residency

During his six-month pro bono placement with KIND in Los Angeles, New York associate Andrew Avorn had the opportunity to work on many cases, one of which involved preparing an *amicus curiae* brief for the Board of Immigration Appeals (BIA) in support of a Honduran boy who suffered more than a decade of horrific child abuse at the hands of his uncle before he fled to the United States at age 14.

Although the immigration judge who heard the client's *pro se* asylum application characterized the abuse as rising to the level of "torture," his application was denied. On appeal, Avorn and Miami associate Stephen McGuinness drafted an *amicus* brief

for KIND, arguing that the BIA should recognize victims of child abuse as eligible for asylum. The brief sought to extend a recent BIA decision recognizing female victims of domestic violence as a "particular social group" eligible for asylum.

After reading the brief, the Department of Homeland Security agreed to file a joint motion to remand the case back to the Immigration Court to reconsider the client's asylum claim in light of the recent change in law. The boy has been released from detention while the Immigration Court considers his case.

In another case, Avorn worked with a Honduran teenager who was kidnapped, sexually abused, and forced into the role of a domestic slave when she was 15 years old. She managed to escape and fled to the United States where she was captured by border patrol.

Avorn, along with New York associates Sarah Kenney and Nishma Doshi, took on the challenge of preventing our client's deportation, even though the applicable immigration law did not appear favorable. The team discovered a way to bypass the unfavorable immigration law and present the client's claim directly to the asylum office in the first instance.

Avorn represented the client at her asylum office appearance. The team supported her application with legal briefing and psychological and medical evaluations to establish the trauma she suffered and fear of persecution if she was forced to return to Honduras. The client's application for asylum was granted, and she is working toward graduating from high school.

Boston

A brother and sister fled gang violence in South America and were reunited with their mother in Massachusetts last year. In their native country, the sister was kidnapped and held for ransom, while the brother was continuously threatened and pressured to join the gang that controls the region.

After entering the United States in early 2015, the brother was placed in the custody of the Office of Refugee Resettlement and eventually reunited with his mother in Massachusetts. Meanwhile, the sister managed to escape her captors and make her own way to the United States.

Lawyers from our Boston office successfully obtained the dismissal of removal proceedings initiated by the Department of Homeland Security against the brother and are currently representing the sister in her removal proceedings. The team is preparing to bring actions in Massachusetts Family Court on behalf of the siblings to obtain special findings that can be used to obtain Special Immigrant Juvenile Status under the Immigration and Nationality Act, which will allow them to apply for permanent residency.

Associates David Mawhinney and Shamus Hyland and partner Rob Sparkes are representing the siblings.

New York

New York partner Tara Pehush and associate Nicole Kozin persuaded the Bronx County Family Court in New York to rule in favor of their client, a boy who fled abusive parents in Ecuador, enabling him to obtain permanent residency in the United States.

The court held that it would not be in our client's best interest to reunite with his parents, and the team relied on this ruling to apply for permanent resident status for their client from the U.S. Citizenship and Immigration Services. Their client was awarded permanent residency and can apply for citizenship in five years.

According to KIND, more than 100,000 children came alone to the United States in the last two years, many fleeing severe violence in their home countries.

A photograph of a protest or demonstration. In the foreground, a person with blonde hair, wearing a dark blue hoodie, has their right arm raised in a fist. To their left, another person with long brown hair, wearing a denim jacket, is also visible. In the background, several people are holding signs. One prominent sign is white with green text that reads "HUMAN RIGHTS". Another sign is partially visible with blue text. The background shows bare trees and a brick building under an overcast sky. A large purple rectangular box is overlaid on the right side of the image, containing the text "SAFEGUARDING INDIVIDUAL RIGHTS" in white, bold, sans-serif font.

SAFEGUARDING INDIVIDUAL RIGHTS

PROTECTING VICTIMS OF SEXUAL CYBERHARASSMENT

With the click of a mouse, a bitter ex or mischievous hacker can upload compromising photos or videos of a victim to public websites without consent. These sexually explicit images quickly make their way to the attention of victims' family members, friends, co-workers, classmates, colleagues, and employers. Victims are routinely threatened, stalked, and tormented. They have difficulty finding work and often get fired from or are forced to leave their current jobs or schools because of the severity of the harassment. Some victims of nonconsensual pornography have even committed suicide.

Founded in 2014, K&L Gates' pro bono Cyber Civil Rights Legal Project (CCRLP) is dedicated to helping victims of nonconsensual pornography (NCP), also known as "revenge porn," "cyber exploitation," or "sexual cyberharassment." NCP affects thousands of people worldwide. With countless opportunities to share user-generated content online or by other technological means such as via smartphone, a person's most intimate moments can instantly be shared with more than 3 billion Internet users worldwide. Unfortunately, this form of sexual abuse has been growing rapidly.

Recognizing that NCP was becoming a global epidemic, Miami partner Elisa D'Amico and Seattle partner David Bateman founded the CCRLP to provide pro bono legal services to victims of this despicable crime. Borrowing the term "cyber civil rights"—originally coined by Danielle Citron, Lois K. Macht research professor and professor of law at the University of Maryland—our firm's pro bono project was named to identify the growing NCP epidemic as one involving a violation of one's cyber civil rights. Currently, the CCRLP team includes more than

70 lawyers, paralegals, staff, and forensic investigators, drawing from deep experience in litigation, cyber law, IP, and computer forensics.

The CCRLP is the first worldwide pro bono project, backed by a global law firm, that is dedicated to helping victims of NCP. The project is committed to providing experienced, discreet, and compassionate services on a pro bono basis to victims of sexual cyber harassment around the world. Individual case work typically consists of removing the offending images from websites, delisting the content from search engines, obtaining assignment of copyright in the offending images from photographers, sending cease and desist letters to perpetrators, interfacing with law enforcement, and in appropriate cases, bringing civil lawsuits against perpetrators.

In just its first year, the CCRLP responded to inquiries from over 300 victims. The team also secured the removal of more than 1,000 explicit images from various websites, helping victims obtain copyright in many images to give them tools to use for the removal of offending content that is now online or that may appear online in the future. Lawyers from our firm have filed six lawsuits and also have liaised with law enforcement, ultimately leading to four arrests and criminal prosecutions. D'Amico and Bateman have been consulted by members of Congress regarding legislative initiatives and have participated in efforts to get NCP laws passed in several states, including Florida and Washington. The CCRLP has been the subject of both national and international media coverage. D'Amico and Bateman have appeared on radio programs and documentaries and have been interviewed for news articles, both in print and online.

ONE IN TEN EX-PARTNERS

have threatened to send inappropriate photos of their ex online.



Our firm remains dedicated to facilitating the growth and reach of the CCRLP and to helping victims of sexual cyberharassment seek the justice they deserve.

FIGHTING FOR CLIENT'S CUSTODY OF FROZEN EMBRYOS

After being diagnosed with non-Hodgkin's Lymphoma, our client was informed by her physicians that the chemotherapy treatments she would have to undergo would likely cause infertility. Our client and her boyfriend at the time agreed to create embryos so that she could attempt to have her own biological children when her health returned. As expected, the chemotherapy rendered our client infertile, and the three cryopreserved embryos are her only chance at having biological children. After the couple ended their relationship, the former boyfriend brought a complaint seeking to prevent her from using the embryos. The client cross-claimed, seeking an order granting her the right to use the embryos without the plaintiff's consent.

In an earlier appeal, the appellate court set the standard to be applied for resolving disputes over the disposition of embryos created with one party's sperm and another party's egg. The court ruled that, if the parties entered into a contract expressing their mutual intent with respect to the embryos, then the contract should be enforced. Where there is no advance contract, the relative interests of the parties in using or not using the embryos should be weighed.

After a full trial on the merits, the court applied this standard and determined that the couple entered into an oral agreement pursuant to which the plaintiff donated his sperm to fertilize the client's eggs for her unconditional use in the future. The judge additionally balanced the interests of the couple and ruled that the client's desire to have a biological child in the face of the impossibility of having one without using the embryos outweighs the plaintiff's concerns.

In October 2015, the appellate court denied the plaintiff's petition for leave to appeal the trial court's decision and the client was granted sole custody and control over the embryos. This is one of only two cases in the United States in which a progenitor seeking to use cryopreserved embryos over the objection of the other gamete provider has been successful.

The plaintiff filed a petition for a writ of *certiorari* to the U.S. Supreme Court, which is still pending.

The team includes Chicago partners Abe Moore and Molly McGinley and associate Nicole Mueller.

ADVOCATING FOR NONGENDERED RIGHTS IN THE UK

Christie Elan-Cane, a nongendered activist in the UK, has been campaigning for the British government to introduce X-gendered markings in passports as well as to legally recognize

people who do not identify themselves as male or female under English law. Although current UK legislation may be interpreted to protect the rights of nongendered people, further clarification of and amendments to UK legislation are required to expressly recognize and protect those who identify as neither male nor female from discrimination and unfair treatment. Elan-Cane has been personally affected by issues surrounding nongendered identity.

London associate Aritha Wickramasinghe is assisting Elan-Cane in highlighting issues of discrimination and unfair treatment faced by nongendered people in the UK.

Wickramasinghe delivered a written submission to the Transgender Equality Inquiry of the Women and Equalities Committee on the client's behalf regarding a number of issues, including terminology and definitions related to nongendered people, the UK's performance related to recognizing and protecting nongendered people, the operation of the Gender Recognition Act 2004 and whether it requires amendment, the operation of the Marriage (Same Sex Couples) Act 2013 and whether it requires amendment, and the effectiveness of the Equality Act 2010 in relation to nongendered people.

Elan-Cane was subsequently invited to present evidence before the Women and Equalities Select Committee in October 2015, and Wickramasinghe helped prepare the evidence. The committee released its report in January 2016.

In its findings, the committee recognized that other countries had implemented legal changes that recognized nongendered identities in identity documents and stated that the UK must introduce an option to record gender as "X" on a passport. Furthermore, the committee suggested that, in the longer term, consideration should be given to the removal of gender from passports entirely and that the government should be moving toward "nongendering" official records as a general principle, only

recording gender where it is a relevant piece of information. In response to the submissions on the Gender Recognition Act 2004, the committee stated that the government must look to whether there is a need to create a legal third category for those people who are neither male nor female and the implications of this change. The submission that the Equality Act should be amended to protect "gender identity" was also accepted by the committee, which stated that this would improve the law by bringing the language in the Equality Act up to date and make it clearer that protection is afforded to anyone who might experience discrimination because of gender identity.

The matter is supervised by London partner Jonathan Lawrence.

REPRESENTING FEDERAL POLICE OFFICER AND FORMER MARINE IN CIVIL RIGHTS CASE

Former Marine and federal police officer Maurice White was driving home from work in August 2013 when a deputy sheriff stopped him from entering his neighborhood. His neighborhood was blocked off for a community event, yet had one lane open for entering and leaving the community by cars. Although White was wearing his police uniform and produced his license, badge, and credentials from the Department of Homeland Security, the deputy made inappropriate physical contact and harassed White at the stop. The deputy's superior was called for backup and the situation was resolved with no charges being filed at the scene.

White and his wife filed a complaint regarding the deputy's conduct during the incident. The deputy learned of the complaint and, according to the Whites, retaliated by

obtaining arrest warrants charging White with felony assault on a police officer and reckless driving and charging both Whites with disorderly conduct. The deputy also called White's employer, causing White to immediately lose his security clearance and be suspended from his job without pay. In an extraordinarily rare act, a grand jury refused to indict White on the felony. White was later acquitted by a trial jury of reckless driving and disorderly conduct, but only after having been suspended from his job for eight months.

Partners Carol Elder Bruce and John Longstreth and associate Amy Elderidge filed a federal civil rights complaint on White's behalf against the deputy and the sheriff, seeking compensation for White's loss of income, reputational and career damage, and emotional distress, as well as punitive damages. After full discovery, the team defeated summary judgment motions filed by the deputy and the sheriff. The judge wrote a strong and comprehensive opinion that, among other things, accepted the team's position on an unsettled legal issue concerning the vicarious liability of sheriffs for actions of their deputies. The case then settled for US\$275,000.

The team also won an important ruling from the district court, which became final when it was not appealed, requiring that information as to prior complaints and discipline against the deputy be a matter of public record rather than remaining under seal. The team sought and obtained *amicus* support from the Reporters' Committee for the Freedom of the Press on this issue.

FILING *AMICUS CURIAE* BRIEF IN SUPPORT OF LGBT PARENTING RIGHTS

Our firm recently filed an *amicus curiae* brief on behalf of leading organizations in the fields of psychology and lesbian, gay, bisexual, and transgender (LGBT) rights in a Washington state appeal.

The brief asked the court to vacate a parenting plan that severely restricted a mother's access to her children on the basis of her sexual orientation. The trial court, citing concerns that children raised in a religious household would have difficulty reconciling their religious upbringing with their mother's homosexuality, used her sexual orientation as a basis to limit her residential time and restrict her communication with her children. The *amicus* brief argues, among other points, that the trial court's decision was based on erroneous and harmful assumptions about child development, parenting, and lesbian relationships.

Seattle associate Kendra Nickel-Nguy was asked by the Washington State Psychological Association, the Family Equality Council, and Parents and Friends of Gays and Lesbians Washington State Counsel to prepare the brief. The brief presents the appellate court with empirical social science data demonstrating that it is in the best interest of children for parenting plans to support existing close and stable relationships between parents and children, regardless of a parent's sexual orientation.

REPRESENTING CLIENT IN CIVIL RIGHTS APPEAL

Daniel Chavez was convicted of a sex offense and was required to enter a sex-offender treatment program as a condition of probation. Part of this treatment involved admitting guilt to the crime of conviction. Chavez maintained his innocence at trial, and his conviction was on appeal. He refused to admit guilt and was jailed for violating a condition of his probation.

Chavez filed a § 1983 civil rights complaint *pro se*, which was dismissed prior to service for failure to state a claim on the basis of qualified immunity. The Ninth Circuit appointed pro bono counsel.

A Seattle team is working on this case, which is co-lead by a lawyer from another firm. The team representing Chavez is led by associates Kendra Nickel-Nguy and DC Wolf. Our lawyers argued an important procedural issue—namely whether or not a court can dismiss a *pro se* case at the screening stage under the screening statute, 28 U.S.C. § 1915(e)(2), on the grounds of qualified immunity.

Chavez's appeal is currently pending. Oral argument took place in front of the Ninth Circuit in December 2015, and the team is awaiting a decision.

DEFENDING COMPETITIVE SWIMMER AGAINST ANTIDOPING CHARGES

After more than a year fighting charges alleging that top-level swimmer Kylie Palmer breached the Doping Control Rules of the Fédération Internationale De Natation (FINA), the international governing body for swimming, a Melbourne team was successful in getting the charges revoked.

Palmer is an elite Australian swimmer who previously won a relay gold medal at the 2008 Beijing Olympics. She was charged with having a substance prohibited by the World Anti-Doping Agency (WADA) Code in her system during the 2013 FINA Swimming World Championships in Barcelona. However, she was not notified until April 2015 that the sample she provided two years earlier was found to be positive for minute traces of the prohibited substance, a diuretic.

Unbeknownst to Palmer, in the intervening period FINA and WADA engaged in protracted exchanges as to whether antidoping proceedings should be brought against her. These exchanges ultimately resulted in WADA's making an application against FINA in the Court of Arbitration for Sport that sought to compel FINA to act against Palmer. At that point, FINA agreed to pro-

ceed against Palmer, seeking that she be suspended for a breach of the WADA Code with a standard two-year period of ineligibility in the event that the breach was proven.

The Melbourne team conducted a comprehensive investigation to identify how the prohibited substance entered Palmer's system. This is a necessary precondition for an athlete to take advantage of very limited defenses available under the WADA Code. The investigation was conducted approximately two years after the positive test and was ultimately unsuccessful in identifying how the substance entered her system. The team filed extensive materials with the FINA Doping Panel on Palmer's behalf, arguing that the delay in bringing the proceedings against her was contrary to principles underlying the FINA Doping Control Rules and had effectively deprived her of any real prospect of properly investigating the matter.

Unfortunately, during the period of investigation, Palmer decided that she had no choice but to accept a provisional suspension while the matter was being investigated and determined by the FINA Doping Panel. This meant that she had to forgo representing Australia at the FINA World Championships in Kazan, Russia in July and August 2015.

On 10 September, the FINA Doping Panel found that, while the charge was proven, it would impose only a reprimand with no period of ineligibility in Palmer's first antidoping rule violation. The panel justified its decision based on the unique circumstances of the case, including that other tests on samples provided by Palmer proximate to the positive test were found to be negative with respect to the prohibited substance.

The finding of a proven breach of the WADA Code, along with the imposition of no period of ineligibility, was an

unusual but favorable outcome for Palmer despite the fact that she was unable to invoke available defenses.

In late December 2015, WADA confirmed that it would not appeal the decision of the FINA Doping Panel, thus bringing an end to the matter and allowing Palmer to pursue selection to the Australian swimming team for the 2016 Rio de Janeiro Olympics.

The team was led by partner Stephen Meade, with assistance from lawyers Miranda Skelley and Anthony Peterson, graduate lawyer Melanie Long, and paralegal Joel Blackman.

ADVOCATING FOR CLIENT IN DISCRIMINATION MEDIATION

Washington, D.C. partner Erin Ardale Koeppel and associate Theodore Kornobis helped a disabled, low-income individual in a federal discrimination lawsuit that he filed against his former union and related job-training program.

The client's lawsuit alleged, among other things, that he was discriminated against on the basis of race and disability. Specifically, the client alleged that the defendants disparately treated African-Americans when making job placements, denied equal access to opportunities, and failed to provide reasonable accommodations in light of known disabilities. The U.S. District Court for the District of Columbia appointed Koeppel and Kornobis to serve as counsel for the plaintiff for purposes of mediation and settlement. The K&L Gates team represented the client in several mediation sessions with a magistrate judge and opposing counsel, and they successfully negotiated a settlement for the client.

Harrisburg partner Amy Groff also assisted with the representation.

OBTAINING TUITION INSURANCE FOR COLLEGE STUDENT

After signing for a federal loan to attend a local college, our client, a student only several weeks into his first semester, had to take a medical leave of absence. The college's handbook, which was published on the college website, guarantees tuition insurance for those who cannot complete a full semester. When the student's family brought the policy language to the college's attention, they were informed that the insurance was no longer provided automatically and that the information on the website was incorrect. The college later removed the language from its website.

Boston partner Shaw McDermott and associate Shamus Hyland are negotiating with the college to have the client re-enrolled and to potentially obtain financial aid or credits to compensate for the student's reliance on the misinformation.

PROTECTING CHILDREN'S RIGHT TO EDUCATION

A team from our New York office is working with the National Center for Youth Law and the Center for Children's Advocacy in their suit against the state of Connecticut for denying students their constitutionally protected right to an education. The lawsuit contends that expelled children receive an unacceptably inferior education during the period of expulsion, in violation of Connecticut's constitutional guarantee. The lawsuit further contends that the substandard alternative education provided to expelled children, who are disproportionately students of color, violates the equal protection clauses of both the Connecticut and U.S. Constitutions.

Associates Priya Chadha, Erica Iverson, Luke Steinberger, paralegal manager Deborah Meyers, and partner Pat Loughlin are working on this case.

SAFEGUARDING A MOTHER'S PARENTAL RIGHTS

Newark associates Margaret Korgul and Meghan Meade represented a woman whose ex-husband relocated their children from Slovakia to New Jersey without her consent.

After the couple's divorce in 2013, the father received physical custody of their two children and the mother retained visitation rights pursuant to the divorce decree in Slovakia. The divorce judgment provided that both parents were entitled to represent the minor children and manage their property. Without any notice to or consent of the mother, the father brought the children to New Jersey in October 2014, where they lived with the father's new wife and their new daughter.

The U.S. District Court for the District of New Jersey ruled that, although the divorce judgement awarded sole physical custody to the father, the mother still retained some of her parental rights and obligations. Therefore, the removal of the children from Slovakia was wrongful under Articles 3 and 5 of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The children will be returned to Slovakia.

Korgul and Meade worked on this case with the Hague Convention Attorney Network. The network is maintained by the U.S. Department of State, which serves as the U.S. Central Authority for the Hague Convention.

FIGHTING FOR THE RIGHTS OF HUMAN TRAFFICKING VICTIMS

A team of lawyers provides legal support to the Coalition to Abolish Slavery and Trafficking (CAST), an organization based in Los Angeles that works to end human trafficking. The organization focuses its efforts on raising awareness, rehabilitating survivors, and influencing legislative and public policy.

Currently, our lawyers are drafting an article proposing legislation that would decriminalize offenses committed by minor trafficking victims. At the hands of their abusers, young victims often have no choice but to engage in these purportedly criminal acts. The team is also drafting a California state court motion template that would allow minor victims to testify using alternate methods. For example, if a victim is asked to testify in open court in front of her abuser, this motion would allow her to do so in a separate room to avoid a potentially traumatizing situation.

The team includes Raleigh and Los Angeles partner Daniel Stephenson, counsel Bridget Blinn-Spears, and associate Kaitlin Dewberry, as well as and Pittsburgh associate Meredith Bateman.

SECURING SURVIVOR BENEFITS FOR WIDOW OF VIETNAM VETERAN

For several years, K&L Gates worked with the Veterans Consortium Pro Bono Program on behalf of a client seeking survivor benefits. Our client, the widow of a Vietnam veteran, sought survivor benefits because she believed her husband's cancer was directly related to his exposure to Agent Orange during his military service in Vietnam.

The veteran was diagnosed with carcinoma of the tongue and passed away at a very young age shortly after receiving the diagnosis.

The U.S. Department of Veterans Affairs (VA) has recognized that certain cancers and other illnesses are presumptively associated with exposure to Agent Orange or other herbicides during military service. This list of illnesses includes lung cancer and cancers of the larynx, trachea, or bronchus, but it does not yet include the tongue carcinoma that was the cause of death in this case. As a result, the Board of Veterans' Appeals denied our client's claim multiple times, largely because the veteran's cancer was not on the list of illnesses presumptively caused by Agent Orange.

However, even if an illness does not appear on the presumptive list, a veteran may still present evidence that the illness was connected to the period of military service. In 2013, our firm was able to obtain a remand sending the client's case back to the board for additional fact-finding so that the board could re-evaluate the claim for service connection. At the board level, our client submitted information, including other cases in which the board had granted service connection for carcinoma of the tongue similar to the veteran's. However, the VA medical examiner ignored the case law and facts that supported our client's claim.

Based on the flawed VA medical opinion, the board again denied our client's claim for survivor benefits, and she looked to K&L Gates for assistance with her appeal to the Court of Appeals for Veteran's Claims (CAVC). Former Washington, D.C. partner Mike Missal represented the client in her 2015 appeal to the CAVC.

The CAVC requires the parties to have a pre-briefing conference to narrow the issues or to see if the parties can fully resolve the claim. To prepare for the conference, our lawyers drafted and served the required pre-conference memorandum on the VA counsel. During the conference, the VA counsel agreed with our client's argument that the medical opinion in the case was inadequate and agreed to remand the case back to the board for a new medical opinion that takes into account the case law and evidence submitted by our client.

Our client is now working with her local VA office to submit additional evidence in support of her case.

Missal is now inspector general of the U.S. Department of Veterans Affairs.

The U.S. Department of Veterans Affairs (VA) has recognized that certain cancers and other illnesses are presumptively associated with exposure to Agent Orange or other herbicides during military service.



ALL PEOPLE ARE GAY
GET OVER IT!

PRIDE

PRIDE

PRIDE

PRIDE



SERVING THE UNDERSERVED

FIGHTING FOR FEDERAL RECOGNITION ON BEHALF OF THE DUWAMISH TRIBE

The Duwamish, a Native American tribe in Western Washington and the indigenous people of metropolitan Seattle, have been fighting for U.S. federal government recognition for more than 40 years. The Tribe filed its first formal petition for federal recognition with the Bureau of Indian Affairs (BIA) in 1977. Through a series of administrative decisions, the BIA repeatedly refused to acknowledge the Duwamish as a federally recognized tribe. Without federal recognition, the Tribe has struggled to provide social, educational, health, and cultural programs, and economic opportunities to its vast membership.

Chief Seattle, the Indian chief for whom the city of Seattle is named, was the leader of the Duwamish Tribe when Europeans first settled the area. He ultimately befriended the settlers and his leadership resulted in the Duwamish Tribe signing on as one of the first signatories to the Treaty of Point Elliot. Among other things, the treaty promised the Duwamish a land base and federal funds. Despite repeated efforts by Duwamish leaders, however, the federal government failed to follow through on its promise to provide the Duwamish a reservation on the Tribe's ancestral lands.

Without land rights, the Duwamish were forcibly removed from their homes in the Puget Sound area by settlers. Duwamish homes and communities were burned to the ground and the city of Seattle passed an ordinance calling for the expulsion of all Duwamish from the city in the late 1800s. The Duwamish were forced to abandon their historic settlements and homeland for safer areas throughout Western Washington with better economic opportunities. Some landed in logging camps and others created homesteads just outside Seattle's rapidly expanding city limits. Throughout this time, the Tribe met on at least a yearly

basis and made a number of trips to Washington, D.C. in an effort to realize the promises in the Treaty of Point Elliott. Those efforts continued unsuccessfully throughout the 1900s and into the 2000s.

Our firm was asked to represent the Tribe in litigation involving its petition for federal recognition in federal court, and in 2013, the Western District of Washington vacated the BIA's decision refusing to acknowledge the Tribe—one of the only times that a court has reversed a negative decision on tribal recognition by the Department of Interior. The case was remanded to the BIA, which in July 2015 again refused to acknowledge the Duwamish.

In October 2015, the team appealed that decision to the Interior Board of Indian Appeals (IBIA), as well as reviewed historic records and interviewed tribal members to develop new evidence. The Department of Interior and the Muckleshoot Indian Tribe attempted to thwart the appeal, and entry of the new evidence into the record, by arguing that the IBIA did not have jurisdiction. In November 2015, the IBIA accepted review, thereby ensuring consideration of all new evidence. The matter is ongoing.

Despite the government's refusal to acknowledge the Duwamish, the Tribe's customs and traditions thrive to this day. The Tribe is made up of master artisans—including experts in basket weaving, wood carving, and traditional dance—who are passing the Tribe's customs and culture on to the next generation of Duwamish. In 2009, the Tribe built the Duwamish Longhouse and Cultural Center—the Tribe's cultural, governmental, and economic hub—on historic tribal lands in West Seattle.

The team working on this case includes Seattle partners Bart Freedman, Theo Angelis, and Phil Guess; counsel Jonathan Harrison; associates Ben Mayer, Brad Lewis, Martha Rodriguez Lopez, and Will Smith; and staff lawyer Lauren Sancken.

REPRESENTING RESPONDENT IN A DIVORCE PROCEEDING

Houston partner Trey Monsour and Fort Worth associate Carson Dimick represented a disabled client in a divorce proceeding. The client, after experiencing a debilitating stroke at the age of 27, underwent brain surgery and remained on life support for approximately four and a half weeks. She then spent another two months in a hospital for inpatient brain rehabilitation before eventually transferring to a post-acute brain injury rehabilitation facility for outpatient treatment. As a result of the stroke, the client suffers from blindness; serious and significant memory difficulties including short-term, long-term, and spatial memory loss; and spondyloarthritis, a type of arthritis that attacks the spine and in some cases the joints of the arms and legs. She is unable to provide for herself and her two children.

After nearly 20 years of marriage, the client's husband filed for divorce. Monsour and Dimick mastered an unfamiliar area of law and utilized their litigation experience on behalf of the client. The court ordered the parties to mediation twice, and the parties ultimately settled. The relief obtained for the client was extremely favorable and included provisions for spousal support, child support, and division of assets.

DEFENDING ELDERLY HOMEOWNERS AGAINST A SOLAR COMPANY SCAM

A Los Angeles team is assisting an elderly couple that was taken advantage of by a solar-installation company.

American Solar came to the clients' home to solicit them to install solar panels. Based on representations regarding financing and federal tax credits, the elderly couple entered into an agreement with American Solar and provided a deposit. Unfortunately, the representations regarding financing were untrue.

After the matter was referred to K&L Gates by Public Counsel, the Los Angeles team filed a complaint against American Solar. The claims included elder abuse and neglect, unfair business practices, fraud, and breach of contract. The parties are currently in settlement discussions.

The team is led by associates Tyler Cesar and Kate Hummel, with support from partners Timothy Pierce and Hector Espinosa.

HELPING THE DISADVANTAGED NAVIGATE THE AUSTRALIAN COURT SYSTEM

Justice Connect partners with member law firms to refer for pro bono legal assistance those who fall into the middle ground of being ineligible for legal aid yet unable to afford private legal counsel. As part of this service, Justice Connect established the Federal Court Self-Representation Service.

The service provides free legal advice and assistance to people who are representing themselves in the Federal Court and the Federal Circuit Court in Victoria. K&L Gates is involved by focusing on bankruptcy and employment-law matters.

In the past year, lawyers from our Melbourne office participating in the Self-Representation Service provided assistance to approximately 50 applicants. Our lawyers meet first with eligible self-represented applicants for one hour at the Federal Court. There the lawyers provide guidance on procedural requirements for the type of application being made, explaining what to expect when the applicants appear in court, and provide limited advice regarding the merits of their applications.

Melbourne partners Michaela Moloney and Nick Ruskin, special counsel David Hartnett, senior associate Katie Sweatman; lawyers Andrew Johnson, Monica Lillas, Chloe Mitchell, John Monroe; Tara Privitelli, Hoda Solaymani-Jamal,

and Julia Wheeler, and graduate Meg Aitken have all advised applicants at the Self-Representative Service. The service is coordinated by senior associate Christien Corns.

PROVIDING FREE LEGAL SERVICES TO NEW MIGRANTS, REFUGEES, AND ASYLUM SEEKERS

Sydney special counsel John Rodney completed a secondment with Migrant Outreach Service: Advice, Information, Community and Education (MOSAIC).

MOSAIC provides free legal advice services and community education to migrants who have recently arrived from non-English-speaking countries as well as refugees and asylum seekers.

Rodney helped create a suite of precedent documents and background legal research to assist pro bono lawyers in assessing and responding appropriately to telecommunications, energy, and water contract disputes. The precedent suite gave pro bono lawyers tools to respond to various client matters during MOSAIC's inaugural "Bring Your Bills Day," which was open to newly arrived migrants, refugees, and asylum seekers who needed help with their phone, electricity, gas, or water bills.

CONDUCTING LEGAL CLINICS FOR HOMELESS ADULTS

Every month, the Seattle first-year associates gather at Aloha Inn Transition Housing to conduct a two-hour legal clinic for homeless adults.

The associates have 15-minute meetings with eight different residents who are dealing with various legal issues. After the clinic, they draft letters to each of the residents detailing the topics they discussed and including referrals to pro bono services

that are available through different bar associations that offer representation for their legal needs.

ADVOCATING FOR ELDERLY WOMAN FORCED INTO NURSING HOME

Our client, an elderly woman, purchased a residence where she could live with her son, who would help care for her. The property was originally registered to both of them as joint tenants but, following the son's bankruptcy, his share in the property was transferred to his partner (the co-proprietor). Her son moved from the property after the breakdown of his relationship with the co-proprietor and, without the assistance of her son and due to the co-proprietor's abusive behavior, our client was forced to move to a nursing home. The co-proprietor remains in possession of the property.

A team of lawyers from our Brisbane office is helping our client reach an agreement with the co-proprietor to sell the property, which will help her afford the services she needs. The sale of the property will allow her to pay an outstanding accommodation bond to the aged care facility to secure her future care and housing, but the co-proprietor refuses to place the property on the market unless he is guaranteed a distribution exceeding his entitlement from the proceeds of the sale. Our lawyers are also helping the client negotiate with the nursing home to reduce the amount of interest payable on the outstanding accommodation bond.

The team includes partners Harry Nicolaidis and Warren Denny, senior associates Shannon Martin and Hayley Stephens, and lawyer Erin Lewis.

SECURING A FRESH START FOR TEEN IN FOSTER CARE

Our client is a 19-year-old female in extended foster care who committed four minor crimes as a young teenager. She sought to have her records sealed because the charges and convictions could prevent her from critical access to work and housing. As a foster youth, she already does not have access to many resources. She is working on her General Educational Development (GED) test but formally has only an eighth-grade education.

The client was connected to our firm via the Center for Children and Youth Justice. Founded in 2006 by a retired Washington State Supreme Court justice, the center is a nonprofit charitable organization dedicated to reforming Washington's juvenile justice and child welfare systems.

Seattle associate Kendra Nickel-Nguy filed a motion on our client's behalf to seal her records. The motion was unopposed and granted, and the client's records were successfully sealed by the various agencies in possession of them.

Nickel-Nguy was able to navigate the court system for the client and help her achieve a fresh start as an adult, enabling her to more easily find employment and housing without being hindered by juvenile offenses.

ADVISING NEWLY ARRIVED MIGRANTS AND REFUGEES

The Employment Law Project was formed to provide information and legal advice to newly arrived migrants and refugees in the Western suburbs of Melbourne—a group identified as particularly vulnerable.

Our firm partnered with the project to develop information and resources, particularly pertaining to employment law matters that can be easily understood by community leaders. The project has taken a novel approach by training trusted community leaders who then share relevant information with members of their community who might not otherwise seek such support.

In addition, our firm provides “phone a friend” support to the project's lawyers to extend their capacity and support them in strategizing the best legal options available for their clients.

The team includes Melbourne partners Peter Lupson, Michaela Moloney, and Nick Ruskin. They are assisted by special counsel David Hartnett; senior associate Katie Sweatman; lawyers Chloe Mitchell, Jessamy Kenny, and John Monroe; and graduate Meg Aitken.

DEFENDING A NONPROFIT PROVIDER OF SOCIAL SERVICES

The Father McKenna Center (FMC) reached out to our firm after being sued in Washington, D.C. Superior Court by a one-time visitor, who alleged discrimination, slander, Fourth Amendment violations, and fraud.

Our firm has a longstanding relationship with FMC, a nonprofit Catholic organization. FMC provides social service and outreach programs to Washington, D.C. residents struggling with homelessness and very low income.

After FMC and other defendants filed motions to dismiss the complaint, the court held a status conference to discuss certain common issues with the plaintiff's pending civil actions against FMC and other defendants. Ultimately, the court dismissed all claims against FMC, noting plaintiff's disjointed allegations and

expressing concern that he may be suffering from an underlying mental health issue. In addition to giving the plaintiff information regarding how to obtain help, the court held that, at a minimum, the plaintiff's complaints did not meet local pleading standards to state a claim against any of the defendants (including FMC).

The court dismissed the matter in July 2015.

The team working with the client included Washington, D.C. associate Geoff Fehling, of counsel Larry Lanpher, and partner Soyong Cho.

STAFFING A LONDON FREE LEGAL ADVICE CLINIC

A team of volunteers from all legal departments in our London office provides free legal advice at the Battersea Legal Advice Centre in South West London. Battersea, a free clinic offering one-off legal advice to the community, is a service provided by South West London Law Centre, an independent nonprofit legal advice and support agency.

Battersea matters are infinitely varied and can be challenging, but they often concern housing rights and disputes, consumer rights and disputes, or employment rights. Battersea is open four days each week and is run on a drop-in, first-come, first-served basis.

The team assists up to 100 individuals through Battersea each year. A recent matter involved helping a family that was encountering problems with their rented home. Their landlord refused to repair a roof, which collapsed on the mother and caused chronic dampness, which was affecting the baby's health. The team prevailed upon the Council to ensure that the repairs were dealt with under its statutory powers.

The team also recovered fees for a woman who paid a scam lookalike website for processing her passport application, thinking that she was on the government website, where the service is free. Another matter concerned an individual whose neighbor was able to disconnect her from the main water supply and periodically threatened to do so.

In addition, the London office recently expanded its legal advice clinic efforts by participating at the Citizens' Advice Bureau in the Royal Courts of Justice on the Strand, which helps litigants in person with their cases before the High Court.

ADVISING CANCER PATIENTS

Lawyers from our Melbourne office teamed up with the Cancer Council of Australia to provide legal assistance to cancer patients. The Cancer Council is Australia's pre-eminent independent cancer authority and provides evidence-based cancer information on prevention, research, treatment, and support.

The K&L Gates team advised patients on information about their employment entitlements while undergoing cancer treatment, how to access insurance and superannuation benefits, and other general advice.

PROVIDING LEGAL ASSISTANCE TO BRISBANE COMMUNITY

Queensland Public Interest Law Clearing House Inc. (QPILCH) partnered with members of the firm's Brisbane office to provide pro bono legal services in Brisbane. In just one year, QPILCH received 686 applications for assistance and provided more than 900 appointments through its

partnership with K&L Gates and more than 20 other law firms. Eighty percent of those new clients had a household income of less than US\$52,000 per year.

QPILCH is an independent nonprofit, community-based legal organization that coordinates the provision of pro bono legal services for individuals and community groups that cannot afford to pay a private lawyer.

Partner Harry Nicolaidis; senior associates Gregg Sivyer, Jennifer Jackes, and Shannon Martin; and lawyers Bridget Camilleri, Vignesh Bandi, Rebecca Dalais, and Erin Lewis provided legal assistance to QPILCH.

HOSTING SCHEDULE H TAX CLINIC FOR THE ELDERLY

For 40 years, the AARP's Legal Counsel for the Elderly has provided free legal and social work services to Washington, D.C. residents ages 60 and older. Its primary goal is to serve and empower thousands of low-income seniors each year in areas of law involving basic human needs including income, housing, long-term care, personal autonomy, and consumer protection.

In partnership with Legal Counsel for the Elderly, a team of 15 lawyers from our Washington, D.C. office provided pro bono assistance to clients at a Schedule H clinic. Schedule H is a tax form that low-income Washington, D.C. residents can use to file for a housing tax credit of up to US\$1,000 to help offset the cost of owning or renting a home in the District. The tax credits are used to avoid eviction, cover property tax payments, pay off debts, purchase food, obtain prescription drugs, and more.

This was the first time the firm hosted a Schedule H clinic, and the volunteers served 14 clients resulting in more than US\$8,000 in tax credits to low-income elderly Washington, D.C. residents.

The team includes partners Bruce Nielson, Kristina Zanotti, and Erin Koeppel; associates Sarah Beason, Jacqueline Chan, Geoff Fehling, Ted Kornobis, Curtis Kowalk, and Kara Ward; and Tokyo associate Yuki Sako, who is currently resident in the Washington, D.C. office.

Those who helped organize the clinic include deskside support technicians Bonita Bethea and Lloyd Wharton; legal secretaries Karen Black, Wanda Blackwell, Karen Cooper-Durant, Ellen Gleason, Marcia Noble, and Susan Williams; receptionists Doris Brown and Claire Read; host Skip Mack; and hostess Emma Scott.

ASSISTING ELDERLY WASHINGTON, D.C. RESIDENTS WITH ESTATE PLANNING

In a combined effort executed by our Washington, D.C. office, firm lawyers hosted a pilot estate-planning clinic in partnership with Legal Counsel for the Elderly. The clinic was designed to provide one-stop-shop estate planning services for low-income, elderly Washington, D.C. residents. Legal Counsel for the Elderly asked our lawyers to pilot the clinic due to our firm's involvement in prior pro bono services, such as a Schedule H clinic hosted by the Washington, D.C. office in March 2015. Legal Counsel for the Elderly referred the clients to the clinic and provided a brief training to the participating lawyers before the clinic began.

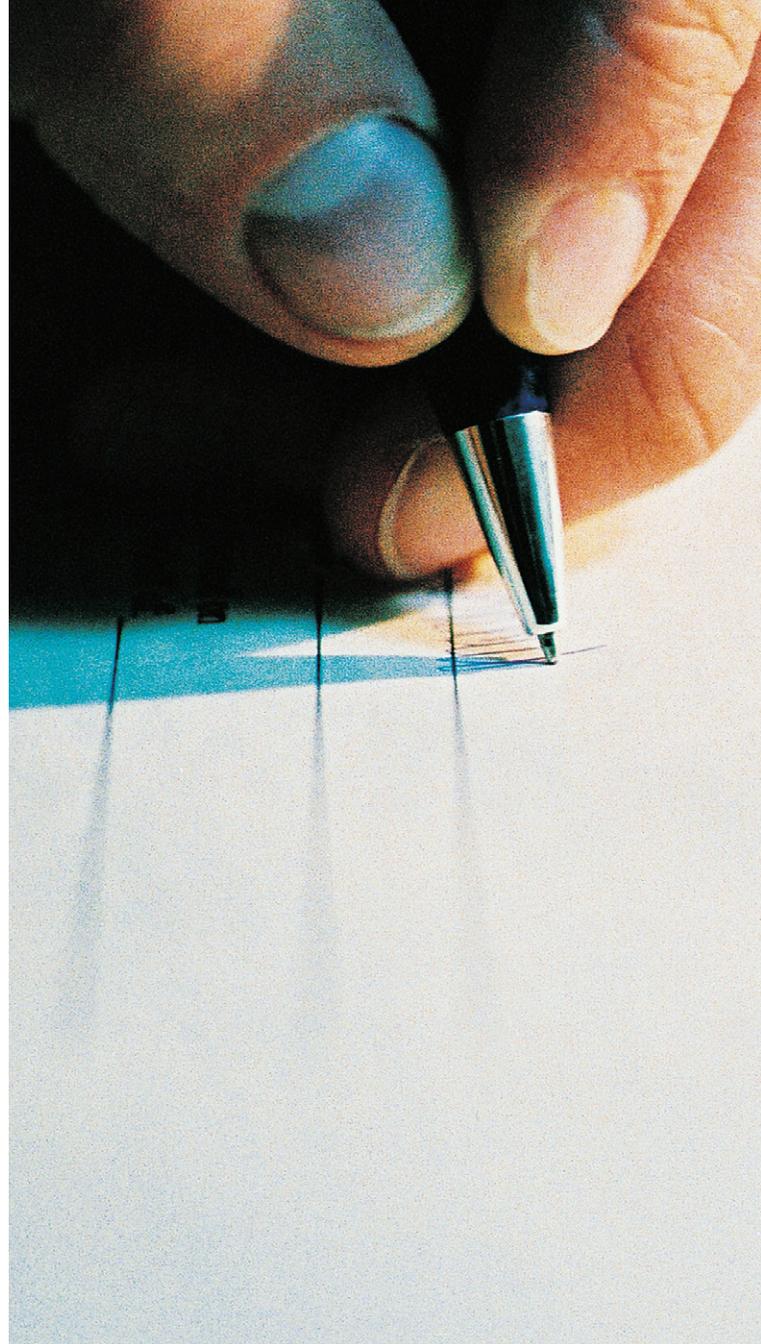
Throughout the event, 16 lawyers served nine clients. They prepared and executed legal documents for those clients, including health care powers of attorney, financial powers of attorney, transfer-on-death deeds, and wills. Support staff from the office contributed by serving as witnesses and notaries in order to fully execute the documents, making the clinic an office-wide team effort.

The Washington, D.C. team includes partners David Forney, Jennifer Gonzalez, Erin Koeppe, and Kristina Zanotti; associates Sarah Beason, Betsy Johnson, Emily Rubino, and Yuki Sako; and securities staff lawyer Matt Bowman.

CONDUCTING WILLS CLINIC FOR VETERANS, LAW ENFORCEMENT, AND FIREFIGHTERS

Our Charleston office partnered with South Carolina Legal Services and Nelson Mullins Riley & Scarborough, LLP to provide a wills clinic for local veterans, law-enforcement officers, and firefighters. More than 50 people were offered services through the program.

Lawyers involved with the program include partner Jennifer Thiem and associates Elizabeth Elliott, Jess Granson, Josh Crowfoot, Lindsey Greer, Nick Valponi, Richard Doelling, and Meg Sawyer.





**JUSTICE FOR THE
ACCUSED AND
IMPRISONED**

FREEING INNOCENT DEATH ROW INMATE

Alfred Dewayne Brown was accused of shooting and killing a Houston police officer and a convenience store clerk during a robbery in 2003. He was convicted and sentenced to death in 2005. In 2007, through a reference by the Texas Defender Service, our firm was appointed to represent Brown in a *habeas corpus* challenge to his conviction and sentence.

After many years of work by lawyers from our Washington, D.C. and Dallas offices, phone records were produced by the police in 2013 that placed Brown at his girlfriend's home at the time of the murder. This alibi information had been withheld from the original defense team, a violation of *Brady v. Maryland*, 373 U.S. 83 (1963). Based on the information developed by the team, District Court Judge Mark Kent Ellis, the original trial judge, joined with the team and the district attorney in recommending that Brown's conviction be reversed and the matter remanded for a possible new trial.

The Texas Court of Criminal Appeals agreed that the state withheld evidence that was both favorable and material to Brown's defense. The conviction and sentence were therefore vacated and the matter was remanded to the trial court for a new trial. In June 2015, the Harris County District Attorney announced that Brown would not be retried and that the case would be dismissed. Brown was freed after 12 years of incarceration, including 10 years on death row.

Partners, associates, paralegals, and staff from both offices worked on the matter, with Washington, D.C. partner David Case leading the charge.

PROTECTING TRANSGENDER SEXUAL ASSAULT VICTIM

A transgender woman in the custody of the Texas Department of Criminal Justice (TDCJ) has suffered years of threats and assaults, including a rape and vicious razor attack that left her face permanently scarred.

A team from our Los Angeles office, which is representing the woman in partnership with Lambda Legal, filed a federal lawsuit in Texas against officials and employees at the TDCJ based on the defendants' ongoing failure to protect the client from brutal assaults while in TDCJ custody. Over the course of several years, the client had repeatedly requested to be placed in safekeeping, which is a separate housing unit for vulnerable inmates. TDCJ officials denied her requests and instead transferred the client from unit to unit, insisting that she remain in the general population where she was targeted for rape and other assaults.

The lawsuit highlighted Texas' refusal to fully implement the Prison Rape Elimination Act (PREA), which Congress passed 12 years ago in an effort to eliminate prison rape. In March 2015, the team filed an emergency motion asking the court to order the TDCJ to either place the client in safekeeping or explain how it would otherwise keep her safe.

After years of rejecting the client's requests for protection, the TDCJ finally relented, agreeing to place the client in safekeeping.

A month later, the team defeated a motion to transfer the case. The lawsuit is ongoing.

More recently, the Texas governor and attorney general announced that Texas would comply with the PREA wherever feasible, a big step from Texas' previous assertion that the PREA was counterproductive and unnecessarily cumbersome. This step came after the team's co-counsel at Lambda Legal delivered a

petition and letter to Texas' governor in May 2015 asking him to take the necessary action to stop prison rape. The petition was signed by more than 10,000 people across the United States.

The team on this case includes Los Angeles partners Christina Goodrich and Christopher Kondon and associates Saman Rejali, Rebecca Liu, Andrew Avorn, and Cassandra Payton.

HELPING A CLIENT FALSELY ACCUSED OF MISFEASANCE

Lawyers from our London office were brought in only six weeks before trial to represent a client falsely accused of misfeasance. The client, who had attempted to defend himself for several years, lost his savings in a failed business venture and was accused of removing and hiding almost 1,000 stock items from the liquidated antiques company of which he had previously been a director.

Our lawyers jumped into action, gathering disparate and unclear evidence into a comprehensive witness statement in a way that the client had been unable to articulate himself. This persuaded the liquidator to enter into a negotiation, which resulted in his withdrawing the entire claim without seeking payment of legal costs.

Associate James Boyd, senior associate Tim Fox, and trainee solicitor Zara Din ran the case with partner Robert Hadley.

ACHIEVING JUSTICE FOR TRANSGENDER INMATE

A transgender woman was raped while incarcerated in California and then systematically harassed because of her sexual orientation. She was incarcerated for a first-time, nonviolent offense. She filed a lawsuit against one of the prison officials for sexual

orientation discrimination, along with claims involving failure to protect under the Eighth Amendment and retaliation under the First Amendment. After several attempts, the district court eventually dismissed her claims with prejudice for failure to state a claim.

A team of lawyers from our Los Angeles office was appointed through the Ninth Circuit Court of Appeals' Pro Bono Representation Project to represent the former inmate. After the team filed their opening brief on appeal in the Ninth Circuit, the defendant conceded that our client had stated a claim for sexual orientation discrimination and failure to protect. The parties then engaged in the Ninth Circuit's mediation program where they successfully resolved the remaining issue, which will allow the case to proceed.

The team includes partners Christina Goodrich and Christopher Kondon and associates Saman Rejali and Andrew Avorn.

DEFENDING AN INMATE'S CONSTITUTIONAL RIGHTS

While incarcerated as a pretrial detainee at a county jail facility, an inmate was deprived of his constitutional and statutory rights.

The Muslim client was incarcerated at Whatcom County Jail in Washington state on two separate occasions. During these incarcerations, the client was routinely denied access to religious meals and materials, was denied certain medicines, and was subjected to constant and harsh lighting conditions in his cell. The client represented himself before the firm was appointed by the U.S. District Court for the Western District of Washington. When Seattle associate Makda Goitom took on the case, there were 25 remaining defendants, including the county and numerous individuals.

After working with opposing counsel and the court, Goitom and Whatcom County agreed to settlement discussions, which took place inside a Washington state prison. During the settlement process, Goitom negotiated and secured a favorable settlement to help redress the violations of the client's constitutional and statutory rights and, perhaps most importantly, was able to provide the client with much-needed closure. After the settlement was complete, Goitom continued to help the client navigate the state of Washington's complex set of laws and regulations regarding how settlement money is credited to an inmate's account.

REPRESENTING VICTIM OF ILLEGAL SEARCH AND SEIZURE

A group of lawyers from our Pittsburgh office secured a very favorable settlement for a client who spent more than a year in prison on charges stemming from what was later determined to be an illegal search and seizure.

Upon being released from prison, the client filed a *pro se* complaint in the U.S. District Court for the Western District of Pennsylvania against the police officers who arrested him, the police department, and the municipality. The complaint alleged malicious prosecution and failure to train the officers to conduct proper searches and seizures.

The court appointed a team, including partner Nicholas Ranjan and associates James Angelo, David Osipovich, and Anna Shabalov, to represent the complainant on a pro bono basis.

The team defeated the defendants' motion to dismiss. They then obtained several important discovery victories, including a motion to compel and a motion for sanctions, which positioned the team to settle the case in a manner the client felt compensated him fairly for his damages.

PURSuing POST-CONVICTION WRIT OF HABEAS CORPUS FOR DEATH ROW INMATE

A team of lawyers from our New York and Houston offices is assisting local counsel in Texas in pursuing a death row inmate's *habeas* petition based on the prosecution's use of false testimony at his trial.

In October 2000, our client was convicted and sentenced to death for the November 1997 killing of a high school teacher during the robbery of a Houston dry cleaner. The client—who testified in his own defense at trial—admitted to shooting the victim but maintained the shooting was an accident. At trial, the state prosecution presented a single witness to provide direct testimony rebutting the client's assertion that the shooting was accidental.

In August 2015, local counsel discovered that this witness had recanted her testimony shortly after trial. An investigator was able to locate the witness and obtain an affidavit in which the witness again recanted her trial testimony. Local counsel then filed a petition for *habeas corpus* and a motion for a stay of execution, alleging that the client's due process rights were violated when the state introduced the witness' false testimony at trial—even though the prosecution apparently did not know at the time that the testimony was false. On 25 August 2015—the day before the client was scheduled to be executed—the Texas Court of Criminal Appeals stayed the execution and remanded the case to the trial court to determine the merits of the claim.

In October 2015, local counsel enlisted the help of our team. Together, the team was successful in getting the trial court to agree to an evidentiary hearing to determine the merits of the client's due process claim. The team scored an additional victory in persuading the court to adjourn the

hearing based on a file of documents that one of the prosecution's original investigators recently found in her home, which had not been previously disclosed to defense counsel. The team is currently reviewing the record, obtaining additional discovery, investigating potential witnesses, and developing strategy for the evidentiary hearing, which is scheduled for April 2016.

The team is led by partner Pat Loughlin and includes partner Lani Adler, counsel David Oxamendi, associates Anthony Badaracco, Edward Duffy, Kodey Haddox, and Chelsea Stevens, and paralegal Phil Seliger.

PRESERVING A PRISONER'S CONSTITUTIONAL RIGHTS

Our client, whom we refer to as "Bubba," was incarcerated at a federal penitentiary in upstate New York in December 2007. He was housed as a member of the witness security program in exchange for his testimony against certain individuals.

In March 2010 Bubba received written notification that he had been terminated from the witness protection program for violating the terms of his agreement. As a result of that termination, Bubba was placed in the Segregated Housing Unit (SHU). He remained in SHU for 193 consecutive days, where the conditions were substantially worse than those suffered by inmates in the prison's general population. His cell routinely flooded and the lights were often left on for 24 hours a day, for multiple days at a time. He was alone, in his cell, for a minimum of 22 hours a day, and he was allowed exercise at most three days per week. These conditions, as well as a litany of others, resulted in physical and emotional damage. In addition, no one informed Bubba of the reason for his confinement, nor did anyone give him an opportunity to object to the confinement, despite the fact that such notice and opportunity are required by federal regulation.

In December 2010, Bubba filed a *pro se* complaint alleging that his constitutional rights had been violated. While Bubba's complaint focused on his removal from witness protection, he also alleged that his placement in SHU violated his rights under the Fifth and Eighth Amendments. The district judge dismissed the case *sua sponte*, meaning that the dismissal was of the court's own accord without a prior motion or request from the parties, and Bubba appealed. In December 2011 New York associates Luke Steinberger, Michael Agosta, and Max Kaplan briefed Bubba's appeal and conducted oral argument before the Second Circuit. In April 2013 the Second Circuit affirmed the dismissal concerning his removal from witness protection but vacated the dismissal concerning the conditions of his confinement. The case was remanded to the district court, which in turn allowed Bubba to file an amended complaint. In drafting the amended complaint, the team focused on the claims identified as plausible by the Second Circuit—those alleging that the conditions of his confinement violated his Fifth and Eighth Amendment rights. The complaint included John Doe defendants as substitutes for the Segregation Review Officials that were required by statute to conduct hearings and notify Bubba of the reason for his confinement.

The district judge dismissed the claims against all of the named defendants but held that Bubba had adequately alleged a Fifth Amendment violation by the unnamed Segregation Review Officials. The district judge also granted Bubba leave to conduct discovery to identify these officials. Shortly after issuing that opinion, the judge notified the parties that she believed such discovery might be futile because any such amendment to add the actual names would be time-barred. Through letter briefing, the team successfully convinced the court that such an amendment would not be futile, meaning that discovery could proceed. As it happened, no such discovery was necessary because the assistant U.S. attorney had the names and payment readily

available. Because the case could proceed on the merits, the team was able to negotiate a settlement by the government to Bubba.

At least 10 firm personnel worked on this case in some capacity over a four-year period.

ADVOCATING FOR INMATE SENTENCED AS A MINOR TO LIFE WITHOUT PAROLE

For the past few years, a team of lawyers has represented a client in federal *habeas* proceedings. Our client was given a mandatory sentence of life without the possibility of parole for crimes committed as a juvenile. The *habeas* petition seeks relief for our client pursuant to the Supreme Court's 2012 decision in *Miller v. Alabama*, which prohibits such sentences for juveniles. After the district court and the U.S. Court of Appeals for the Fourth Circuit ruled that *Miller* was not retroactive (meaning that it did not apply to prisoners whose sentences had already become final at the time it was issued), the team petitioned the U.S. Supreme Court for *certiorari*. In January 2016, the U.S. Supreme Court ruled in another case that *Miller* does apply retroactively. Based on that decision, the team expects that the Supreme Court will grant their petition and send the case back to the lower courts, where they will contend that the client is entitled to relief pursuant to *Miller*.

The team includes Washington, D.C. partner John Longstreth and associate Meghan Flinn.

OBTAINING *HABEAS CORPUS* RELIEF FOR CLIENT CHALLENGING PRISON SENTENCE

A client in the Pennsylvania state prison system challenged the constitutionality of a sentence he received in state court in 2003.

His punishment imposed consecutive sentences for attempted murder and aggravated assault, even though both charges arose from the same alleged conduct and involved the same alleged victim. Multiple punishments such as this violate the Double Jeopardy Clause of the U.S. Constitution.

The federal district court, however, rejected the client's petition for a writ of *habeas corpus* to challenge the constitutionality of his prison sentence. He subsequently filed an appeal in the U.S. Court of Appeals for the Third Circuit, which decided to hear his appeal and appointed K&L Gates to represent him.

In a recent ruling, the Third Circuit agreed with the firm's position, held that the client's sentence was unconstitutional, and ordered that a *habeas corpus* writ be issued for the client to be resentenced. The effect of this decision will likely be a 30 percent reduction in the client's sentence.

The court's opinion commended the firm's "exemplary presentation" of the issues on appeal.

The team includes Pittsburgh associate Lucas Tanglen, who presented oral argument to the Third Circuit, and Pittsburgh partner Nicholas Ranjan and Pittsburgh of counsel David Aceto. They were assisted by Washington, D.C. associate Gillian Giannetti.

REVIEWING CASE FILES OF THE WRONGFULLY CONVICTED

Our Washington, D.C. office works with the Mid-Atlantic Innocence Project (MAIP), a nonprofit dedicated to proving the innocence of wrongfully convicted prisoners. The partnership was sparked by a project that paired summer associates with senior lawyers to review the case files of

currently incarcerated prisoners who had written to MAIP claiming innocence.

Because of limited resources, MAIP is unable to effectively handle the volume of cases it receives each year. Summer associates pitched in to help ease that burden by each reviewing an assigned case file, preparing a memo recommending whether the prisoner may be factually innocent, and making a recommendation to MAIP as to whether it should accept the case. The summer associates then presented their findings to MAIP and fielded questions about the cases.

Several lawyers volunteered to review additional case files and prepare recommendation memoranda for MAIP, as well as to generally help the organization in its mission to correct and prevent the conviction of innocent people in the District of Columbia, Maryland, and Virginia. MAIP is now better able to handle the numerous requests that it receives each year.

The lawyers involved include partners Erin Koeppl and Shanda Hastings and associates Geoff Fehling, Amy Eldridge, and Adam Pollet.

ADVOCATING FOR PRISONER ALLEGING CONSTITUTIONAL VIOLATIONS

A team of lawyers from our New York office is representing a prisoner in his suit alleging constitutional violations by New York state corrections officers. Our client's *pro se* complaint was dismissed by a U.S. District Court. The team will be representing him in his appeal to the U.S. Court of Appeals for the Second Circuit.

The team includes New York partner Doug Broder and associates Erica Iverson and Elise Gabriel.





A photograph of three children playing hopscotch on a paved surface. The children are in motion, creating a blurred effect. The hopscotch grids are drawn with chalk in blue and orange. The child in the foreground is a young boy with dark skin wearing a white shirt. The child in the middle is wearing a red sweater. The child in the background is wearing a pink dress. The text "BUILDING BETTER COMMUNITIES" is overlaid on a green rectangular background in the lower-left quadrant of the image.

**BUILDING BETTER
COMMUNITIES**

GUIDING CLIENT THROUGH RIGHT-TO-KNOW APPEAL

Harrisburg associate Stephen Matzura represented North Penn Legal Services (North Penn), a nonprofit organization that provides free legal representation to low-income individuals for noncriminal matters, in a Right-to-Know Law request and appeal. The Pennsylvania Right-to-Know Law allows people to request and receive records from an “agency.” Records in an agency’s possession are presumed to be “public records” that must be disclosed to a requester.

A requester seeking access to North Penn’s records took an appeal to the Office of Open Records (OOR). North Penn believed that the disclosure of the records would be disruptive to its delivery of legal services and would set a burdensome precedent for legal services organizations throughout Pennsylvania. Matzura filed a comprehensive brief arguing that North Penn is not an “agency” subject to the Right-to-Know Law, highlighting a previous OOR decision involving a similar entity and providing additional information to support the argument. He worked closely with the executive director of North Penn to develop the record, including a detailed affidavit and relevant documents that supported the conclusion. The appeals officer determined that North Penn was not an agency and therefore didn’t need to disclose records to the requester.

IMPROVING THE ADMINISTRATION OF JUSTICE IN WASHINGTON, D.C.

The Council for Court Excellence (CCE) is a nonprofit, nonpartisan civic organization that works to improve the administration of justice in the local and federal courts and related agencies in the Washington, D.C. metropolitan area.

Washington, D.C. partners Carol Elder Bruce and John Longstreth serve on CCE’s executive committee and board, respectively.

In September 2015 Bruce and Longstreth filed an *amicus* brief in support of a petition for rehearing en banc by the federal appeals court in Washington, D.C. to present CCE’s views on a parole issue of substantial importance to defendants sentenced in the Washington, D.C. court system. The brief presented the views of judges, public defenders, prosecutors, and a member of the District of Columbia Board of Parole. At the relevant time, the U.S. Parole Commission was not exercising its discretion on the same basis as the Parole Board exercised it when these defendants were sentenced. The brief supported the contention of the petitioner in the case, who had been denied parole on several occasions, that by acting contrary to the rules and practice at the time he was sentenced, the commission was violating the Ex Post Facto Clause.

Although the Washington, D.C. Circuit denied the rehearing petition, CCE plans to support a petition for *certiorari* to the U.S. Supreme Court.

INSPIRING INTEREST IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH

Since 2009 our firm has served as pro bono federal affairs advisor to the USA Science & Engineering Festival, the United States’ largest event designed to reinvigorate the interest of America’s youth in science, technology, engineering, and math (STEM). Our lawyers have worked with the festival’s organizers to design and implement a strategic effort to grow the participation of federal government agencies, officials, and members of Congress.

Our lawyers have engaged more than 50 government agencies to participate in the festival, from NASA and the Department of Defense to the National Institutes of Health and the CIA. President Barack Obama, White House Senior Advisor Valerie Jarrett, Secretary of State John Kerry, and Secretary of Transportation Ray LaHood have participated in the three festivals to date. In addition, more than 100 members of Congress have joined the festival's Honorary Host Committee.

The fourth festival will take place in April 2016 at the Washington, D.C. Convention Center and is expected to draw more than 1 million participants. The team working in support of the festival is led by Washington, D.C. partner Daniel Ritter and supported by partner Paul Stimers, government affairs counselor Steve McCain, and government affairs analyst Dennis Potter.

COMMUNITY OUTREACH

In addition to providing legal services to pro bono clients, lawyers at K&L Gates are involved in many other community-building projects. Here are three examples.

Coaching Underserved Students in Congressional Mock Hearing

Acting as coaches for a constitutional law team in the Classroom Law Project's "We the People" competition, Portland partners Stephanie McCleery and John Casey assisted students from an underserved Portland high school as they took part in a simulated congressional hearing where they testified about a number of Constitutional issues.

Classroom Law Project's "We the People" competition engages upper elementary, middle, and high school students in the state of Oregon in a curriculum designed to foster understanding of the institutions of American democracy, including the Constitution and Bill of Rights.

Educating Youth on Democracy through Mock Trials

K&L Gates is a proud supporter of the Classroom Law Project, which is Oregon's leading organization in preparing youth to become active, engaged, and informed participants in a democratic society. A number of litigators in the Portland office have served the Classroom Law Project in a number of ways. Portland partner Philip Van Der Weele is supporting the organization in connection with its mock trial competitions.

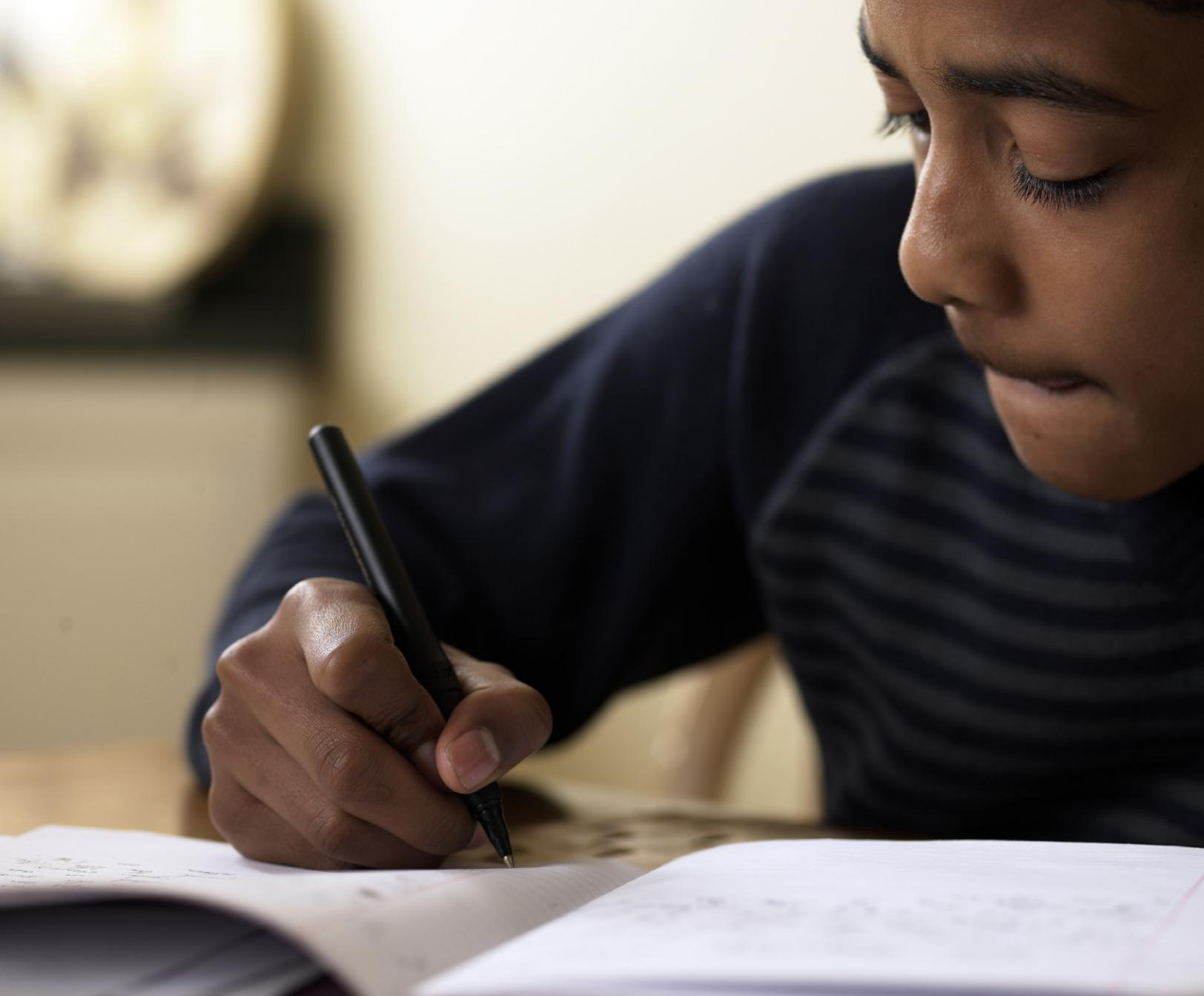
The organization's mock trial program offers the benefits of team activity and interactions with community leaders, all while teaching the students about the justice system and practicing important life skills.

Van Der Weele served as a presiding judge in a "mini mock" trial event. He will also serve as a presiding judge in multiple rounds of the regional and state competitions in 2016.

Promoting Philanthropy and Community Outreach in Charlotte

Southminster is a nonprofit continuing care retirement community (CCRC) located in south Charlotte. Charlotte partner Joe Kluttz serves as vice chair of the board and treasurer and chair of the Southminster committee on philanthropy, a group that created the Southminster Community Fund to administer funding for philanthropy and community outreach.

Recent projects by the Community Fund include the sponsorship of Gil Penalosa's visit to Charlotte. Penalosa is an internationally known advocate for the promotion of human scale in urban environments. The Community Fund has also sponsored the development of one of the first "multigenerational playgrounds" in the United States. The multigenerational playground concept was recently developed in Europe to promote greater interaction between older adults and children and utilizes specially designed equipment for all ages.



A high-angle, close-up photograph showing a group of children and adults gathered around a water source. They are filling various containers, including a large green bucket, a blue bucket with a white handle, and several metal pots. The scene is brightly lit, suggesting an outdoor setting. The children are focused on their task, and the overall atmosphere is one of communal activity.

IMPROVING CONDITIONS IN THE DEVELOPING WORLD

EXPLORING GLOBAL PRO BONO PRACTICES AND LGBT ACCESS TO JUSTICE

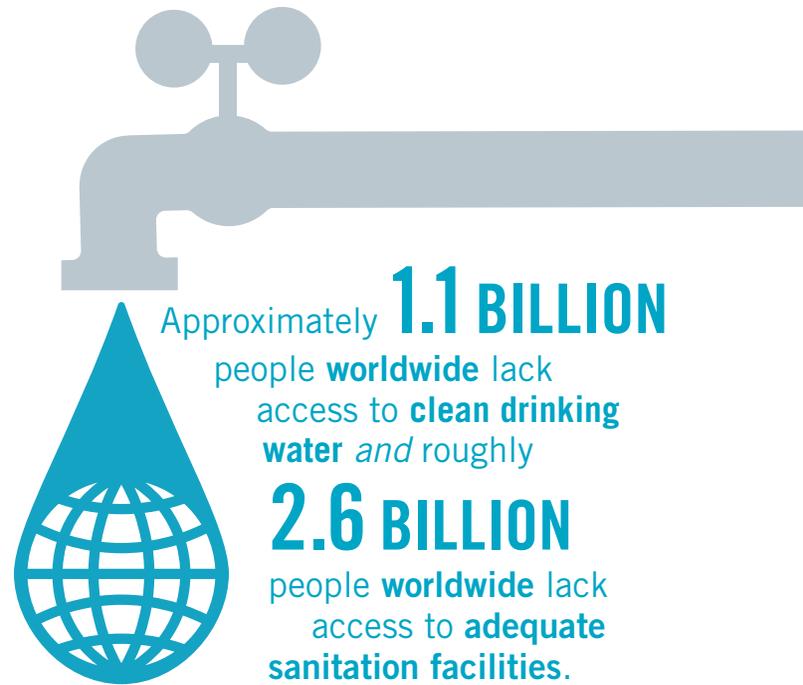
The South East Asia Pro Bono Conference and Legal Ethics Forum in Myanmar supports the development of socially aware, ethical lawyers and nonlawyers. It helps them to actively participate, advocate, and lead pro bono initiatives to strengthen access to justice for people in fragile or vulnerable situations.

Melbourne senior associate Katie Sweatman spoke during two sessions at the conference. The first session, “National Programmes in a Global Pro Bono Practice,” explored the challenges and benefits of national and/or cross-border projects and the management of international pro bono practices at large law firms. The second session, “LGBT Access to Justice and Pro Bono Support,” focused on regional and legal barriers faced by LGBT groups and ways that pro bono initiatives can help provide access to justice rights to these people. Sweatman also spoke about the firm’s broader LGBTI-focused pro bono work internationally.

SECURING ACCESS TO SAFE DRINKING WATER

According to the World Health Organization (WHO), approximately 1.1 billion people worldwide lack access to clean drinking water and roughly 2.6 billion people lack access to adequate sanitation facilities, a leading cause of death in the developing world. The WHO reports that 1.6 million people die each year from diarrhoeal diseases attributable to lack of access to safe drinking water and basic sanitation; 90 percent of these are children under five years old.

Throughout the past year, lawyers and other professionals in our firm’s policy group worked with members of Congress and their staff on a number of initiatives intended to help the world’s poorest people gain long-term access to clean drinking water



and sanitation through the Water for the Poor Act. This Act is the original authorizing statute that made it an explicit part of U.S. foreign policy priority to provide clean drinking water to the poorest people in the developing world. Our lawyers worked with policymakers to secure US\$17.5 million in additional federal funding to implement the Act, bringing total funding to US\$400 million. This is the highest amount ever appropriated by Congress for the law. In addition, the team organized an event on Capitol Hill with senior members of Congress to celebrate the tenth anniversary of the passage of the Act.

The team also helped draft and successfully adopt an amendment to the Global Food Security Act. This statute will integrate clean water and sanitation goals as part of U.S. foreign policy efforts to improve access to food and nutrition to people in need.

ADVOCATING FOR THE PEOPLE OF THE DEMOCRATIC REPUBLIC OF THE CONGO

According to the Eastern Congo Initiative (ECI), the Democratic Republic of Congo (DRC) has the lowest per-capita GDP in the world. Conflict and sexual violence, as well as lack of schools, health care, and reliable income-generating opportunities, are a few of the major issues holding back growth.

The firm's policy group worked with Congress to help improve these dire conditions in the DRC. The team helped prepare Ben Affleck, the founder of ECI, to testify before the Senate State and Foreign Operations Appropriations Subcommittee about how U.S. poverty-focused investments have helped the people of the DRC gain access to economic opportunities and significantly improve their lives.

In addition, our lawyers and policy professionals helped ECI advocate for increased U.S. funding to help the people of the DRC with various small, locally based agricultural development initiatives. They also helped ECI secure legislative language instructing the U.S. Department of State to formulate a plan to assist the DRC with its upcoming national and local elections.

ECI is a nonprofit organization dedicated to improving the lives of the citizens of the DRC with a focus on the eastern portion of the country. As a part of its core mission, ECI employs a grass-roots approach to providing economic and political empowerment to citizens at the local level.

RAISING FUNDS FOR GLOBAL HEALTH PROGRAMS

The United Nations Children's Fund (UNICEF) estimates that 5.9 million children died in 2015 due to infectious diseases. According to the U.S. Agency for International Development

(USAID), 289,000 women died during pregnancy or childbirth in 2014, and there were 390,000 new HIV infections in children.

To help address important public health issues like this, our firm's policy group met with numerous policymakers in 2015 to advocate for increased funding for the USAID Global Health Programs and the Development Assistance program. These programs are designed to help the world's poorest people gain access to vaccines, various health treatments, and food.

Our lawyers and policy professionals also helped organize a large fly-in of senior faith leaders representing a broad variety of religions. These leaders met with policymakers on Capitol Hill to express the support of the U.S. faith community for poverty-focused foreign assistance. The effort resulted in a US\$50 million funding increase for the USAID Global Health Programs, from US\$2.783 billion to US\$2.833 billion. In addition, there was a US\$273 million funding increase for the Development Assistance program, from US\$2.507 billion to US\$2.783 billion. The funding increase for the Development Assistance program is all the more significant given that the account has received essentially flat funding for the past five years.



The United Nations Children's Fund (UNICEF) estimates that

5.9 MILLION children died in 2015 due to infectious diseases.

According to the U.S. Agency for International Development (USAID),

289,000

women died during pregnancy or childbirth in 2014 and there were

390,000

new HIV INFECTIONS in children.



CONTINUING OUR SUPPORT OF THE INTERNATIONAL SENIOR LAWYERS PROJECT

The International Senior Lawyers Project (ISLP) provides pro bono services from highly skilled and experienced lawyers to promote human rights, equitable and sustainable economic development, and the rule of law worldwide. It assists governments, nongovernmental organizations, and other institutions working to build legal capacity and to advance human rights and wellbeing.

Our lawyers work with the ISLP to address legal issues on behalf of governments around the world and to support their development efforts.

Leading a Workshop to Promote Contracts for Federal Government of Somalia

The ISLP worked with the African Legal Support Facility to sponsor a five-day workshop in Uganda in March. Dubai partner William Reichert and Houston partner David Sweeney led a workshop titled “Petroleum Contracts and Contracting - Basic Primer.” They presented 13 out of the 18 sessions on a variety of topics. This workshop was the firm’s fourth project in Africa sponsored by the ISLP.

The workshop was conducted by the African Legal Support Facility as part of a capacity-building program in contracts for the federal government of Somalia. It was the first such workshop to deal exclusively with oil and gas contracts.

The African Legal Support Facility, established through the African Development Bank, has supported African governments in the negotiation of complex commercial transactions since 2010.

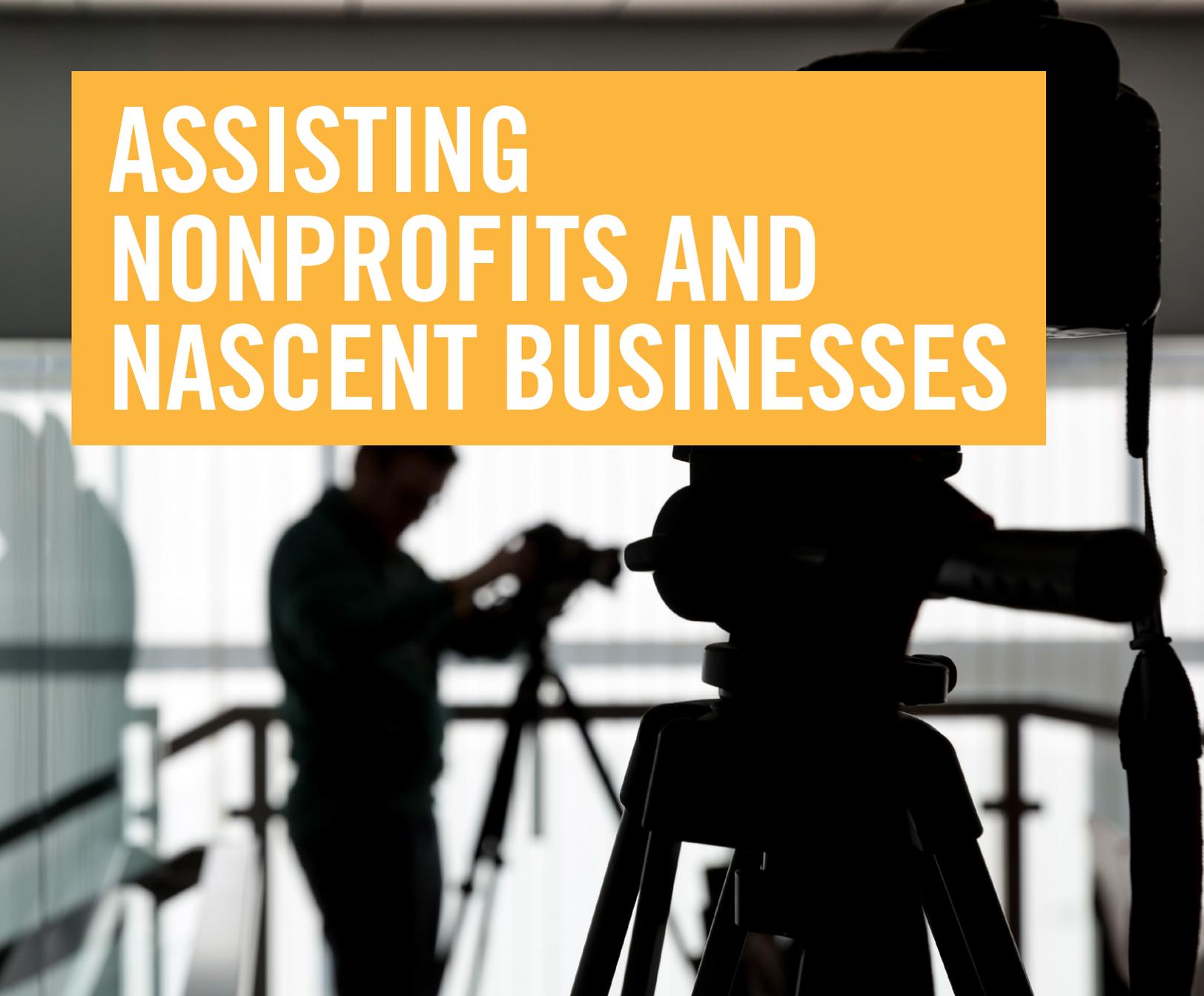
Reviewing Myanmar’s Draft Investment Law

Myanmar’s government released a draft new investment law in 2015, which aims to integrate the current Foreign Investment Law and the Myanmar Citizens Investment Law to create an equal playing field for investors and their investments. It also aims to ensure that Myanmar expressly acknowledges protection from expropriation and submission to international arbitration.

Brisbane partner Robert Milbourne worked with the ISLP and EarthRights International (ERI) to advise Myanmar’s government on various issues concerning the law. He provided insight into several aspects of the draft, including implementing regulations, social/environmental considerations, local and foreign investor rights, the International Finance Corporation’s role, and land rights.

ERI is a nongovernmental, nonprofit organization that combines the power of law and the power of people in defense of human rights and the environment, which ERI calls “earth rights.”

ASSISTING NONPROFITS AND NASCENT BUSINESSES



RECOVERING DAMAGES FOR BREACH OF CONTRACT

A team of lawyers from our Chicago office secured a victory for a client after an arbitrator assigned by the Circuit Court of Cook County ordered City Colleges of Chicago to pay US\$47,999 in unpaid invoices and overages in connection with the production of a television commercial.

The case originated when unpaid actors who participated in the commercial filed a complaint against the production company, Mothlight Pictures, after their initial complaint against City Colleges of Chicago was dismissed. K&L Gates began representing Mothlight Pictures through our firm's partnership with Lawyers for the Creative Arts, a nonprofit organization that provides legal assistance and education to artists and arts organizations.

Our team successfully brought City Colleges back into the action by filing a third-party complaint alleging breach of contract for unpaid overages and invoices, as well as seeking any money owed to the unpaid actors. After six months of litigation, the case was ordered to mandatory arbitration.

At the arbitration, our lawyers argued that City Colleges was responsible for the overages above and beyond the original contract amount because City College's lack of creative direction and inefficient bureaucracy necessitated constant revisions and an increased scope of work. City Colleges responded that the overages were due to subpar work product. Within 24 hours of the arbitration, the decision was issued to award full damages of US\$9,409 to the unpaid actors and US\$47,999 to Mothlight Pictures.

Dissatisfied with the award, City Colleges elected to reject the arbitrator's award and request a trial on the merits, notwithstanding the possibility that an unfavorable verdict at trial may make City Colleges responsible for certain attorneys' fees

related to the arbitration. Following City College's rejection of the award, Mothlight filed procedural motions to deem specific facts admitted, which would make summary judgment more likely. The team settled favorably on behalf of the client on the eve of summary judgment.

The team was led by Chicago counsel Kenn Brotman and associate Kevin Butler.

HELPING FILMMAKER WIN RIGHTS TO RWANDAN GENOCIDE DOCUMENTARY

A Massachusetts-based documentary filmmaker has spent hundreds of hours conducting interviews with notable people from Africa, Europe, and the Americas to create a documentary film about the genocide occurring in Central African countries, such as Rwanda, in the past few decades.

In the middle of the editing process, the filmmaker's colleague took off with the hard drives containing all the film materials and planned to produce the film without our client.

Boston associates Frank Ren and Shamus Hyland, with assistance from partner Shaw McDermott, brought suit on behalf of the filmmaker against the colleague for converting the film for her own use and excluding our client. The colleague intentionally avoided service, and her location was unknown. The team successfully moved for alternative service of process, meaning they only had to give her formal notice about the lawsuit through her active email account rather than giving her service in person.

The team won US\$78,261 in monetary damages on behalf of the filmmaker and obtained a permanent injunction for the return of the film materials. They also have a writ of execution from the court, and they plan to execute upon judgment.

GUIDING NONPROFIT WORKING TO BREAK STIGMA

Starting With Julius (SWJ) is a nonprofit organization that was established to break the stigma associated with disability, especially in the media. Perth partner Adam Levine and lawyer Natasha Augustin assisted SWJ with the establishment and structuring of its operations, including obtaining the various tax concessions permitted under law.

SWJ started with a young boy with Down syndrome named Julius. He is the first child with a disability to star in a major advertising campaign for an Australian children's clothing brand.

Our firm continues to provide SWJ ongoing advice and support as the organization develops.

SUPPORTING HUMANITARIANISM AROUND THE GLOBE

World Vision Australia is a regional arm of one of the largest humanitarian organizations in the world. It works toward eliminating poverty and its causes through relief, development, policy advocacy, collaboration, and education, with an emphasis on personal growth and social justice.

Brisbane partner Robert Milbourne was approached by World Vision CEO Tim Costello to provide strategic legal advice to a newly formed internal division of World Vision with responsibility for Papua New Guinea, Solomon Islands, Vanuatu, and East Timor. Milbourne has provided guidance and support to World Vision Australia with respect to governance and efforts to recover from the cyclone that devastated Vanuatu. He has recently been asked to assist efforts on the ground in East Timor, and will be in East Timor in March 2015 assisting World Vision's in-country efforts.

TACKLING IP ISSUES FOR ANTIBULLYING ORGANIZATION

Ditch the Label is one of the UK's largest, most ambitious, and pioneering antibullying charities. It provides evolving, innovative, and comprehensive emotional, psychological, and physical support to those who are impacted by bullying in offline and digital environments. It provides digital advice, support, and training for young people to tackle bullying through a website and strategic partnerships with key online communities such as Habbo Hotel, The Student Rooms, and Twitter. It produces research designed to explore the complex and changing nature of bullying and the broader impact it has on the mental, emotional, and physical health of young people. Ditch the Label also provides training to teachers, safeguarding professionals, parents, guardians, and other adults involved with young people to help them tackle issues related to bullying.

London partner Arthur Artinian and associates Aritha Wickramasinghe, Noirin McFadden, and Briony Pollard assist Ditch the Label with their IP protection issues, commercial contracts, and licensing agreements. They are advising Ditch the Label on a strategic sponsorship arrangement with a leading retailer.

ADVISING ORGANIZATION DEDICATED TO INCREASED ENERGY EFFICIENCY

Energy conservation continues to be a growing topic of interest both socially and politically. For one high school student, it was a passion that evolved into the founding of Honoring Our Mother Earth, Inc. (HOME), a nonprofit organization dedicated to advocating for increased energy efficiency of homes. HOME advocates through public information campaigns and community-building events, as well as by supplying residential solar panels to community "heroes."

Boston associate Austin Simko helped HOME incorporate under Massachusetts law, prepare its governance materials, and obtain federal and state exemption status. The organization is currently working to expand its resource base and forge partnerships with private and other nonprofit organizations.

COLLECTING OWED DAMAGES ON BEHALF OF COMMUNITY ORGANIZATION

Wilmore Neighborhood Association, Inc. is a small community organization in North Carolina that provides scholarships, recreational programs, and affordable housing for residents of Charlotte's Wilmore neighborhood.

A team of Charlotte and Boston lawyers represented Wilmore in collecting damages from a Massachusetts company for a breach of a previous settlement agreement.

The team successfully domesticated Wilmore's North Carolina judgment in Massachusetts and obtained a default judgment of approximately US\$52,000. The amount includes all of the damages sought in the North Carolina action and interest at the Massachusetts statutory rate from the date of the original North Carolina judgment.

SECURING FAIR AGREEMENT FOR PLAYHOUSE PARENT AND CHILDCARE CENTRE

Playhouse Parent and Childcare Centre (Playhouse) is a nonprofit organization that provides affordable childcare services to the local community on a university campus in Queensland. Playhouse prioritizes "at risk" students to help them manage their studies and parenting duties.

A team of Brisbane lawyers helped Playhouse secure a fair agreement with its landlord. They provided advice regarding the

terms of a license to occupy, maintenance agreement, and service level agreement proposed by the university. Many of the terms in the agreements were university-focused and Playhouse expressed concern over a number of provisions, particularly those that reduced its autonomy. After consultations, the agreements were revised to ensure they better reflected Playhouse's requirements and preserved its autonomy in carrying out the important work it does for the community.

The team includes Brisbane senior associate Lyndal Draper and graduate Elysia Panter.

ASSISTING COMPANY FOCUSED ON EXPLORING SPIRITUALITY THROUGH PLAY

Through research, training, and resources, the Godly Play Foundation promotes and guides spiritual practice for children and adults from varied faith communities, including schools, churches, and hospitals. The foundation provides a Montessori-based curriculum allowing participants to explore their faith through story and play while gaining an understanding of religious terminology.

Boston partner Stephen Palmer serves as the primary legal counsel for the foundation. Partner David Byer and associate Kathleen Burch assist with general corporate and trademark matters, including the management of the foundation's global trademark portfolio.

REPRESENTING SAMMAMISH SYMPHONY ORCHESTRA ASSOCIATION IN DISPUTE

Seattle partners Rob Mitchell and Naomi Ogan were asked to represent the Sammamish Symphony Orchestra

Association (SSO) in an urgent matter involving a dispute with two former members of the organization who claimed that their membership had been improperly terminated.

Mitchell and Ogan reviewed SSO's governing documents and prior correspondence with the former members, provided strategic advice, and assisted with drafting correspondence to the former members. Mitchell then attended SSO's member meeting and advised on issues arising under the bylaws of the organization as the members elected a new board. After just under a week of intense work, the matter was resolved to SSO's satisfaction.

NEGOTIATING CRITICAL AGREEMENTS FOR LAND MINE SAFETY CHARITY

Find A Better Way is a charity working for the clearance and elimination of land mines. Founded in 2011, the organization is a major funding source for groundbreaking technological research involving the safe removal of landmines and explosive remnants of war.

In order to lessen the impact on the lives already affected by landmines, Find A Better Way also funds risk-reduction education programs and works to train trauma surgeons from landmine-afflicted states.

London partner Arthur Artinian and associate Noirin McFadden assist Find A Better Way with the drafting and negotiation of crucial research agreements with universities and other academic bodies to develop the technologies which promote more effective search and clearance methods. The team also offers support with associated intellectual property rights protection and licensing issues.

PROVIDING PRO BONO SUPPORT TO LONDON WOMEN'S ORGANIZATION

Pause is a London-based organization that works to support local women caught in a destructive cycle of having multiple children taken into authoritative care. The organization aims to break this cycle by working with each woman to develop new skills and create a more positive future.

A team of lawyers from our London office provides full pro bono support to Pause. They have helped the organization establish the charity as a company limited by guarantee, register that company as a charity, prepare contractual documentation, maintain client data in accordance with laws, and address other intellectual property implications to enable the operation to support its programs.

During the pilot of Pause, which lasted approximately 18 months, 23 fewer babies were born and put into authoritative care. This means fewer children with potentially marginalized life outcomes due to a traumatic life start.

The team includes partner Christine Braamskamp, senior associate Emma Thomas, and associate Noirin McFadden.

HELPING METABOLIC DISORDER NONPROFIT LAUNCH NEW WEBSITE

Those affected by the metabolic disorder phenylketonuria (PKU) have trouble metabolizing the amino acid in a protein called phenylalanine. They must maintain a lifelong protein-restricted diet to avoid damage to their central nervous system.

Our team assisted National PKU News, a nonprofit organization providing news and information to families and professionals dealing with the disease, with the launch of

www.howmuchphe.org. The subscription-based website provides online and mobile access to National PKU News' "Low Protein Food List for PKU." They also assisted with drafting the privacy policy and terms of use for the site and provided advice regarding certain aspects of the user flow of the site, including the consent mechanism and sign-up process. When an updated version of the site was launched, the team revised the existing privacy policy and terms of use to reflect new functionalities involving the collection and storage of personally identifiable information.

The team was led by Seattle partner Shannan Frisbie, with research assistance and subject matter experience from associate DC Wolf and partner Carla Dewberry.

ASSISTING ORGANIZATION SUPPORTING THE MENTALLY ILL THROUGH FARMING

One in five Australians between the ages of 16 and 85 will experience mental illness during their lives. Growing Change, a social enterprise with charitable status, focuses on supporting people with these health issues through growing, making, and selling food in Western Australia. The organization recently partnered with Foundation Housing to pilot a social horticulture program and developed the Fremantle Social Farm as a result of the program's success. The initiative is a microfarming venture that utilizes unused land, connects with vulnerable individuals, and fosters group therapeutic care through horticultural programming.

Perth senior associate Riley Kemp and Sydney senior associate Leslie Petro work closely with Growing Change founder and CEO Renée Gardiner to assist with the legal and tax implications of establishing a new social enterprise.



ONE IN FIVE AUSTRALIANS

between the ages of 16 and 85 will experience

MENTAL ILLNESS

GUIDING CLIENT RUNNING FOR A CAUSE

A New York team is working to provide the board of Shelter Island Run, Inc. with legal guidance related to the organization's future events on the eastern end of Long Island.

Shelter Island Run, Inc. hosts two races each year, the Shelter Island 10k Run in the summer and the Shelter Island 5k Run/Walk in the fall. The Shelter Island 10k Run sponsors a variety of charities, including Timothy Hill Children's Ranch, the East End Hospice, and Reach Within, a nonprofit seeking to improve the lives of children who experienced trauma or loss. The Shelter Island 5k Run/Walk donates to the North Fork Breast Health Coalition and the Coalition for Women's Cancers at Southampton Hospital. The 10k Run regularly attracts more than 1,500 runners and has been a fixture in the Shelter Island community for 37 years.

The team is led by partner Doug Broder and includes associates Tony Badaracco, Dora Georgescu, and Kevin Szu-Tu.

ADVISING NONPROFIT WORKING TO HELP SPECIAL-NEEDS CHILDREN AND ADULTS

Wings of Eagles Ranch is a nonprofit organization specializing in therapeutic horseback riding, ropes facilities, and outdoor adventures for children and adults with special needs in the Charlotte region.

Over the past two years, a team from our Charlotte office has provided corporate law assistance on a number of matters for Wings of Eagles, including drafting and filing amended articles of incorporation and drafting and implementing a revised, more robust set of bylaws. The team guided the organization through the process of paying a fair and reasonable salary to the executive director, who had previously been working in the full-time position without pay. They also helped Wings of Eagles adopt an executive employment contract as well as implement a compensation policy and a conflict of interest policy. In addition, the team is currently helping the organization explore a potential land acquisition for expansion purposes.

The team includes partner Mike Hawley and associates Hope Duckworth and Peter Reinsel.

PROVIDING LEGAL ASSISTANCE TO MENTAL HEALTH CARE FOUNDATION

Bill and Betsy Blue developed HopeWay Foundation two years ago after finding it difficult to obtain holistic and empathetic care in Charlotte during a family brush with depression. In the short period since then, the foundation—through the efforts of the Blues and trustee and advisory boards—has entered into a cooperation agreement with a well-regarded Atlanta-based facility, acquired property for the Charlotte location, and raised more than 90 percent of its US\$25 million goal. The trustee

and advisory boards are made up of a number of prominent local individuals. Upon completion, HopeWay will be the only full-service mental illness facility of its kind between Baltimore and Atlanta.

Recognizing the importance of the project to the Charlotte region, lawyers from our Charlotte and Research Triangle Park offices have provided pro bono assistance with real estate matters, zoning approvals, contract negotiations, and regulatory and licensing issues, among other matters.

The lawyers involved include Charlotte partners Joe Klutz and Collin Brown and counsel Bailey Patrick. Research Triangle Park partner Gary Qualls and associate Steven Pine have also provided valuable assistance with health care regulatory matters.

ESTABLISHING LLC FOR COMMUNITY DEVELOPMENT IN TEXAS

A team of lawyers from our Houston office assisted our client with navigating the legal aspects of establishing a limited liability company for community development in Houston, Texas. The entity, Business Recharge by the Book, LLC, was formed for community development and plans to partner with the Harris County Juvenile Probation Department to offer guidance and assistance to incarcerated youth, partner with local authors to create a literacy program, and provide bagged lunches to homeless youth.

The team includes partner John Sullivan, associates Allyson Pait and Matt Galbraith, and legal secretary Shannon Richardson.





RECOGNITION

LEVINE HONORED WITH ATTORNEY GENERAL'S COMMUNITY SERVICE LAW AWARD

Perth partner Adam Levine was presented with the Western Australia Attorney General's Community Service Law Award in recognition of his outstanding pro bono service to the Western Australian community. He is a passionate advocate for pro bono and has been involved with all aspects of pro bono legal services in Western Australia for many years.

Levine was nominated by our Perth office's pro bono client Manna Inc., a local charity and one of the largest providers of meals and assistance to the homeless and disadvantaged.

Levine is a member of the Steering Committee, as well as the wider Reference Group, for the planning and preparation of the seminal 2013 report "Doing the Public Good—A Feasibility Study of Pro Bono Models for Western Australia." He has also acted on all aspects of the establishment of Law Access Limited, the first pro bono clearinghouse in Western Australia. Recognizing that Aboriginal communities face issues with access to justice, he works closely with the Aboriginal Legal Service of Western Australia and its clients, as well as the Nyamba Buru Yawuru Group in Broome, Western Australia.

Levine has worked with many other pro bono clients including community legal centers, such as Street Law, Tenancy WA, and SCALES, as well as many nonprofit organizations such as the Cancer Council of Western Australia, the Royal Flying Doctor Service, Black Dog Ride, and Richmond Fellowship. These organizations can devote the costs saved from the pro bono legal work Levine has provided to further their charitable goals.

Levine also regularly gives presentations to other lawyers on the importance of pro bono as a key community responsibility of the legal profession. He has worked with the Australian Corporate Lawyers Association and others in trying to encourage more

in-house lawyers to engage in pro bono activities. This includes addressing various regulatory and practical barriers that in-house counsel face in regard to pro bono programs.

WITTOW RECEIVES ROBERT C. CUMBOW BRIO AWARD FOR VOLUNTEER LEGAL SERVICE FOR THE ARTS

For more than 15 years, Seattle partner Mark Wittow has been an active volunteer with Washington Lawyers for the Arts (WLA), a nonprofit organization providing legal resources for artists and arts organizations throughout the state of Washington. During that time he has assisted hundreds of pro bono clients through the WLA Arts Legal Clinic at Seattle University and taught many seminars and workshops on arts and intellectual property related legal issues.

In 2015, Wittow received the Robert C. Cumbow Brio Award for his volunteer services as counsel and as teacher, as well as his dedication to helping artists with legal matters in intellectual property and other legal areas.

LOUGHLIN RECOGNIZED FOR EXTRAORDINARY PRO BONO SERVICE

Her Justice has selected New York partner Pat Loughlin to receive the Partner Award as part of the organization's 2016 Commitment to Justice Awards. Loughlin is being recognized for his support of Her Justice and his extraordinary pro bono service.

Her Justice works with law firms in New York City to bring together committed lawyers and determined women to secure life-changing results. The women served by Her Justice face poverty and abuse every day and struggle to care for their children and keep them safe from harm.

FINE APPOINTED PENNSYLVANIA SUPREME COURT PRO BONO COORDINATOR

The Pennsylvania Supreme Court has appointed Harrisburg partner David Fine to serve as coordinator of the court's pro bono pilot program.

Fine initially suggested the program to the court and was asked to help design a pilot program that would provide a mechanism for the court to appoint pro bono counsel for litigants whose cases were accepted for review but who were without counsel.

As coordinator, Fine's duties include gathering and maintaining a list of experienced appellate lawyers throughout Pennsylvania. The list allows the court to find a suitable volunteer that can promptly represent a litigant and provide the court with quality briefing and oral argument.

The program has been in place for a year.

CASE HONORED WITH LIGHT OF JUSTICE IN ACTION AWARD

Washington, D.C. partner David Case was honored with the Texas Defender Service Light of Justice in Action Award. Case was recognized for his work securing the freedom of Alfred DeWayne Brown, a Texas man who spent nearly a decade on death row.

WALKER, ANDERSON, SCHMITZ HONORED WITH "WCE HERO AWARD"

Since its founding in 1889, the Woman's Club of Evanston (WCE) has been dedicated to community service, philanthropic work, and friendship. It has more than 350 members from Evanston, Chicago, and neighboring communities.

Chicago partner Craig Walker and associates Matt Anderson and Abbey Schmitz helped WCE's Bylaws and Strategic Planning Committee to analyze, interpret, and make changes to the WCE's bylaws, policies, and procedures. The Bylaws and Strategic Planning Committee serves as a parliamentarian resource to the WCE and advises the president, board of directors, and the general membership on matters of policy and procedure. In addition, the committee researches issues pertaining to the strategic growth and direction of the WCE, including the development and implementation of its strategic plan.

The WCE president and board of directors recognized Walker, Anderson, and Schmitz with their highest honor, "The WCE Hero Award," for their pro bono work. Walker accepted the award from the WCE's president at the club's annual meeting and dinner.



From 2011 to 2015,
our lawyers have devoted
>250,000 HOURS
to PRO BONO SERVICE.

For more information about our pro bono work, please contact:

Erin A. Koepfel
+1.202.778.9420
erin.koepfel@klgates.com

Andrew Mansour
+61.3.9205.2056
andrew.mansour@klgates.com

Carleton O. Strouss
+1.717.231.4503
carleton.strouss@klgates.com

Walter P. Loughlin
+1.212.536.4065
walter.loughlin@klgates.com

Robert B. Mitchell
+1.206.370.7640
rob.mitchell@klgates.com

K&L GATES

Anchorage Austin Beijing Berlin Boston Brisbane Brussels Charleston Charlotte Chicago Dallas Doha Dubai
Fort Worth Frankfurt Harrisburg Hong Kong Houston London Los Angeles Melbourne Miami Milan Newark New York
Orange County Palo Alto Paris Perth Pittsburgh Portland Raleigh Research Triangle Park San Francisco São Paulo Seattle
Seoul Shanghai Singapore Sydney Taipei Tokyo Warsaw Washington, D.C. Wilmington

K&L Gates comprises approximately 2,000 lawyers globally who practice in fully integrated offices located on five continents. The firm represents leading multinational corporations, growth and middle-market companies, capital markets participants and entrepreneurs in every major industry group as well as public sector entities, educational institutions, philanthropic organizations and individuals. For more information about K&L Gates or its locations, practices and registrations, visit klgates.com.

This publication is for informational purposes and does not contain or convey legal advice. The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer.

©2016 K&L Gates LLP. All Rights Reserved.