

Pro Bono Reporter

SUMMER 2016



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FROM THE CHAIR

More than winning...

Earlier this year a partner friend was discussing with me his preparation of an associate for oral argument in a 7th Circuit appeal that he is supervising. He was distressed because he believed their client likely would not win the appeal. Concerned that he may have felt misled about the project, I asked him if the case was presented to him as a matter he should win. “No,” he conceded, but quickly added “I don’t like losing. I’m serious. I don’t like it.”

It’s attitude like that which makes Winston a great law firm. It’s also an aspect of pro bono that can make it an unusual undertaking for most of us: we may have no (real) expectation of winning in the traditional sense for our client. And that’s OK. By providing Winston-style legal representation to those who are most in need, we confer respect and dignity to those who often are unaccustomed to such treatment, and we elevate the system of justice.

Take for example one of our Washington, D.C. associates. He represents a troubled mother who has been seeking shared custody of her 17-year-old son, a child with emotional challenges, for more than a decade because her former husband has regularly denied her contact. At the onset of our representation and after reviewing the file the team told her it was highly unlikely we could alter the status quo arrangement, but that we would try our best to arrange some regular contact. As predicted, they’ve had little success so far in court. But the client, who suffers acute anxiety which is only exacerbated by her helplessness in resolving this situation, is able to cope knowing that she can speak with this associate. No doubt there are times this becomes tiresome for him, and I expect that most of the communication is more akin to counseling than legal advice. Yet he does it anyway because he knows he’s helping her.

Even without expecting to prevail on the merits, our teams fight the good fight. At least to me, it may be the most inspiring part of our pro bono practice. Many representations entail hard work, but no glory and rarely any notice, yet our attorneys give it their all anyway.

A Chicago office team recently went to trial in another custody case and the court denied shared custody for our single mother client. The team knew the case was flawed from the onset – the teenage daughter had stated her preference to live with her father (even if that was a questionable decision). Yet, in a span of three years, the team took the case to trial – twice!! – and won an appeal for this client before ultimately submitting to the daughter’s stated preference. When we informed the client, she was devastated of course, but it was she who consoled our disheartened team and effusively thanked them for their extraordinary efforts.

So know that when you take on a pro bono matter, you are likely more than just an advocate. You may be the source of hope, the touch of humanity that allows your client to manage a challenging world.

I thank you for all that you do for our clients, win or lose.

Amanda



PRO BONO COMMITTEE MEMBERS

Jeffrey Amato
Kimball Anderson
Ken Berry
Eric Bloom
Sara Cieniewski
Matt Costigan
Lisa Cottle

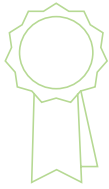
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Dorian Thomas
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May Wall
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Stewart Worthy

AWARDS AND HONORS



Firm Wins Dell Corporation Law Firm Pro Bono Award

Dell Corporation honored the firm with its 2015 Pro Bono Award, acknowledging the firm's widespread pro bono activities and high rate of attorney participation in pro bono matters.

Tom Fitzgerald Receives American Jewish Committee Judge Learned Hand Human Relations Award

Firmwide Managing Partner **Tom Fitzgerald** received the American Jewish Committee Judge Learned Hand Human Relations Award, which is presented annually to an individual whose contributions demonstrate a commitment to justice and excellence in the legal system.



Tom Fitzgerald

Kimball & Karen Anderson Receive Distinguished Philanthropist Award

Partner **Kimball Anderson** and his wife Karen were honored by the Association of Fundraising Professionals for their personal financial commitment to a variety of philanthropic causes in the legal aid community. Among other causes, the Andersons endowed the Anderson Public Interest Fellowships, were founding members of the Chicago Bar Foundation Lincoln Circle, and chaired the \$1 million Cabrini Green Legal Aid endowment campaign.



Kimball Anderson

Charlotte's Amanda Groves, Elizabeth Ireland, and Kristen Parsons Selected for the Advancement in Animal Law Pro Bono Achievement Award

Acknowledging the contributions of partner **Amanda Groves**, associate **Elizabeth Ireland**, and paralegal **Kristen Parsons**, the Animal Legal Defense Fund (ALDF) awarded Winston with the 2015 Advancement in Animal Law Pro Bono Achievement Award. The team was recognized for its dedication, expertise, and commitment of pro bono hours to help ALDF achieve its mission of protecting the lives and advancing the interests of animals through the legal system.



Elizabeth Ireland

Paula Holderman Receives Chicago Bar Association Justice John Paul Stevens Award

Recently retired Chief Attorney Development Officer and Director of Training **Paula Holderman** was honored by the Chicago Bar Association with its highest award, the Justice John Paul Stevens Award, which celebrates Illinois attorneys who have demonstrated extraordinary integrity and service to the community throughout their careers.

PUBLIC INTEREST / LEADERSHIP



Larry Desideri – Legal Assistance Foundation of Metropolitan Chicago

Chicago partner **Larry Desideri** joined the board of directors of LAF, the largest legal aid organization in Cook County, which provides legal assistance to thousands of low-income persons annually.



Deepi Punia – OneJustice Associate Board

San Francisco associate **Deepi Punia** joined the associate board of OneJustice, a legal services agency that provides leadership and strategic guidance to the California public interest law community.



Allan Fanucci – Federal Circuit Bar Pro Bono Committee

New York partner **Allan Fanucci** was named a vice-chair of the Federal Circuit Bar Association Pro Bono committee, which among other things promotes pro bono work for *pro se* applicants to the U. S. Patent and Trademark Office.



Rob Newman – Illinois Legal Aid Online

Chicago partner **Rob Newman** joined the board of directors of Illinois Legal Aid Online, an online provider of legal services and resource materials to the public, legal aid attorneys, and pro bono volunteers.



Paul McGrady – Lawyers for the Creative Arts

Chicago partner **Paul McGrady** joined the board of directors of Lawyers for the Creative Arts, a Chicago-based pro bono agency that provides legal assistance to artists and art organizations throughout Illinois.

ANIMAL DEFENSE

San Francisco Team Helps Ensure Discontinuation of Orca Breeding Program

San Francisco attorneys **Tyson Smith**, **Louis Campbell**, and **Drew Mayer** represented the Animal Legal Defense Fund (ALDF) and the Shea Shepherd Conservation Society as intervenors in a lawsuit filed by SeaWorld Entertainment against the California Coastal Commission. The Coastal Commission had approved a SeaWorld San Diego tank expansion for orcas—but only under the condition that SeaWorld end its breeding program for captive orcas. ALDF had been the main proponent of imposing that condition based on the substantial evidence of harm to captive orcas, which had recently been documented in a successful film, *Blackfish*. SeaWorld sued the Commission to challenge the validity of the condition. While the case was pending, SeaWorld announced its intention to end its captive orca breeding program and phase out orca shows. This represents a significant victory for our clients' efforts to address the harm to orcas in captivity and reflects evolving public opinion on animal welfare issues.



Tyson Smith

San Francisco Team Secures Compliance with Settlement Protecting Cliff Swallows



Cliff swallows nesting

San Francisco partner **Jennifer Golinveaux** and associate **Joe Mornin** represented a number of California environmental groups in enforcing a settlement agreement reached between the groups and the California Department of Transportation (“Caltrans”), requiring Caltrans to monitor and protect migratory cliff swallows during a major bridge

construction project in Sonoma County. The environmental groups had significant concerns over Caltrans' compliance with the settlement going into the 2016 cliff swallow nesting season. The Winston team was able to help secure additional protections and monitoring for the cliff swallows, and was awarded Certificates of Appreciation by local Audubon chapters for their work enforcing the settlement.



Jennifer Golinveaux

Charlotte Partner Kobi Brinson Dances with the Stars for the Benefit of Legal Services



Kobi Brinson dancing with partner Addul Manzano

Charlotte partner **Kobi Kennedy Brinson** danced for justice at the Charlotte Ballet's Dancing with the Stars of Charlotte gala. Competitors not only competed on stage, they also enlisted the support of individuals to sponsor their performance. Kobi excelled at both efforts. Her amazing performance earned her two 9s and a 10 from the judges. Her dedicated fundraising efforts raised more than \$85,000 to benefit Legal Services of Southern Piedmont, Legal Aid of North Carolina-Charlotte, and the Charlotte Ballet. Kobi was the first competitor in this event to designate funds to legal services. This is a tremendous lift for these organizations and will help benefit many Charlotte residents seeking legal services.



Billy Jackson

Washington Associate Billy Jackson Wins Appeal for Client Sentenced as a Youth to Life Imprisonment

Associate **Billy Jackson**, under the supervision of partner **Steffen Johnson**, secured a victory in a Seventh Circuit appeal involving a client who, at age 16, was sentenced to 100 years in prison for homicide without the possibility of early release. The case centered on the scope of a new juvenile-sentencing rule announced in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), which “require[s]” a sentencing judge imposing punishment on a juvenile homicide offender “to take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison.” The question on appeal was whether *Miller* could be applied retroactively. The panel ordered a stay in the district court so that the Illinois courts could decide that issue and also have the first opportunity to determine whether the sentencing court violated *Miller*. In so doing, the panel strongly suggested that, under Illinois precedent, the new rule is retroactive and made clear that the sentencing court “utterly failed to consider that ‘children are different.’”

...the sentencing court “**utterly failed to consider that ‘children are different.’**”



Joon Oh

San Francisco Associate Joon Oh Wins Appeal for Inmate Whose Claims Were Dismissed Based on Court’s Review of Media Materials

San Francisco associate **Joon Oh**, with supervision and support from partners **John Schreiber**, **Erin Ranahan**, **Ian Eisner**, and **Linda Coberly**, obtained a victory in the Seventh Circuit for an inmate who filed a civil rights complaint against the City of Chicago and police superintendent, alleging that police officers used excessive force while in the process of arresting him. The appeal centered on newspaper accounts of the arrest that the district court consulted via the internet before dismissing the lawsuit pursuant to a screening of the complaint under 28 U.S.C. § 1915A. The panel found that the complaint was not factually or legally frivolous because a reasonable inference could be drawn from the complaint that the plaintiff was shot multiple times by stun guns while he was subdued and that the incident caused him harm. The panel further explained that any reliance on the newspaper accounts by the district court is an abuse of discretion because “the complaint is the entire record of the case” and would be “unjustifiable, no matter how deferential our review.”

“the complaint is the entire record of the case and [review of newspaper accounts] would be **unjustifiable, no matter how deferential our review.**”

San Francisco Team Negotiates Dismissal of Criminal Charges for Mother Accused of Obtaining False Prescriptions

San Francisco partner **Robb Adkins**, along with associates **Sean Meenan** and **Deepi Punia**, secured a favorable federal criminal prosecution settlement for a young mother of two severely disabled young children. The client had been arrested and indicted for her alleged role in a conspiracy to obtain false prescriptions for OxyContin and other drugs for resale on the street. She faced the daunting prospect of a felony conviction, jail time, and the likelihood that she would be deported following her sentence due to her immigration status. She was the only caregiver to her two children—one in a wheelchair and the other with a debilitating and rare disease that severely limits her cognitive functioning, requiring constant care. The team convinced the government of the truth regarding the client’s minor role in the conduct and it made the highly unusual agreement that permitted our client to withdraw her guilty plea if she complied with various requirements of pre-trial services over a lengthy period of supervision.



Sean Meenan

Washington Associate Greg Ewing Secures Reduced Sentence for Man Convicted of Marriage Fraud

Working with the federal defender service, Washington, DC associate **Greg Ewing**, with supervision from **Tom Buchanan**, represented at sentencing a man who had accepted a guilty plea to criminal conspiracy to violate federal immigration laws by arranging fraudulent marriages for undocumented individuals. The federal sentencing guidelines suggested a sentence of 18 to 24 months of imprisonment. At the sentencing hearing, the team highlighted that our client had carried out only one minor action in the enterprise, that the sentence range was inflated because of a 17-year-old minor drug offense, and that our client had been gainfully employed for several months as a short order cook. After a full hearing, the court imposed a reduced sentence of six months of incarceration to be followed by six months of home detention.



Greg Ewing

Washington Team Affirms Parole at Revocation Hearing

Associate **Kim Paschall**, under the supervision of partner **Gordon Coffee**, obtained an order from the U. S. Parole Commission fully reinstating the terms of our client’s supervised release. The client was on parole from a drug-related charge when he was arrested for allegedly shooting at a food vendor who gave a ride to a girl with whom he had a romantic relationship. The government twice unsuccessfully prosecuted our client but would not release him. At the hearing, the team convinced the Commission to reinstate parole because the vendor was not injured and the evidence against our client was too weak to justify depriving our client of his liberty.



Kim Paschall

Washington Team Secures Asylum for Honduran Woman Who Escaped Murderous Husband



Larry Kiern

A team comprised of partner **Larry Kiern**, of counsel **Michael Woods**, associate **Nathan Thoreson**, and paralegal **Alex Cruz** obtained a trial victory for a Honduran survivor of domestic violence and her 9-year-old son. The client is a young Honduran woman who had been subjected to severe domestic violence at the hands of her husband and father of her child. The husband, who was an officer in the Honduran national police force, beat her so badly he nearly killed her. After she escaped, he continued to threaten her and stalk her through accomplices. Fearing for her life and the life of her son, the client fled to the United States. The U. S. government sought to deport the client, but she applied for asylum as a defensive measure to her removal proceedings. Through extensive briefing and testimony from the client and an expert, the Winston trial team was able to convince the immigration court that the client was credible and qualified for asylum.

Houston Team Wins Asylum Trial for Salvadoran Domestic Violence Survivor



Robert Green

A Houston team led by associate **Robert Green** and including associates **Mike Krill**, **Casey Davis**, and **Bill Collins**, paralegal **Rick Smith**, receptionist **Stephanie Paz**, office services clerk **Letty Alvarez**, and partners **Lydia Protopapas** and **Eric Schlichter**, obtained a trial victory for a Salvadoran survivor of domestic abuse. The client, a Salvadoran woman from a low-income family, was in a domestic relationship with a man from a more affluent family. During the relationship she was repeatedly subjected to sexual assaults, beatings, and even death threats from her partner. She reported the abuse to the local authorities, but they refused to help and instead informed her abuser of the attempted report. She eventually fled to the United States to escape her abuser. Through briefing and at trial, the team demonstrated that the client had suffered persecution due to her membership in a particular persecuted group, “Salvadoran woman in a domestic relationship who are unable to leave the relationship,” and refuted the government’s argument that she was a captive and not in a domestic relationship with her abuser.

San Francisco Team Wins Asylum Trial for Honduran Domestic Violence Survivor



Dana Cook-Milligan

San Francisco attorneys **Dana Cook-Milligan**, **Scotia Hicks**, and **Whitney Carlson**, with supervision from partner **Joan Fife**, obtained a trial victory for a Honduran survivor of domestic violence and her six-year-old son. The client is a young Honduran women who had been subjected to continuous domestic violence at the hands of her ex-partner and father of her children, after being conditioned to accept such abuse as normal due to an abusive childhood. Fearing for her life and the life of her son, the client fled to the United States. Through extensive briefing and testimony from the client, the trial team convinced the court that the client was credible, that she had suffered past persecution through domestic violence, and that she had a well-founded fear that if she returned to Honduras she would face future persecution.

New York Team Wins at Trial for Congolese Survivor of Political Torture

A team of New York attorneys, led by associate **Marissa Nardi** and including associates **Shanna Lehrman**, **Anna Lamut**, and **Jee Chung**, paralegals **Michael Chiano** and **Arielle Peters**, and partner **Aldo Badini**, obtained a trial victory for a prominent leader of an opposition party in the Republic of Congo. The Congo ruling party for years had targeted the client's family as enemies of the state, and government operatives were likely responsible for poisoning the client's father (also an opposition leader) and involved in the deaths of his sister and mother. The client was repeatedly subjected to imprisonment, beatings, and torture as a result of his opposition activities. The government initially denied the client's asylum application because of alleged inconsistencies in his testimony and inability to recall details. The Winston trial team demonstrated that these issues were the result of the client's severe PTSD caused by his persecution. The team also refuted the government's argument that the applicant was barred from asylum under the "persecutor bar," successfully arguing that he was forced at gunpoint to bury the dead bodies of government enemies and make formal accusations against other activists.



Marissa Nardi

HOUSING

Washington Team Secures Recovery for Wrongly Evicted Client

Washington, DC associate **Daniel McNeely**, under the supervision of partner **Andrew Sommer**, successfully resolved landlord-tenant and tort claims for an elderly client against his former landlord. Our client suffers from various medical conditions and is required to reside at a rehabilitation center in an effort to regain his health. After the landlord ceased collecting the client's rent checks, he moved to evict and posted notice on the client's door where he knew it would not be received. After the client failed to appear and the lawsuit was defaulted, all of his possessions were placed in the street by the U. S. Marshals when they carried out the eviction. The team successfully moved to vacate the judgment because of defective service and, ultimately, obtained several thousands of dollars more than our client requested, concessions regarding his ability to return to his old apartment building, and an order vacating the prior judgment.



Daniel McNeely

San Francisco Team Partners with the Housing Negotiation Project

A contingent of attorneys from the San Francisco office have advocated for low-income individuals facing eviction through the San Francisco Bar Association Justice & Diversity Center Housing Negotiation Project. Through this project, attorneys represent low-income individuals and families facing eviction during their mandatory settlement conferences. Participating attorneys include: **Robb Adkins**, **Corey Attaway**, **Joan Fife**, **Sean Meenan**, **Joe Mornin**, **Kim Morris** and **Tyson Smith**.



Kim Morris

PRISONER CIVIL RIGHTS

Chicago Team Secures Class Status for Deaf Inmates and Defeats Motion for Summary Judgment



Bob Michels

A Chicago team, including partners **Bob Michels** and **Nicole Wrigley**, associates **Kevin McCormick**, **Joe Motto**, **Ryan Dunigan**, **Mark Lenihan**, **Andrew Sullivan**, **Ayush Garg** and **Kate Watson Moss**, and paralegals **Pat Pratt** and **Ken Berry**, won class action status in a lawsuit alleging the Illinois Department of Corrections (IDOC) failed to provide critical accommodations to deaf and hard of hearing prisoners. Among other claims, the class asserts that IDOC has refused to provide American Sign Language interpreters and other alternate forms of communication. Without these accommodations, deaf and hard of hearing prisoners are endangered and deprived of meaningful access to religious services, healthcare, educational and vocational programs, telephones, televisions, library services, disciplinary proceedings, grievances, and pre-release programs. The court also denied IDOC's motion for summary judgment, paving the way for trial, which has been set for Fall 2016 noting that the inmates "presented significant proof of the systemic failures" that they allege in their lawsuit.

Chicago Tandem Win Substantial Settlement for Inmate Who Was Restrained and Maced by Prison Guards



Steve Wurth

Chicago partner **George Lombardi** and associate **Steve Wurth** secured a substantial settlement for an inmate who alleged nine Kane County (IL) correctional officers used excessive force when they subdued him, sprayed him with mace, and thereafter left him bound to a chair in his cell for 16 hours. The incident, which was captured on video, was initiated when our client refused to comply with the prison's practice of removing the mattress from his cell while he was placed in solitary confinement. The team secured the video, took the deposition testimony of all involved, and developed a strong factual case that allowed them to defeat summary judgment. Although the client suffered no lasting physical damages from the incident, the video recording of the graphic incident led to the county's willingness to settle on favorable terms.

More Than 50 Winston Attorneys and Summers Join Federal Clemency Project

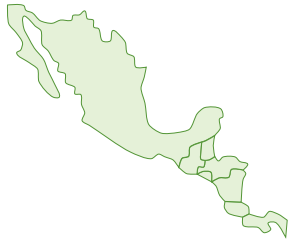
Under the leadership of New York partner **Gregory Weston** and associate **Kelli Lanski**, with support from Washington, D.C. paralegal **Antoine Bland**, more than 50 Winston attorneys and summer associates are representing federal inmates seeking clemency through Clemency Project 2014. The Obama administration created Clemency Project 2014 to provide pro bono representation to non-violent prisoners who, if sentenced today under current sentencing laws and policies, would likely have received a substantially lower sentence. To



Gregory Weston

be eligible, an applicant must have: served at least 10 years of their sentence for a non-violent offense, no significant criminal history, no history of violence prior to or during imprisonment, no significant ties to large-scale criminal organizations, gangs, or cartels, and demonstrated good conduct in prison. To date, Clemency Project 2014 volunteers across the country have screened more than 30,000 inmate files and submitted more than 1,200 clemency petitions. More than 300 petitions have been granted and another 800 are pending review.

Charlotte Office Responds to Crisis of Unaccompanied Minors Fleeing Neglect and Abuse in Central America



Working with Legal Services of Southern Piedmont, 11 Charlotte office attorneys, including **Kobi Brinson, David Ginzer, Tanielle Henriques, Elizabeth Ireland, Stacie Knight, Rene LeBlanc-Allman, Eric Manor, Amanda Muehlhausen, Pattie Rhame,** (former associate) Michael Shaffer, and **Elizabeth Timkovich,** are representing a group of children who fled abuse and neglect in their homes in El Salvador, Honduras, and

Guatemala and came to the United States unaccompanied by a parent or an adult. The Winston contingent is assisting with the initial step in the process of securing available immigration relief: helping a responsible adult or family member secure guardianship over the children so they can appropriately file legal documents seeking Special Immigrant Juvenile Visa Status with the U. S. immigration service.



Rene LeBlanc Allman

Chicago Office Clinic Assists Immigrant Victims of Violent Crime Apply for U-visas

In collaboration with the National Immigrant Justice Center, the Chicago office initiated a new pro bono clinic to assist eligible immigrant crime victims who have cooperated with law enforcement apply for U nonimmigrant status. On the day of the clinic, volunteers conducted an extensive client interview to assess case facts and begin the process of completing the required immigration forms and drafting the client's supporting affidavit. Thereafter, volunteers worked with their clients to finalize and file the U visa application. Participating attorneys include: **Ariane Andrade, Mark Christy, A. J. Gatesman, Joe Kern, Matt Langhorst, Heather Lehman, Jamie Lepri, Ryan Martin, Nick Pesavento, Kaitlyn Quigley,** and **Jacob Schtevie.**



A.J. Gatesman

Charlotte Office Project Assists Immigrants Become United States Citizens

The Charlotte office began a new collaboration with the Latin Coalition and hosted a clinic to assist eligible Lawful Permanent Residents apply for United States citizenship. Volunteers gathered client information on eligibility, prepared and filed the citizenship application packet, and attended a non-adversarial naturalization interview with their client at the local immigration office. Participating were **Kobi Brinson, Tanielle Henriques, Morgan Stewart, Alyson Traw, Elizabeth Timkovich, Joanna Wade,** and **Jeff Wilkerson.**



Tanielle Henriques



LGBT ADVOCACY



Alex Kaplan

Washington Team Wins Discharge Upgrade for Air Force Serviceman Discharged After Interrogation About His Sexual Orientation

Associates **Alex Kaplan** and **Stephen Migala** secured a discharge upgrade for a former Air Force mechanic released from the service in 1986 on the basis of his sexual orientation. When confronted by his supervisor about his sexual orientation, the client confirmed he was gay. Thereafter, he was subjected to a grueling interrogation by an Air Force investigative officer regarding his personal and sexual history dating back to his childhood. As a result of this harsh treatment, he began to suffer from severe depression and committed several minor disciplinary infractions that clouded the record for purposes of his upgrade petition. The team was able to identify several procedural missteps by the unit's leadership, including the inappropriate assignment of termination authority, that the team confirmed through one of the only remaining available versions of the applicable 1986 officers' code.

Los Angeles Team Wins Asylum Trial for Cameroonian Persecuted on Account of His Sexual Orientation

Los Angeles attorneys **Diana Hughes Leiden**, **Caitlin Tran**, and **Nareeneh Sohbatian**, with assistance from Paris associate **Lara Elborno** and paralegal **Susan Lawrence**, obtained asylum for a 24-year-old gay man from Cameroon. The client fled Cameroon after his sexual orientation was discovered by a family member who threatened to "out" him to the community. In Cameroon, homosexuality is illegal and it is common for those known or suspected to be gay to be tortured and even killed by neighbors and others, including the police. The client was also the presumptive heir to his grandfather's estate, and his paternal family threatened to have him killed in order to prevent a gay man from inheriting the family's property. After he escaped Cameroon, he surrendered himself at the United States border and was held in detention before being placed in removal proceedings. At the hearing, the court found credible his responses to government questioning about his persecution and sexuality and granted asylum.



Diana Hughes Leiden

PARENTAL RIGHTS

Charlotte Team Wins Appeal Upholding Finding of Parental Neglect

Acting as appellate counsel for the Guardian *ad Litem* Cabarrus County, North Carolina, Charlotte attorneys **Jason Bennett** and **Will Petraglia** secured an opinion from the North Carolina Court of Appeals affirming the trial court's decision that adjudicated two minor children as neglected. The children's mother had an extensive history of drug abuse, domestic violence against the children's grandmother (which occurred in the presence of the children), and mental health issues. The opinion by the Court of Appeals adopted and quoted from several arguments made by the team in response to various procedural arguments raised by the mother in a 41-page brief.



Will Petraglia

New York Team Wins Trial Victory for Single Mother Whose Truant Children Were Removed from Her Custody

After a protracted hearing raised by an emergency motion, associate **Shanna Lehrman**, with supervision from partner **Scott Samay**, reunited a single mother and her two teen sons after refuting allegations made by the New York Administration of Children's Services (ACS) that she failed to provide them with adequate education, supervision, and housing based on the boys' truancy and behavioral issues.

Through cross-examination of the agency's key witnesses, the team exposed the failings of the child's foster care agency and ACS during their year-long custody of the younger child. Desperate to return home, the boy acted out and had repeatedly gone absent from the foster care placement without supervision for as long as a month. The team highlighted that the child's behavior had dramatically declined while away from home, and he had ultimately missed more school under ACS custody than when he was with his mother. The team also demonstrated that after being laid off from her job, the client had no choice but to move into a small one-bedroom apartment with her ailing parents and two children until she could locate new employment and affordable housing. Ultimately, the court agreed with the concerns raised by the team and mandated that ACS provide much-needed resources and services for the family.



Shanna Lehrman

SMALL BUSINESSES

New York Corporate Team Organizes Clinic Serving Small Businesses

Under the leadership of partner **Bryan Goldstein** and corporate pro bono practice attorney **Erica Coleman**, New York attorneys and summer associates participated in a clinic that offered local small businesses brief advice regarding limited liability status, bylaws, annual meetings, and corporate registration compliance. The teams also provided a general review of the legal risks posed by operations, management practices, and risk mitigation strategies. The clinic was arranged by Start Small Think Big, a public interest agency based in the South Bronx that helps low-to moderate-income NYC entrepreneurs build and sustain thriving businesses in order to increase their personal financial security and stimulate economic activity in underserved communities. Participating attorneys and summers include **Peter Alfano, Erin Baldwin, Ilya Bubel, Elizabeth Hu, Kelsey Lam, Jason Pachter, Lilli Scalettar, David Valk, Nikhil Vasudeva, and Ryan Walden.**



Erica Coleman



New York attorneys and summers meet small business clients

SPECIAL EDUCATION

Houston Team Negotiates Successful Settlement for 2nd Grade Student with Significant Physical Health Issues



Melinda Lackey

Houston partner **Casey Berger** and associate **Melinda Lackey** represented a second grade girl with extensive health issues, which include a multi-organ transplant. She was necessarily on home-based care with an Individualized Education Plan in place. However, the school district was not following through with their obligations - she had not had any in-person instruction in several months due to the district's mistaken belief that she was potentially contagious to non-direct caregivers.

The student is a very bright young girl, eager to participate in her education but was simply not being helped by anyone. Her "computer-based" education was also not sufficient as multiple lessons and assignments were not available and the website generally did not work. Finally, she did not have the hard-copy textbooks and work books that her mother could use to attempt to fill this gap. The Winston team filed a due process complaint which quickly led to a settlement designed to allow her to catch up with her class. This included more than 60 hours of compensatory in-person instruction in addition to her normal in-person instruction with a teacher that was already familiar with her, the hard copy text book materials, and reinstatement of all lessons in the electronic curriculum.

Los Angeles Team Advocates for Mother of Three Learning Disabled Children to Ensure Necessary Services



Sara Cieniewski

Los Angeles attorneys **Eric Sagerman**, **Jason Campbell**, **Julie Capell**, **Sara Cieniewski**, **Francisco Flores**, and **Hwannie Shen** represent the mother of three children with special needs who all attend school within an area school district. The eldest child (17 years) has learning disabilities primarily as a result of a language disorder; the middle child (8 years) has autism and exhibits behavioral issues; and the youngest child (7 years) has autism.

While the school district recognized that all the children are legally entitled to special services, the district was antagonistic to the mother regarding negotiations to create formal Individualized Education Plans (IEPs) for the students and, at times, was actively disrespectful and hostile toward her. As her lawyer advocates, and with the help of a capable expert, the team was able to provide the client with the leverage necessary to effectively negotiate the annual renewals of the IEPs for all three children and represented the mother and children at the IEP meetings. The team was also able to negotiate all of the services and accommodations that the mother desired for her children, and made progress in establishing a more pleasant and professional relationship between the mother and school district.

Chicago Team Negotiates Expansive Education Plan for 8th Grader with Complex Learning Disabilities

Associates **Karalena Guerrieri** and **Ayush Garg**, under the supervision of partner **Megan Devaney**, represent a parent of an eighth grade boy with an Individualized Education Plan who has struggled academically and socially in grade school and who was hospitalized recently for suicidal statements. The student has a complex diagnosis of Autism Spectrum Disorder, Attention Deficit Hyperactivity Disorder, Oppositional Defiant Disorder, communication disorder, and chronic tic disorder. Although he has been diagnosed and struggles with social expression, writing, and completing homework assignments, the school denied him speech and occupational therapy services for at least three years and, as a result, he is reluctant to attend school. The Winston team was able to confirm through independent experts his difficulties with verbal expression, his need for intense speech and language services, and his difficulty with writing. The school ultimately agreed to restore the student's consultative speech services between the speech pathologist and several of the student's teachers, provide enrollment in a social skills group with a school social worker, provide a computer for take-home use, and made several other minor classroom modifications.



Karalena Guerrieri

Chicago Team Wins Preliminary Injunction Restoring Medical Services for Disabled Children

A Chicago team comprised of partner **Ray Perkins**, associates **Bryce Cooper** and **Ali Schaller**, paralegal **Alissa Hodgson**, and graphics designer **Josh Ryder** won hearings on crucial preliminary injunction and class certification motions in the firm's representation of a class of Medicaid-eligible children against the Illinois Department of Healthcare and Family Services (HFS).

The lawsuit arose out of drastic service reductions implemented by HFS, which had previously approved more than 1,200 children for home nursing services based on their high level of medical need. Many of these children are dependent on complex medical regimens for routine bodily functions, such as eating, drinking, breathing, and oxygen regulation. But in 2014, Illinois began to work with a third-party contractor to review children's nursing cases and drastically reduced services. Of the first 178 children reviewed, HFS found that 98% were no longer eligible for their previously approved service levels; 66% were told that they would not receive any nursing services. The lawsuit challenges the due process notice violations of HFS, as well as the legality of such reductions, claiming that the class of children still have significant medical needs and severe impairments that require home nursing services to avoid more costly hospitalizations.

After a preliminary injunction hearing that included cross-examination of an HFS witness and argument by the Winston team, a federal district court issued an order that prevents further service reductions to Medicaid-eligible children who need home nursing services without judicial approval. Additionally, the order requires HFS to restore home nursing services that were previously reduced or terminated. The court underscored the risk of harm to affected children without this order: "Stated simply, monetary damages after trial will not be an adequate remedy... [t]here is a significant risk, that without proper in-home care or care at an institution ... plaintiffs and class members can and will likely suffer severe life-threatening medical episodes."



Bryce Cooper

New York Team Helps Promising Cacao Grower Organize as Delaware Benefit Corporation

New York attorneys **Jee Chung**, **Rachel Ingwer**, and **Erica Coleman**, supervised by partner **Bryan Goldstein**, are providing corporate and transactional legal support to Uncommon Cacao, a promising social enterprise working to build a sustainable, prosperous cacao supply chain in which farmers, chocolate makers, and the environment thrive together.

The vast majority of the world's five million cacao farming families live in destitute poverty. Uncommon Cacao's mission is to build a more fair and sustainable specialty cacao supply chain that will ensure farmers receive a living wage for their work. The company focuses on fair pay for great quality, and aims to put more money into farmers' pockets by helping them access the high-value market for specialty cacao. Launched in 2010, Uncommon Cacao has helped to double the average household income for hundreds of farming families, and has grown to become one of the most well-respected specialty cacao brands in the market. Through its commitment to radical transparency, Uncommon Cacao hopes to catalyze industry-shifting change for cacao farmers around the world. And by creating economic incentives for conservation through cacao agroforestry, Uncommon Cacao encourages re-forestation and protects thousands of acres of rainforest in the process.

Since Uncommon Cacao's primary focus is creating positive impact in the countries where it operates, the ramp-up to profitability is slow and has not yet been reached. To facilitate an injection of \$1.5 million in new capital from social impact investors such as Pi Investments and Acumen Fund, the Winston team helped Uncommon Cacao effect a series of transactions, including the conversion of founder loans to equity and the conversion of the parent entity into a Delaware benefit corporation. Among other initiatives, Uncommon Cacao will use the proceeds to acquire an existing cacao brokerage from a customer, enabling it to expand its origin sources from two to 12 countries over



the next four years. With Winston's help, the company will formalize its internal governance, operations, and structure, including with respect to intercompany transfers, so that it may use the new investment as working capital to carry its operations in Belize and Guatemala until they are profitable. Uncommon Cacao anticipates the capital infusion will enable it to break even by 2017 and purchase millions of dollars of cacao from farmers over the next few years.

The Winston team will also help Uncommon Cacao establish The Cacao Farmer Fund, a non-profit that will facilitate technical support to improve the lives of cacao farmers globally through projects emphasizing quality, yields, and productivity. Uncommon Cacao will contribute a significant percentage of its profits to this non-profit organization each year.



Uncommon Cacao growers at work

PATENTS

New York Team Secures Patent for “Stable Painless Crutch Support” Invented by Injured Laborer

A team led by **Howard Shin** and including **James Lin** and **Allan Fanucci** successfully prosecuted and obtained a patent for a “crutch support” invented by a former laborer who had lost his leg in a work accident. After experiencing extreme pain and discomfort from his extended use of ordinary crutches, the client invented a new underarm crutch support with an improved shape and configuration that caused less discomfort when contacting the user’s side by preventing the cutoff of blood circulation and reducing chronic chaffing, all while giving the user a more secure hold on the crutch by compression of the underarm support between the user’s side, arm and underarm. Other features included improvements to the hand grips and additional elements that would allow the crutches to remain standing when not in use, an important but overlooked consideration for a disabled person with limited mobility. In allowing the claims, the patent examiner recognized that the underarm crutch support design was different than any underarm crutch supports that were previously disclosed or in use.



Howard Shin

VETERANS

Houston Team Ensures Military Veteran With PTSD May Utilize Service Dog at Work

Houston attorneys **Tyler VanHoutan** and **Erin Villaseñor** represented a veteran suffering from PTSD who was denied the use of his physician-prescribed service animal in certain aspects of his employment. The client is a military veteran diagnosed with PTSD and severe anxiety. At the recommendation of his VA doctor, he adopted Lucy, a 90-lb mastiff, from *Train a Dog, Save a Warrior* as a part of his ongoing treatment and therapy for PTSD. Lucy has completed extensive service animal training, and alerts our client when his anxiety level gets too high and when it is time for him to take his prescribed medications.

Our client’s employment required him to drive an airport shuttle van. However, our client’s employer refused to allow him to bring his service animal with him in the shuttle van while he drove customers back and forth between the hotel and the airport, which exacerbated his PTSD symptoms. The team negotiated with the employer, eventually convincing the company to allow our client to bring his service animal along with him on his shuttle runs, on a trial and subsequently permanent basis. As a result, the client’s PTSD symptoms have been significantly reduced.



Lucy

NON-PROFITS

Los Angeles Team Guides Foster Care Agency to Favorable Settlement in Alleged Abuse Case

For nearly five years, a team of Los Angeles attorneys led by associates **Kate Winston** and **Ryan Evans** and supervised by **Gayle Jenkins**, have actively defended a Southern California foster care agency against difficult allegations of negligence that a former ward was sexually abused by one of the client's foster parents more than 20 years ago



Kate Winston

Filing on the eve of the statute of limitations, the former ward alleged that our client had negligently placed him with a sexually abusive foster care father. The team took substantial written and deposition discovery that demonstrated our client was not aware of any abusive tendencies by the foster parent or had any knowledge of such conduct. However, discovery and public records confirmed that several years after the foster care relationship ended, the foster father was charged with sexual contact with an underage girl and is now a registered sex offender. Moreover, the client had no records and no employees from the time period at issue to defend against the allegations that the screening procedures in the early 1990s were sufficient. During a mediation held on the verge of trial and with dispositive motions pending, the client acknowledged the difficulty of defending against such allegations at trial, and the potential for a judgment that could have forced it to cease operations, and agreed to settle the claims for substantially less than it almost certainly would have paid if found liable.

Benefits Team Assists Client with Benefit Plan Filing Compliance

Associate **Thomas Moore** and specialist **Joan Peifer Brandt**, under the supervision of partner **Mike Melbinger**, advised Community Action, Inc. of Central Texas regarding IRS Form 5500 compliance issues. Community Action is a community-based, anti-poverty organization that has been in continuous operation since 1965 and has grown into a large integrated health, education, and human services agency that provides a multitude of services to low-income residents of the rural capital area of Texas. The team assisted Community Action negotiate various IRS Compliance Programs and make current its Form 5500 filings, which pension and welfare benefit plans must generally file to report their financial condition, investments, and operations.



Thomas Moore

Hong Kong, Los Angeles, and New York Attorneys Organize Non-Profit Assisting “Left Behind” Children in China

Los Angeles associate **Josh Birenbaum** and New York associate **Jerry Chen**, with supervision from Hong Kong partner **Simon Luk**, established the Love Foundation USA as a Delaware non-profit corporation and petitioned for federal tax exempt status. Love Foundation USA is a related entity to Love Foundation, Inc. , a Hong Kong-based charitable entity (and also a firm pro bono client) that provides Christian and English/Chinese teaching materials and equipment for the “left-behind” children of migrant workers in China to attend live-in summer educational camps. These children are separated from their parents and remain in the rural areas while their parents work in cities due to socio-economic reasons. The course materials will equip the government-sanctioned local Christian churches, who are hosting the summer camps.



Simon Luk

Chicago Corporate Duo Completes Merger of Agencies Serving the Developmentally Disabled

Chicago partner **Oscar David** and associate **Emily Mraz** represented South Suburban Training and Rehabilitation Services (“SouthSTAR”) throughout its merger with New Hope Center, Inc. The newly formed entity, New Star Services, Inc. , will continue the merged entities’ mission and form one of the largest agencies in the greater Chicago/Northwest Indiana area serving the developmentally disabled. The merger strengthens the social services resources available to vulnerable individuals throughout the area. The Winston team negotiated the merger agreement, prepared the necessary consents and resolutions, and counseled the client’s board at length concerning the various steps needed to complete the transaction. This is the third merger agreement that this team has completed since 2013.



Emily Mraz

New York Real Estate Team Expedites Lease for Thrift Store

New York partner **Bill Lang** and associate **Stephen Litz** represented a coop that operates a thrift store in its lease negotiation for a new store location. The client came to the team only a few weeks before its existing lease on a space in upper Manhattan came due. Within days, the team negotiated a tenant-friendly lease agreement that allowed the client to move out of its current location and into a new location. The client is currently in possession of the new space and has scheduled a grand opening for August 1, 2016.



Stephen Litz

Paris Associate Louis-Romain Riché Selected for Prestigious La Conférence des Avocats du Barreau de Paris

Paris associate **Louis-Romain Riché** won a pleading competition among lawyers with five years or less experience and was selected by the Paris Bar to serve on the prestigious Conférence des Avocats du Barreau de Paris. Dating back to 1708, La Conférence was created to provide only 12 young lawyers an intensive development opportunity on an annual basis through the representation of indigent persons accused of various

crimes. Later, when the Paris Bar sought to broaden its relations with foreign bar associations, it deployed La Conférence as ambassador of the bar. In keeping with the grand tradition of La Conférence, during his term Louis-Romain defended nearly 40 persons accused of various serious crimes, and also visited principally French-speaking bar associations in Ouagadougou (Burkina Faso), Cotonou (Benin), Québec, Brussels, Geneva, and Lausanne, as well as foreign bar associations based in Shanghai, Tehran, Isfahan, Istanbul, and Chicago.



Louis-Romain Riché

Chicago Teams Win Significant Policy Changes Protecting Families Subject to Illinois Abuse and Neglect Policies



Client looks out at playground

Working closely with the Family Defense Center, a Chicago-based public interest organization, three Winston teams **aggressively attacked policies and practices of the Illinois Department of Children and Family Services (DCFS)** that negatively impacted families improperly accused of abuse or neglect. The teams negotiated case resolutions that made significant improvements to Illinois law and generated substantial financial settlements for the families involved.

Mother Who Allowed Her Children To Play Alone on Playground

A Chicago team, led by partner **Kathleen Barry** and former associate Bonnie Keane, successfully convinced an Illinois appellate court to remove a finding of neglect against our client by DCFS. Our client is a single mother of three children who was cited for neglect when a passerby reported that her children were playing alone on a playground located immediately adjacent to her apartment. Our client was home at the time and checked on the children (ages 11, 9 and 5) approximately every 10 minutes. The children played alone for approximately 40 minutes and had suffered no harm, but DCFS cited our client for inadequate supervision and neglect. DCFS's neglect finding prevailed at an administrative hearing and at

review by a Cook County Circuit Court. The team appealed, attacking the inadequate supervision category as not defined or within the scope of the statute, and arguing that Illinois law does not provide that neglect occurs when a parent has been engaged in "inadequate supervision." Rather than defend its position before the court, DCFS did not file an opposition brief and the court expunged the indicated finding.



Kathleen Barry

Mother Separated from Her Child Based on Unfounded Allegations of Mental Illness

Associate **Chris Wilson**, with assistance from associate **Brett Walker** and partner **Steve Schulte**, secured a six-figure settlement for a young mother named Bridgett and her baby daughter, following a significant legal victory in a federal Section 1983 civil rights action.

In July 2012, DCFS received a false and baseless allegation that Bridgett was a paranoid schizophrenic who was off her medication and, as a result, had placed her child (“L. W.”) at risk. Based solely on this allegation, and despite no evidence suggesting either that Bridgett had serious mental health issues or that L. W. was in danger of being abused or neglected, a DCFS investigator took protective custody of L. W. Following a two-week period during which she was denied *any* contact with L.W. and for nearly eight months thereafter, Bridgett was subjected to a DCFS-directed “safety plan” under which she was only allowed contact with L. W. under the direct supervision of a family member. Although state law and DCFS policy required parental consent for such safety plans, Bridgett never consented to these restrictions.

The team filed a federal civil rights claim alleging that DCFS’s actions violated Bridgett’s and L.W.’s Fourth Amendment and due process rights. Additionally, and in what is believed to be a first-in-the-nation case, the lawsuit also claimed that DCFS violated the Americans with Disabilities Act and Rehabilitation Act by severely restricting Bridgett’s parental rights and career interests based solely on the false and unproven “perceived impairment” of a serious mental health issue. These critical claims survived motion challenges, thus setting an important precedent concerning the validity of such claims in actions concerning child abuse investigations.

Following extended discovery and protracted settlement negotiations, the team secured a substantial six-figure settlement for Bridgett and her daughter. DCFS also agreed to implement extensive revisions of its policies governing safety plans and protective custody, and to introduce new policies governing how to handle investigations involving mental health allegations against parents.

Parents of an Infant Child Who Fell

Partners **Julie Bauer** and **Joanna Wade**, and associate **Reid Smith**, assisted by paralegal **Alissa Hodgson**, obtained a settlement for a family who was separated by DCFS even though no doctor opined that the child was abused or neglected. The child fell off his mother’s lap while waiting for a doctor in an examination room at the doctor’s office. The child hit his chin on the floor and suffered a head injury. While the child was hospitalized, DCFS imposed a social “hold,” asking the hospital not to release the child even though he was medically ready for discharge. DCFS and the hospital released the child when the parents signed a safety plan requiring the child to live with his paternal aunts pending a DCFS investigation. The child remained out of the home for nearly three months even though no doctor opined that he had been abused. Ultimately, a state court judge ordered that the child be returned home.

Through settlement of the federal Section 1983 lawsuit, the family received nearly \$100,000 in damages, and DCFS agreed to, among other changes: (1) clarify in its policies and procedures that DCFS child protection staff shall not request that a child remain in a hospital when the child has been medically cleared for discharge; and (2) remove language that requires child protection investigation staff to take protective custody or implement a safety plan unless abusive causation has been ruled out. Instead, DCFS needs probable cause to believe that a child has been abused or neglected before taking protective custody or offering a safety plan.



Chris Wilson



Joanna Wade

TRAFFICKING

Houston Team Secures Substantial Restitution for Indonesian Victim of Labor Trafficking

Houston office attorneys **Melanie Gray**, (former associate) Jennifer Nelsen, **Matt Tanner**, and **Mike Krill**, with assistance from paralegal **Susan Stroud**, secured substantial damages against a labor trafficker who held our client, an Indonesian household worker, in slave-like conditions in their San Antonio home. Our client's employers, a man and wife from Qatar, came to the United States with their family in 2014 so that the husband, a senior Qatari military official, could receive training at Camp Bullis in San Antonio. The couple brought our client with them to the U. S. without her consent, and through an A-3 visa that was obtained fraudulently. While in the U. S. , the couple physically abused our client, refused to pay her wages, cut off her communication with her family in Indonesia, withheld her passport, and failed to provide her with adequate medical care, food, and housing.

After our client escaped her virtual captivity, the team helped guide her through the prospective criminal and civil trafficking proceedings. Within months of her escape, her former employers were indicted for forced labor by the U. S. Department of Justice. They ultimately pleaded guilty to lesser charges of visa fraud and were required to pay our client and a second victim each \$60,000 in criminal restitution. In addition, they were ordered to self-remove from the U. S. and are prohibited from ever returning in the future. The team also negotiated a generous settlement for our client, which she plans to use to purchase land and support her children and family when she returns home. Finally, as a result of this high-profile case, the Qatari military has made a policy decision prohibiting individuals coming to live in the U. S. under A-2 visas from bringing their household workers with them.

New York Team Facilitates Arrest of Employer Engaged in Visa Fraud Scheme

A team of New York attorneys, including **Marissa Nardi**, **Ross Kramer**, and **Suzanne Jaffe Bloom** facilitated the arrest by the U. S. Department of Justice of a New Jersey business owner for allegedly orchestrating a multi-pronged H-1B visa fraud scheme through her shell company. She was charged with wire fraud, visa fraud, and aggravated identify theft for her fraudulent scheme. The Department of Justice investigation unearthed numerous victims besides our client who were trafficked under similar circumstances.

The client, a nurse, was lured to the United States with promises of a job in the medical industry. But upon arriving in the U.S., our client and the other victims were employed in menial tasks, such as handing out flyers on street corners. They were subsequently threatened and mistreated by the trafficker. As a result of the charges, our client is now eligible for restitution, the crime against her will be addressed, and the trafficker will be unable to perpetrate the same fraud and abuse against other vulnerable victims. The team is prepared to file a civil claim against the trafficker in the event that the federal restitution process does not result in restitution from the trafficker.



Melanie Gray



Ross Kramer

Charlotte Attorneys Help the Homeless Overcome Legal Obstacles



For the past six years, attorneys in the firm's Charlotte office, under the leadership of partner **Woody Lay**, have staffed a clinic at the Urban Ministry Center to assist the homeless population navigate the intimidating and confusing legal issues that often contribute to their situation. Woody, **Jack Knight**, **Tim Hughes**, **Melissa Laws**, and paralegal **Kristen Parsons** assist the "neighbors" at the Center with issues such as assistance with preparation of a simple will, completion of uncontested divorce paperwork, resolving outstanding fines and penalties to allow neighbors to obtain an identification card from DMV, and expunction of criminal charges to provide a better opportunity for reemployment. In one situation, they were able to assist a neighbor with completion of loan modification paperwork to avoid foreclosure and, most importantly, correct a deed issue that had resulted in the lender rejecting prior applications. That neighbor now refers to Woody as "Cousin Woody"!



PRO BONO PARTICIPATION

Winston Achieves Another Exceptional Year In 2015

Firm attorneys once again achieved **record participation** in pro bono activities, providing critical legal services to those who cannot afford counsel.

302

newly opened pro bono matters

31%

of pro bono work devoted to immigration matters—the most active pro bono practice area

Litigation led all departments with
84%

of attorneys meeting the 20-hour threshold

704

active pro bono matters

86%

of Charlotte attorneys contributed at least 20 hours

100%

of Silicon Valley attorneys contributed at least 20 hours

The firm was ranked **33rd overall, 13th in 20-hour participation, and 39th internationally** by *The American Lawyer*.

20-HOUR THRESHOLD SET OUT BY *THE AMERICAN LAWYER*...

51% OF PARTNERS

52% OF PARALEGALS

68% OF ALL ATTORNEYS FIRMWIDE

74% OF U.S. ATTORNEYS

92% OF ASSOCIATES

U. S. ATTORNEYS AVERAGED MORE THAN
64 HOURS PER ATTORNEY