



# CHANGING LIVES

*Transforming Communities*

PRO BONO  
REPORT  
**2012**



“How wonderful it is that nobody need wait a single moment before starting to improve the world.”

*-Anne Frank*

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The Perkins Coie Pro Bono Leadership Award recognizes lawyers who have demonstrated outstanding leadership and commitment in the provision of pro bono services to our clients.

## MESSAGES FROM OUR PRO BONO COUNSEL + MANAGING PARTNER

### A MESSAGE FROM OUR PRO BONO COUNSEL



Pro bono service is an important part of our culture and helps define who we are. Each year our lawyers and staff share their time and talents with individuals and organizations that turn to us for help. It is with great pride that I share with you some of these stories in the pages that follow.

In 2012, our lawyers dedicated over 46,000 hours to pro bono legal service, representing over 3% of our total billable hours for the year. When the efforts of our staff members are also factored in, that number is even higher. This marks the fifth year in a row that we have exceeded our goals as a signatory to the Law Firm Pro Bono Challenge. The impact of our efforts on the individual clients we helped, our communities and the broader legal system is even more significant.

Last year, we helped set free a man who was wrongly convicted and served 37 years for a crime he did not commit. After years of work in some other high-profile indigent defense matters, we succeeded in helping overturn a man's capital conviction, reversing a conviction for a Guantanamo Bay detainee and bringing a young woman sentenced to life as a juvenile one step closer to freedom. In many more cases smaller in scale, we helped immigrants gain temporary protection against deportation; secured safer surroundings for abused children, victims of domestic violence and the homeless; provided estate planning for the elderly; and helped war-wounded veterans obtain special compensation. Our attorneys stepped up to help victims of natural disasters and continued to help victims of the Holocaust obtain reparations from Germany. We also represented many nonprofits in litigation, tax, real estate, labor, intellectual property and general business matters. And we fought for systemic change in a variety of civil and constitutional rights cases.

Our pro bono service positively impacts the lives of others. It is through these efforts that we are helping to transform our communities. We invite you to read some of our stories and hope that you find them as inspirational as we do.

  
Leah Medway

### A MESSAGE FROM OUR MANAGING PARTNER



Last year marked a significant milestone for Perkins Coie as we celebrated the firm's 100-year anniversary. Since our doors first opened a century ago, an unwavering commitment to service has been at the core of our culture. Pro bono service is an integral part of this commitment.

Throughout the year, we found inspiring ways to celebrate our century of service and to set the tone for our future as a firm. From making donations to charities to volunteering for pro bono legal and community service, we recognize the importance of giving back to our communities and using our resources to help those who are less fortunate. As a special way to mark our anniversary, the firm's Pro Bono Committee asked our firm leaders to recommit our efforts as a firm and to personally pledge to devote time to pro bono legal service in 2012. All of our senior attorney leaders participated in this pledge, which was a tremendous experience that touched not only the lives of those whom we helped but also the lives of those of us who participated. I believe this spirit of service is yet another reason we have been ranked, for the 11th year in a row, as one of FORTUNE magazine's "100 Best Companies to Work For."

In the pages that follow, we share some of the highlights of the pro bono and community service work our dedicated lawyers and staff have done in 2012. We hope you enjoy reading their stories.

  
Bob Giles

## FIRM LEADERS COMMIT TO PRO BONO SERVICE

In honor of Perkins Coie’s centennial anniversary, members of the firm’s Management and Executive Committees, Office Managing Partners and National Practice Chairs all pledged to commit a portion of their time to pro bono service in 2012. They also asked the partners in their respective practices and offices to make a similar commitment and encouraged all lawyers in the firm to do their part. For many of the firm’s leaders, this pledge was an extension of work they had already been doing. For others, it was an opportunity to get involved and to engage their colleagues in stronger and deeper ways. All of our leaders did some pro bono work last year. Examples of their work, as well as that of other attorneys throughout the firm, can be found throughout this report.

### FIRM LEADERS HONOR PRO BONO PLEDGE

Following are comments from some firm leaders who shared what this experience meant to them:



Bellevue attorney Mark Quehrn hugs the daughter of a pro bono client.

*“We helped an African woman who will be tortured if she is not granted asylum in the United States and is forced to return to Gambia. The woman’s daughter was born here and is a U.S. citizen. This is her country just as much as it is mine or yours. This little girl will also be subjected to torture if she is forced to go to Gambia with her mother. We do many things at Perkins Coie—few, if any, are more important than this.”*

MARK QUEHRN  
Bellevue Managing Partner

*“I was excited when the Pro Bono Committee asked us to take on this pledge. Pro bono is such an important part of what we do and it is great to have participation at all levels. In addition to work that I had been doing for nonprofits, I have been working on a case to help two teens, a brother and sister from El Salvador, obtain special immigrant juvenile status. It can be heartbreaking to see what some of these immigrant youth have endured, but it is equally inspiring to be able to help them secure a brighter future here in the United States.”*

LAURA NEEBLING  
Chair, Firmwide Executive Committee

*“The pledge inspired me to find business lawyer-friendly ways that I and every colleague in our group could pitch in to meet the firm’s pro bono goals. I tried several areas of law before discovering that the skills needed to do immigration work were quite close to those of a good business advisor. I partnered with a colleague to represent a brave and inspirational woman seeking asylum after facing horrific abuse and exploitation. I also started volunteering at a new clinic that Perkins Coie arranged to assist eligible young immigrants gain temporary protection from deportation and at a clinic to help low-income entrepreneurs seeking guidance on business issues.”*

STEWART LANDEFELD  
Chair, Business Practice

*“Since I started with the firm over 25 years ago, I have always strongly valued pro bono legal work. I cannot overstate how important this work is for our profession, for the firm and for me personally. For more than five years I have been privileged to be part of a team representing a young woman who, at age 16, was sentenced to life without the possibility of parole for killing the man who had abused and sexually trafficked her since she was a child. As a result of our efforts and those of our partners on the case, this woman now has an opportunity for parole in the coming months and a chance at a real life.”*

RON McINTIRE  
Los Angeles Managing Partner

*“As a leader of the firm’s newest office, I found pro bono to be a great way to get our lawyers connected within our office, the firm and our community. Pro bono has always been important to me personally and I enjoy using my experience to help those who cannot afford legal counsel. Last year I took on several bankruptcy matters for low-income clients referred through the New York County Lawyers’ Association in the Southern District of New York and also assisted a local nonprofit with its corporate needs. It is good to see how many opportunities there are for business lawyers to provide pro bono service.”*

SCHUYLER CARROLL  
New York Managing Partner



## HOUSING + HOMELESSNESS PREVENTION

Safe and decent living conditions are among the most basic of needs. Perkins Coie is dedicated to preventing homelessness where we can and to helping those without proper housing. We represent individuals as well as organizations whose missions focus on providing affordable housing and other essential services to these populations. Whether through impact litigation, advice at legal clinics or transactional assistance to nonprofits, in 2012 our attorneys and staff participated in a number of important matters in this area.

### Securing Housing for Elderly Client

New York attorneys Schuyler Carroll and Shan Haider accepted a request from the New York City Bar Association to represent a client on a pro bono basis in a Chapter 7 bankruptcy case. The client, M.G., was an 81-year-old widow on a fixed income. Due to annual increases in her rent, among other things, M.G. found herself having trouble managing her bills and had to file for bankruptcy protection from her creditors.

During her bankruptcy case, one of M.G.'s largest bills, her rent, became a central issue. Moreover, as the case progressed, her very tenancy became a critical issue. Prior to the closing of her bankruptcy case, M.G.'s landlord informed her that her current lease would not be renewed and filed a petition in landlord-tenant court in Brooklyn seeking her eviction from the place she had called home for 41 years. At this point, Schuyler and Shan agreed to also represent M.G. in her landlord-tenant case and brought in fellow New York attorney Dennis Hopkins to help.

At the first hearing for this matter, Dennis argued that M.G.'s rent was regulated, that the legal process served on her was improper and that any action brought against her regarding her tenancy was under the jurisdiction of the bankruptcy court and could not be brought in landlord-tenant court. Furthermore, Dennis explained to the court that the landlord's primary motivation for trying to evict M.G. was financial, noting that during her more than 40-year tenancy in the building, not only did the rental and sale value of her unit increase due to the passage of time, but also due to extensive gentrification experienced in the neighborhood, including construction of the new Barclays Center just blocks away. Dennis argued that M.G.'s tenancy was protected under provisions of the Martin Act and was prepared to take the case to trial when M.G. decided she would benefit the most if she could move to a place where her rent was generally more affordable. Her objective was no longer to stay in her apartment, but to move under circumstances that were most favorable to her. Dennis and Shan negotiated a settlement where the landlord paid M.G. a considerable sum for giving up her apartment. M.G. was able to move into more affordable housing with enough money to help her get off to a good start in her new home. Schuyler, Shan and Dennis were assisted by New York attorney Jeffrey Vanacore, former firm attorney Willie White and paralegal Allan Collins.

*Our client was able to move into more affordable housing with enough money to help her get off to a good start in her new home.*

## Assisting Low-Income Residents in High-Stakes Cases

Perkins Coie partnered with the Inner City Law Center (ICLC), the Legal Aid Foundation of Los Angeles, Neighborhood Legal Services, the Public Counsel Law Center and the Los Angeles Superior Court in a joint program that is part of a statewide effort to test the impact of providing legal representation to low-income individuals and families in high-stakes civil cases. This collaborative venture, called the Shriver Housing Project – LA, provides legal representation to individuals and families facing eviction in some of the poorest neighborhoods in Los Angeles. The project also provides assistance to low-income “mom-and-pop” landlords who qualify under income guidelines and are unable to afford an attorney to help them enforce their rights effectively. This effort is the first in the nation to explore and measure the impact of legal services on this scale.

Perkins Coie agreed to become a founding partner and committed to representing Shriver Housing Project clients and/or volunteering at the Eviction Assistance Center located in the courthouse. Since starting this project in 2012, eight attorneys in our Los Angeles office, along with other legal staff, have volunteered their time in this groundbreaking endeavor. In one recent case, Los Angeles attorney Amir Gamliel successfully negotiated the dismissal of an unlawful detainer action brought against the defendant for failure to pay past-due rent. Amir also successfully negotiated the reduction of future rent by more than \$100 per month and helped secure a settlement payout of approximately \$10,000 resulting from the plaintiff’s unlawful rent increases in violation of the Los Angeles Rent Control Ordinance.

In a second case referred by the ICLC, Los Angeles attorneys Jamie Bernald and Ben Soffer successfully represented a woman whose landlord attempted to evict her on the grounds that she was using her rental unit for an “illegal purpose” by merely residing in that rental property. In fact, it was the landlord who had created the illegality by failing to procure a proper certificate of occupancy for the unit. The Appellate Division of the Los Angeles Superior Court adopted our argument that the “illegal purpose” ground for eviction under state and local law requires some sort of affirmative illegal or criminal act on the part of the tenant, not just living in a rental unit that lacks a proper certificate of occupancy.

## COLUMBIA LEGAL SERVICES PRO BONO HERO AWARD

**Perkins Coie was one of the honorees at the inaugural pro bono reception for Columbia Legal Services (CLS), which celebrated its most significant pro bono partnerships.** CLS’ mission is to achieve social and economic justice and systemic change for thousands of low-income people across Washington state. For years, Perkins Coie has partnered with CLS on a variety of matters, including working on behalf of thousands of low-income tenants in the *Wilson v. Seattle Housing Authority* case, where fundamental changes to the termination of subsidized housing vouchers resulted in the development of due process rights for vulnerable individuals and families. Other CLS matters on which Perkins Coie lawyers worked include preserving low-income housing in the City of Prosser, challenging and monitoring of the public defense system in Grant County, and assisting in efforts to re-examine juveniles sentenced to life without parole. The award was accepted by Pro Bono Counsel Leah Medway and Bellevue attorneys Jerry Lutz and Nate Veranth.

“From your work in the housing arena to public defense and juvenile justice issues, your actions reflect real dedication to pro bono representation. . . . As a law firm you are in a unique position to serve as the lifeline for so many who live on the margins,” noted Washington Supreme Court Chief Justice Barbara Madsen in a congratulatory letter to the firm.

## Helping Low-Income Families Buy Homes

A number of attorneys in our Chicago office volunteered in 2012 to represent persons of limited means in connection with the Choose to Own Housing Choice Voucher Program. This program, started by the Chicago Housing Authority, allows qualified families to use their vouchers to pay a portion of their mortgages the same way that families may use their vouchers to pay a portion of their rent. The program provides not just financial assistance to the families, but also home buyer education, credit counseling and other services to help them navigate the process and increase their chances of success. It is the second-most successful program of its kind in the nation, with 46 families having started in the program and subsequently establishing the financial stability necessary to be removed from it. Our attorneys represent buyers acquiring their first homes, including both the purchase itself as well as the financing (which is often layered to include both a conventional loan and one or more grants).

In one matter, Chicago attorney Matt Shebuski represented a working single mother in connection with the acquisition of her first home. The client and her three children, who previously lived in a one-bedroom apartment, now live in a three-bedroom home located on the South Side of Chicago. Our Chicago office also hosted a training session in October where attorneys throughout the city could learn how to assist a buyer purchasing a home through the program. Other Perkins Coie attorneys who have provided services through the program include Deb Gutfeld, Furqan Mohammed and John Schreiner.

## Supporting Habitat for Humanity

Last year Perkins Coie began working with Habitat for Humanity Seattle/South King County (SKC) on a variety of business and real estate matters. Seattle attorney Gail Runnfeldt and Bellevue attorney Nate Veranth represented the nonprofit in its merger with Habitat for Humanity of East King County, which closed in October 2012. The merger of these two affiliates combined organizations with similar missions and resolved issues over jurisdictional reach and donor bases. Our team prepared the transaction documents and provided general assistance to SKC in the transition, including governance guidance to its board of directors. The combined entity, Habitat for Humanity Seattle-King County, will continue to focus on building and renovating homes to provide affordable housing opportunities for low-income families.

In addition to our work on the merger, Perkins Coie has provided continued guidance to SKC on a variety of business and real estate transactional matters. Seattle/Bellevue attorney Craig Shrontz assisted in drafting new property purchase form agreements that incorporate elements of SKC's debt remediation program and neighborhood revitalization initiative and has counseled SKC on various other real estate matters and transactions. Bellevue attorney Jerry Lutz and Seattle attorney Chian Wu also helped review loan agreements.

## HABITAT FOR HUMANITY



*Habitat for Humanity Board President Dan Falco (left) and Portland attorney Rob Aldisert.*

**Willamette West Habitat for Humanity, which serves a significant portion of the Portland metro area, awarded the Portland office with a plaque of acknowledgment for the firm's "Five Years of Dedication and Volunteerism."** The plaque, which was presented by the chapter's board of directors, praised Perkins Coie for its leadership and for "raising our professionalism and furthering our mission to provide simple, decent, affordable housing to low-income people in Washington County." During the past five years, Perkins Coie has assisted the organization on a number of matters, including development planning, neighborhood dispute resolution and legal title disputes. Portland Managing Partner Rob Aldisert accepted the award on behalf of the firm.

## ADVOCACY FOR IMMIGRANTS

In 2012 Perkins Coie attorneys across the firm advocated on behalf of low-income immigrants in a variety of ways in more than 100 matters. We assisted clients seeking political asylum or withholding of removal in immigration court, at the Bureau of Immigration Appeals and at the circuit court level. We helped unaccompanied minors who arrived in this country alone after fleeing persecution, as well as immigrant youth who came here as children and are seeking temporary protection from deportation. Moreover, we assisted women victims of violence and human trafficking who were seeking protection and legal status so that they could start new lives in the United States.



### HELPING ASYLEES FIND SAFETY

The Florence Immigrant and Refugee Rights Project regularly requests pro bono assistance from attorneys in the Phoenix office. In one recent case, Phoenix attorney Thomas Ryerson successfully obtained asylum for a domestic violence victim from Guatemala who was subjected to years of physical and sexual abuse by her husband. This outcome is significant because claims for asylum based on domestic violence have been largely unsuccessful in the past. Out of 600 women detained at the immigration detention facility in Eloy, Arizona, only one other individual had been granted asylum on this basis. That case was handled a year earlier by Phoenix attorney Karin Aldama and former firm attorney Fernanda Sayavedra.

In the more recent case, Tom, working with Fernanda, as well as colleagues Dan Barr, Jack Vincent and Andy Gaona, prepared a well-developed record that both the immigration judge and an attorney from the Department of Homeland Security emphasized was critical in granting our client's asylum.

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In a matter referred through the Canal Alliance and the Marin Center for Independent Living, San Francisco attorney Anahit Samarjian and former Perkins Coie attorney Veronica McGregor, with the assistance of paralegal Pablo Portillo, won an asylum case and helped save client M.R. from potential future persecution or even death.

After witnessing electoral irregularities during the 2006 presidential election in Mexico, M.R. was viciously attacked by police officers with the Mexican Investigations Agency (Federales). He survived the attack but was confined to a wheelchair because a bullet lodged in his spinal column, paralyzing him from the chest down. When the Federales learned that M.R. was alive and had left Mexico, they made it clear to his family that he should return to Mexico. After more than a year of hard work by Anahit and Veronica, our client was awarded asylum based on the Federales' persecution and his status as a witness to a crime.

## Obtaining Visas for Victims of Trafficking and Abuse

R.G. was a victim of forced labor and involuntary servitude through the use of fraud and coercion. A naive and deferential widow from the Philippines, she came to the United States after being recruited in Manila by an official at the Philippine Consulate General in New York City. The official promised R.G. a very well-paying job as her housekeeper in New York. However, when R.G. arrived in New York, the consulate official turned her over to a well-connected family of wealthy immigrants from the Philippines.

The family forced R.G. to work as a domestic worker while paying her less than one-third the salary she had been promised. They also kept her secluded and limited her interactions with other people. To prevent her escape, they repeatedly threatened that she would be arrested, jailed and deported if she ever left their house. Eventually, R.G. escaped and went to live with a relative in California, where she worked sporadically in short-term, low-paying jobs as a caregiver to elderly persons. She continued to receive threatening messages from her former employers and lived in constant fear of being found and returned to the Philippines.

The Coalition to Abolish Slavery & Trafficking referred R.G. to Los Angeles attorney Ben Soffer, who successfully obtained for her a T visa and work permit under the Victims of Trafficking and Violence Protection Act of 2000, which allowed her to obtain steady, long-term work as a bonded, better-paid caregiver through a reputable agency. Ben is now working on obtaining a derivative T visa and work permit for R.G.'s daughter in the Philippines.

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M.C. is an elderly woman who sought relief under the Violence Against Women Act (VAWA) as a result of the abuse she suffered at the hands of her daughter, who is a U.S. citizen. M.C.'s case, which Perkins Coie accepted through the Volunteer Advocates for Immigrant Justice, had been pending for several years because petitions on the basis of elder abuse by a U.S. citizen child are a relatively new type of VAWA claim. Due to the length of the proceedings, M.C. was losing hope for a positive resolution.

However, Seattle attorney Carla Reyes, with help from paralegals Elaine Cherry and Alexandra Sologub, took on the case and represented M.C. in her proceedings before U.S. Citizenship and Immigration Services (USCIS). The team presented to USCIS an extended briefing, documentary evidence and research that demonstrated the history of abuse and the reasons why our client's petition should be granted. The team prevailed and in early 2012 presented M.C. with her permanent residency card.

## DALLAS LEADERSHIP AWARD



Dallas attorney Rocío García (right) and Arturo Errisuriz from Texas Wesleyan University School of Law.

**Dallas attorney Rocío García received the Estrella Award from the Dallas Hispanic Bar Association (DHBA).** The Estrella Award is presented each year to the lawyer who most embodies the characteristics of commitment, leadership and initiative. Candidates must be rising leaders within the DHBA and on the path to increased responsibility within the organization. Rocío has worked with the DHBA since 2010 and has served on numerous committees and in a variety of leadership positions, including serving as co-chair of the Public Service/Pro Bono Committee. She has shown great dedication through her work with the DHBA and her pro bono legal service with other community organizations such as Catholic Charities of Dallas, Immigration and Legal Services, the Dallas Volunteer Attorney Program and the Dallas Mexican American Historical League.

Recently, Rocío and fellow Dallas attorney Steve Smith succeeded in achieving asylum for their client, a Coptic Christian who fled Egypt after facing religious persecution.

## Representation Before the Bureau of Immigration Appeals

Phoenix attorneys Kirstin Eidenbach and Phil Higdon represented C.K., a 34-year-old man from Cambodia, before the Bureau of Immigration Appeals (BIA). C.K. had entered the United States as a refugee in 1981, when he was just six years old, and became a lawful permanent resident in 1982. As an adult he was facing removal from the country due to his criminal history, which began when he was a juvenile. However, the immigration judge granted C.K.'s application for cancellation of removal, finding that his lengthy residence in the United States, his "potential for future success," having just graduated from a technical school, and his employment history outweighed his long criminal history.

Interestingly, the judge also noted that although C.K. did not take responsibility for the conduct underlying his arrests and convictions, the evidence in the record showed that in a majority of the cases, charges against him had been dismissed or he had been found not guilty. This evidence supported C.K.'s version of his criminal history—that he was not responsible for the crimes with which he was charged.

The ruling was appealed, with the Department of Homeland Security arguing that C.K. did not deserve a favorable exercise of discretion. Our team was able to overcome that argument, and the BIA upheld the grant of cancellation of removal in a split decision. The case was referred to us by the Catholic Legal Immigration Network.



## EMERGING LEADERSHIP AWARD



*Portland attorney Julia Markley with her family.*

Portland attorney Julia Markley was selected by the Oregon Area Jewish Committee (OAJC) for its 2012 Judge Learned Hand Emerging Leadership Award, which acknowledges younger lawyers who demonstrate the kind of leadership (including pro bono work) that OAJC believes attorneys should exhibit throughout their practice and who serve as role models for their peers.

In 2008, Julia convinced the Ninth Circuit to reverse a deportation order of her pro bono client from El Salvador. The reversal forced the Department of Homeland Security to bring the client back to the United States, which is a rare occurrence. The client won the right to work in the United States and is living with family. In addition to her immigration work, Julia regularly devotes pro bono time to clients seeking civil liberties and supervises associates doing pro bono appellate work.

Ten years ago we first partnered with legal service providers, such as Volunteer Advocates for Immigrant Justice and Kids in Need of Defense, to help unaccompanied immigrant youth obtain special immigrant juvenile status. Last year we expanded our work with immigrant youth.

### Helping Immigrant Youth Obtain Deferred Action

On June 15, 2012, President Obama announced that the Department of Homeland Security would be granting a temporary form of immigration protection called Deferred Action for Childhood Arrivals (DACA). This marks a major shift in immigration policy that could affect an estimated 1.7 million young people across the country. DACA is generally available to undocumented youth (known as DREAMers) who came to the United States before turning 16 (and are now between 15 and 30 years old), are currently in school (or have graduated) and who have not been convicted of a significant crime. Eligible individuals can receive a temporary form of immigration protection against deportation for two years and a work permit for that time.



*Jeff Minzel instructs attorneys prior to a DACA clinic.*

In partnership with immigration rights organizations across the country, Perkins Coie attorneys in Dallas, Denver, Chicago and Seattle have been working to assist these undocumented immigrants, many of whom have been in the United States since they were small children. For example, in Seattle we have partnered with the Northwest Immigrant Rights Project (NWIRP) to sponsor legal clinics twice a month in our office. In the first clinic alone, we helped 17 clients assess eligibility and complete the necessary forms to apply for deferred action. We hosted four clinics in 2012 and have continued in 2013. Seattle attorney Jeff Minzel, with help from legal secretary Jessica Flesner, has led the effort to organize and run the clinics, with assistance from NWIRP staff attorneys. The firm's Business practice, in particular, has taken this on as a flagship project, with Seattle Business attorneys staffing the first several clinics.

In addition to our work with NWIRP, Perkins Coie attorneys and legal staff have been working with the Texas Civil Rights Project in Dallas, the Rocky Mountain Immigrant Advocacy Network in Denver and the Legal Assistance Foundation in Chicago. To date, more than 40 Perkins Coie attorneys and legal staff have participated in these various DACA programs.

**“These kids have worked hard in school and are simply looking for a chance at a better life. You can’t avoid caring about them and their futures. Most of them have spent their entire childhoods in the United States and have no recollection of their country of birth,” said Jeff.**



## HELPING CHILDREN IN NEED

Perkins Coie helps children and families in a variety of ways. In 2012, we worked with groups such as the Idaho Volunteer Lawyers Program in Boise, the Rocky Mountain Children's Law Center in Denver, the Chicago Volunteer Legal Services program and King County Dependency CASA in Seattle to help children suffering from abuse and neglect find safe and secure homes. In addition, our Los Angeles office continued to work with the Public Counsel Law Center to help families adopt foster children. Our attorneys also represented youth in the criminal system. Following are some examples of how we help these vulnerable members of our society.



### Assisting Endangered Youth With Guardianship

San Francisco attorney Kevan Fornasero represented a young girl who filed a petition for appointment of guardian in Alameda County, California. The case was referred to us by Legal Services for Children. Our client, J.H., is a minor whose parents had both proved unable to raise her. The stepmother of J.H.'s good friend volunteered to be her guardian until she turns 18. Kevan took the lead on keeping her client apprised of all developments, researching both familial background and legal issues, filing the voluminous paperwork required for such a petition and attending the various court hearings that took place. After a complicated process, the matter successfully concluded in February 2012 when the County of Alameda finally granted J.H.'s petition. Her new guardian can now make important legal decisions for her, such as taking her to doctor's appointments and enrolling her in her chosen high school.

### Protecting the Interests of Underage Youth

Sometimes guardianship appointments do not operate in the best interests of the child, as a case handled by Bellevue attorney Mark McBride illustrates. Mark represented D.R., a 16-year-old whose biological grandmother (and adoptive mother) died unexpectedly. The grandmother's will left her home and pension in a trust for the benefit of D.R. and his two younger sisters. Shortly after the grandmother's death, an uncle, who had been appointed guardian of D.R. and his sisters, began using their Social Security benefits for his personal gain and emotionally abusing the children. The Department of Social and Health Services learned of the uncle's behavior and removed the children from the home. However, the uncle refused to leave the house after the children were placed with other relatives. Perkins Coie represented D.R. before the probate court and successfully had the uncle removed from the home and the home rented so that D.R. and his sisters could benefit from the rent payments. The case was referred to us by Legal Counsel for Youth and Children.

## OUTSTANDING LEGAL ADVOCACY FOR CHILDREN



Paul Graves

Seattle attorney Paul Graves received the David W. Soukup Award for Outstanding Legal Advocacy for Children from the King County Dependency CASA Program. The program was created in 1976 by King County Superior Court Presiding Judge David W. Soukup, who was concerned with making decisions on cases of abused and neglected children without sufficient information. Judge Soukup conceived of the idea of using trained community volunteers to speak for the best interests of these children in court. The CASA program was the first of its kind and has served as a national model for child abuse advocacy. Paul contributed hundreds of hours representing a court-appointed special advocate (CASA) in a high-profile case involving three children who had been removed from their parents' home after Child Protective Services raised serious concerns about the care given to the children. The parents pled guilty to third-degree criminal mistreatment of the children and received probation. After a nine-day trial, the court found for the state and terminated the parental rights, freeing the children to be adopted into safe and loving homes.

## Supporting Those Who Work to Protect Children

Court-appointed special advocate (CASA) volunteers are appointed by judges to watch over and advocate for abused and neglected children and ensure that they do not get lost in the overburdened legal and social service system or languish in inappropriate group or foster homes. Seattle attorney Nancy Williams represented CASA T.S. through the King County Dependency CASA program in a case involving a toddler whose birth father was fighting against termination of his parental rights.



T.S. had been monitoring the well-being of the toddler for the past 2 1/2 years. The child had been removed from his biological father, who had been living with the boy in a filthy RV. The boy's biological mother had left several months earlier and voluntarily surrendered her parental rights. Both biological parents had histories of mental health problems, substance abuse and criminal convictions. Fortunately, the boy had been placed with a stable foster family that wanted to adopt him as soon as the biological father's parental rights were terminated. The CASA's testimony was important in the case because she was the one person who had been in contact

with the child for the entire period he was in foster care. She was able to testify about the child's condition when she first saw him and how he had overcome developmental delays once he had a healthy, supportive home environment. After a four-day trial, the judge terminated the father's parental rights and stated in her opinion that she adopted the CASA's recommendation in its entirety. The case is now on appeal, and Nancy continues to represent the CASA.

### ADVOCACY FOR YOUTH IN THE CRIMINAL JUSTICE SYSTEM

Washington, D.C. attorneys Vivek Chopra and Lis Frost handled a criminal case referred by the Montgomery County Public Defender's Office. Vivek had formerly worked as a prosecutor in the Montgomery County State's Attorney's Office. The juvenile client was charged as an adult with felony assault arising from an altercation with his sister's boyfriend, which occurred after both had been drinking heavily. Although the victim did not sustain any life-threatening injuries, the charges were still very serious. At the time of his arrest, our client had just turned 17 years old. He had no criminal history and had never spent any time in a detention center. Vivek and Lis took responsibility for the entire defense and were ultimately able to negotiate a very good result. Our client pled guilty as an adult to a misdemeanor, and the court agreed to release him after he served six months in detention.

Seattle attorney David Perez, with guidance from fellow Seattle attorney Marc Boman, successfully argued before the Washington Court of Appeals to vacate the sentence of G.D., who had been convicted at age 16 of firing six shots into a crowd. Although no one was hurt, G.D. was given a 92-year determinate sentence, without the possibility of parole. David filed an amicus brief on behalf of the Fred T. Korematsu Center for Law and Equality, the Loren Miller Bar Association of Washington and the Latina/o Bar Association of Washington (LBAW), arguing that the 92-year sentence was unconstitutional under *Graham v. Florida*, and that youth are less culpable for their crimes based on science regarding youth brain development. The court agreed to provide G.D. a resentencing hearing where various mitigating factors would be presented, including his age at the time of the offense.



David Perez

**David Perez recently received the LBAW's President's Award due in part to his work to successfully win a resentencing hearing for a 16-year-old client.** He was recognized for his advocacy and commitment to civil rights and voting rights.

## ASSISTING THE ELDERLY + DISABLED

We have long fought for the rights of individuals who are too young, too old or otherwise unable to fight for themselves. Whether fighting against abuse, advocating for benefits or simply trying to help elderly individuals with personal planning, Perkins Coie is focused on aiding these different populations. In 2012, we participated in several new programs, as well as continued with ongoing litigation in partnership with disability rights groups in Washington and Oregon.



### Providing Legal Services to Low-Income Elderly Residents

In 2012, we began working with the Legal Counsel for the Elderly (LCE), a section of AARP that has championed the dignity and rights of Washington, D.C.'s senior citizens by providing free legal and social work services to those in need. Through this program, at least seven attorneys in our Washington, D.C. office have handled nine cases involving the preparation of wills and medical and legal powers of attorney for low-income Washington, D.C. residents over the age of 60.

Washington, D.C. attorney Christie Buschmann handled one case in which the client, prior to coming to LCE, had created her own will using an online will-creator program, resulting in what she thought was a document accurately detailing her preferences. Upon reviewing the will, Christie realized that it actually left all of the client's assets to just one child, instead of all five of her children as she had intended to do. "In just a couple of visits, we drafted documents that gave the client peace of mind that her children would know exactly what her wishes were for her health care and finances," said Christie. "The client was very appreciative and relieved to receive the assistance."

*"We drafted documents that gave the client peace of mind that her children would know exactly what her wishes were for her health care and finances."*

CHRISTIE BUSCHMANN

### Securing Social Security Disability Benefits

San Francisco attorneys Christopher Tom and David Tsai secured a rare Social Security disability benefits win for a pro bono client referred to the firm by the San Francisco Bar Association's Volunteer Legal Services Program Federal Pro Bono Project, now part of the Justice & Diversity Center.

J.T., a former machine and forklift operator living in San Jose, California, suffered from severe diabetes, had been unable to work and faced bouts of homelessness since June 2003. He filed for disability insurance with the Social Security Administration (SSA), but his application was denied. J.T. then appealed the denial before an administrative law judge (ALJ), arguing his case pro se with his wife's assistance because they could not afford counsel. During the hearing, the ALJ summarily dismissed J.T.'s complaints about not being able to present all the evidence related to his medical records and prohibited his wife from testifying about his medical condition. Yet the ALJ allowed the government to bring in a surprise expert witness to testify. The SSA Appeals Council upheld the ALJ's decision.

With assistance from San Francisco attorney Jackie Young, Christopher and David moved for summary judgment, arguing that the ALJ improperly disregarded medical evidence and misapplied the law. Magistrate Judge Paul Grewal of the U.S. District Court for the Northern District of California granted the motion to remand the case for further proceedings and denied the SSA attorney's cross-motion for summary judgment. This is significant because historically, fewer than 10% of Social Security disability benefits appeals cases are successful in the Northern District of California.



## SUPPORTING THOSE WHO SERVE OUR COUNTRY

From helping nonprofit organizations who support veterans and their families to providing legal representation to active-duty service members, we are honored to support the men and women who serve our country.



*Capt. Joseph Schultz and Betsy Reed Schultz.*

### Creating a Refuge for Families of the Fallen

The Captain Joseph House Foundation was founded by Betsy Reed Schultz following the death of her son, decorated Green Beret Capt. Joseph William Schultz, who was killed in action in Afghanistan on Memorial Day weekend 2011 while leading a Special Forces mission. To help ease the grieving process for military families who have lost a loved one, the foundation will provide an expenses-paid retreat to the Captain Joseph House in Port Angeles, Washington. With up to three families sharing the same week, the House will foster new friendships and provide families with the opportunity to draw strength from a common experience of loss.

**“It is the ultimate privilege to honor my son through a memorial that will help military families as they try to heal from their loss.”**

“It is the ultimate privilege to honor my son through a memorial that will help military families as they try to heal from their loss,” said Ms. Schultz. “A first trip away from home can be a challenging transition for families as they remember their loved ones. It can also be a time of renewal, creating new memories and traditions. The House will allow families an opportunity to rest while surrounded by some of the most beautiful settings in the authentic Northwest.”

Seattle attorney Brian Jennings worked closely with Ms. Schultz to negotiate the donation by the bank of her home, which she had previously operated as a bed and breakfast, to the foundation. He also helped obtain approval of the foundation as a Section 501(c)(3) organization.

Due in part to Brian’s efforts, Captain Joseph House will now serve as a refuge and a place of new beginning for families of the fallen. Perkins Coie continues to work closely with the Captain Joseph House Foundation to assist with its corporate efforts.



*Captain Joseph House.*



Photographer: Aquita Brown

## Helping Veterans Transition to Civilian Life

Perkins Coie has been working with several nonprofit organizations whose missions focus on helping military veterans transition back to civilian life. Among those organizations are One Less Mountain and Hire America's Heroes.

One Less Mountain was founded to help recently discharged service members in Washington state make a successful transition to civilian life following their military service. One Less Mountain has two operational pillars. The first, "Vet Connect," is a peer-to-peer veteran support initiative. The second is Transition Services, which provides personal case management to transitioning veterans. Seattle attorneys Ian Grant and Karl Ege assisted the group with a review of its corporate-formation documents and tax-exempt status.

Founded by leaders from five Seattle-based corporations, Hire America's Heroes focuses on improving access to corporate jobs for transitioning military service members, veterans and military family members. Karl and fellow Seattle attorney Lynne Graybeal, along with San Francisco attorneys Ed Wes and Anahit Samarjian, are working closely with the organization to develop a scalable business model that would allow it to roll out its program nationwide and to advocate on the group's behalf.

## Helping Veterans Obtain Disability Compensation

In 2008, Congress created a veterans' disability program called Combat-Related Special Compensation (CRSC), a program that provides additional veterans' benefits to those who retired from the military because of combat-related injury. CRSC provides hundreds of dollars per month in additional tax-free compensation to veterans with combat-related disabilities, including post-traumatic stress disorder (PTSD). However, the CRSC application process is complex. Veterans applying for compensation are required to prove that the circumstances surrounding the incurrence of a disability satisfy the statutory definition of "combat related." Those suffering from PTSD and other serious disabilities often need help filing a persuasive application. Since 2011, Perkins Coie has been working with the National Veterans Legal Services Program to assist veterans applying for CRSC benefits. To date, lawyers in our Denver, Seattle, Portland and Washington, D.C. offices have taken on 23 of these cases.

In 2012, Washington, D.C. attorney Don Carney represented a Marine Corps Iraq War veteran with his successful CRSC application. D.B. deployed with his Marine Corps unit in Al Anbar Province, Iraq, from 2006 through 2007, a period of intense insurgent violence. He performed a variety of combat missions, including serving as a gunner on mounted patrols, clearing houses, conducting mobile assault platoon operations and ambushing insurgents intending to plant improvised explosive devices. Because of his combat experience, D.B. suffered multiple vivid traumatic stressors and medically retired from the Marine Corps. However, he was not awarded CRSC benefits. Don developed and drafted D.B.'s application, which persuaded the CRSC board that his PTSD resulted directly from his participation in combat operations in Iraq, resulting in his eligibility for compensation.

## Assisting Military Personnel With Civil Legal Matters

Perkins Coie works with the ABA Military Pro Bono Project, which provides assistance to junior-enlisted, active-duty military personnel and their families who have civil legal problems. In 2012, attorneys in our Anchorage office worked on several matters on behalf of service members. In two separate matters, attorney Sarah Fischer represented service members during their divorce and child custody proceedings. Sarah represented the service members at hearings, provided counsel throughout the cases and assisted in settling the terms of their divorces.



In early 2012, Anchorage attorneys Tom Jantunen, Eric Fjelstad and Jim Leik helped an Air Force service member regain possession of her stolen truck. They filed suit in Anchorage Superior Court and successfully reached a settlement whereby the truck was returned to our client.



## PROTECTING THE RIGHTS OF THE ACCUSED

Our attorneys have long devoted time in the area of indigent defense, assisting incarcerated persons, many of whom have exhausted all other options. In 2012, we worked in conjunction with innocence projects to free individuals with claims of wrongful conviction, as well as to protect the rights of others in habeas, clemency, civil rights and death penalty cases. In addition, our attorneys continued to work for systemic change, recently advocating to improve criminal justice systems in Washington and Illinois.

### ADVOCACY FOR THE INNOCENT

#### Securing the Release of an Innocent Man

A Perkins Coie team, led by Phoenix attorneys Jordan Green and Lee Stein, in conjunction with the Arizona Justice Project, secured the release from custody of William Macumber, a 77-year-old man who had been imprisoned for 37 years for a crime he did not commit.

In the mid-1970s, Mr. Macumber was twice convicted of the May 24, 1962 shooting deaths of two people whose bodies were found in what was then open desert near Scottsdale, Arizona. He was initially convicted of two counts of first-degree murder in 1975 and sentenced to two concurrent life terms in prison. The state Supreme Court later overturned those convictions, saying the trial court wrongly excluded testimony from a defense expert who had challenged the ballistics findings. In 1976, Mr. Macumber, a father of three with no criminal background, was tried a second time and again convicted. He was sentenced to life in prison.

However, there were a number of problems with his trial, including the exclusion of evidence that the murders were committed by another person. In 2002, Mr. Macumber's case was referred to the Arizona Justice Project, which worked tirelessly for the next 10 years to prove his innocence.

After an unsuccessful application to obtain clemency for Mr. Macumber, the Arizona Justice Project asked lawyers at Perkins Coie to prepare and litigate a petition for post-conviction relief on a claim of actual innocence. Our post-conviction relief petition presented strong and compelling evidence of Mr. Macumber's innocence. Confronted with this evidence, the state agreed to a settlement that allowed Mr. Macumber to continue to maintain his innocence, plead no contest and be released for time served.

"We didn't blink an eye at the prospect of spending many hours on Bill's case pro bono because we believed in his innocence and in the unbelievable effort put in by the Justice Project," said Jordan Green.



*William Macumber leaving prison.*

#### Advocating for the Release of Wrongfully Convicted Inmates

Attorneys in our San Diego office have been working with the California Innocence Project (CIP) to help review claims of innocence made by California inmates. CIP, which typically reviews more than 2,000 claims per year, is a law school clinical program whose mission is the release of wrongfully convicted inmates. Our volunteer attorneys help clinic students and staff attorneys by reviewing claims and preparing reports with evaluations of whether there is a possible claim of innocence and making recommendations on what additional investigation or research may be required.

We began working with CIP in early 2012, with nearly half of the attorneys in our San Diego office reviewing dozens of cases. While none of the recommendations made thus far have been forwarded for further investigation and research, the attorney participants found this to have been an eye-opening experience into the criminal justice system, and they are continuing to review cases in 2013.

### **Saving a Potentially Innocent Man From Death Row**

On May 10, 2012, the Washington Supreme Court ruled 8-1 to reverse the 1994 capital murder conviction of Darold Stenson, a death row inmate at the Washington State Penitentiary, and remanded the case for a new trial.

Perkins Coie has represented Mr. Stenson on a pro bono basis since June 2008 and has been deeply involved in his defense. The Perkins Coie team, led by Seattle attorney Sherilyn Peterson, initially worked to challenge the method of execution for capital crimes in Washington. The state made significant policy changes to become the second state in the nation with a one-drug lethal injection protocol. Sherilyn then worked closely with Mr. Stenson's criminal counsel on the conviction challenge, including research, strategy, oral argument, moot argument, legal pleading drafting, and review and other support.

Following the overturning of Mr. Stenson's conviction, Sherilyn was appointed by the court as one of his lawyers for the retrial. She is now working with a team of Perkins Coie pro bono lawyers to represent our client at trial. The prosecutor recently announced that she did not plan to seek the death penalty on this retrial, which is another victory for the defense team.

### **Conviction of Guantanamo Bay Detainee Reversed**

In one of Perkins Coie's largest pro bono matters ever, a team of lawyers, led by Seattle attorneys Harry Schneider, Joe McMillan and Charles Sipos, dedicated more than 15,000 hours during the course of eight years defending Guantanamo Bay detainee Salim Ahmed Hamdan, a Yemeni national who was Osama bin Laden's personal driver. After representing Mr. Hamdan in a historic U.S. Supreme Court case and at the first trial of a Guantanamo detainee, in which he was acquitted of all but one lesser crime (material support of terrorism) and released for time served, Harry, Joe and Charles continued to pursue justice for him. The team argued before the U.S. Court of Appeals for the District of Columbia Circuit that because Mr. Hamdan's conduct that resulted in the material support conviction occurred between 1996 and 2001 (well before the Military Commissions Act, which created the crime, was enacted), he could not be found guilty of material support of terrorism. On October 16, 2012, the court agreed and reversed and vacated Mr. Hamdan's conviction.

### **Successfully Reducing the Terms of a Life Sentence**

For nearly six years, Perkins Coie lawyers in Seattle and Los Angeles have been representing Sara Kruzan, a California woman sentenced in 1995 to serve the rest of her life in prison without the possibility of parole for shooting a 36-year-old man who had sexually abused her since she was 11 years old and trafficked her as a prostitute since she was 13. At the time of the shooting, Ms. Kruzan was barely 16. Now 35, she has served 19 years in prison. This case focused national attention on the unfairness of sentencing juveniles to life without the possibility of parole and on the plight of abused young girls victimized by sex traffickers.



Sara Kruzan

In his final day in office in 2010, Gov. Arnold Schwarzenegger granted Ms. Kruzan's clemency petition by commuting her first-degree murder sentence to 25 years to life, making her eligible for eventual parole. The legal team continued to press forward with a habeas corpus petition to obtain freedom for Ms. Kruzan. On January 18, 2013, pursuant to an agreed disposition of Ms. Kruzan's habeas corpus petition, a Riverside County Superior Court judge entered an order reducing Ms. Kruzan's conviction from first- to second-degree murder, making her immediately eligible for parole consideration. The Riverside district attorney has agreed not to oppose parole when Ms. Kruzan's case comes before the parole board. The legal team is now working to obtain a hearing before the parole board as soon as possible.

Ms. Kruzan's legal team includes Los Angeles attorneys Ron McIntire and Melora Garrison, Seattle attorneys Marc Boman and Kelly Moser, former firm attorney Michael Teter, and private attorney Pat Arthur.

## HELPING CLIENTS GAIN CLEMENCY

### Chicago Pro Bono Clients Granted Executive Clemency

Chicago attorneys Jade Lambert and Patrick Collins worked with Cabrini Green Legal Aid to assist three pro bono clients seeking executive clemency. Cabrini Green Legal Aid refers clients who are otherwise ineligible for record expungement to volunteer private attorneys so they can seek official forgiveness from the governor, thereby becoming eligible to expunge their records. Each of Perkins Coie's clients had convictions from many years ago that were inhibiting them from moving forward with their lives.

One client, S.B., had a single conviction on her record from an altercation that happened more than 40 years ago. She was referred to Perkins Coie when she was denied a school lunch aide position because of her criminal conviction. Another client, R.P., was convicted as a teenager of residential burglary. Nearly 20 years later, he began to lose contracts for his computer company when background checks became routine after 9/11. The third client, J.B., had been convicted of retail theft during a time when she was heavily addicted to drugs. She has since cleaned up her life and has had no contact with law enforcement for more than 10 years.

Thanks to the efforts of Jade and Patrick, these clients were granted clemency in 2012 and became eligible to expunge their records. J.B.'s expungement petition has since been granted and the other two clients are awaiting hearings on their requests to expunge.

### Seeking Clemency and Release for "Three Strikes" Client Serving Life

In December 2012, Seattle attorney Harry Schneider won a unanimous vote of 5-0 from the Washington State Clemency and Pardons Board to recommend clemency and conditional release for pro bono client Joseph Wharton. Mr. Wharton is serving a life sentence without possibility of parole based on the "Three Strikes and You're Out" law (technically the Persistent Offender Accountability Act) after being convicted of a third second-degree robbery in 1997. All of his convictions were for Class B felonies that fall at the lowest end of the spectrum of offenses that qualify as "strikes." At his sentencing 15 years ago, King County Superior Court Judge Michael J. Fox stated from the bench that the circumstances that required him to impose a life sentence were "tragic," noting that no one was hurt or even physically touched during the commission of the crimes.

When Judge Fox contacted Harry two years ago, after retiring in 2010, he told him that his only regret after 23 years on the bench was the life sentence he had been required to order for this inmate. He asked if Perkins Coie would take Mr. Wharton's case and seek to have his sentence commuted, which we did in 2011, filing for clemency in 2012.

At the clemency hearing, Judge Fox served as the principal witness. King County Prosecutor Dan Satterberg, whose office had prosecuted our client 15 years ago, submitted a written position paper supporting the clemency petition. Conservative radio talk show host and columnist John Carlson, who coauthored and led the campaign for the "Three Strikes" law 20 years ago, also submitted a letter supporting clemency. The board found convincing the evidence regarding the unfair consequences of the "Three Strikes" law when a sentencing judge is stripped of discretion, the fact that no violence was associated with any of the underlying robberies, and Mr. Wharton's attitude and behavior while in prison. Former Gov. Christine Gregoire was not able to act upon this matter before leaving office. The board's recommendations are now before Gov. Jay Inslee.



## CIVIL + CONSTITUTIONAL RIGHTS

Throughout our history, Perkins Coie has fought to preserve and protect civil and constitutional rights. Our attorneys advocate on behalf of individuals deprived of civil rights and civil liberties and the nonprofit organizations that serve them. We represent these clients on a wide range of issues before state courts up to the country's highest court and have been recognized for our pro bono appellate practice.



### PETITIONS BEFORE THE U.S. SUPREME COURT

A few of our longer-term pro bono cases recently went up to the United States Supreme Court and we also participated in filing amicus briefs at that level.

#### ***Gonzalez v. Arizona* – Protecting Election Rights**

Attorneys in our Washington D.C. and Phoenix offices lodged a victory before an en banc panel of the U.S. Court of Appeals for the Ninth Circuit in a major voting rights case, *Gonzalez v. Arizona*. In a 9-2 decision, the court found that the requirement that Arizona citizens prove their citizenship when registering to vote was preempted by federal law. Arizona had imposed a requirement that a citizen seeking to register to vote had to document his or her citizenship. This requirement crippled the ability of individuals and organizations to use the federal mail voter registration form provided under the National Voter Registration Act. The U.S. Supreme Court granted a stay of the decision, which Perkins Coie was successful in getting lifted. The Supreme Court subsequently granted Arizona's petition for certiorari and argument was scheduled for spring 2013. The Perkins Coie team, which included Washington, D.C. attorney Karl Sandstrom, Phoenix attorneys Amelia Gerlicher, James Ahlers and Jacob Robertson, and former firm attorneys Rhonda Barnes and Jim Barton, played a critical role in preparing the case for appeal, developing the arguments that eventually prevailed and organizing the amicus briefs from key members of Congress and the League of Women Voters.

#### ***Brewer v. Diaz* – Protecting Benefits for Same-Sex Partners**

Together with the Lambda Legal Defense and Education Fund, Phoenix attorneys Dan Barr and Kirstin Eidenbach, along with paralegal Heidi Kmoch, represented eight Arizona state employees before the U.S. Supreme Court in *Brewer v. Diaz*, which challenged the State of Arizona's statute that would terminate health insurance benefits to same-sex partners of state employees. The U.S. Court of Appeals for the Ninth Circuit upheld the lower court's preliminary injunction preventing Arizona from implementing its statute. The case was one of 10 same-sex marriage-related petitions that were considered by the U.S. Supreme Court during the fall of 2012. Perkins Coie has been involved in this case from the start and helped to secure earlier victories at the district court and appellate levels.

#### ***Florida v. Department of Health and Human Services* – Supporting Access to Health Care for All**

A cross-office group of attorney teams from San Francisco, Palo Alto and Seattle wrote and filed an amicus brief in the U.S. Supreme Court on behalf of our clients, Catholic nuns who support the Patient Protection and Affordable Care Act (ACA or Obamacare), in *Florida v. Department of Health and Human Services*. The case is a landmark challenge to the constitutionality of the ACA, which was passed by Congress in 2010.

Our brief was filed in support of the ACA's expansion of Medicaid coverage to millions of low-income Americans who previously had not qualified for Medicaid. Our clients are nuns from orders across the country that run clinics, hospitals and programs that provide medical services to men, women and children who have no affordable access to such care. The brief focused on the sisters' first-hand experience with advocating for improvements in individuals' and communities' health and wellness when people receive much-needed health services. The Perkins Coie team included attorneys Joren Bass, Anahit Samarjian, Alan Murphy, Ken Halpern, Dave Burman and David Robbins, paralegal Jim Otake, and former firm attorney Phemie Thomopulos.

### **Elashi v. United States – Defending Prisoner’s Right to Confront Accusers**

Phoenix attorney Jean-Jacques (J) Cabou and Portland attorney Nathan Christensen filed an amicus brief on behalf of the National Association of Criminal Defense Lawyers in *Elashi v. United States*. The brief was filed in support of a defendant’s Sixth Amendment right to confront his accusers. The issue arose after the U.S. Court of Appeals for the Fifth Circuit held that an individual may be convicted based upon testimony, including expert testimony, from accusers whose names and identities are never disclosed to the defense. Perkins Coie’s brief traced the history, purpose and practice of the Confrontation Clause and concluded that admitting such testimony is inconsistent with that history and undermines the truth-finding purpose of the Sixth Amendment. Portland paralegal Susan Roberts assisted on the brief.

### **Bright v. Holder – Challenging Denial of Appellate Rights**

Denver attorney Michael Sink and former firm attorney (now Judge) Stephanie Dunn assembled a group of administrative and constitutional law professors to act as amici before the U.S. Supreme Court in *Bright v. Holder*. The case involved a challenge to an administrative law judge’s denial of a defendant’s appellate rights based on the fugitive disentitlement doctrine due to his failure to appear for removal while his appeal was pending. The case raised significant issues for civil and criminal defendants who may be deemed “fugitives” even though they have not fled under any definition of the word. Michael argued that the application of the doctrine raised serious issues regarding separation of powers and procedural rights under the Due Process Clause, especially because the defendant’s location was known to the Department of Homeland Security and he made no effort to flee from authorities.

## **RECOGNITION FOR WORK PRESERVING PUBLIC EDUCATION**



Jess Dance



Zane Gilmer

In addition to U.S. Supreme Court litigation, we have done trial and appellate work in state and local courts. **The Colorado Lawyers Committee presented the 2012 Pro Bono Team of the Year Award to Denver attorneys Jess Dance and Zane Gilmer for their work on *Lobato v. State of Colorado*.** This case successfully challenged the failure of Colorado’s school financing system to provide a “thorough and uniform” system of public education as required by Colorado’s Constitution.

## **PRISONER CIVIL RIGHTS**

### **Helping Prisoners Help Themselves and Other Prisoners**

The Madison office handled two cases this year that resulted in the Wisconsin Department of Corrections’ (DOC) changing rules applicable to prisoner litigation. In *Ripp v. Nickel*, attorneys David Harth, Truscenialyn Brooks and Drew Coursin argued that prisoners must be furnished with “basic scribe materials” (paper, pens, postage, copying and the like) necessary to prosecute litigation that has survived the screening process, even when the prisoner has exhausted his or her “legal loan” account. Judge Barbara Crabb of the U.S. District Court for the Western District of Wisconsin agreed and ordered that the ruling be posted in prison libraries. Because of the team’s work, indigent inmates now have access to the minimum items necessary to pursue their litigation.

In another case, *Jackson v. Hepp*, David Harth and fellow attorney David Pekarek Krohn challenged a rule prohibiting inmates from providing legal assistance to an inmate housed in another housing unit. After initial discovery and the threat of a Rule 30(b)(6) deposition that would have required the DOC to produce a witness who could provide a valid penological justification for the rule, the DOC agreed to eliminate the rule in its entirety. Both cases have made positive changes to the rights of prisoners when pursuing their own legal action.

## Defending Individual Prisoner Rights

Phoenix lawyers represented an individual inmate in a lawsuit filed against the Maricopa County Sheriff's Office (MCSO) alleging claims under U.S. Code Section 1983 for, among other things, violation of his Fourteenth Amendment right to be free from jail conditions that amount to punishment. While in an MCSO jail awaiting trial, our client told two detention officers on four separate occasions that he feared being attacked by one of his cellmates and requested to be moved. However, neither our client nor his cellmate was moved. Our client was then violently assaulted by the cellmate and suffered serious injuries. Our client pursued his case pro se for five years. After one of his claims survived a motion for summary judgment, the district court judge requested pro bono counsel be appointed to assist with the trial and pretrial preparations. With guidance from Phoenix attorney Dan Barr, Washington, D.C. attorney Amy Chang and Phoenix attorney Bridget Minder prepared the case for trial, including filing motions in limine, arguing jury instructions, and selecting witnesses and exhibits. The day before trial, the Perkins Coie team was able to reach a favorable settlement for our client.

## Seeking Systemic Change

A team of attorneys from our Phoenix office, along with co-counsel from the Prison Law Office, the ACLU National Prison Project, the ACLU of Arizona, the Arizona Center for Disability Law and Jones Day, have represented a class of approximately 33,000 Arizona state inmates concerning grossly inadequate medical, mental health and dental care that causes prisoners to suffer serious and preventable injury and death. The case, *Parsons v. Ryan*, filed in the U.S. District Court for the District of Arizona, also charges that thousands of prisoners are routinely subjected to physical and psychological harm in extreme solitary confinement and seeks injunctive relief to compel the Arizona Department of Corrections to provide constitutionally adequate health care and protection from unconstitutional conditions of confinement. In March 2013, U.S. District Court Judge Neal Wake granted the class certification motion. Team members include Phoenix attorneys Dan Barr, Kirstin Eidenbach, John Gray, Amelia Gerlicher, Matthew du Mée, Nicholaus Podsiadlik and Stephen Brookman.

Denver attorneys T. Markus Funk and Michael Sink represented an indigent defendant in a challenge to the U.S. Department of Justice's (DOJ) enforcement of the Foreign Corrupt Practices Act (FCPA). The FCPA makes it illegal to bribe a foreign official, but does not define who is considered a foreign official or what constitutes a bribe. In recent years, the DOJ has stepped up its enforcement of the FCPA and taken a broader view of who and what are covered.

Joel Esquenazi was sentenced to 15 years' imprisonment for the alleged bribery of employees of Haiti Teleco, the Haiti state-owned telecommunications company. Mr. Esquenazi, who maintains his innocence, is appealing the sentence, which is the longest in FCPA history. The case is unique in that it represents the first time the DOJ's enforcement of the FCPA and the definition of "foreign official" will be subjected to constitutional scrutiny in a federal appellate court.

In the closely watched appeal, Markus and Michael filed briefs with the U.S. Court of Appeals for the Eleventh Circuit challenging the DOJ's definition of "foreign official," arguing that employees of state-owned foreign businesses do not constitute "foreign officials" and that the DOJ's interpretation of that term is unconstitutionally vague. The case has been highlighted by the *Wall Street Journal* as the most significant corruption sentencing of 2012.



T. Markus Funk

For his work challenging the Foreign Corrupt Practices Act, as well as on other significant cases, *Law Week Colorado* recognized T. Markus Funk as a Lawyer of the Year for 2012.

## CHALLENGE TO STATUTORY ENFORCEMENT



## ADVOCATING ON BEHALF OF VICTIMS

An important part of our pro bono work has been our advocacy on behalf of victims of domestic violence. Working with organizations such as the Cook County Domestic Violence Legal Clinic, Legal Services of Northern Virginia's Attorney-of-the-Day Domestic Violence Pro Bono Project, Idaho Volunteer Lawyers Program, Oregon Legal Aid, Northwest Immigrant Rights Project, the Eastside Legal Assistance Program and the Alaska Network on Domestic Violence and Sexual Assault, Perkins Coie assists victims in a number of ways, including obtaining protective orders against their abusers.

There are many different kinds of victims seeking legal assistance, and last year we were involved in a number of new matters outside the scope of our regular domestic violence representation. We also continued our efforts on behalf of victims of Nazi persecution during World War II who are seeking reparations from the German government.

### Unprecedented Pursuit of Justice for Rape Victim

Madison attorneys Christopher Hanewicz, David Jones and Truscenialyn Brooks are helping a rape victim pursue, through the U.S. court system, compensation she was awarded by a Japanese court. The case is thought to be the first time someone has tried to have a Japanese civil court ruling for a rape case applied in the United States.

Australian Catherine Jane Fisher was raped by then U.S. Navy sailor Bloke Deans in Yokosuka, Japan. A Tokyo court ordered that Mr. Deans pay compensation of 3 million yen (roughly \$30,000) to Ms. Fisher. However, by the time the ruling was issued, Mr. Deans had already left the country and the Japanese courts were unable to enforce the ruling.

For several years, Ms. Fisher was unable to locate Mr. Deans until she saw an online report indicating that he had been convicted of criminal child neglect in the city of Milwaukee. She found her way to Perkins Coie, where Christopher, David and Truscenialyn agreed to help her enforce the Japanese judgment against Mr. Deans and filed a complaint in Milwaukee Circuit Court.

After the complaint was filed, Mr. Deans' counsel filed an extensive motion to dismiss with prejudice based on numerous grounds, including that a U.S. district court has no authority to enforce a foreign judgment against a U.S. citizen. However, Judge Pocan of the Milwaukee Circuit Court denied the motion and found that common law principles of comity allowed the court discretion to enforce such a judgment if the requisite standards were met. The court entered a scheduling order calling for summary judgment in early 2013.

### Fighting for Victim's Right to Restitution

Working with the National Crime Victim Law Institute (NCVLI), attorneys in our Portland office filed a claim of violation of a crime victim's rights in a county circuit court on behalf of an injured young woman. The claim of violation asserted that the county circuit court violated the client's Oregon constitutional rights when it awarded her restitution for only 10% of the damages she suffered when she was struck by a drunk driver as she walked across a street. In support of the claim, the Perkins Coie team, which included attorneys Erick Haynie, Bryan Beel, Nathan Christensen and Misha Isaak, and paralegal Susan Roberts, argued that the court's minimal award of restitution is contrary to the language of the Oregon restitution statute, Oregon precedent and public policy. After the circuit court denied the claim, we appealed to the Oregon Supreme Court. The Supreme Court received a briefing from the driver's counsel in opposition to the appeal, and both the NCVLI and the Oregon Department of Justice filed briefs as amici in favor of the client's position. In December 2012, the court granted review of the case, entered a schedule for briefing on the merits and scheduled oral argument for April 2013.



## JUDGE EDWIN PETERSON PROFESSIONALISM AWARD



Portland attorneys Sarah Crooks (center), Julia Markley and Rob Aldisert.

Portland attorney Sarah Crooks was honored by the Oregon State Bar and the Oregon Bench and Bar Commission on Professionalism with the 2012 Justice Edwin J. Peterson Professionalism Award.

Sarah is the youngest person to receive the award, which is presented annually to an attorney who demonstrates “integrity, honesty and willing compliance with the letter and spirit of the law, with the rules of the court, with the highest ethical standards, and with professional standards stated in the Oregon State Bar Statement of Professionalism.” Sarah has devoted considerable time over the course of her career to performing and advocating for pro bono service. A volunteer attorney for the Legal Aid Services of Oregon Domestic Violence Project, Sarah has focused much of her pro bono work on helping victims of domestic violence.

### Assisting Holocaust Survivors

Perkins Coie has worked with Bet Tzedek Legal Services and the Holocaust Survivors Justice Network since 2008 to assist survivors of the Holocaust with obtaining reparations from the German government. We have helped survivors apply for reparations through the German Ghetto Work Payment Program as well as for ZRBG “ghetto pensions.” These programs were created to provide some remuneration for the “voluntary work” these individuals performed while living in the ghettos under German control or occupation. In 2012, 53 Perkins Coie attorneys and staff assisted more than 30 individuals in this important project. The following is just one of the many stories of our amazing survivor clients.

In May 1940, M.P. was forced from his home in Poland and relocated to the Krakow ghetto. He spent the next three years living in the ghetto and performing manual labor, such as shoveling snow and moving construction materials. In 1943, he was transferred to a Nazi-controlled concentration camp in Poland. Then, in late 1944, M.P.’s name was added to a list of workers being compiled by Oskar Schindler. Under Mr. Schindler’s supervision, M.P. was transferred from the concentration camp at Gross-Rosen to Mr. Schindler’s armaments factory at Brunnlitz, where he was ultimately liberated in 1945. M.P. now lives with his wife in Vancouver, Washington.



For the past two years, Portland attorney Nathan Christensen and Phoenix attorney Karin Aldama have been working with M.P. to seek payments from Germany for the manual labor he performed in the Krakow ghetto. In 2012, the German government awarded M.P. a lump-sum payment of approximately \$46,000 and an ongoing pension of approximately \$500 per month, one of the largest awards our clients have received.



Specialty bakery Coffee And.

## PROMOTING COMMUNITY ECONOMIC DEVELOPMENT

At Perkins Coie, we devote much of our pro bono efforts toward helping nonprofit organizations. We assist our partners in the community to get started, operate successfully and fulfill their missions, performing work to prevent legal issues and stepping in when troubles arise. Attorneys from nearly every practice lend their knowledge and experience to assist these nonprofits. We also represent low-income individuals seeking to start businesses and improve their own lives as well as to foster economic growth throughout their communities.

### HELPING NONPROFITS

#### Protecting Charitable Group Against Eviction

Perkins Coie represented the Roy Fish Food Bank, which supports the low-income community of Roy, Washington, in a landlord-tenant dispute. For more than 12 years, the food bank operated out of a home that it rented. But in December 2011, the home's landlord lost its lease on another property and, needing a new place to operate, attempted to evict the food bank prior to the expiration of its lease. The landlord argued that the lease was invalid, ordered the food bank to vacate, tripled the rent and then filed suit in Pierce County Superior Court. The food bank had secured a new location, but it needed to wait for the premises to be ready before it could move.

Bellevue attorney Donna Barnett and Seattle attorneys Heidi Beck, Carla Reyes and Shasta Smith successfully argued that the food bank was entitled to remain on the premises not only through the lease term, but until such time as its new location was ready for occupancy. Although the landlord made further demands, we helped the food bank overcome the excessive demands and were eventually able to get the case dismissed in exchange for a portion of back rent. Our client is now able to focus on its mission of offering food rations to sustain those in need.

#### Providing Organizational Assistance to Nonprofit

Applegate Trails Association (ATA) is an Oregon nonprofit corporation formed by community residents to create and preserve a system of hiking, mountain biking and equestrian trails in the mountains of Southern Oregon's Applegate Valley. ATA works with public land agencies, community organizations and private landowners to preserve and connect these nonmotorized historic trails for future generations and to provide recreational and educational access to public lands while protecting natural resources. ATA came to Perkins Coie for assistance with filing its application for tax-exempt status. We reviewed and revised ATA's organizational documents and advised the nonprofit's board of directors regarding corporate governance issues. We then worked with ATA to prepare an application for tax-exempt status, which was quickly granted by the IRS. The Perkins Coie team included Portland attorneys Kara Tatman, Brent Bullock and former Perkins Coie attorney Nicholle Winters. Seattle attorneys Lorri Anne Dunsmore and Tony McCormick provided tax assistance.

## Providing Pro Bono Litigation Support

A team of attorneys from the Palo Alto office, including James Pistorino, Victoria Smith, Nancy Cheng and Brock Weber, represented GreatNonprofits (GNP) in several litigation matters involving a failed software development agreement. GNP is an online service where users can provide reviews and ratings of nonprofit organizations throughout the United States. GNP hired a software developer and a dispute arose regarding the developer's performance under the contract. As a result, GNP cancelled the contract. The developer then sued a GNP board member personally in retaliation and initiated both a mediation and an arbitration against GNP. The Perkins Coie team represented the board member and GNP in these actions. Our team succeeded in getting the action against the board member dismissed and represented GNP at the mediation and the arbitration hearing. Certain aspects of the matter continue.

### FRIEND OF THE DAILY CALIFORNIAN AWARD



**San Francisco attorney Sue Stott was honored for providing “indispensable pro bono legal advice for three years” to *The Daily Californian*, a nonprofit, student-run newspaper serving the University of California, Berkeley campus and community.** Sue and other Perkins Coie attorneys assisted this nonprofit with several employment-related and corporate matters.

## SUPPORTING MICROENTERPRISES

### Helping Low-Income Entrepreneurs

A number of Seattle and Bellevue business attorneys volunteer at the Washington C.A.S.H. microenterprise clinic in South Seattle, which provides free legal assistance to low-income entrepreneurs. Seattle attorneys Martha Sandoval and Ben Golden were introduced to Silver Slice Bakery, a woman- and minority-owned small business, in the fall of 2011. Martha was subsequently reintroduced to the company by the Business and Economic Development Center at the University of Washington's Foster School of Business, where she serves on the advisory board. Martha and Ben are teaming with Seattle attorney Dori Brewer to provide extended legal services to Silver Slice Bakery, which opened Coffee And, a specialty bakery and café focusing on providing gluten-free pastries, on the first floor of Seattle's Pike Place Market in July 2012. Coffee And owner and pastry chef Tonyia Smith is passionate about “restoring a quality of life for people” with gluten allergies and is seeking assistance as the company grows its retail and wholesale business and contemplates succession planning.



*Baked goods from Coffee And.*

The Lewis & Clark Law School's Small Business Legal Clinic (SBLC) is a program where low-income small business owners in the Portland, Oregon area can turn to obtain legal counsel. Firm attorneys have counseled many SBLC clients, and recently have done so by teaming with attorneys from Intel Corporation. (Intel established its formal Legal Pro Bono program in 2007; by 2012, it had contributed more than 12,000 hours of pro bono time, reflecting more than \$3 million in service to communities.) One recent example of the Perkins-Intel effort is our work for the Glaziery, a custom stained glass design and restoration business that was referred to us by the SBLC. Portland attorneys Steve Higgs and Meredith Weisshaar, along with Intel attorney Trevor Jones, reviewed The Glaziery's existing customer agreements and governing documents. Following this review and several discussions with our client, Steve, Meredith and Trevor created a more user-friendly form of a design services agreement for The Glaziery to use as a template with its customers. In addition, they drafted a new limited liability company operating agreement to document the governance and ownership structure of the business.



Portland attorneys (from left) Steve Higgs, Meredith Weisshaar and Brent Bullock.

Photo credit: PhoenixLotus Productions

Portland attorneys Steve Higgs, Meredith Weisshaar and Brent Bullock were honored by the Lewis & Clark Law School's Small Business Legal Clinic for their work with low-income entrepreneurs.

## Supporting Young Entrepreneurs

In addition to our traditional pro bono legal services for low-income entrepreneurs, our business lawyers have participated in several efforts to foster community development and entrepreneurship generally. Attorneys Melanie Rubocki and Matt Purcell led the Boise office in its support of the b|launched program, which was developed to promote entrepreneurship in the Boise metro area. Created in 2011 by the Boise Young Professionals, the program is a one-of-a-kind, "soup-to-nuts" educational competition designed to connect Boise's young professional talent with experienced entrepreneurs to teach them how to start a new company. Selected participants are placed in teams of 10, with each team being led by two experienced entrepreneurs who serve as mentors. The teams are provided three months to develop a business idea, which they pitch to a panel of judges. The winning teams are then funded by the Idaho Angel Fund and organized as companies with b|launched participants and the Idaho Angel Fund serving as joint equity owners. Several months after the competition, the winning teams unveil their new products or services to the public. Companies such as Follow and Fund, BOBEC Apps and Adavailable have made their starts through the b|launched program.

Perkins Coie serves as both a sponsor of the b|launched program and as legal counsel to the Idaho Angel Fund. The firm also provides legal counsel to the new companies for one year after formation.

## RELIEF FOR VICTIMS OF NATURAL DISASTERS

In 2012, we saw significant natural disasters that caused billions of dollars in damage and disrupted the lives of millions of people. Attorneys in our Denver, New York, Los Angeles and Washington, D.C. offices helped victims of the Colorado wildfires and Superstorm Sandy with much-needed legal assistance and other community service support following these disasters.



### Assisting Victims of Colorado Wildfires

In the summer of 2012, Colorado experienced a series of devastating wildfires that forced the evacuation of thousands of residents. In July 2012, the Colorado Bar Association (CBA) asked for volunteers to assist the wildfire victims. Denver attorneys Karen Samuels Jones and Joanna Thies helped victims through the CBA Wildfire Victim Assistance Hotline. Wildfire victims could call the hotline to get answers to questions on a number of issues, such as how to contact an insurance carrier, real estate matters, and landlord-tenant and lender-borrower matters. The CBA would then forward the caller's information to volunteer attorneys who were willing to help by taking on the victims' cases.

### Supporting Victims of Superstorm Sandy

In October 2012, Superstorm Sandy wreaked havoc along the U.S. East Coast, causing billions of dollars in damage. Among those displaced from their homes following the storm were New York attorney Ron Sarubbi and his family. Despite the storm's impact on his personal life, Ron took the time to volunteer with the Nassau County Bar Association's free Superstorm Sandy Recovery Legal Consultation Clinics. Volunteer attorneys assisted residents with a number of legal issues, including insurance claims, FEMA assistance, debt, bankruptcy, consumer protection, landlord-tenant matters, mortgage foreclosure, health, disability and stress issues, and alternative dispute resolution. Clinic volunteers saw more than 100 clients in one day, with Ron personally helping 10 people his first day. Although he acknowledged it was difficult to hear some of the clients' stories, he was glad that he could help. "It was a great feeling personally," he said, adding that he felt it was even better to help given what he and his family went through.



Photographer: Liz Roll

In addition to Ron's work, Los Angeles attorney Les Brown and Washington, D.C. attorneys Dennis James and Sabahat Chaudhary, with the support of New York attorney John Squires, have been providing assistance to some families of employees of firm client Vonage who were impacted by the storm. Our attorneys have been responding to regular requests from these families as they sort through the legal requirements to obtain proper insurance coverage following the devastation of Superstorm Sandy. Assistance provided to the families includes discussion of their claims, follow-up with their homeowners' insurance carriers and, where available, their flood insurance carriers, review of policies and adjuster estimates, advice on letters to the carriers and help tracking the status of their claims.

### Helping Our Heroes Plan for the Future

Attorneys and staff from our Chicago office have volunteered with the Wills for Heroes Foundation, a program through which first responders (primarily police officers and firefighters) and their spouses/partners can obtain living wills and powers of attorney free of charge. By helping them to plan now, we ensure that their families' legal affairs are in order before a tragedy hits. Volunteer attorneys assisted clients at six Saturday clinics with document preparation, acted as witnesses and, if possible, notarized the documents. Those participating in 2012 include Chicago attorneys Lisa Diaz, Nathan Fahrner, Jordan Galassie, Furqan Mohammed and Phyllis Volk, paralegal Rosa Ravelo, and former firm attorney Suleen Lee.



San Diego attorneys and staff at the San Diego Food Bank.

## GIVING BACK TO OUR COMMUNITIES

While our commitment to serving our communities is often fulfilled through the provision of our pro bono services, we are also proud of the varied community service efforts of all our employees. There are many synergies and overlapping efforts between our pro bono legal service and our community service efforts.

Through fundraising, ongoing volunteer commitments and special service projects, our employees help to strengthen our communities. Some of those efforts are guided by the firm's Community Service Committee, which sponsors a firmwide Community Service Month in June of each year. In 2012, in honor of our 100th anniversary, each office was also given \$10,000 to donate to the nonprofit of its choice. The organizations chosen to receive donations reflected the variety of needs present in all of our communities. We supported groups that have provided legal services for low-income individuals, supported families of deployed military personnel and funded area children's hospitals, among others.



Perkins Coie Systems department member Marshall Stokoe, an Air Force Reservist who was deployed to Afghanistan five times, with John McDonagh, Operation Homefront Washington Chapter president.

We also helped nonprofits that supply individuals and families with basic needs, such as food, clothing and shelter. Offices across the firm participated in a number of programs that helped to feed those who are less fortunate.

Following are just a few examples of our efforts. Employees in our Boise office helped sort food at the Idaho Foodbank. Attorneys and staff from our Denver office cooked an Italian meal for families staying at the Ronald McDonald House. Phoenix employees regularly assist the St. Vincent de Paul Society with meal services, which provide more than 1.2 million meals to hungry families and individuals annually. Employees in our Portland office helped feed the hungry by volunteering with and helping to raise funds for the Oregon Food Bank, and serving meals at Blanchet House of Hospitality, which provides hot meals to those individuals who cannot provide for themselves. And our San Diego office packaged food at the San Diego Food Bank.



Lawyers and staff in the Denver office cook dinner for families staying at the Ronald McDonald House.



Perkins Coie lawyers and staff serve a meal at Blanchet House in Portland.

## PRO BONO LEADERS

In 2001, the firm created the Perkins Coie Pro Bono Leadership Award to annually recognize lawyers who have demonstrated outstanding leadership and commitment to providing pro bono services to our clients. In acknowledgment of the increased depth and breadth of our pro bono work, in 2011 we expanded this award to recognize multiple categories of volunteers, including partner, associate/counsel, team/project and staff. Award winners have the opportunity to direct a \$750 charitable contribution to the legal service organization of their choice.

### PARTNER AWARD



*Sherilyn Peterson*

#### Sherilyn Peterson

Seattle Product Liability Partner Sherilyn Peterson was selected to receive the 2012 Partner Pro Bono Leadership Award because of her dedication to and history of pro bono work.

In 2008, Sherilyn began her representation of death row inmate Darold Stenson. (See story on page 18.) Initially, Sherilyn led the effort to challenge the method of execution for capital crimes in Washington as not meeting minimum constitutional standards. Shortly before argument in the Washington Supreme Court, the Department of Corrections changed its policy and Washington became the second state in the United States to adopt a one-drug protocol for executions. In recognition of her service to the criminal defense bar, Sherilyn became the first civil litigator to receive the Washington Association of Criminal Defense Lawyers President's Award.

From the beginning, Sherilyn expressed genuine care and concern for her client's case and well-being, which, over time, earned his trust and confidence. Because of this relationship, Sherilyn played a key role in assisting Mr. Stenson's criminal defense team in seeking post-conviction relief. The team ultimately helped secure a reversal of Mr. Stenson's capital conviction in May 2012 when the Washington Supreme Court remanded the case for a new trial. Now, along with two noted local criminal attorneys, Sherilyn will for the first time play a lead role at the defense table in Mr. Stenson's new trial. The team has already had a notable success—the prosecutor decided to not seek the death penalty.

In addition to her work on behalf of Mr. Stenson, Sherilyn has represented other prisoners in civil rights cases. She is also a long-time advocate for women who are victims of domestic violence, becoming involved in a number of matters to help these victims. On top of her own work, Sherilyn has consistently supervised associates on family law, prisoner rights and other pro bono matters.

**“Working to defend the rights of those who need help most is one of the most significant contributions we can make,” said Sherilyn.**

## ASSOCIATE/COUNSEL AWARD



Michael Sink

### Michael Sink

Denver Litigation Counsel Michael Sink was chosen to receive the Associate/Counsel Pro Bono Leadership Award for his consistent dedication to pro bono work. Since joining the firm in 2006, Michael has worked on a wide variety of pro bono matters both big and small.

Michael devoted a significant amount of pro bono time in 2012. Together with former firm attorney (now Judge) Stephanie Dunn, Michael represented a group of administrative and constitutional law professors as amici in a case involving the fugitive disentitlement doctrine before the U.S. Supreme Court. (See story on page 21.) He also worked with the Rocky Mountain Immigrant Advocacy Network, where he assisted a victim of human trafficking to obtain a visa and possibly asylum. In addition, Michael, along with Denver attorney Markus Funk, filed a first-of-its-kind appeal of the U.S. Department of Justice's (DOJ) enforcement of the Foreign Corrupt Practices Act. (See story on page 22.)

In prior years, Michael focused his pro bono efforts in the area of civil and constitutional rights, such as his representation of a father who tried to protect a memorial he set up for fallen firefighters in memory of his son, a smokejumper killed in action. He also worked for the Colorado Consumer Health Initiative to fight for barrier-free access to health-care records for Colorado residents. In addition to these and many other projects, Michael serves as a member of the Denver office's pro bono subcommittee, actively encourages his colleagues to increase their pro bono involvement and supervises junior associates in their pro bono efforts.

**“I appreciate the firm providing me the opportunity to give back and help the less fortunate obtain equal access to justice,” said Michael. “Pro bono is incredibly important and gratifying work. Even small cases can dramatically improve people’s lives.”**

## TEAM AWARD



Jordan Green



Lee Stein

### The Macumber Team

The Team Pro Bono Leadership Award for 2012 is given to the Phoenix attorneys and staff who represented pro bono client William Macumber. The Macumber Team, led by Litigation Partners Jordan Green and Lee Stein, also included attorneys Joel Nomkin, Bridget Minder, Colin Ahler, Jerica Peters, Amy Chang, Tom Ryerson, Andy Gaona and Matthew du Mée, as well as staff members Gina Nyberg, Lisa Mazza, Sharon Neilson, Delana Freouf and Tim Robertson.

Perkins Coie was asked to assume the representation of 77-year-old Mr. Macumber, who had been in prison for over 37 years in connection with a double murder that occurred in Scottsdale, Arizona in 1962. In drafting a petition for post-conviction relief, the team spent many hours analyzing decades-old evidence, reviewing transcripts from two trials, interviewing witnesses and researching the law. At the conclusion of the briefing, the state agreed to allow Mr. Macumber to plead “no contest” in exchange for a sentence of time served, which allowed him to maintain his innocence and be released from prison. (See story on page 17.)

This was a true collaborative effort, both within Perkins Coie and in partnership with the Arizona Justice Project. One jurist on the case complimented the quality of the work of the Perkins Coie team, but more importantly he complimented our firm's commitment to “doing the right thing,” a principle that was clearly understood by all Macumber Team members.

**“Working on this case was truly one of the highlights of my career. We had the opportunity to correct a profound injustice. We did it as a team and we did it for a wonderful client who appreciated the many hours of hard work of so many people,” said Jordan.**

## STAFF AWARD



Jane Frissell

### Jane Frissell

Seattle Personal Planning paralegal Jane Frissell was selected to receive the Staff Pro Bono Leadership Award because of her long-standing dedication to pro bono work. Since she came to the firm 13 years ago, Jane has been a devoted and consistent pro bono volunteer, assisting many individual and nonprofit pro bono clients. In 2012, she personally assisted at least 38 pro bono clients and helped countless attorneys within the firm in their pro bono efforts. Jane also regularly provides administrative support to the firm's pro bono program.

Jane has extensive experience in assisting nonprofits with a variety of legal needs. She has worked closely with Seattle Partner Lorri Anne Dunsmore, whose practice has a particular focus on tax issues for nonprofits. Jane also provides guidance and assistance to pro bono attorneys and clients on a regular basis, helping with issues such as tax exemption, business licenses, corporate governance and more. She has become a true asset to our firm's pro bono program.

In addition to her work with nonprofits, Jane, who is fluent in Spanish, has also helped numerous immigration clients and provided assistance to attorneys representing such individuals. She regularly provides translation support and often serves as the main point of contact with Spanish-speaking clients, helping to establish strong relationships and provide the best possible service. In addition to her pro bono contributions while in the office, Jane often spends Saturday afternoons visiting with immigrants in deportation proceedings at the Northwest Detention Center in Tacoma as part of her own community service efforts.

**"I am thrilled to be able to give a helping hand to others using the skills I've gained over the years," said Jane. "It is so important for us to take care of and support each other in our community."**

## STAFF CERTIFICATES OF APPRECIATION

The Pro Bono Committee also recognized staff members for their extraordinary work in support of the firm's pro bono efforts in 2012. These individuals were selected for recognition based on nominations submitted by lawyers and staff at the firm. The Pro Bono Committee thanks the following individuals for their extra efforts on behalf of our pro bono clients: Cindy Anderson, Valentina Barei, Karen Campbell, Carla Carraway, Allan Collins, Jill Connolly, Jessica Flesner, Delana Freouf, Sharon Grisham, Karen Huang, Carol Janam, Stephanie Lawson, Melinda Manchester, Sharon Neilson, Dawn Nix, Sergio Perez, Betty Price, Rosa Ravelo, Susan Roberts, Jeremy Rosen, Jeanenne Rutherford, Jeanne Scherkenbach, Jason Walter and Kristin Watson.



Seattle Managing Partner Nancy Williams (left) presents Certificate of Appreciation to Carol Janam during last year's Pro Bono Reception.

## CONTRIBUTORS WITH 50+ PRO BONO HOURS

The Pro Bono Committee would like to thank the following Perkins Coie lawyers and paralegals who provided 50 or more hours of pro bono services to our clients in 2012:

|   |  |  |   |  |
|---|--|--|---|--|
| <p>Aaserud, Eric A.<br/>Ahler, Colin P.<br/>Ahlers, James A.<br/>Aldama, Karin Scherner<br/>Aldisert, Robert L.<br/>Bainbridge, William J.<br/>Baird, J. Christopher<br/>Bali, Sunita<br/>Barber, Eric G.<br/>Barei, Valentina M.<br/>Barnett, Donna L.<br/>Barr, Daniel C.<br/>Bass, Joren S.<br/>Baur, Donald C.<br/>Baynard-Cooke, Sara<br/>Beel, Bryan D.<br/>Bennett, Katherine DeWeese<br/>Berch, Jessica J.<br/>Bernald, James G.<br/>Bernstein, Stacey Scriven<br/>Bina, Gabrielle E.<br/>Biro, Cathleen<br/>Bloom, Karen Brunton<br/>Bobkova, Heather R.<br/>Boeder, Thomas L.<br/>Boehl, Stephanie J.<br/>Boman, Marc<br/>Bromer, Alexandra Magill<br/>Brookman, Stephen A.<br/>Brooks, Truscenialyn<br/>Brown, Cynthia J.<br/>Brown, Lester<br/>Bullock, Brentley<br/>Burman, David J.<br/>Buschmann, Christina E.<br/>Buxbaum, Jeremy L.<br/>Cabot, Howard Ross<br/>Caliendo, Tony<br/>Carney, Donald J.<br/>Castillo, Elvira<br/>Chander, Kanika<br/>Chang, Amy<br/>Chaudhary, Sabahat<br/>Chen, H. Vicky<br/>Cheng, Shih-Yo<br/>Cherry, Elaine J.<br/>Chopra, Vivek<br/>Christensen, Nathan R.<br/>Christian, John M.<br/>Chung, Ho-Young<br/>Coleman, Brian<br/>Connelly, Ulrike B.<br/>Cooke, John T.<br/>Cornish, Alfonso N.<br/>Coursin, Andrew B.<br/>Coyle, Richard C.<br/>Coyne, Daniel W.</p> | <p>Criglow, Christopher<br/>Crooks, Sarah<br/>Crowley, Brendan S.<br/>Crum, Joshua M.<br/>Curro, Jaime B.<br/>Cutler, Norton<br/>Dance, Jess A.<br/>Das, Kaustuv M.<br/>Davitian, Darvin R.<br/>Dean, Patricia E.<br/>Dennison, Jonmi N.<br/>Diaz, Lisa B.<br/>Ditchev, Barbara A.<br/>du Mée, Matthew B.<br/>Ducommun, Steven E.<br/>Dugdale, Katherine M.<br/>Dunsmore, Lorri Anne<br/>Eidenbach, Kirstin T.<br/>Eriks, Sharee Dominique<br/>Esteves, Priscilla<br/>Ewbank, Laura<br/>Exstrom, Travis<br/>Fahrer, Nathan F.<br/>Feldman, Stephen<br/>Feuerhelm, Jodi Knobel<br/>Fischer, Sarah Jane<br/>Fisher, Jaina<br/>Fornasero, Kevan<br/>Foster, Susan E.<br/>Fox, Mary<br/>Friedman, Donald J.<br/>Frissell, Jane<br/>Frost, Elisabeth C.<br/>Funk, T. Markus<br/>Galassie, Jordan G.<br/>Gamliel, Amir<br/>Gangadean, Raj N.<br/>Gaona, D. Andrew<br/>Garcia, Javier F.<br/>Garcia, Rocío C.<br/>Garrett, Clinton N.<br/>Garrison, Melora M.<br/>Gaston, Mary<br/>Gellert, Nicholas Peter<br/>Gerlicher, Amelia M.<br/>Gerrard, Ian<br/>Gilleran, Colleen K.<br/>Gold, Oliver M.<br/>Golden, Ben<br/>Goldsby, Aubri N.<br/>Gonzalez, Elva M.<br/>Goodfried, Jeffrey S.<br/>Gqiba-Knight, Jikizizwe<br/>Graves, Paul<br/>Gray, John<br/>Green, Jordan<br/>Greene, Andrew L.</p> | <p>Grisham, Sharon K.<br/>Haider, Shan A.<br/>Hall, Christopher<br/>Hampton, Priscilla E.<br/>Hanewicz, Christopher G.<br/>Hanson, Jeffrey M.<br/>Haynie, Erick J.<br/>Higa, Joel Y.<br/>Higgs, Stephen J.<br/>Ho, Monique Y.<br/>Hoang, Gigi<br/>Holland, Lorna J.<br/>Holm, Kristina J.<br/>Hopkins, Dennis C.<br/>Hupp, Margaret C.<br/>Innes, Patricia S.<br/>Jacobs, Teresa G.<br/>Jantunen, Thomas<br/>Jennings, Brian A.<br/>Jennison, Judy<br/>Jones, David E.<br/>Jones, Julie<br/>Jones, Zachary P.<br/>Just, Mark D.<br/>Khanna, Abha<br/>Kim, Christine J.<br/>Knoch, Heidi L.<br/>Koop, Lissa R.<br/>Kratky, Billie M<br/>Kung, Sher S.<br/>Lambert, Jade R.<br/>Lasaracina, Jaclyn N.<br/>LaSpaluto, David M.<br/>Lassen, Daniel<br/>Lee, Elizabeth<br/>Lee, Emily J.<br/>Levin, Joel R.<br/>Lindley, Tom<br/>Locke, Ashley A.<br/>Lu, Zhou<br/>Lysons, Sarah E.<br/>Maigret, Failop<br/>Maloney, C. 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April 2013