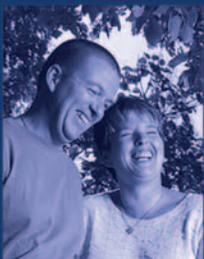


K&LNG Pro Bono report

issue 01
'05



In this Issue

Project Challenge Lends a Helping Hand to Victims of Domestic Violence
Pittsburgh.....1

“Partners for Water and Sanitation” —An Accord in Africa
London.....2

Mental Retardation Defense May Spare Death Row Inmate
Washington.....2

“Election Protection” Team Keeps Watch Over Record Voter Turnout
Boston.....3

U.S. Resident of 40 Years Faces Deportation Threat
San Francisco.....4

African Activist Granted Asylum
New York.....5

Texas Case Sparks Amendment of Family Code
Dallas.....6

K&LNG Teams with Engineers to Help Affordable Housing Provider
New York.....6

Multi-Office Collaboration on Appellate Advocacy
Pittsburgh, Harrisburg, Newark.....7

Pakistani Family Granted Asylum
Los Angeles.....7

When Law and Art Intersect: Volunteer Lawyers for the Arts
Pittsburgh.....8

An Asian-Pacific Perspective on Brown
Miami.....9

The People in Your Neighborhood: Newark
Newark.....10

A Record Year of Exemplary Pro Bono Service

By Carleton O. Strauss
Chair, Pro Bono Committee

Twenty-one thousand hours. That's 875 days, the equivalent of almost two-and-a-half years. It's also the amount of time K&LNG lawyers and paralegals from the U.S. gave to pro bono service in their communities for 2004, with the pro bono team in the London office providing comparable service. As the stories you are about to read will tell you, they were 21,000 hours well spent.

A substantial portion of our work has focused on serving persons at risk, particularly abused women and children. This is perhaps best illustrated by the protection from abuse program undertaken in the Pittsburgh office under the auspices of Neighborhood Legal Services. Our lawyers provide service through similar legal clinics throughout the United States and through the Battersea Legal Advice Centre in London.

Our work has also focused on preserving due process rights and fundamental liberties such as the death penalty proceedings handled by our Washington colleagues and the criminal procedure issues addressed in the Third Circuit. Our work on asylum and immigration matters has protected the rights of our most recent immigrants to live in a free society. Likewise, our work on voting practices has helped to ensure that a citizen's right to participate in governance through the ballot box is not abridged.

Our pro bono service has extended to community development as illustrated by our work with the Pro Bono Partnership in Newark. Similarly, we have nurtured artistic achievement through programs such as Volunteer Lawyers for the Arts. On a grander scale, the work of our London office in support of infrastructure development in Africa through the Partners for Water and Sanitation Program is truly remarkable and holds the potential to enhance the lives of many people.

Pro bono involvement at K&LNG provides a great deal of professional and personal satisfaction to lawyers of every age and stripe, and has opened up new opportunities for them to serve the communities in which they work and live. **K&LNG**

K&L® Challenge us.®
**Kirkpatrick & Lockhart
Nicholson Graham LLP**
www.klng.com

Project Challenge Lends a Helping Hand to Victims of Domestic Violence

PITTSBURGH



By Jennifer F. Shugars

For more than 10 years, Pittsburgh partners, associates, paralegals, and summer associates have devoted countless hours to Project Challenge—a program that helps victims of domestic violence obtain final protection from abuse orders from the Court of Common Pleas of Allegheny County. Project Challenge provides these services in conjunction with the Neighborhood Legal Services Association (NLSA), a private nonprofit Pennsylvania corporation that provides free legal services in civil cases to low-income people.

Through NLSA and Project Challenge, domestic violence victims are first granted emergency and temporary protection from abuse orders. Because these temporary orders are granted on an ex parte basis and for a limited period of time, the court schedules a subsequent hearing where the defendant has the right to be present to determine whether a final protection from abuse order should be granted to the victim/plaintiff. NLSA refers approximately 175 cases at this final stage in the proceedings to Project Challenge each year.

The importance of Project Challenge cannot be overstated. In 2004, Pennsylvania witnessed more than 127 domestic violence homicides, the highest annual tally on record. Twenty-two of those homicides were in Allegheny County. One homicide victim, Latreea Polk, was a Project Challenge client. Ms. Polk's death highlighted a failure of the system, but helped move Allegheny County to institute a centralized computer database that consolidates the process for filing and tracking indirect criminal contempt complaints that are filed in domestic abuse cases when abusers violate protection from abuse orders entered against them. The death of Ms. Polk also highlights the magnitude and significance of providing victims of domestic violence with better and more accessible avenues to escape the violence. Many clients decide not to proceed out of fear. Those who do go forward require much personal

attention, as their self esteem is often low. As a result, participants spend a lot of time building the confidence their clients need to get through a difficult time. Most participants in Project Challenge find the program to be a rewarding experience that allows the participant to provide assistance that has a direct impact on a client's life and, under the best circumstances, to provide that client with the opportunity to escape an abusive relationship.

Last year, seven partners and more than 25 associates and paralegals, as well as nearly all summer associates, participated in Project Challenge. Generally, two participating associates or paralegals share responsibility for approximately eight cases scheduled for final hearings in a given week under the supervision of a partner. Responsibilities include contacting and interviewing clients, preparing for the hearings (which may include assisting in the collection of medical records, police reports and other evidence), negotiating settlements with defendants who may appear pro se or with counsel, and representing clients at a hearing before the family division of the Court of Common Pleas of Allegheny County.

Many of our Pittsburgh legal professionals have been recognized for their devotion to pro bono service to the community and to this important program. In addition, Pittsburgh partner **Ann Morris Baker**, who coordinates Project Challenge, was recently awarded the Allegheny County Bar Foundation's (ACBF) Jane F. Hepting Individual Pro Bono Award. **Heidi Weber**, a paralegal from the Pittsburgh office, received the ACBF Paralegal Pro Bono Award for her many hours of pro bono service to NLSA's Family Law Clinic. K&LNG

“Partners for Water and Sanitation” —An Accord in Africa

LONDON

Through involvement with Partners for Water and Sanitation (PAWS), the reach of the London office’s pro bono services has extended all the way to Africa.

PAWS is a tri-sector organization containing members from the U.K. government, specifically the Department for Environment Food and Rural Affairs (DEFRA) and the Department for International Development, private sector companies (principally water utilities, but including K&LNG) and “civil society” (the main trade union in the U.K. water industry and a couple of water-related charities). PAWS was set up following the 2002 World Summit on Sustainable Development in Johannesburg, at which Tony Blair took the lead in offering help to Africa in the area of sustainable development. The organization’s mission is more fully described on its Web site, www.partnersforwater.org.

K&LNG—the only law firm partner—has partnering programs in place with three African countries, namely South Africa, Nigeria and Uganda. Of these, South Africa is the country where we have done the most substantial work. Teams drawn from the PAWS partners go to South Africa and work alongside local municipalities for a week at a time, transferring expertise and know-how. Our work emphasizes the transfer of practical know-how and expertise from people who practice in the water sector,

as opposed to simply giving money out of the aid budget.

For example, a representative from Severn Trent, one of the big U.K. water utilities, is helping out on asset management issues and setting up customer care programs. South African officials also visit U.K. water companies and water regulators to obtain technical assistance. PAWS partners are available on the end of a telephone or by e-mail to assist the municipalities.



By Christopher G. Causer

Recently, we presented a seminar on “managing contractors and consultants” in three different South African cities—East London, Durban and Johannesburg—in collaboration with presenters from DEFRA, Northumbrian Water and Severn Trent Water. The seminars provided practical guidance to engineers, councilors and officials from the local municipalities that now perform the water and sanitation functions in South Africa.

In 2005 we look forward to expanding our activities in Uganda.

K&LNG

Mental Retardation Defense May Spare Death Row Inmate

WASHINGTON

More than a year ago, the ABA Death Penalty Project and the Texas Defender Service asked K&LNG’s Washington office to represent death row inmate Brian Davis in a Texas state court habeas proceeding. The proceeding would determine whether Mr. Davis is mentally retarded and thus ineligible for the death penalty under the Supreme Court’s decision in *Atkins v. Virginia*, 536 U.S. 304 (2002). According to *Atkins*, the court must find that Mr. Davis has significantly sub-average intellectual functioning (as measured by IQ testing) and that he suffers from deficits in his adaptive functioning (i.e., basic day-to-day living skills).

To provide evidence of these required findings, K&LNG lawyers **Tom Morris, Sean Sullivan, Stephen Grafman** and **Jon A. Stanley** of K&LNG’s Washington office spent almost a year conducting extensive interviews with Mr. Davis’s family members, educators and friends, reviewing thousands of pages of educational records and family documents, and carefully examining the record from Mr. Davis’s capital murder trial. The K&LNG team also worked extensively with several medical experts on mental retardation, who served as consultants and expert witnesses.

At the hearing—which lasted six days between November 1 and 8, 2004—the K&LNG team presented testimony from two expert witnesses and seven fact witnesses and evidence establishing, among other things, that: Mr. Davis’s IQ is nearly two standard deviations below the mean; numerous risk factors for mental retardation existed in



By Sean R. Sullivan

Mr. Davis’s background, including a family history of mental retardation, a chaotic family environment, and physical and sexual abuse during childhood; and Mr. Davis suffered from significant limitations in his adaptive skills, including his inability to read and write, to count change, and to hold steady employment.

Presiding Judge Belinda Hill, of the 230th Judicial District Court in Houston will rule sometime after closing arguments, which are scheduled to take place in early 2005.

K&LNG

“Election Protection” Team Keeps Watch Over Record Voter Turnout

BOSTON

On Election Day, 20 lawyers from K&LNG’s Boston office fanned out across Boston and Massachusetts to serve as impartial poll monitors as part of a national volunteer effort seeking to assist voters and ensure an orderly and fair election.

The K&LNG lawyers received training in voting rights, the nuances of provisional balloting rules and polling place etiquette in the days leading up to the election from staff members of the Lawyers’ Committee for Civil Rights Under Law of the Boston Bar Association. Nadine Cohen, Counsel with the Boston Lawyers’ Committee, who conducted the training of K&LNG lawyers, explained to volunteers that one important purpose of the effort was to assist first-time voters in navigating the election process and having their votes counted. **Joshua Rowland**, an associate who attended the training and monitored a polling place in Dorchester, Massachusetts, said “Everyone was predicting record turnout on Election Day, and that is exactly what I saw in my ward. Many of these voters were voting for their first time, or hadn’t voted in years. It was very exciting to be at the polls when we realized the turnout in this ward alone had increased more than 400% over the 2000 election.”

Another key purpose of the election monitoring was to assist poll workers in preventing voter intimidation or harassment. Although few incidents arose in Massachusetts, the Lawyers’ Committee relied on volunteers like the K&LNG lawyers to record events at the polls in order to create a guide to future voting reform efforts. **Tom Hickey**, a partner in the Boston office who volunteered in a ward in Roxbury, Massachusetts, said “I was glad to have been at the polling site to answer voter questions as well as to help gather information that can help ensure fair elections in the future.”

David Harris, Executive Director of the Boston Lawyers’ Committee, applauded K&LNG’s efforts as election protection volunteers. “The representation of lawyers from K&LNG was a truly significant part of our Election Day effort,” Harris said. “With over 200 attorneys serving as election monitors and hotline operators in Massachusetts alone, our presence was a tremendous deterrent to voter harassment and intimidation. The Lawyers’ Committee is grateful for the commitment of K&LNG’s lawyers to our work.” K&LNG



By Harry P. Grill

U.S. Resident of 40 Years Faces Deportation Threat

SAN FRANCISCO

Dr. Theophile Carty immigrated to the United States from Anguilla in 1965. He earned his bachelor's degree and then his doctorate of medicine. He married and raised a family. Nearly forty years later, he found himself facing deportation, a fate that started with a failure to file state income tax returns.

In August of 1995, the State of California filed an Information against Dr. Carty that charged him with failure to file California state income tax returns for two years. Dr. Carty pled nolo contendere, and the court sentenced him to 90 days of house arrest and three years of probation. Dr. Carty successfully completed both.

On May 15, 2001, Dr. Carty pled guilty to attempted bribery of a government official, for which he was sentenced to 18 months in prison. Dr. Carty began serving his sentence in the Eloy Detention Center and remained there despite the completion of his sentence in November 2002. Soon thereafter, he learned that the Immigration Judge had ordered his removal from the United States, finding as the sole ground that Dr. Carty had committed two crimes of moral turpitude that did not arise out of a single scheme of criminal misconduct. Although Dr. Carty filed a timely appeal, the Board of Immigration Appeals affirmed the decision of the Immigration Judge and dismissed the appeal.

Over the course of many months, Dr. Carty filed petitions and motions to keep him in the United States. In September 2003, his request for oral argument and appointment of counsel was answered with the appointment of San Francisco's **Matthew G. Ball** and **Edward P. Sangster** as his pro bono counsel.

Since Matt and Ed have taken on Dr. Carty's case, Matt has successfully negotiated Dr. Carty's release from Eloy Detention Center. Matt appeared before a three-judge panel of the Ninth Circuit. Matt fielded questions on issues such as whether the failure to file tax returns is a crime of moral turpitude justifying deportation. Matt cited and explained to the Supreme Court, Ninth Circuit Court, and California authority that the panel would need to distinguish or ignore in order to uphold the deportation order.

Currently, Dr. Carty, Matt and Ed are awaiting the Court's decision.

Dr. Carty's case is just one example of K&LNG San Francisco's involvement with the Ninth Circuit Court of Appeals, which established its expanded and revised pro bono program in 1993 to provide pro bono counsel to pro se appellants with meritorious or complex appeals. Approximately one third of all new appeals filed in the Ninth Circuit have at least one party who is proceeding pro se. The goal of the program is to provide pro bono counsel to pro se parties in all civil and habeas corpus appeals in which briefing and argument by counsel would benefit the court's review. Only cases presenting issues of first impression or some complexity or cases otherwise warranting further briefing and oral argument are selected for the appointment of counsel under the program. K&LNG



By Judith S. H. Hom

African Activist Granted Asylum

NEW YORK

Responding to an urgent plea for pro bono help from Human Rights First (f/k/a the Lawyers' Committee for Human Rights), two K&LNG associates fought for and obtained asylum in the United States for a young African man named Christopher.

For Christopher, 26 years old (Christopher has requested that we not reveal his true name and country of origin), the first of many challenges began in his native land when he was forced to return to his village after strikes and protests disrupted his university studies. He then began to accompany his mother and brother to meetings held by an opposition political party determined to put an end to the widespread corruption and abuses of the country's ruling party. Designated a "youth leader," Christopher was responsible for recruiting new members and distributing literature and information about the party and its candidates. To protect Christopher's anonymity, we refer to his party as the OPP and the ruling party as the RP.

As regional elections neared, OPP members became frequent targets of violence. On numerous occasions, RP members broke into OPP meetings and threatened and physically abused OPP members, including Christopher. When Christopher reported voting fraud by RP members to the authorities, RP members and police officers alike beat Christopher and other ANPP loyalists. Following the elections, RP members surrounded Christopher's house on several occasions and threatened him and his family. Fearing for his life, Christopher fled and remained in hiding in a large city until his mother, with the help of Christopher's community, raised enough money to buy false traveling papers to escape to the United States. Upon his arrival in the United States, Christopher's false documents were easily detected, and he was detained at the Wackenhut Detention facility in Jamaica, New York for illegal entry.

Jasmeet Caberwal and **David Pollok** took the case. Despite estimable language and cultural barriers, looming even larger was the post-9/11 rarity of being granted asylum, particularly for citizens of this particular African nation, for whom a disproportionately large number of false applications historically have been filed.



By Eugene R. Licker

Christopher, who was his only witness, testified through an interpreter. During the hearing held on December 4, 2003, an increasingly skeptical judge frequently voiced concerns of credibility—especially when Christopher introduced evidence beyond the scope of the affidavit he had previously submitted. It became apparent that asylum seemed unlikely. Jasmeet and David were given five minutes to prepare a redirect.

During redirect examination, however, K&LNG's lawyers demonstrated that this was the first time that Christopher told his story through an interpreter and that any new information introduced by Christopher was not contradictory to his affidavit. After brief closings by each side, the Judge granted asylum, with no reservation for appeal by the Department of Homeland Security. Christopher was released that very night. Now living in Brooklyn, New York, Christopher works as a security guard at a New York high school. He is planning to go back to school to study psychology. **K&LNG**

Texas Case Sparks Amendment of Family Code

DALLAS

The case of a juvenile delinquent was instrumental in amending the Family Code for the entire state of Texas.

J.P., an 11-year-old, had initially been adjudicated as a delinquent and placed on probation. The court ultimately revoked his probation and ordered him to be committed to the Texas Youth Commission (TYC).

In an original disposition committing a child to TYC, the trial court can be required by the Family Code to find that the commitment is in the child's best interest, that it is necessary to protect public safety, and that lesser alternatives are unavailable. In the matter of a modified disposition, however, all three findings are not expressly required. Although the court was able to demonstrate the first two in J.P.'s case, it was not able to find that lesser alternatives were unavailable.

J.P. appealed, arguing that these findings were required to revoke his probation. The Court of Appeals affirmed,

and the Texas Supreme Court granted review. Texas Applesseed retained K&LNG to file an amicus brief on behalf of J.P. **Kirstin Dietel** and **John Vernon** drafted the brief, and Kirstin argued it before the Texas Supreme Court.



By Michael D. Napoli

Unfortunately, the Texas Supreme Court affirmed, holding that the Family Code did not require the same fact-findings when committing a child to TYC for breach of probation that it required when committing a child to TYC initially. However, in a concurring opinion, three Justices urged the legislature to amend the Family Code to require the same fact-findings in both circumstances. **K&LNG**

K&LNG Teams with Engineers to Help Affordable Housing Provider

NEW YORK

A unique pro bono partnership was born when K&LNG joined forces with a New York engineering firm to represent Fifth Avenue Committee, Inc. (FAC)—a nationally recognized nonprofit community development organization that has been building and managing affordable housing in Brooklyn, New York since 1977.

FAC's problems arose in October 2002, when one of its residential apartment buildings was seriously damaged by construction and excavation work being done on an adjacent lot. The damage led to the emergency evacuation of the building's tenants, whom FAC relocated to temporary housing in other FAC buildings. "Temporary" turned out to be a long time; the damage was so extensive that it took 18 months for the building to be stabilized to the point where its residents could return home. Those residents were unable to return until March of 2004. In addition to exacting an emotional toll on the residents, the lengthy delay meant that FAC was unable to collect even the affordable rent that it charges the displaced tenants. This loss of income made it difficult for FAC to provide programs and services to others in need. Moreover,

the repairs were not close to being adequate.

Enter K&LNG and LZA Technology—a division of the international engineering firm Thornton-Tomasetti Group (TTG).



By Michael R. Gordon

New York litigators **Michael Gordon**, **Joanna Diakos**, **Michele Higgins** and **Sommer Coutu**, in conjunction with TTG's engineers undertook the matter for FAC and one of its affiliates. With K&LNG providing the legal know-how and TTG providing the expert engineering support, the team sued the neighboring lot's developer, related parties, and the contractor. The lawsuit asserts claims of negligence and breach of contract.

K&LNG and TTG are still awaiting the outcome of this matter.

K&LNG

Multi-Office Collaboration on Appellate Advocacy

PITTSBURGH - HARRISBURG - NEWARK

At the request of the court, K&LNG lawyers in Harrisburg, Pittsburgh and Newark briefed and argued more than a half dozen pro bono appeals before the U.S. Court of Appeals for the Third Circuit in 2004, and they are working on more in 2005.

As a result of a 1996 federal law, an inmate who files a petition for habeas corpus and loses in the trial court must seek permission before taking an appeal. Either the district court or the court of appeals may grant what is known as a certificate of appealability, which requires that the inmate show that there is the real possibility of the denial of a substantial constitutional right in his case. When the Third Circuit (or one of its district courts) grants a certificate of appealability, the court of appeals often seeks to appoint pro bono counsel to ensure that a trained advocate fleshes out the legal issues in what might well be a precedent-setting case.

K&LNG lawyers have accepted such cases for a number of years.

“The firm’s commitment to providing pro bono services and the court’s need for appellate lawyers makes this a natural fit,” says **David R. Fine**, the pro bono coordinator in K&LNG’s Harrisburg office. “These cases often present cutting-edge issues of constitutional importance, and we respect the court’s eagerness to have all sides professionally represented.”

There is an additional benefit. The Third Circuit pro bono cases present a helpful opportunity for lawyers to sharpen their appellate-advocacy skills. “There is no real substitute for

experience in appellate advocacy, and we are eager for our lawyers to have a chance not only to write appellate briefs but to stand before three judges of the Third Circuit at an oral argument,” says Fine. “These cases focus on a body of law different than what we generally work with for our other clients, but they require the same attention to learning the facts and the law, developing a strategy and communicating clearly with the court.”



By Carleton O. Strouss

In July 2004, for example, the court entered its opinion in *Clemmons v. Wolfe*, in which K&LNG’s **Patricia C. Shea** argued for the appellant that a federal district judge should remove himself from a case in which he presided over the inmate’s trial and conviction when the judge was with the state court. The court of appeals agreed, reversed the judgment against the inmate, ordered that a different district judge hear the case and created a new circuit-wide rule requiring district judges to automatically remove themselves from similar cases. In October, Fine and K&LNG lawyers **Jeremy A. Mercer** and **Marsha A. Sajer** argued a total of five *pro bono* cases to two panels of the Third Circuit on the same day. In January, the court directed that two of those cases be heard by the en banc Third Circuit, an argument that took place in February 2005. K&LNG

Pakistani Family Granted Asylum

LOS ANGELES

Through K&LNG’s affiliation with Public Counsel Law Center, the largest pro bono law office in the nation, **Eugenie Warner** of the Los Angeles office recently represented a 52-year-old Pakistani woman and her youngest son in connection with their application for asylum under the Immigration and Nationality Act.

The clients’ petition for refugee status/asylum was based on both past persecution and a well-founded fear of future persecution based on the mother’s religion, political opinion, and membership in several social groups. The work involved substantial factual research, including personal interviews and a review of conditions in Pakistan. Based on this investigation

and legal analysis, evidentiary presentations were developed. These included declarations by members of the mother’s family as well as those of persons who knew of the extensive abuse and trauma the mother and her children suffered.

Eugenie filed a brief and presented testimony before the Immigration Court, which granted asylum for our client and her son. K&LNG



By Jill L. Varon

When Law and Art Intersect: Volunteer Lawyers for the Arts

PITTSBURGH



By Lucas G. Paglia

What do filmmakers, graphic designers and lawyers have in common?

More than you might think, thanks to K&LNG Pittsburgh's active involvement in Volunteer Lawyers for the Arts (VLA), a program sponsored by Pro Arts Pittsburgh.

For the past two years, K&LNG has provided pro bono legal services to a number of local artists and arts organizations through VLA, offering counsel in intellectual property matters, corporate transactions and statutory/regulatory matters. The firm's involvement with VLA was initiated by **Luke Paglia**, who had been working with VLA on a solo basis for a year before introducing the program office-wide.

The following are just a few of the many interesting VLA cases K&LNG has handled recently.

John Andrews. K&LNG helped Andrews, a local filmmaker, navigate a bitter copyright dispute with his former business partner and co-producer. The case involved issues of joint authorship and abandonment, as well as basic contract principles. With our help he was able to reach a financial settlement and avoid protracted litigation that he likely could not afford.

Smilen Savov. With the help of several K&LNG trademark lawyers, Savov, a Bulgarian filmmaker and choreographer who teaches at Point Park University in Pittsburgh, was able to refine his own production company. We drafted music license agreements, location releases, talent releases, and a work made for hire agreement for Savov to use in his film projects. In addition, we filed copyright applications for three of Savov's films and another copyright application for a film script, as well as a trademark application for the name of Savov's production

company, ASEGA DREAM. K&LNG also helped Savov locate and negotiate with a potential distributor for his films.

Sisebon Productions. Dominga Rosalita Wilson-Morena is working on a documentary film regarding the Gullah/Geechee native community in South Carolina. She asked K&LNG to assist her documentary film production company by preparing interviewee releases for participants in the documentary, a location release for locations recognizably filmed as part of the documentary, and a work made for hire agreement for the film crew to sign. In addition, we prepared an editor's contract for Sisebon.

Sharon "Mama" Spell. Mama Spell is a visual artist who performs stand-up comedy and performance art at local and national venues. In addition, she regularly exhibits her visual art at galleries around the country. K&LNG has prepared form exhibition and performance agreements for her use on an ongoing basis. We also have provided business incorporation and contract negotiation advice to her.

Inaam Salik. Salik, a graphic designer and owner of several trademarked and copyrighted designs for clothing, asked us to prepare a trademark and copyright license agreement with a Florida-based hip-hop clothing company on his behalf. We are currently in the process of negotiating that license.

The arrival of first-years saw 10 new K&LNG lawyers volunteer for VLA training in December 2004. They will join a growing corps of dedicated pro bono workers who have made a significant, lasting impact on local artists and arts organizations and raised K&LNG's profile in the community. K&LNG

An Asian-Pacific Perspective on *Brown*

MIAMI



All Americans have benefited from Chief Justice Earl Warren's proclamation on behalf of a unanimous Supreme Court, "We conclude in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

Spoken 50 years ago in the landmark Supreme Court decision in *Brown v. Board of Education*, these words are at the core of a very timely and relevant pro bono effort started by K&LNG Miami associate **William Simonitsch**.

Through Bill's correspondence with the legal director for National Asian Pacific Legal consortium (NAPALC), Bill—who happens to be Asian-American—and other K&LNG lawyers received an invitation to assist NAPALC speakers prepare for various speeches and presentations nationwide on the 50th anniversary of *Brown*.

The decision in *Brown* had a profound effect on the Asian-American community in the United States. It reversed the Supreme Court's decision in *Gong Lum v. Rice*—a 1927 case in which the Court upheld the segregation of Asian American students in Mississippi. It also eventually led to the decision in *Lau v. Nichols*, a decision holding that schools had to take measures to teach English to students with limited English

proficiency. We celebrate the 30th anniversary of that decision this year.

With the support of our partners and our Chief Diversity Officer, **Carl Cooper**, Bill recruited **April Lambert** from our Pittsburgh office for assistance in providing research and analysis for the development of a legal memorandum that would serve as a foundation for the presentations.

The memorandum was used extensively by NAPALC in speaking engagements, panel discussions, and in press releases, as well as for distribution to more than 200 civil rights organizations, 300 ethnic newspapers, 100 mainstream newspapers, members of Congress, and legal academicians. It is still available on NAPALC's Web site: http://www.napalc.org/programs/affirmativeaction/resources/pdf/2004_05_Brown_kit.pdf.

We are proud of Bill's and April's efforts in this nontraditional pro bono engagement. We hope to foster this innovative approach to pro bono efforts, so that all lawyers can use their skills for the benefit of society. **K&LNG**

The People in Your Neighborhood: Newark

NEWARK



By Helen E. Tuttle

It has become increasingly apparent that nonprofit organizations, like for-profit businesses, require sophisticated legal assistance to effectively operate in compliance with a variety of complex legal requirements. The Pro Bono Partnership, a nonprofit legal service provider, assists nonprofit organizations in New Jersey, Fairfield County, CT and Westchester County, NY by locating competent volunteer lawyers. These lawyers provide the organizations with legal assistance and help them operate more effectively by avoiding risks and costly mistakes. Since its founding in 1997, the Partnership stands out as one of the best facilitators of professionally satisfying pro bono opportunities for lawyers in the New York tri-state area.

K&LNG's Newark office has joined forces with the Partnership and has made a significant and valuable commitment to pro bono service within the local community. Volunteering through the Partnership, our lawyers provide legal assistance to various New Jersey nonprofit organizations, helping to advance their missions and saving them thousands of dollars for direct services to the disadvantaged in their communities. Our lawyers provide important help to organizations that struggle to address community needs with very limited means, and their volunteer service underscores K&LNG's firmwide commitment to pro bono activities. K&LNG's relationship with the Partnership provides our lawyers the opportunity to become involved in various non-litigation matters including employment counseling, real estate matters and transactional representations.

During 2004, Stephen Timoni and Helen Tuttle have coordinated new client matter opportunities through the

Partnership involving several lawyers in the Newark office (**John Marmora, Mark Mako, Mark Marino, Rosalia Niforatos, Alison Saling, Marilyn Sneirson, Kathryn Tagliareni, and Catherine Trinkle**). The examples that follow are representative of the matters we are handling.

Mark Mako, an associate in the Newark office, has assisted Apostles House and St. James Community Development Corporation in connection with the use of property acquired from the City of Newark for creation of affordable housing. Apostles House is a multi-service social service agency in Newark that provides emergency food and shelter, transitional housing and job training for poor and needy individuals and families. Mark described his experience as "worthwhile and rewarding, especially when the end goal is to serve the disadvantaged populations."

John Marmora and **Kathryn Tagliareni** have also assisted another Partnership client, the COGIC Community Development Corporation in Morristown, NJ with preparing an offer to purchase property for the construction of affordable housing. COGIC works to empower low-income residents of Morristown to achieve greater levels of individual and collective responsibility. One of its many goals is to provide more affordable housing in the area. "It amazed me how much we could help," Kathy stated. "It was a wonderful experience and we look forward to working with them in the future." K&LNG

K&LNG Pro Bono Committee & Coordinators



Firmwide Committee

Carleton O. Strouss, Chair

Eugene R. Licker

Kenneth M. Argentieri

Coordinators

Boston

Harry P. Grill

Dallas

Michael D. Napoli

Harrisburg

David R. Fine

London

Robert V. Hadley

Los Angeles

Jill L. Varon

Miami

Jeffrey T. Kucera

Newark

Stephen A. Timoni

New York

Eva M. Ciko

Pittsburgh

Kenneth M. Argentieri

San Francisco

Dirk Michels

Washington

Philip H. Hecht

A. Thomas Morris

Kirkpatrick & Lockhart Nicholson Graham (K&LNG) has nearly 1,000 lawyers and represents entrepreneurs, growth and middle market companies and leading FORTUNE 100 and FTSE 100 global corporations in every major industry, nationally and internationally.

K&LNG is a combination of two limited liability partnerships, each named Kirkpatrick & Lockhart Nicholson Graham LLP, one qualified in Delaware, U.S.A. and practicing from offices in Boston, Dallas, Harrisburg, Los Angeles, Miami, Newark, New York, Pittsburgh, San Francisco and one incorporated in England practicing from the London office.

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

Unless otherwise indicated, the lawyers are not certified by the Texas Board of Legal Specialization.

Data Protection Act 1998 - We may contact you from time to time with information on Kirkpatrick & Lockhart Nicholson Graham LLP seminars and with our regular newsletters, which may be of interest to you. We will not provide your details to any third parties. Please e-mail cgregory@kling.com if you would prefer not to receive this information.

© 2005 KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP. ALL RIGHTS RESERVED.



**Kirkpatrick & Lockhart
Nicholson Graham LLP**

www.klng.com