

2012



for the public good

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

K&L GATES

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Pathways to Service



We are a truly global law firm. Our physical presence spans four continents, while our service offering is virtually borderless. This holds true for our pro bono services as well. By collaborating internationally, K&L Gates lawyers continue to aid individuals and organizations in need of assistance on the foundation of a truly global platform.

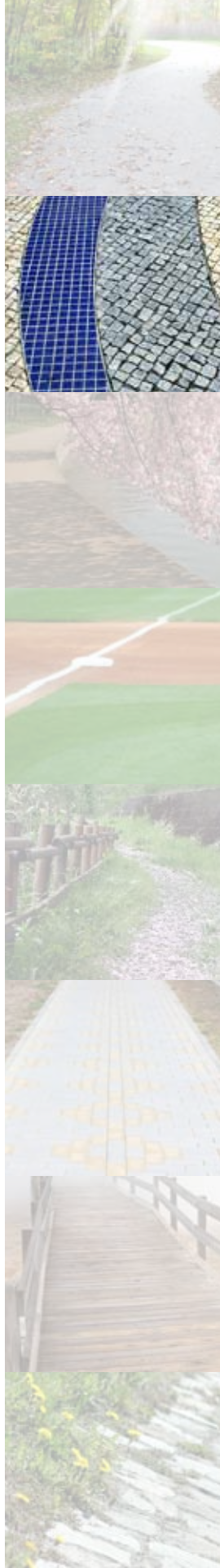
In this edition of “for the public good,” we reflect on our commitment to work in local communities across the globe. We also celebrate our lawyers who continue to provide legal services to the most vulnerable, neglected, and disadvantaged, through direct client representation as well as supporting organizations that serve the legal needs of people who have no other access to legal services.

These narratives are a reflection not only of the firm’s longstanding commitment to pro bono work in our local communities, but also of our lawyers’ efforts to use the firm’s global platform to continually expand the reach of our pro bono services to the neediest populations.

May you find these stories inspiring.

By Peter Kalis, Chairman and
Global Managing Partner

Corporate



Charlotte Team Works to Preserve North Carolina's Southern Piedmont



In 2011, the Charlotte office real estate and environmental teams worked on more than 10 conservation projects for the Catawba Lands Conservancy. The Conservancy is a nonprofit land trust that works with landowners in the region to preserve property in North Carolina's Southern Piedmont. It also serves as the lead agency for the Carolina Thread Trail, an ambitious effort to create a 15-county network of trails and greenways in the Carolinas.

The Charlotte office's pro bono work for the Conservancy was a team effort, with contributions from 13 lawyers and paralegals, and numerous staff members. The team donated more than 265 hours in legal services in 2011, and their collective efforts assisted the Conservancy in preserving 941 acres of land. The Charlotte lawyers and paralegals gained valuable experience and developed innovative solutions that maximized the acreage protected and the conservation value of those acres.

Walter Fisher serves on the Conservancy's board of directors and chairs the board's Land Acquisition Committee. Chris Walker is also a member of the Land Acquisition Committee and advises the Conservancy on environmental matters. Other lawyers and paralegals who contributed in 2011 include Brian Evans, Peter McLean, Collin Brown, Dave Franchina, Steve McCrae, Colby Slaughter, Mike Tomlinson, Janice Clark, Cynthia Kirby, Ruth Ann Meredith, and Kristy Foster.

Nonprofit Organization Seeks to Open Community School in Fall 2012

New York associates Mandy Lundstrom, Lani E. Medina, and Justin Purtle provide advice, counsel, and representation to the North Fork Education Initiative (NFEI). NFEI is a New York nonprofit organization whose mission is to create educational programs and opportunities with a focus on the arts, the environment, and community building in the North Fork of Long Island, NY. Since its inception, NFEI's primary focus has been on developing and launching the Peconic Community School, a K-8 independent school in the North Fork.



The representation of NFEI initially involved incorporating the nonprofit, drafting its bylaws and organizational resolutions, registering NFEI with the New York Attorney General's Charities Bureau, and obtaining a federal tax exemption for NFEI. Following that initial stage of representation, the K&L Gates team submitted an application for a petition for provisional charter with the New York Board of Regents, which is required to form the education corporation that will operate the Peconic Community School.

Once the Board of Regents grants the charter, the K&L Gates team will draft bylaws and organizational resolutions for the Peconic Community School, register the school with the Attorney General's Charities Bureau, assist the school in obtaining a federal tax exemption, and provide ongoing counseling to NFEI and the Peconic Community School on general corporate matters.

Colombian Nonprofit Works for Ratification of Human Rights Document

New York foreign lawyer Laura Güemes and former associate Roberto Alonso responded to a request from a client to assist a Colombian nonprofit organization.

Alonso and Güemes produced a report in Spanish to help the nonprofit organization work for the ratification of a human rights document, called the Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, by the Colombian Government.

In the report, they explained the situation of African descendants in Latin America from a social and political point of view and why an Inter-American Convention is needed, even though an International Convention already existed. Alonso and Güemes found that the International Convention did not cover the particular situation of African descendants in Latin America.

The report was submitted in December 2011, but is not yet finalized. The future ratification of the Inter-American Convention in Colombia and elsewhere in Latin America will have a positive impact with respect to African descendants in Latin America who often suffer from racial discrimination, social exclusion, and under-representation in government.

Frankfurt Charity Helps Recovering Drug Addicts

For several years, Frankfurt counsel Claudius Paul has been involved in advising charities, including the charity Lebenswende e.V. in Frankfurt, Germany.

The charity has Christian roots, and was founded in October 1978. It is run through the help of public donations to a large extent, with only minor funding from the government on a case-by-case basis. The charity's main goal is to help and support drug addicts to overcome their addictions and to establish and lead normal lives, focusing especially on underprivileged young men. The charity offers therapies including the ability to stay at a caring home where people are supervised and supported every day.

Compared to governmental programs, the success rate of the addicts working with Lebenswende e.V. is high. More than 75 percent of all those helped are able to live normal lives, have families, and work.

In state programs, this figure is less than 20 percent. The program is recognized by criminal courts, which have started referring convicts to Lebenswende rather than sending them to prison.

Paul offers legal support that covers day-to-day issues, corporate governance work, and the establishment and governance of the charity's new foundation.

Big Brothers Big Sisters Receives Denied Insurance Payments

Pittsburgh associate John Hagan has been assisting Big Brothers Big Sisters of Pittsburgh in receiving insurance coverage money from damage their building suffered as a result of rainstorms.

In the summer of 2011, the Big Brothers Big Sisters offices were damaged on two different occasions when water backed up from the sewer system into their building. The damage from the two incidents amounted to a substantial portion of the organization's yearly operating budget.

Hagan is a volunteer with Big Brothers Big Sisters, and when he learned that the organization's insurance company had refused to pay for the damage, he began representing them. After he analyzed the insurance policy, he discovered that Big Brothers Big Sisters in fact had purchased coverage for precisely this type of incident, and found severe flaws in the insurer's stated reasons for denying coverage.

Hagan and Big Brothers Big Sisters were prepared that it might take a substantial effort to recover insurance proceeds, including the possibility of litigation, but ultimately Hagan was able to convince the insurer to reverse its position and agree to pay Big Brothers Big Sisters' claim in full.

Currently, Big Brothers Big Sisters has received checks for nearly all of its damages, and Hagan is in the final stages of arranging for the last payment.

Corporate Team Assists Youth Alliance for Leadership and Development in Africa

New York partner Whitney Smith and associate Calvina Bostick are assisting the Youth Alliance for Leadership and Development in Africa (YALDA), an organization that facilitates the collaboration of students, young adults, and leading professionals with an interest in the development of Africa.

Smith and Bostick are assisting YALDA to become incorporated, obtain tax-exempt status under section 501(c)(3) of the Internal Revenue Code, and related corporate matters. YALDA has a network of branches at universities in the United States and Africa, and will be able to expand its operations and fundraising opportunities after receiving 501(c)(3) public charity status.

SIFA Fireside Establishes Clothing Shop

London associate Joe Lavelle advised SIFA Fireside, a charity which provides assistance to the homeless and those who suffer from alcohol-related illness, on a commercial joint venture. The joint venture concerned the opening of a clothing shop in Birmingham with Trident Reach, a social investment charity based in the Midlands of England.

Lavelle worked with SIFA Fireside in drafting the commercial joint venture agreement, which provides that an individual manages the operation of the shop and both charities financially support it.

Charlotte Office Continues Partnership with Habitat for Humanity

In 2011, the Charlotte office real estate team worked on 21 home closings for Habitat for Humanity of Charlotte. For more than nine years, the Charlotte office has partnered with Habitat Charlotte, and the office has been recognized in years past with the Large Law Firm Annual Pro Bono Award from the Mecklenburg County Bar Association in acknowledgement of the partnership.

Associate Anna O'Neal serves as the firm's liaison with Habitat Charlotte and partner Lee Cory works with O'Neal to ensure the program runs smoothly and the necessary resources are in place to handle the closings.

The team structures the staffing of the work so that at all times a partner and an associate are handling the matters and rotating the closing duties so all of the office's real estate lawyers participate in the program over time.

New York Team Assists K.I.D.S.

Through New York partner Laura Brevetti's role as a board member of Kids in Distressed Situations (K.I.D.S.), associate Justin Purtle has provided general legal advice and counsel with respect to contracts and other issues for the organization.

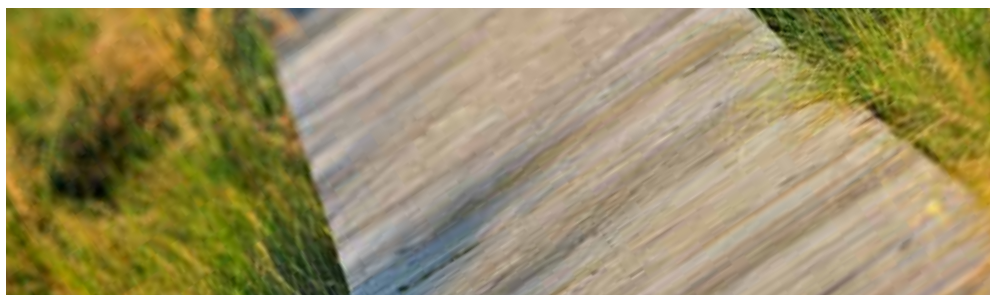
K.I.D.S.' mission is to provide donated material to disadvantaged children or children who have experienced a devastating event. Last year, K.I.D.S. delivered trailers full of donated pajamas and strollers in Japan following the earthquake and tsunami.

Climate Change Program Inspires Students

Pro snowboarder Jeremy Jones witnessed first-hand the impact of climate change in the mountains. After having been turned away from snow areas, and resorts forced to closed due to lack of snow, Jones saw a need for cohesion in the winter sports community. In 2007, Jones founded Protect Our Winters (POW) to address the problem and create a call to action within the community. POW's focus is to provide educational initiatives, activism, and support for community-based projects.

In 2011, POW turned to New York partner Whitney Smith for assistance in structuring a joint venture involving POW and the Alliance for Climate Education (ACE). The goal of the joint venture was to develop and implement presentation materials to discuss climate change issues in high schools. The multimedia program they developed – "Hot Planet/Cool Athletes" – incorporated professional snowboard athletes and climate experts from ACE. The presentation features personal accounts from athletes and discusses specific consequences related to climate change.

The goal of POW's school program is to inspire students to take action and inform others of climate issues within their communities. Since the program's inception last year, it has reached more than 10,000 high school students.



Hatfield Provides Counsel to Be Free Global

New York associate Holly Hatfield provides general counsel for Be Free Global, a nonprofit microfinance organization that focuses its efforts on improving living conditions for children in developing countries.

Be Free Global provides alternative funding opportunities for creative projects worldwide. Many initiatives are geared towards supporting small, community-based organizations that provide educational services to children who have been victims of abuse and neglect. Its recent microfinance work has supported the donation of children's books to Ethiopian orphans; free meals for preschool children in Zimbabwe; access to free education for children displaced from Haiti's 2010 earthquake; and the creation of an educational space near Kathmandu, Nepal that is protected from harsh Himalayan weather conditions.

Since the organization's inception in 2008, the firm has provided organizational and tax planning advice, including qualifying Be Free Global as a tax-exempt organization. K&L Gates continues to provide ongoing counseling with respect to governance, fundraising efforts, and general corporate matters.

National Geographic Negotiates Research Collaboration Agreement

New York and Moscow partner Robert Langer assisted the National Geographic Society in negotiating a research collaboration agreement with the National Academy of Sciences of the Republic of Kyrgyzstan for archeological research.

In the summer of 2011, Langer successfully completed the agreement negotiation and the archaeological research commenced.



Durham Rescue Mission Obtains Permit for Expansion

The Durham Rescue Mission in Durham, NC provides food, clothing, shelter, training, education, job, and counseling services to thousands of disadvantaged people every year. The Mission operates a men's campus, a facility for women and children, and two thrift stores.

In January 2011, the Mission received an \$800,000 grant for the Center for Hope, a major expansion and improvement of its men's campus. However, under the city of Durham's zoning regulations, the Center for Hope project could not move forward until the Mission obtained a special use permit from the Durham Board of Adjustment, and the \$800,000 grant was contingent on the Mission receiving all necessary zoning entitlements within six months of the grant being awarded.

Research Triangle Park partner Patrick Byker, of counsel Lewis Cheek, and counsel Craigie Sanders worked with the Mission's leadership and engineering and design consultants to draft and submit the special use permit application, review and assist the site plan work, and conduct the evidentiary presentation before the Durham Board of Adjustment. This was all accomplished within six months so the Mission could secure its \$800,000 grant.

The special use permit was approved and the Center for Hope will open in the fall of 2012.

Jeunes Virtuoses de New York Gains Tax-exempt Status

New York partner Lorraine Massaro and former K&L Gates lawyer Omer Rosen worked with a chamber group of young musicians to obtain tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

The group, Jeunes Virtuoses de New York, is an ensemble of accomplished young musicians who perform on both sides of the Atlantic both as a string camerata, and in various chamber music configurations. In addition to selecting extremely talented young musicians for rigorous training with a renowned tutor, the mission of Jeunes Virtuoses is to broaden the experience of the young musicians by providing them with unique and inspiring artistic experiences through, among other things, performing as an ensemble in formal concert settings here and abroad, and to elevate their creativity, communication skills, confidence, and human and cultural awareness.

Langer Assists Operation Smile in Russia

Operation Smile is an international children's medical charity that performs reconstructive surgery for children born with facial deformities, such as cleft lip and cleft palate.

New York and Moscow partner Robert Langer has been involved with Operation Smile for more than 17 years. When he began, he helped establish operations in Russia and assisted with annual fundraising.

Last year, Operation Smile conducted four missions in Russia and performed more than 250 surgeries, as well as hundreds of post-operative assessments on children from prior missions.

Veterans Assistance



Veteran Fights for Pension



London senior associate Rachel Stephens and partner Jane Harte-Lovelace successfully represented a veteran with severe post-traumatic stress disorder (PTSD). The client, a member of the British Territorial Army, was deployed for a combat tour in Afghanistan in 2007 after previously serving in Iraq. Upon returning home from Afghanistan, he was diagnosed with PTSD. He returned to his civilian banking job, but the severity of his symptoms inhibited his ability to fulfill his role, leading to his termination.

Once medically discharged from the Army, the client's disability pay would cease, and any future income from the Army could be derived only from the Armed Forces Compensation Scheme (AFCS). The AFCS initially refused to recognize the full extent of the client's PTSD, despite it being documented as "severe," "chronic," and "permanent" by the psychiatrists and psychologists treating the client, who confirmed the client could not be expected to work again for the foreseeable future.

Initially, the client was awarded a one-off, small payment by the AFCS for his pain and suffering, but no pension. His PTSD symptoms became increasingly worse, making it difficult for him to function day-to-day.

In late 2010, the client was put in touch with Harte-Lovelace. For eight months, Harte-Lovelace and Stephens worked for a more equitable result for the client from the AFCS.

As a result, the AFCS reconsidered the client's symptoms, and he received more than 15 times what he was originally awarded, as well as a pension to recognize the fact that he had lost his civilian and military careers as a result of the injuries he suffered serving his country. He now has the means to financially support himself while he continues treatment and rehabilitation.

New York Litigation Team Represents Veteran in Disability Appeal

A New York litigation team including Andrew Morrison, Samantha Katze, and Molly Nixon-Graf is representing Larry Bruce, a decorated veteran who served in the U.S. Army from 1960 to 1963 and in the U.S. Air Force from 1964 to 1981. Their client is appealing to the U.S. Court of Appeals for Veterans

Claims after the Board of Veterans' Appeals refused to award disability benefits to Bruce because it failed to find a service connection.

While serving in the armed forces as a parachutist, Bruce endured several injuries while executing jumps and participating in other service-related activities. Many of these injuries led to hospitalization and subsequently, chronic pain. Bruce still suffers from chronic back and neck pain as a result. In addition, Bruce has a bilateral hip disorder that stems from knee problems deemed service-connected.

Unfortunately, certain material evidence to support Bruce's claims for benefits for these conditions is missing, as a decade of his medical records were destroyed while in the custody of the U.S. Armed Services, and another decade of post-service records were lost in a hurricane.

This case was referred to the firm's litigation team by the Veterans Consortium, which administers the pro bono appellate program through a consortium of four organizations, The American Legion, Disabled American Veterans, National Veterans Legal Services Program, and Paralyzed Veterans of America.

Army Disability Rating Appealed

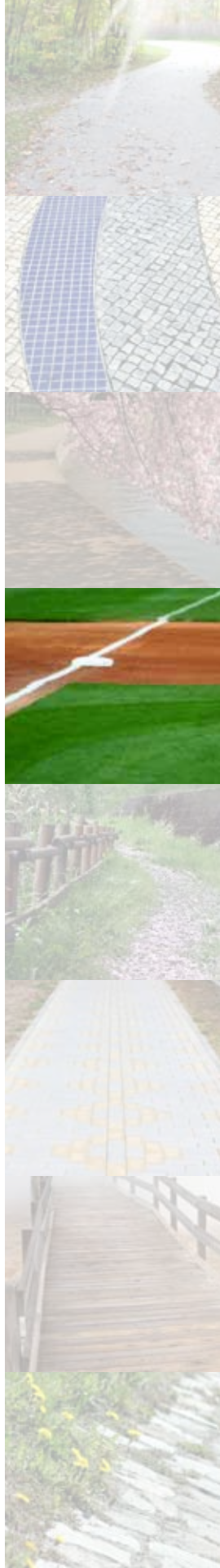
Seattle associate J. Timothy Hobbs assisted a client in filing an appeal with the U.S. Army Physical Disability Board of Review (PDBR) seeking a change in the client's disability rating. The appeal asks the PDBR to revise the zero percent disability rating the client received upon his honorable discharge.

The client entered Army active duty in 1999, and while serving in the military police force he sustained a hernia and subsequent nerve injury during a training exercise. The U.S. Army Medical Evaluation Board noted in its review that the client could not continue his service because of the hernia and related injuries. The Army's Physical Evaluation Board, however, deemed the client unfit for service based on neuralgia, caused by damage to nerve tissue, and assigned him a zero percent disability rating.

The appeal is under consideration.



Basic Legal Needs



Case Win Leads to Panel at 2012 Gay World Softball Series

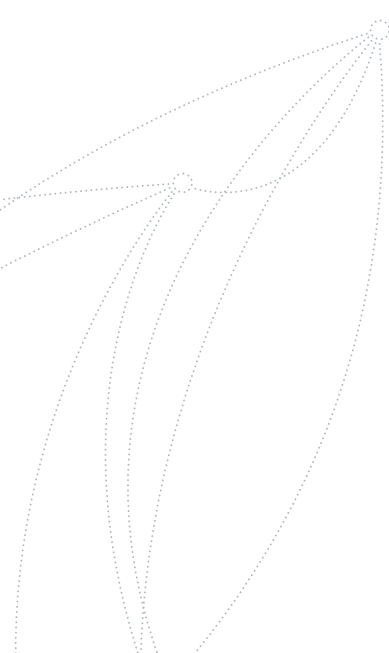


Seattle partner Suzanne Thomas successfully settled a widely publicized “impact” pro bono case related to three bisexual men of color who were suing the North American Gay Amateur Athletic Alliance (NAGAAA) for discrimination during the Gay Softball World Series.

The men, and two Caucasian men, were questioned in a public setting about their sexual orientation. NAGAAA's committee voted the men of color to be not gay enough to play in the Tournament due to its rule restricting rosters to two heterosexual players, but the Caucasian men were voted to be gay enough, despite giving the same answers as a player of color.


As part of the settlement, K&L Gates, with the National Center for Lesbian Rights and NAGAAA, will co-host a panel at the 2012 Gay World Softball series in August relating to the effects of exclusionary rules, historic discrimination and negative stereotyping against LGBT (lesbian, gay, bisexual, and transgender) athletes at all levels of sports, and the need to eradicate such discrimination. The players also received the trophy that they won.

Other members of the legal team included Peter Talevich, Michael Ryan, Jill Miller, Dennis Tessier, and Patrick Felde.



Firm Challenges Foreclosure Rescue Scheme

In March 2012, a K&L Gates team filed a federal lawsuit challenging an allegedly discriminatory foreclosure rescue scam targeted at Hispanic homeowners in Northern Virginia. The lawsuit, filed in the U.S. District Court for the Eastern District of Virginia, named Bella Homes, LLC (Bella) and a number of its management officials and agents as defendants.



Washington, D.C. partners Carol Elder Bruce and John Longstreth and associates Amy Eldridge and Eric Mitzenmacher, Miami partner Paul Hancock, and Dallas associate David Monteiro are handling the case.

Bella advertised its services on Spanish language radio stations and the plaintiffs allege that the company was targeting Hispanic residents of Northern Virginia in this fraudulent scheme.

The National and Washington Lawyers' Committees for Civil Rights are co-counsel with the firm in this pro bono case. The lawsuit raises claims under the Fair Housing Act, 42 U.S.C. §§ 3601 et seq., the Credit Repair Organizations Act 15 U.S.C. §§ 1679 et seq, and state statutory and common law claims.

The plaintiffs are seeking clear title to the home and monetary damages. In April, 2012 the court denied motions to dismiss filed by Bella's owner, who helped develop and oversee the scheme, and by one of Bella's Virginia agents, who the plaintiffs allege helped sell them on the deal. This case is now in the discovery phase.

Cross-office Team Helps Create Estate Planning Documents for New York Firefighters

The New York, Newark, and Pittsburgh offices, in collaboration with the pro bono committee of MetLife's legal department, participated in the second session of a pro bono project, Working To Instill Lifelong Security (W.I.L.L.S.). The project provides wills, health proxies, and powers of attorney for New York firefighters. To date, W.I.L.L.S. has assisted nearly 100 first responders and their families in the creation of these important estate planning documents.

The project arose from discussions between New York partner Willie Dennis and the legal department at MetLife. Pittsburgh partner Andy Gespass and associate Theresa Schroeder, along with Newark associate Christina Burke, agreed to create the questionnaire and document templates for the project that Pittsburgh document specialist Linda McSweeney programmed into HotDocs, a document automation program. The New York IT department then tested and installed the program on laptops to be used at the W.I.L.L.S. events.

In December 2011 at Hook and Ladder Company Number 5 in Merrick, NY, IT manager Debra Chilcott and her team, including Greg Brown, Johnny Corona, Julie Martin, and former firmwide trainer Marilyn Derayunan, set up 20 laptop stations that MetLife lawyers used to counsel, advise, and create legal documents for 70 firefighters and their families.

The December event was the second session of this unique multioffice, multidiscipline, client-collaborative project, the first having occurred in June. The W.I.L.L.S. pro bono team plans to hold similar sessions twice per year at other firehouses in the New York area.

Englert Presents at Tanzanian Uranium Mining Workshop

In collaboration with the International Senior Lawyer Project (ISLP) and the United Nations Development Programme, Pittsburgh partner John Englert conducted a workshop on the administration and management of uranium mining projects in Tanzania.

The workshop, organized for the Tanzanian Attorney General's office and Ministry of Energy and Minerals, was attended by nearly two dozen senior government officials, including those from the Attorney General's Chambers of Tanzania and Zanzibar; the Ministry of Energy and Minerals; the Ministry of Communications, Science, and Technology; the Ministry of Lands; and the Tanzanian Atomic Energy Commission.

As Tanzania's uranium mining operations grow, the government sought guidance on how to best manage its mining projects in the interest of protecting workers, the public, and the environment.

Englert was supported by a team that included Pittsburgh associates James Swetz, David Shelton, and Jane Pohl and the able assistance of Traci Melko in the firmwide graphics department.

Policy Team Protects Poverty-focused Development Assistance Funds

A team of public policy lawyers and professionals worked with Advocates for Development Assistance to help prevent massive cuts to U.S. poverty-focused development assistance funding in 2012. The team met with key senators, members of Congress, and staff from both parties to make the case that this kind of foreign aid has important implications for our national security, economy, and world leadership.

The continued funding, totaling more than \$6.5 billion, will be used for development assistance, global health programs, and the 2012 operating expenses for the U.S. Agency for International Development (USAID). This funding will ensure that millions of the world's poorest people have access to life-saving vaccines, treatments, and economic assistance.

Advocates for Development Assistance is a nonprofit group dedicated to increasing American support for USAID's development assistance and global health efforts.

The team included Paul Stimers, Daniel Ritter, James Walsh, Akilah Green, Ryan Severson, Steven Valentine, William Kirk, Stephen Cooper, W. Dennis Stephens, Dennis Potter, Chad See, Sean McGlynn, Irene Nsiah, and Slade Gorton.

London Team Assists Community-interest Group

A community-interest group outside of London was forced to forfeit its commercial lease because of a dispute over handicapped parking. The organization gives back to its community through charities, fundraising, a mobile cinema, and programs for documentary filmmakers.

The organization's neighboring tenants complained about the number of parking spaces available for the disabled visitors who frequented the organization. The complaints persisted incessantly and the client alleged they morphed into harassment. When the organization sought help from its landlord, he was reluctant to get involved and risk losing the neighboring tenants. In an effort to maintain its successful community efforts, the company filed a harassment claim against its neighbors. Through the legal process, fees, and the neighbors' attempts to extend court dates, the client lost business, profits, and grants, and eventually was forced to surrender its lease.

On the verge of permanently closing, the organization presented its case to London partner Robert Hadley and associate Abigail Tumulty. Tumulty and Hadley discovered the landlord misrepresented disabled parking information in the company's commercial lease, and a favorable case existed if they could pursue a ruling on this misrepresentation rather than the neighboring tenants' alleged harassment.

A positive outcome in the pending trial would result in a reward to the company for damages, and hopefully it will provide enough for the company to remain afloat and resume its charitable work.



Firm Obtains Appeals Win for Incarcerated Client

As a member of the pro bono panel in the U.S. Court of Appeals for the Second Circuit, New York partner Doug Broder is regularly appointed to represent indigent defendants. He then supervises New York associates who brief and argue the appeals. New York associate Sarah Kenney and former K&L Gates associate Michael Gomez represented an inmate on appeal before the Second Circuit, successfully reviving the inmate's *pro se* complaint.

In 1989, the client was incarcerated at Five Points Correctional Facility in New York for a series of violent crimes. While serving his sentence, he was elected by his fellow prisoners to serve on an inmate grievance committee. As a committee member, he was responsible for addressing and responding to inmate complaints.

The client believed the corrections officers were interfering with his duties and retaliating against him for investigating and pursuing inmates' grievance complaints. Accordingly, he filed a *pro se* complaint with the U.S. District Court for the Western District of New York. That court dismissed his amended complaint on the ground that the client had failed to diligently prosecute the action by failing to timely oppose defendants' motion to dismiss, a claim not raised by the state of New York on behalf of prison authorities.

The client later appealed to the Second Circuit, which appointed K&L Gates to represent him.

The team briefed and argued the appeal, claiming that the court should reinstate the amended complaint because the lower court had neglected to analyze the required factors governing a dismissal for failure to prosecute. The team also argued that the lower court had confused the client and contributed to his delay in opposing defendants' motion to dismiss by issuing misleading instructions about what the client was required to do to avoid dismissal.

The Second Circuit ruled that the dismissal of the client's complaint had been an abuse of discretion. As a result, it ordered the reinstatement of his complaint and remanded the case to the district court for further proceedings.

Client Wins Appeal from Life Sentence

With the pro bono assistance of K&L Gates, a Virgin Islands man has proven to a federal court of appeals that his sentence should be reconsidered because the government's lawyer violated a plea agreement during the sentencing hearing.

Harrisburg partner David Fine represented the man, who had pleaded guilty to murder in connection with a jewelry store robbery in which the owner was killed.

As part of the plea agreement, prosecutors agreed to offer no sentencing recommendation. However, at the time of sentencing, the assistant U.S. attorney made comments that suggested that the client and his co-defendants should be incarcerated for life. The judge gave the defendant a life sentence.

The defendant argued that the prosecutor's comments effectively breached his plea agreement and instructed his lawyer to appeal the sentence. The lawyer, however, failed to file a notice of appeal by the jurisdictional deadline. The defendant filed a *habeas corpus* petition arguing that his lawyer had been constitutionally ineffective because he did not file a timely appeal, but the district court denied the petition.

The Third Circuit Court of Appeals appointed Fine to represent the defendant. After oral argument, the appeals court agreed that the defendant had received ineffective assistance of counsel, and it reinstated his appeal rights. The court then appointed Fine to represent the defendant in the new appeal. After briefing and another oral argument, the court agreed that the prosecutor breached the plea agreement with his comments at sentencing and the court ordered a new sentencing before a different judge.

In the second sentencing hearing, the newly assigned judge sentenced the defendant to 34 years.



London Team Provides Assistance to Capital Crime Charity

A team of seven lawyers including London administrative partner Tony Griffiths provided assistance to a London charity that offers legal assistance on cases of capital defense in the United States.

The case involved a teenage defendant who had received a life without parole sentence for a shooting incident in which the victim, a young female bystander, was severely injured and disabled.

The K&L Gates team reviewed the transcripts of the trial evidence and prepared summaries for the lawyer representing the defendant for use in discussions with the prosecutors, and for a review of the sentence. This was made possible by a Florida ruling that sentences of life without parole passed on persons who were juvenile at the time of the offense should be reviewed.

With the team's assistance the defendant's sentence was reduced on review to 28 years.

Eastern Congo Initiative Advocates for Ambassador

In 2011, a team of K&L Gates policy lawyers in Washington, D.C. assisted film star Ben Affleck's Eastern Congo Initiative (ECI) by forging a major effort to work with the Obama Administration and Congress to advance the interests of the people of the Democratic Republic of Congo.

Founded by Affleck, the ECI is the first U.S.-based advocacy and grant-making initiative wholly focused on working with, and for, the people of Eastern Congo. ECI hopes to create abundant opportunities for economic and social development.

The efforts helped raise awareness that resulted in the contribution of more than \$10 million in foreign aid by the Obama Administration to assist in the November 2011 Congolese elections, the deployment of 100 U.S. military advisors to the region to combat the prevalence of a vicious militia active in the Congo, and the opportunity for four ECI-affiliated witnesses to testify before Congress at two congressional hearings.

The firm engaged in a year-long effort to help Affleck and ECI leadership achieve its main priority of encouraging the appointment of a dedicated senior leader at the U.S. State Department focused on Africa's Great Lakes region and the Congo, a key missing piece to U.S.-Congo relations.

At the end of 2011, Ambassador Barrie Walkley was appointed as the special advisor to the Great Lakes region and the Democratic Republic of Congo.

Brennan Center for Justice Analyzes Surveillance Limits

New York partner Eric Moser and associates Albert Levi and Erica Iverson are working with the Brennan Center for Justice at New York University on a project aimed at researching and analyzing possible constitutional and statutory limits on certain surveillance and information-gathering activities of the New York Police Department aimed at American Muslims in the New York City area and beyond. The Brennan Center for Justice is a non-partisan public policy and legal institute focusing on issues of democracy and justice.

New York Associates Draft Survey for the Animal Legal Defense Fund

New York associates Molly Nixon-Graf and Erica Iversen are assisting the Animal Legal Defense Fund (ALDF) by conducting a 50-state survey of the intersection of state animal cruelty laws, nuisance laws, and right-to-farm statutes. This research will serve as a legal basis for a challenge to “factory farming,” also referred to as concentrated animal feeding operations (CAFOs).

Factory farms confine thousands of animals per year in filthy and cramped spaces, and subject many of them to a life completely indoors. In some jurisdictions, legal challenges to agricultural operations are restricted, which may prevent scrutiny of factory farming practices. Nixon-Graf and Iversen have been advising ALDF on the state jurisdictions that may provide more favorable forums for future legal action.



WASH Advocacy Initiative Obtains Funds for Safe Drinking Water

Washington, D.C. partners Daniel Ritter and Paul Stimers and government affairs counselor Jim Walsh led a large policy team in obtaining a legislative victory for the WASH Advocacy Initiative.

The team helped secure \$315 million in federal development assistance funds, which will be used to help provide sustainable access to safe drinking water and sanitation in developing countries. The group also advocated passage of the Sen. Paul Simon Water for the World Act, which would provide 100 million people across the globe with safe and sanitary drinking water on a sustainable basis over the next six years.

The WASH Advocacy Initiative is a nonprofit group dedicated to increasing American support for safe drinking water and sanitation in the developing world.

Volunteers Provide Advice at Battersea Legal Advice Centre

A team of London lawyers has been working with the Battersea Legal Advice Centre for more than 15 years providing one-off legal advice to drop-in clients.

The K&L Gates volunteers provide general advice and assistance to individuals with legal problems in a wide variety of different areas, including employment, housing, consumer rights, building, and other disputes.

Nearly 40 lawyers from the London office volunteer their time at the center.

Protecting Women and Children



Win Protects Client's Daughter from Female Genital Mutilation



Chicago associate Sara Fletcher achieved a significant victory on behalf of an immigrant from Benin, Africa and her daughter who is a U.S. citizen. The client filed an affirmative application for asylum, which was denied, and she faced deportation from the United States. She feared that if she returned to Benin, her 10-year-old daughter would be forced to undergo female genital mutilation (FGM).

When the client was 8 years old, she was taken by her godmother, a member of the Bariba tribe in Benin, and forcibly branded with a painful tattoo in a ceremony as the first step in the FGM process. Her father strongly opposed FGM and sent her to school in the Ivory Coast to protect her from being forced to undergo FGM; she remained there until she was approximately 25 years old. She then came to the United States to attend Indiana University, and she and her husband had a son and a daughter.

When the client's daughter was approximately 5 years old, her husband's family began to send letters and make phone calls demanding that their daughter return to Benin to undergo FGM. In Bariba culture, a daughter is viewed as property of her father's family, and the client felt powerless to protect her daughter.

Although the client and her husband oppose FGM, they testified that their opposition would not be enough to save their daughter from the practice. In the Seventh Circuit, an immigrant cannot be granted relief based exclusively on a fear that his or her daughter (if the daughter is a U.S. citizen) will be subjected to FGM upon return to the native country; the court reasons that the child will not be forced to return. A recent Seventh Circuit opinion, however, directed the Board of Immigration Appeals (BIA) to consider whether relief to an immigrant parent would be appropriate where the parent would suffer mental or psychological anguish or harm as a direct result of the daughter's forced FGM.

Fletcher's client testified with a strong explanation of how she would suffer mentally, emotionally, and psychologically if her daughter were to be subjected to FGM. The judge ultimately found the client's fear to be credible based on evidence including a U.S. Department of State Country Report on Benin that indicated more than 70 percent of women in the Bariba tribe had undergone FGM as of 2010, and four letters sent by the family of the client's husband demanding that the daughter return to Benin to undergo FGM as soon as possible.

The win allows the client to remain in the United States legally.



New York Lawyers Team with inMotion

For seven years, the firm's New York office has partnered with inMotion, a New York nonprofit organization that provides and coordinates legal services to indigent women in custody, support, abuse, divorce, and immigration proceedings. Each year, as part of its summer associate program, the office assigns to each summer associate a pro bono client

referred by inMotion. In 2011, 37 partners, associates, summer associates, and paralegals in the New York office devoted nearly 1,425 hours to the representation of inMotion clients. The program is coordinated by partner Pat Loughlin and paralegal Eugenia Frenzel.

Mother Wins Child Support and Visitation Order

Partner Tedd Van Buskirk and associate Anthony Badaracco, working with two summer associates, secured a child support order and visitation schedule for a mother raising a child mostly on her own.

The client is a single mother of a 3-year-old son. After her relationship with the father ended, for more than two years the parties did not speak and the father did not provide any type of regular support or play a role in the child's life. In April 2011, the client filed for child support, receiving a small temporary order of support before the hearing. The father responded by filing his own petition for custody of the child.

Summer associate Michael Agosta subpoenaed the father's employment records and researched the costs of providing for the child. When the father failed to appear at the support hearing in July 2011, the client received a substantial child support award.

At three subsequent hearings, the father sought to vacate or reduce the award, but each time Van Buskirk and Badaracco rebuffed his efforts.

The visitation matter proceeded simultaneously. Summer associate Jennifer Paone, along with Van Buskirk and Badaracco, interviewed the client, negotiated with the father and later with his lawyer, and appeared in court obtaining a visitation order in August 2011 that was satisfactory to both parties.

Client Petitions to Divorce Incarcerated Husband

New York foreign lawyer Laura Güemes assisted a woman in divorcing her husband, who was in federal prison and would be deported to Colombia once his sentence was fulfilled.

Güemes' client married her husband in 1992 and the pair separated in 2001. The client's husband was incarcerated in October 2001 on drug conspiracy charges. The husband was residing at the Big Spring Correctional Center in Texas, a federal prison facility for nonviolent illegal aliens. When his sentence concluded in December 2011, he was to be deported to Colombia.

Güemes successfully obtained the divorce for her client on the grounds of imprisonment. The couple had two children together, and the client was granted custody of the child that was still a minor.

Lawyers Support Kids in Need of Defense

Kids in Need of Defense (KIND) was launched in collaboration with Microsoft in 2008, and K&L Gates was one of the founding firms to sign on to KIND. The KIND project involves providing representation to unaccompanied minors in proceedings before the U.S. Immigration and Citizenship Service (USICS). The following stories illustrate several examples of the legal problems confronting unaccompanied minors who arrive in the United States and are entangled in the immigration process.

New York Associates Work to Win Asylum for Teenager

New York associates Brian Koosed, Elise Gabriel, and Carla Greenberg are currently working on an asylum matter involving a 15-year-old girl from Ecuador. The case was referred to the firm by Kids In Need of Defense (KIND).

By the time she was 2 years old, the client's parents had left Ecuador for the United States and the client was left to live with her aunt and uncle and older cousins. While living in Ecuador, she was subjected to acts of verbal and physical abuse. At the age of 13, her parents had saved enough money to pay for the client to make the journey to the United States. She attempted entry through Arizona, but was caught and detained by border patrol.

The New York team is currently building a case for her asylum trial and is also exploring other options that would allow the client to stay in the United States with her parents and two younger siblings. The client's initial hearing date is scheduled for July 2012.

Guatemalan Teenager Gains Juvenile Status Protection

Newark associate Loly Tor has been working with a Guatemalan teenager to obtain a special juvenile status visa which would permit the client to remain in the United States legally, and begin applying for permanent residency.

Her client grew up in Guatemala with an abusive mother and father. Her father often beat her mother and after the father moved out, her mother became increasingly hostile and violent toward all the children. After bouncing between her father's house and her grandparent's house in an effort to get away from her mother's abuse, the client was forced to move back in with her mother, where the children sometimes did not have enough food to eat. She left her mother's house at age 14, and she and her older sister took care of her three younger siblings with no adult supervision. When the client was 17, her father returned to Guatemala from the United States where he had been living for the past several years.

When the father returned to the United States, Tor's client left with him. She and her father traveled from Guatemala to Arizona by bus and on foot. As soon as they crossed the border they were detained by immigration authorities. A family friend agreed to act as a guardian so that the client could stay in the United States while her immigration proceedings were pending.

Tor began representing the client in December 2009. Tor first filed an application with the New Jersey state court to obtain a ruling that her client was dependent on the state due to her mother's neglect and abandonment, even though she is no longer a minor. Without this finding, the client would not qualify for a special juvenile status visa, which permits her to remain in the United State legally and ultimately apply for residency. After a dependency hearing, the state court found in the client's favor.

Tor then filed a petition with U.S. Citizenship and Immigration Services (USCIS) for juvenile status, which is the precursor to obtaining a special juvenile status visa, and represented the client before her interview with the USCIS. After a difficult interview, the USCIS granted the petition.

The next step of the process was filing an application for permanent residency, which typically requires a filing fee of more than \$1,000. Because the client could not afford to pay the fee, Tor also filed a fee waiver request with the USCIS, which was granted.

Tor is now in the final stages, which is the processing of the application and the related interview. In the meantime, the client is enrolled in a high school equivalency program and is currently working toward getting her GED.

Permanent Residence Achieved for Juvenile Crime Victim

Seattle associate Carley Andrews and senior litigation paralegal Joell Parks obtained permanent residence for a juvenile crime victim through Kids in Need of Defense (KIND).

Andrews has represented the client since 2006 when she was smuggled into the United States from Guatemala by an adult male. The client was detained by U.S. Immigration and Customs Enforcement (ICE) after her smuggler was arrested for trafficking her into the country and other crimes.

Andrews originally obtained a U Visa for the client, which is available for immigrant victims of crime. At the end of 2011, the client was granted permanent residency.



Honduran Teenager Wins Asylum

Newark partner Charlie Rysavy succeeded in gaining asylum status for a teenager who fled his native Honduras at age 15 to escape severe physical and psychological abuse by his father.

Rysavy's client, his siblings, and mother had suffered at the hands of the client's father for years. The teen fled Honduras with his sister in 2008 and crossed the border on foot into Texas, where they were apprehended by immigration authorities.

Kids in Need of Defense (KIND) contacted Rysavy when the teen had been released to the custody of an older sister and her husband in New Jersey while his removal proceedings moved forward.

Rysavy applied for asylum for the client, as well as seeking supplemental immigrant juvenile status, which is another avenue for attaining legal status for unaccompanied immigrant minors. The two proceedings moved forward in parallel, requiring numerous written submissions, court appearances, and interviews.

After nearly a year-and-a-half of proceedings, the U.S. Citizenship and Immigration Services (USCIS) granted the client asylum in November 2011. Rysavy will represent the client in gaining permanent resident status in November 2012.

Approval of his client's asylum application was particularly significant in that the USCIS rarely grants asylum based on "membership in a particular social group," where the social group is the petitioner's family and the persecution is by another family member.

Mother Wins Right to Keep Child in New York

In another case originating from partner Doug Broder's membership on the Second Circuit pro bono panel, New York associate Alyssa Cohen, assisted by associates Avital Malina and Molly Nixon-Graf, represented a Romanian woman in a Second Circuit Court appeal involving a parental custody dispute over her 6-year-old son.

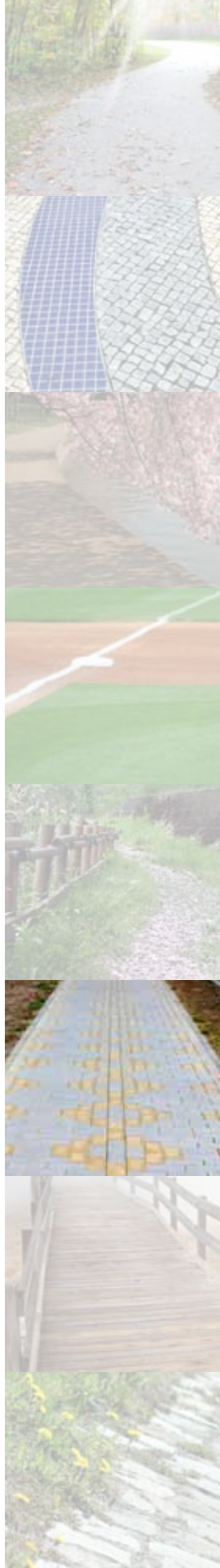
The parents, opposing parties in this action, are both citizens of Romania. They were married there, had a son, and were legally divorced there. Upon the termination of the divorce proceedings, the Romanian court issued a final divorce decree which granted the mother full custody of their son, while the father was granted visitation rights. The mother then moved to New York with the son. The father filed a petition, first in the Bucharest Superior Court in Romania and later in the U.S. District Court for the Eastern District of New York, seeking to compel the boy's return to Romania. The father argued that under both the final divorce decree and the laws of Romania, he had a "right of custody" as defined under the Hague Convention, which the mother had violated when she took the son from Romania without the father's consent. The Eastern District denied the father's petition and he appealed.

Before the Second Circuit, Cohen argued that because the father only had a right of visitation, and not a right of custody as defined under the Hague Convention, the father was not entitled to the removal remedy provided by the Convention. Cohen also persuaded the court to give substantial weight to a decision of the Bucharest Superior Court, which had ruled in favor of the mother, but was not relied upon by the district court.

The court agreed with the firm's argument that the Convention protected the father's visitation rights but that he had no right of custody and therefore no right to force the mother to return the child to Romania. In a summary order issued a mere five days after argument, the court affirmed the lower court's holding, denying the father's petition in favor of the mother.



Immigration



Equal Justice Works Fellow Partners with PAIR



K&L Gates, along with DuPont, sponsors Sarah Sherman-Stokes, an Equal Justice Works fellow who is partnering with the Political Asylum/Immigration Presentation (PAIR) Project. Equal Justice Works is an organization that partners with law schools, law firms, corporate legal departments, and nonprofit organizations to provide the training and opportunities that enable lawyers to represent vulnerable populations. The two-year fellowship offers salary and loan repayment assistance, national training and leadership development, and other forms of professional development opportunities.

PAIR, in conjunction with area law schools, is the only organization with negotiated access to the roughly 800 detained non-citizens in Massachusetts. PAIR also provides invaluable representation to many non-detained asylum seekers.

The main focus of Sherman-Stokes' fellowship is to represent young refugees who came to the United States as children having fled horrific situations in their home countries. Many of these young people have unaddressed mental illness and substance abuse issues that have gotten them into trouble with the law and subsequently placed in deportation proceedings, at risk of being returned to a country they fled in fear.

Sherman-Stokes regularly visits detention centers and county jails where non-citizens are held, provides "know-your-rights" presentations, and consults one-on-one both in person and by phone with detainees in deportation proceedings.

In December 2011, Sherman-Stokes worked with a detained woman who was in fact a wrongfully detained U.S. citizen. Her client had been a U.S. citizen since 1977; the client's mother naturalized when she was a child and she automatically derived citizenship at that time. It would have taken nothing more than a simple computer search to make this determination; however, the client had been detained for nearly a month.

Sherman-Stokes has also assisted a Cambodian client who was a longtime green card holder and the mother of three U.S. citizen children. Her

client had been in the United States since she was a toddler and was facing deportation for a minor drug-related offense. Sherman-Stokes was able to get the client's case terminated after successfully arguing that her conviction did not make her deportable.

In another case, Sherman-Stokes obtained a victory for a client from Sudan. When the client was a child, his father was attacked for his religious beliefs and later died of his injuries. Soon after, the client's mother was kidnapped, detained, and tortured for her religious beliefs. As a teenager, the client was the victim of a violent police attack while in a refugee camp. Sherman-Stokes provided nearly 400 pages of corroborating evidence, and the immigration judge held that there was "no question in the court's mind" that the Sudanese government would torture the client if he were deported.

The client will now be able to return to his family in Maine where he can continue working toward his GED and get the treatment he needs for his alcoholism and severe post-traumatic stress disorder (PTSD).

In addition to her direct representation, Sherman-Stokes has also provided assistance to more than 200 detained non-citizens representing themselves *pro se* since she began working with PAIR in September 2011.



Immigration Cases Around the Firm

Eritrea

Chicago associates Lauren Norris and John Susoreny successfully obtained asylum for a 34-year-old man from Eritrea.

The client, a devout Pentecostal Christian and an opponent of the Eritrean government's oppressive national conscription program, was repeatedly subjected to violent reprisals by the Eritrean government on account of his religious and political beliefs. This persecution took various forms, including forced manual labor, imprisonment without charge for long periods of time under inhumane conditions, severe beatings, psychological terror, and threats of further detention and even death.

Fearing for his life, the client fled to Sudan in 2007 where he was placed in a refugee camp. He then applied to international master's degree programs, was admitted to an international law program in Cairo, and left for Egypt in 2008.

However, Egypt would not grant him permanent residence, so he was unable to work and was in constant fear of being forced to return to Eritrea. He decided to apply to universities in the United States and was accepted to a top tier law school. He arrived in Chicago on a student visa in June 2010.

Norris and Susoreny filed an application for asylum in May 2011. After an interview with the asylum office in mid-June, the client's application was approved on July 1.

The client has an Eritrean wife who is still living in Egypt and he will now be able to file a derivative application for asylum to allow her to join him in the United States.

Mauritania

New York associates Brian Koosed, Lindsey Berger, and Avital Malina, along with Washington, D.C. associate Catherine LaRose (formerly resident in New York) are assisting a Mauritanian immigrant seeking asylum.

The client came to the United States in 2001 to study engineering at the University of Arizona. He fled Mauritania after having been detained and beaten by government authorities for participating in protests against the government and for rejecting Islam, the official state religion.

The client was initially granted asylum by an immigration judge who found his claim of persecution "thoroughly and refreshingly credible." However, the Department of Homeland Security (DHS) appealed to the Board of Immigration Appeals (BIA), which vacated the decision and ordered the client removed from the United States for violating the terms of his student visa.

The client appealed the BIA decision to the Second Circuit, which through partner Dough Broder's membership on the Second Circuit's pro bono panel, appointed K&L Gates as pro bono counsel. The New York team persuaded the court to remand the case back to the BIA, where the BIA reaffirmed its earlier removal decision. LaRose and Berger appealed the removal order to the Second Circuit, which affirmed the BIA's decision.

Undeterred, the team filed a motion to reopen the client's case based on changed circumstances in Mauritania. They argued that after a military coup, conditions in the country had deteriorated to the point that the client faced an even more serious risk of persecution if he was deported.

The motion was granted and the client will now be able to present new and additional evidence in support of his asylum application at a hearing before the same immigration judge who had previously granted him asylum.

Sudan

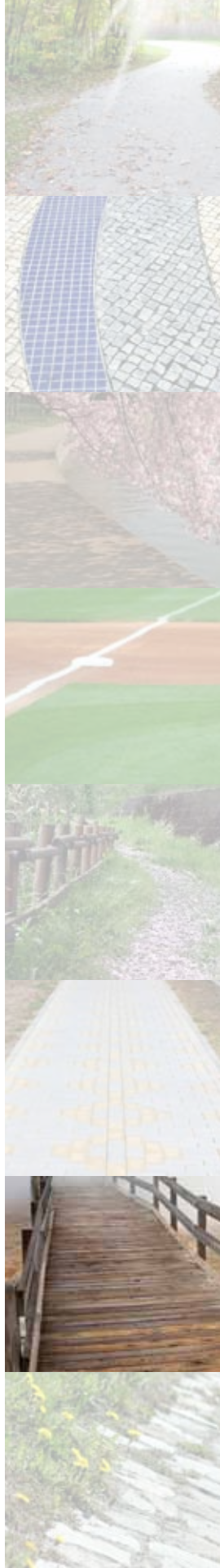
Los Angeles partner Paul Sweeney, associate Brett Bissett, and former K&L Gates associate Shanaira Udwadia worked to help a client from Sudan and her 2-year-old daughter acquire asylum in the United States.

As a member of the Nubian tribe, the Sudanese government condemned the client for her ethnicity and political beliefs. She strongly opposed the Sudanese government's construction of a dam that would flood and destroy Nubian land. As a result, she was detained and subjected to starvation, torture, brutality, and numerous death threats.

Now with a grant of asylum, the client and her daughter may live permanently in the United States.



Recognition



Frenzel Receives 2012 Commitment to Justice Award



New York senior paralegal Eugenia Frenzel received inMotion’s 2012 Commitment to Justice Award for Outstanding Pro Bono Liaison. The award was presented to Frenzel on Feb. 9, 2012 at an inMotion event at the Lincoln Center in New York City.

Frenzel has played a critical role in helping to organize and coordinate inMotion work for the firm’s New York office, and she assists in the coordination of the office’s pro bono program.

inMotion is one of K&L Gates’ signature pro bono partners and works to help women who have experienced domestic violence and who may need orders of protection and help with child custody and child support issues.

Rysavy Named KIND Pro Bono Attorney of the Month

Newark partner Charlie Rysavy was recognized by Kids in Need of Defense (KIND) for his success in gaining asylum for a teenager who fled his native Honduras to escape severe physical and psychological abuse by his father.



Approval of the client's asylum application was particularly significant in that the U.S. Citizenship and Immigration Services (USCIS) rarely grants asylum based on "membership in a particular social group," where the social group is the petitioner's family and the persecution is by another family member.

For his noteworthy victory, KIND named Rysavy and K&L Gates its KIND Pro Bono Attorney of the Month for April 2012.

Reiland Receives CLC Pro Bono Award

Chicago partner James Reiland was presented with the Pro Bono Award at the Chicago Legal Clinic's (CLC) annual reception in May for his "outstanding commitment to pro bono legal services."

In one recent case, Reiland and Chicago associates Sangmee Lee and John McIlwee represented a mother in an appeal filed by her ex-husband after she was awarded sole custody of the couple's children. After the K&L Gates team prevailed, the ex-husband filed a second appeal, and the team prevailed again.

In another case, Reiland, along with Chicago partner Carrie Plater and associate James Desir, is representing on appeal a man whose income had been sporadically garnished for 17 years, following default judgments of parentage and support entered against the client in 1995 in the absence of proper service of process. The case involves an unsettled question under Illinois law about whether waiver of jurisdictional objections can be applied retroactively.

Tallman Included in "Good Fellas" Honor Roll

Washington, D.C. partner David Tallman was included on the Tahirih Justice Center's 2011 "Good Fellas" honor roll, which recognizes men who have made a difference in achieving justice for women and girls.

Tallman, with assistance from associates Amy Eldridge and Collins Clark, successfully obtained discretionary grants of asylum for a refugee from the genocide in Darfur and a Senegalese woman seeking asylum based on her fear of female genital mutilation.

K&L Gates Receives Outstanding Service Award

Be Free Global recently honored K&L Gates with the 2012 Outstanding Service Award. The annual award is given to honor community members for outstanding service and commitment to philanthropy and public service.

The firm provides general counsel for Be Free Global, a nonprofit microfinance organization that focuses its efforts on improving living conditions for children in developing countries.

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K&L Gates includes lawyers practicing out of more than 40 fully integrated offices located in North America, Europe, Asia, South America, and the Middle East, and represents numerous GLOBAL 500, FORTUNE 100, and FTSE 100 corporations, in addition to growth and middle market companies, entrepreneurs, capital market participants and public sector entities. For more information about K&L Gates or its locations and registrations, visit www.klgates.com.

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