

PRO BONO IN THE COURTROOM

In 2009, Latham & Watkins attorneys represented pro bono clients in a number of trials and hearings before judges, juries, tribunals and administrative bodies. Using and developing their courtroom skills, our attorneys fought for the disadvantaged, protected civil rights and advocated for community organizations through litigation. In addition, our attorneys represented pro bono clients in several appellate matters across a variety of jurisdictions, using and developing their appellate skills not only to help our clients in their individual cases, but to effect precedent-setting decisions to improve the law. Below are just a few of our 2009 pro bono trials and appeals that reflect the talent, skill and dedication of our attorneys.

THE 'TRIALS' OF PRO BONO

Winning a Trial Victory

Our Los Angeles office won a jury verdict in L.A. Superior Court for a 78-year-old immigrant who worked her entire life to support her family. Her earnings were managed by her sister, who in 1986 purchased, in large part with our client's money, an apartment building in the Koreatown section of L.A. Our client lived in the apartment building with her sister, who rented out the remaining units. In 2007, her sister transferred title of the building without any consideration to our client, leaving our client without title, without income to live on in her old age and potentially subject to eviction from her home. After failed attempts to mediate the family dispute, the team filed suit in Superior Court. After a four-day trial, the jury returned a unanimous verdict in favor of our client, awarding her 66.4% of the apartment building. The Latham team overcame many issues in the case, including title issues, lack of documentation, statute of frauds and statute of limitations defenses and language issues (all of the witnesses except one spoke only Korean and were questioned through interpreters). The team included Los Angeles associates **Michelle Correll**, **Jennifer Yoo** and **Shawn Allison**, under the supervision of partner **Ethan Brown**, with trial assistance from paralegal **Nancy Stanger** and technology support supervisor **John Cleaves**.

Obtaining Asylum for a Refugee

A New York team won an asylum hearing for a West African woman who suffered female genital mutilation and, because she was a member of a political opposition party, was arbitrarily imprisoned, beaten, starved, interrogated and tortured. Our client has severe memory and learning deficits as a result of her beatings, and before Latham's engagement, the immigration judge had denied our client's claims, not believing her testimony. The Latham team worked with our client in preparation for her hearing, and coordinated a group of interpreters, neuropsychologists, psychologists and other professionals to explain our client's brain injuries, ultimately securing asylum for our client. The team included New York associates **Jason Casey**, **Paola Agrati**, **Catherine Martin**, **Victoria Salem**, **Matthew Dewitz** and **Santosh Aravind** and paralegal **Neil Klein**, under the supervision of London partner **Jennifer Massouh**.

Securing Disability Benefits

Our San Diego attorneys won an administrative hearing for a 33-year-old man seeking long-term Social Security disability benefits. Since 1997, our client had fought a two-front battle against Lyme Disease and Thoracic Outlet Syndrome, which combined to cause severe fatigue, pain and weakness in his extremities. Our client sought, from 1997 until he became completely disabled in 2005, to stay employed by seeking different jobs to accommodate his disability. The Latham team appeared before an administrative law judge for a hearing to determine if our client was entitled to disability benefits. Ultimately, a medical expert, who had been called by the judge to serve as an objective witness, agreed that our client's condition was medically equivalent to a person suffering from muscular dystrophy or multiple sclerosis, leading to a favorable finding of disability and an award of the needed benefits. The team included San Diego associates **Ryan Waterman** and **Noreen Haroun**, under the supervision of partner **Trish Guerrero** and assisted by legal secretary **Kathi Carcella**.

THE 'APPEAL' OF PRO BONO

Advocating for Animals Before the US Supreme Court

Our Washington, D.C. office represented the Humane Society of the United States in its amicus support of the Solicitor General's certiorari petition and merits briefing of *United States v. Stevens* before the US Supreme Court. The case involved the question of whether a federal statute prohibiting the interstate transmittal of depictions of illegal animal cruelty violates the First Amendment. Approximately 10 years ago, the Humane Society brought to the attention of Congress the need for such legislation owing to the rise in so-called "crush videos," which depict the torture and killing of small animals. Congress ultimately passed legislation barring the transmittal of these and other similar depictions of illegal violence to animals, and the legislation proved extremely successful in drying up the market for such depictions. In 2008, the US Court of Appeals for the Third Circuit struck down the statute, finding it incompatible with the First Amendment. Working hand-in-hand with the Solicitor General's office, the Latham team helped convince the Supreme Court of the need for review, helped to organize further amicus support when certiorari was granted and filed an amicus merits brief on behalf of the Humane



On the rewards of pro bono trial experience:

“ As a junior associate, having the chance to examine witnesses and present arguments before the court was both exciting and rewarding. Relaying the judge's decision to our client, however, was even more rewarding.”

Andrew DeFrancis
Silicon Valley litigation associate

Society arguing for the constitutionality of the statute. The Supreme Court continues to consider the case. The team was led by Washington, D.C. partners **Claudia O'Brien** and **Scott Ballenger**, and included associates **Melissa Arbus**, **Jason Burt**, **Michael Songer** and **Scott Binnings**, and paralegals **Rachel Jaffe** and **Olga Baeza**.

Causing a Case to Take 'A Different Turn'

A San Francisco team secured a significant pro bono victory in the US Court of Appeals for the Ninth Circuit on behalf of our client, an Arizona prisoner challenging his segregation and the conditions of his confinement under the Eighth and Fourteenth Amendments and the Religious Land Use and Institutionalized Persons Act. The Latham team successfully argued that our client, who had represented himself in the proceedings below, was entitled to further development of the record, and convinced the Ninth Circuit to reverse the district court's grant of summary judgment in favor of the prison officials. Associate **Lola Kingo** briefed and argued the case under the supervision of partner **Bob Sims**, with assistance from associates **Micah Nash**, **Nicole Valco**, **Jonie Ing**, **Kelsey McPherson** and **Laura Vartain Horn**, as well as legal secretary **Susan Hope**. Of particular note, after Latham concluded its opening argument, the panel remarked that the defendant was now represented by "very able" and "highly competent counsel" and that the case reminded one judge of *Gideon v. Wainwright*: "Abe Fortas showed up," said the judge, "and the case took a different turn."

Challenging a Precedent-Setting Asylum Decision

Our Washington, D.C. office represents three youths, siblings who fled their home in Central America after facing persecution from MS-13, a notorious, entrenched street gang that controls many poor neighborhoods throughout the region. After the Board of Immigration Appeals denied their request for asylum in a controversial, precedent-setting decision, *Matter of S-E-G-*, Latham stepped in as appellate counsel to challenge the decision before the US Court of Appeals for the Eighth Circuit. While the case was pending, US Immigration and Customs Enforcement (ICE) detained the siblings and began removal procedures. The Latham team acted quickly to seek a stay of removal. After both ICE and the Eighth Circuit denied the stay, the team filed an emergency application for stay with the US Supreme Court. When the Court ordered the government to file a response, the parties came to an agreement to allow the siblings to re-apply for asylum under a trafficking victims protection law, under which the matter would be decided by an asylum officer. Despite this important result for our clients, the Board's original decision remains on the books and continues to have a profound effect on gang-related asylum claims. Latham is leading the continued efforts to overturn *Matter of S-E-G-*, including a formal request for direct review by the Attorney General, which has gained support from the United Nations High Commissioner for Refugees and other prominent groups. The team was led by Washington, D.C. associates **Lori Alvino McGill** and **Travis Mallen**, under the supervision of partner **Rick Bress**. ■



Ninth Circuit Pro Bono Program

Latham & Watkins was honored by the US Court of Appeals for the Ninth Circuit in recognition of our San Francisco attorneys' work through the Ninth Circuit Pro Bono Program, which provides representation to pro se appellants in civil cases. In 2009, 11 attorneys in our San Francisco office participated in the program. Above, associates **Meghna Subramanian**, **Nicole Valco**, **Lola Kingo**, **Kelsey McPherson** and **Laura Vartain Horn** proudly display a certificate from the Court of Appeals recognizing their contributions to the Ninth Circuit Pro Bono Program.