

Weil

Our Finest Hours

Pro Bono 2010



Weil's Pro Bono Report 2010

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Well after the onset of the financial crisis, the US and other nations continue to battle persistent problems created or amplified by the downturn. Most of these problems – widespread unemployment, smaller social safety nets, pension funding uncertainties, and home foreclosures, to name a few – disproportionately affect people on the lower end of the economic scale, putting them at risk of losing their jobs, homes, and sense of self-worth.

In response to these challenges, the lawyers of Weil, Gotshal & Manges strived to maintain a high level of pro bono activity during 2009. In these efforts we are driven by the belief that pro bono legal work is a vital component of any law firm's community outreach, as well as a core professional obligation of each lawyer. Many of our institutional clients share our commitment and have actively partnered with us on cutting-edge pro bono initiatives. Now more than ever, pro bono represents "our finest hours."

Last year, our firm provided nearly 82,000 hours of pro bono work, roughly equivalent to over 40 full-time lawyers. In the US, the firm averaged 72 pro bono hours per lawyer, and over 85 percent of our partners took on pro bono assignments. Because of our areas of focus – civil and constitutional rights, human rights, children's welfare, community and economic development, veterans' rights, and asylum and immigration – most of those hours were spent helping underprivileged or underrepresented people gain the legal assistance they need to face serious challenges and hardships.

That seriousness underscores the importance of obtaining the best result for each client, but it also reveals the enormous need for pro bono services. To help meet this need, we maintain the goal that every lawyer perform 50 hours of pro bono work each year; the expectation that every partner work on a pro bono matter every year; and the requirement that every new attorney – from first-year associates to lateral partners – take on a pro bono matter within his or her first two years at the firm.

While the policy gives us a useful yardstick to measure our pro bono activity, our efforts are best reflected in the empathy, energy, and passion of our lawyers who take on matters of great importance to our clients, including parents whose children have been unlawfully abducted; minority workers facing discrimination on the job; asylum seekers who need protection from persecution in their homelands; soldiers' widows who face the prospect of losing their benefits; and recently unemployed workers who are entitled to job training. We are proud of our pro bono commitment and accomplishments and invite you to explore a sampling of our work in the pages that follow.



Barry M. Wolf
Executive Partner



Stephen J. Dannhauser
Chairman of the Firm



Steven Alan Reiss
Co-Chairman
Pro Bono Committee



John B. Strasburger
Co-Chairman
Pro Bono Committee



Civil & Constitutional Rights

“We feel, therefore, that all legal distinction between individuals of the same community, founded in any such circumstances as color, origin, and the like, are hostile to the genius of our institutions, and incompatible with the true history of American liberty.”

— *Abraham Lincoln (1809-1865)*

Protecting Free Speech and Reproductive Health Advocacy

Weil and co-counsel Center for Reproductive Rights represented the former head of the Obstetrics and Gynecology Department at Phoenix, Arizona's Maricopa Medical Center and former director of a Phoenix-based OB/GYN residency program, who had filed suit against Maricopa County, a number of its affiliated entities, and certain individuals. According to the allegations of the complaint, local government officials and private citizens opposed our client's support for providing abortion training to residents who desired such training, despite the fact that such training was required by the Accreditation Council for Graduate Medical Education, the national accreditation body for residency programs in the United States. Upon being brought in on the case, Weil amended the initial complaint, adding allegations that conspiring government and private actors retaliated against our client because of his beliefs and speech regarding the aforementioned training program.

In March 2009, the court largely denied the motions for summary judgment filed by all of the defendants and found, among other things, that we had “provided sufficient, admissible, uncontroverted evidence” of conspiratorial behavior. The court set the trial for June 2009, and the parties engaged in extensive trial preparation. On May 20, 2009, following several weeks of negotiation, defendant Maricopa County Board of Supervisors (on behalf of defendant Maricopa County and the other state actor defendants) voted at a public meeting to approve a payment of \$1.4 million to settle the lawsuit as to those defendants. The settlement amount exceeded our client's compensatory damages as estimated by plaintiff's expert. Moreover, we believe that the settlement will serve to send a cautionary message to local and municipal governments that seek to stifle the free speech rights of public employees.

Weil subsequently settled the lawsuit with the two remaining individual defendants, pursuant to confidential settlement agreements.

American Bar Association Pro Bono Publico Award

The American Bar Association honored Weil with its 2009 Pro Bono Publico Award; the honor is conferred annually on firms and individuals in the legal profession that display exceptional dedication to volunteer legal services for the poor and disadvantaged.

Securing SSA Benefits for the Disabled

Office of Disability Adjudication and Review

In a matter referred to us by The Legal Aid Society, Weil successfully represented a disabled man in his attempts to secure disability benefits from the Social Security Administration (SSA). An administrative law judge with SSA's Office of Disability Adjudication and Review issued a decision “fully favorable” to our client, reversing an initial determination by the SSA that our client was not disabled. At the hearing, the judge complimented the letter brief we prepared on our client's behalf and found our expert medical evidence concerning our client's severe impairments – including a back disorder, schizoaffective disorder, and anxiety disorder – more reliable than the opinions of the SSA's own medical consultants.

US District Court

In a case over thirty years in the making, Weil secured for a needy client Social Security benefits that had been denied since 1978, covering a nine-year period several decades

ago. Our client was provided disability benefits from 1987 to the present, but was denied benefits for the 1978 to 1986 time period, despite being eligible for them.

After receiving an adverse ruling before the administrative law judge, the Weil team persevered and, on appeal in district court, prevailed on our client's behalf. By seeing the case through to victory, the Weil team established substantial precedent regarding the Dixon Presumption – a presumption designed by the Second Circuit to remediate improper disability determinations that could not be remanded for further review because SSA had destroyed the administrative record.

Shortly after this victory, Weil moved for attorneys' fees of nearly \$30,000. The district court granted the motion in full, noting that the requested fee “represent[ed] a reasonable amount of time to accomplish all of the myriad tasks to reach the favorable result obtained by counsel.” Weil will donate all of the attorneys' fees to a legal services organization. The matter was referred to Weil by Legal Services NYC.

Civil & Constitutional Rights

Preserving Equal Treatment in the Workplace

For over a decade, racial discrimination in the Baltimore Police Department (BPD) and its internal disciplinary system has been a prominent public issue. In 1998, the Equal Employment Opportunity Commission, the federal agency charged with conducting enforcement litigation under Title VII of the 1964 Civil Rights Act, concluded that African-American officers were more likely to be charged and disciplined than white officers and received harsher punishments from the BPD's internal disciplinary system. Despite public pressure, however, such discrimination in the BPD continued.

A group of 15 current and former police officers turned to Weil and the Washington Lawyers' Committee for Civil Rights and Urban Affairs to resolve this injustice. We filed suit in federal district court alleging a pattern and practice of racial discrimination in the BPD and charged the BPD with creating a hostile work environment, retaliating against whistleblowers, and engaging in disparate disciplinary actions. During the course of this litigation, Weil mounted the firm's largest-ever commitment to a single pro bono matter and ultimately secured significant relief via settlement for our clients. The value of the settlement was \$4.5 million, and the settlement also mandated, among other things, that BPD retain an independent consultant for three to five years to assess the fairness of the internal disciplinary system and EEO office and take steps to ensure adequate minority representation on

the BPD's Charging Committee. In addition to securing the settlement, Weil will participate in the ongoing implementation of the non-monetary aspects of the settlement, including assisting in the selection of the independent consultant and providing input to the consultant in order to effectuate the intended improvements of the BPD's process and commitment to non-discrimination.

Protecting Same-Sex Partnership Rights

In a matter referred to us by Legal Services NYC, Weil represented a woman in divorce proceedings against her same-sex partner. Our client and her partner had been married in Canada in 2004. When they separated in May 2006, they were ineligible for a divorce under Canadian law as they did not meet the residency requirements necessary to establish jurisdiction. As a result, we were instructed by our client to pursue divorce proceedings in the state of New York.

Our pro bono team successfully negotiated a matrimonial settlement agreement in June 2009, which included an agreement to pursue uncontested divorce proceedings in the New York Supreme Court, which granted the requested relief including a Judgment for Divorce. We also obtained a dissolution of our client's domestic partnership with her former partner under New York law. While the case is not unprecedented, it marks an important achievement given that New York law is still developing in the area of same-sex marriages.



Sanctuary for Families "Excellence in Pro Bono Advocacy"

Sanctuary for Families, New York State's largest nonprofit dedicated exclusively to serving domestic violence victims and their children, recognized Weil attorneys for their pro bono efforts at the organization's annual benefit celebrating members of the legal community who have gone "above and beyond" by providing outstanding pro bono representation and advocacy for domestic violence victims.

Criminal Justice Reform

"More than one student of society has expressed the view that not the least significant test of the quality of a civilization is its treatment of those charged with crime, particularly with offenses which arouse the passions of a community."

— *Felix Frankfurter (1882-1965)*

Securing Fundamental Rights of Defense

At the request of the Innocence Project, a national litigation and public policy organization dedicated to exonerating wrongfully convicted people, Weil filed an amicus brief in the case of a New York man who had been convicted of robbery based on the testimony of a single eyewitness.

The trial court denied our client's request to present expert testimony regarding the reliability of eyewitness identifications. The trial court's decision was affirmed by the New York Appellate Division, prompting our client to appeal to the highest New York state court. The Weil amicus brief argued that it was a constitutional violation to deny our client the right to present expert testimony in his defense and that, based on the vast experience of the Innocence Project, eyewitness testimony has been demonstrably and fundamentally unreliable. The New York State Court of Appeals agreed that the trial court had erred in not allowing expert testimony and that such error was not harmless. The order of the Appellate Division was reversed, and a new trial has been ordered.

Establishing the Right to an Individualized Capital Penalty Trial

In 1989 Weil was asked to take on the representation of a Florida death row inmate because the Florida public defender's office, which handles appeals in capital cases, was already representing the inmate's co-defendant. Both defendants had been convicted and sentenced to death in a joint trial in 1984. Our client had already lost all of his direct appeals when we took over the engagement. After 20 years of habeas proceedings in the state and federal courts, a federal court vacated our client's death sentence based on a finding that his Eighth Amendment right to an individualized sentencing was violated because the trial court did not sever the penalty phase of the trial from that of his co-defendant. The same court denied relief to the co-defendant years earlier because, unlike Weil's client, he was unable to demonstrate prejudice from the joint trial.

Innocence Project
Freedom & Justice Award

The Innocence Project, the national litigation and public policy organization dedicated to exonerating wrongfully convicted people, honored Weil at the organization's 2009 annual dinner for our criminal justice reform work.

Safeguarding Prisoners' Rights

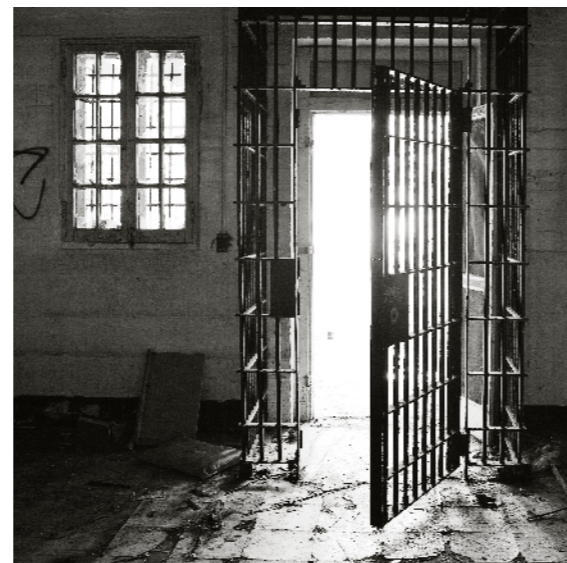
Weil represented a former inmate of Fishkill Correctional Facility in upstate New York who was beaten by five corrections officers in March 2004. The beating lasted almost three minutes and took place while our client was handcuffed, resulting in at least 12 documented injuries to his face, jaw, abdomen, and back.

Weil undertook the representation in early 2006 after receiving the case from The Legal Aid Society, just one day after our client had signed a stipulation of discontinuance dismissing a complaint he had filed pro se against the same five defendants. Weil convinced the court that this constituted a voluntary dismissal without prejudice to refile, and then subsequently drafted and filed a new complaint during the summer of 2006.

After a week-long trial, the jury found all three defendants who actually inflicted the beating liable under the Eighth Amendment for using excessive force, and the remaining two defendants liable for failing to intervene to prevent the use of excessive force. One of the latter defendants was also found to be liable as a supervisor. The jury awarded \$200,000 in compensatory damages and \$550,000 in punitive damages, for a total damages award of \$750,000. After New York State agreed to indemnify the defendants, the case settled for \$200,000, with the defendants waiving their right to appeal the verdict.

Persevering for the Falsely Accused

In conjunction with the Innocence Project and local counsel, Weil successfully represented a former school-bus aide who had been imprisoned in New York since 1992 for a 1988 murder he did not commit. He maintained his innocence throughout his trial and after his conviction, which he appealed in an attempt to prove that he did not commit the crime. Based on DNA test results that excluded our client and implicated the true killer – already serving a life sentence for murdering his four-year-old neighbor in 1994 – as well as multiple detailed confessions from the true killer, our client was finally exonerated. He had no criminal record other than the wrongful conviction.



“What’s unique about the Weil pro bono program is that the firm has made a commitment to us as an institution. For an organization like the Innocence Project that has a lot of clients who are trying to get out of prison because they didn’t commit the crime, that’s important.”

— Barry C. Scheck
Co-Director, Innocence Project, Inc.



Human Rights

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

— **United Nations Universal Declaration of Human Rights, Article 1**

Protecting Victims of Human Trafficking

Our Houston-based pro bono team obtained T-Visas for a Salvadoran mother and her family. The client, a victim of human trafficking, was induced to travel to the United States by a promise of a better life. Instead, after leaving her family and embarking on an arduous and dangerous journey to the US, she was forced into prostitution and suffered deplorable living conditions. She and over 100 other women suffered under the control of a now-convicted trafficker and abuser. Ultimately, our team not only obtained T-Visas for our client and her family, which will allow them to apply for permanent citizenship after three years, but also obtained a work permit for her, thus enabling her to work legally and provide for herself and her five children. The matter was referred to Weil by YMCA International Services.

Advocating for Holocaust Survivors

Weil successfully represented a former inmate of a Nazi-era Jewish ghetto in pension proceedings under *Gesetz zur Zahlbarmachung von Renten aus Beschäftigungen in einem Ghetto*, or ZRBG, the German act on old-age pension for former ghetto workers. Under the law, former ghetto inhabitants under certain circumstances are entitled to a pension for their work during the Nazi regime; however, securing benefits from the German Pension Fund has been difficult for many survivors. As with so many other applicants, our client's initial application for entitlements was denied.

At the request of the New York Legal Assistance Group, an organization that provides a wide array of legal assistance to Holocaust survivors, our Germany-based pro bono team represented the survivor in the subsequent legal proceedings, appealing the denial by the German Pension Fund as well as the later affirmative decision by the Social Court. After five years of litigation, the German Pension Fund finally acknowledged our client's pension entitlement. Our client, a former member of the famous Bielski partisans whose exploits were dramatized in the 2008 film *Defiance*, was granted a monthly pension in the amount of approximately €372. He was also granted a retroactive payment of approximately €62,800.

In addition to the ongoing and multiple representations of Holocaust survivors by our German offices, Weil's US offices in Boston, New York, Houston, Miami, Washington, and elsewhere continue to achieve successful results on behalf of our clients in connection with the Holocaust Reparations Project, an effort coordinated with Bet Tzedek Legal Services, an organization that provides legal assistance to victims of political persecution and ethnic cleansing.

Providing Support to HIV-Positive Immigrants

In a matter referred to us by the HIV Law Project, Weil represented a renowned human immunodeficiency virus (HIV) scientist who contracted HIV through a laboratory accident in Germany. In 2009, she and her twin children were placed in immigration removal proceedings in Miami based solely on her HIV status. At the time, US Health & Human Services (HHS) regulations prohibited HIV-positive aliens from attaining permanent resident status; however, our client's removal proceedings coincided with a move by the federal government to review and revise the existing policy. Through various procedural steps, Weil delayed the removal proceedings by seven months while the new regulation was being finalized. At a hearing in April 2010, we successfully argued for and obtained termination of the removal proceedings, and our clients were issued green cards, giving them permanent resident status in the US.

Extending Human Rights Globally

A Miami-based Weil team worked with Human Rights Watch concerning the federal trial in Miami of Chuckie Taylor, son of former Liberian warlord-turned-president Charles Taylor. The case was significant to Human Rights Watch, as it was the first trial in the US involving a person charged with torture committed abroad. In addition to attending trial and providing an analysis of the proceedings, Weil attorneys worked with the client to develop press releases, monitor the case docket up through sentencing, and provide analysis of novel and important issues, including the interpretation of the federal statute for torture abroad and the treatment of witnesses, victims, and the defendant. In early 2009, a federal judge in Miami sentenced Taylor to 97 years in prison for convictions of torture, conspiracy to commit torture, and firearm possession.

Human Rights Watch

In order to provide Human Rights Watch (HRW) with the information it needs on a timely basis, a Weil team of volunteer lawyers prepares daily summaries of International Criminal Court (ICC) decisions and analyses of developments in the ICC relating to core human rights issues. The decisions to date have encompassed a wide range of issues, from the appropriate basis for victim participation in trials to the rights of defendants to a fair trial – some of which are being considered for the first time at this level.

A number of cases are currently pending in the ICC against individuals for whom the ICC has issued arrest warrants alleging war crimes, crimes against humanity, and other serious violations of international humanitarian law committed in the Democratic Republic of the Congo, the Central African Republic, Uganda, and Darfur, Sudan. Through its International Justice Program, HRW has an important role in monitoring the ICC's activities to ensure that human rights are being respected during the entirety of the court process – whether in respect of the victims of war crimes or the defendants accused of those crimes.

HRW is very active in monitoring this groundbreaking new court and is in constant dialogue with court officials, state parties to the ICC, and the media about how the ICC can develop and respond to the challenges it faces. From time to time, it consults members of the team about the significance of certain decisions and trial proceedings with respect to the broader development of international law and process in accordance with the appropriate standards of human rights. HRW, therefore, plays an influential role in the development of the court's practice, and the digests and analyses produced by our team of volunteers help to enable HRW to engage their counterparts on an informed basis as and when important matters arise. Since the project's inception, Weil has worked over 5,000 hours worldwide on a pro bono basis assisting HRW in this important endeavor.

“Coming to the US by yourself is difficult, but for a child who’s also fleeing danger, it can be terrifying. Weil is helping children land safely.”

— Wendy Young, Executive Director, KIND



Children’s Issues

“There can be no keener revelation of a society’s soul than the way in which it treats its children.”

— Nelson Mandela (b. 1918)

Kids in Need of Defense

Since January 2009, Weil has been an avid partner of Kids in Need of Defense (KIND), an organization founded by Microsoft Corporation to provide legal counsel to immigrant children who arrive alone in the US. KIND’s wide range of pro bono opportunities has provided Weil attorneys with a rewarding opportunity to serve some of the 8,000 unaccompanied children who arrive in the US each year without parents or guardians – and without legal representation to assist them in navigating the immigration system. Weil has undertaken 28 KIND matters since the relationship began. The firm is also proud to provide KIND with offices in New York and Washington, DC, host legal education training for KIND volunteers, and help KIND staff to prepare materials for their programs.

Protecting Victims of Abuse or Abandonment

Through a long-standing relationship with Lawyers for Children America, Weil attorneys from Miami represented children who were the victims of abuse, abandonment, and neglect. In addition to representing their clients in dependency court proceedings, our attorneys worked to ensure that state intervention and the goal of permanent placement did not prejudice the child’s medical, mental health, educational, emotional, and legal needs. Weil attorneys also acted as an advocate for Lawyers for Children America, successfully petitioning the Florida Bar Foundation to provide additional funding for a local foundation.

Saving Children from Abusive Households

After nearly two years of serving as co-counsel with Sanctuary for Families on a pro bono custody trial, Weil helped to obtain a judgment for our client for full sole and legal custody of her two children with no visitation, as well as a five-year order of protection against the children’s father. The trial had been ongoing since 2007 in Queens Family Court and involved allegations of domestic violence, numerous violations of orders of protection, constant harassment, alcoholism, endangerment of our client’s children, and numerous other obstacles, including our client having her identity stolen by her husband’s girlfriend.



Asylum

“While every refugee’s story is different and their anguish personal, they all share a common thread of uncommon courage – the courage not only to survive, but to persevere and rebuild their shattered lives.”

— **António Guterres (b. 1949)**

Cameroon

In a matter referred to us by Human Rights First, Weil represented a Cameroonian woman who was imprisoned and tortured by the police as a result of her ethnicity, opposition to the ruling party, and membership in opposition political groups. Nearly three years after her initial filing – and despite her asylum request not being granted by US Citizenship and Immigration Services – our client was granted asylum by an immigration judge. The case involved many hours of client interviews, which were complicated by our client’s psychological condition stemming from the torture that she suffered at the hands of the Cameroonian police.

Dominican Republic

In a matter referred to us by The Legal Aid Society, Weil prevented a 32-year-old openly gay male living with AIDS from being deported to the Dominican Republic. Our client presented a tough case due to numerous prior convictions, many related to his heroin addiction. He was severely abused by his parents as a youth and lived on the streets from the age of 13 after his mother lost their apartment as a result of her drug dealing. The client testified that he had sex with older men from the time he was 13 years old in exchange for food, clothing, and sometimes temporary shelter. Our team was able to prove, through the use of expert witnesses and the client’s direct testimony, that our client would likely be tortured and killed if he were returned to the Dominican Republic. He was granted deferral of removal under the United Nations Convention Against Torture.

Mexico

A Silicon Valley-based Weil team represented a young woman from the Mexican state of Michoacán in her successful application for asylum. She and other female members of her family were victims of repeated sexual and physical abuse by the father of the family. In rural Michoacán, such forms of abuse are common and often go unchecked by authorities. The client’s case presented a challenge because it involved domestic violence and child abuse, both of which are developing areas of asylum law, and because our client is from Mexico, which added an extra level of required approvals. The matter was referred to Weil by the San Francisco office of Lawyers’ Committee for Civil Rights Under Law, a Washington, DC-based nonprofit organization formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address the cause of civil rights.

Guinea

In a case referred to Weil by Human Rights First, our Asylum practice group represented a native of Guinea in his attempt to gain asylum in the US. Our client entered the US at the age of twelve following the murder and torture of his father, who was an active member of *Rassemblement du Peuple de Guinée*, a political opposition group. Subsequently, our client’s family obtained documentation that provided him with the ability to travel to the US where he has remained since, with no word regarding the fate of his family.

After failing to secure asylum in New York, our client turned to us to file an appeal in the New York Federal Immigration Court on his behalf. Three years after the case was filed, the judge granted our client asylum in a short opinion to which the Department of Homeland Security acquiesced. The case was difficult and complex for several reasons. Our client’s claim for asylum was a derivative claim based upon the torture and death that was inflicted upon his father in Guinea. Our brief persuaded the judge that our client reasonably feared for his life because of the fact that he was the eldest son of a political opposition leader and because he himself had attended such political opposition meetings. Moreover, the standards for reasonable fear of persecution for a child are more lenient, thus providing us with a basis for arguing that our client should be allowed to remain in the US.

Eritrea

In a matter referred to us by the Political Asylum/Immigration Representation Project, or PAIR, a Boston-based Weil team secured asylum for a Pentecostal Christian from Eritrea who suffered persecution at the hands of the Eritrean government on account of his religion. Practicing Pentecostalism in Eritrea is illegal, and our client had been arrested and detained for his participation in a Bible study group. Additionally, our client was in danger of further persecution if he returned to Eritrea based on his classification by the Eritrean government as an “army deserter.” Although the duration of Eritrea’s mandatory national service is not to exceed eighteen months, in practice Eritrean citizens routinely face indefinite conscription. Our client was never formally discharged from the military prior to his escape from Eritrea; therefore, according to the Eritrean government, he had deserted the military and was a “traitor” who risked being subject to harsh military punishments amounting to torture.





Community & Economic Development

“We must address and master the future together. It can be done if we restore the belief that we share a sense of national community, that we share a common national endeavor.”

— *Barbara Jordan (1936-1996)*

Working with Others to Help Those in Need

The Royal Courts of Justice Advice Bureau is the flagship office of the Citizens' Advice Bureau and is based in the Royal Courts of Justice in London to offer advice to British litigants in person. Attendance at the Bureau by lawyers in Weil's Litigation Department as Honorary Legal Advisers (HLAs) was the first pro bono initiative in which our London office participated, beginning in 2000. For the last nine years we have been sending HLAs to the Bureau on a regular basis and in 2003 took over the organization of the rota.

Weil provides as regular a service to the Bureau as much bigger offices do. In all, 22 firms attend to assist the Bureau. The thrust of the advice tends to relate mainly to litigation practice and procedure. The variety of clients whom we assist is extremely wide-ranging. Many are at the end of a very long road that culminates in a Court of Appeal hearing and need our guidance. For others, it is enough to have someone listen, sympathize, and point them in the right direction. Over the years there has been a high proportion of hopeless cases, but the Bureau is working hard to address this, and for all the people who are beyond hope, there is always the one who is not and that makes it all worthwhile.

Helping Government Better Serve People's Needs

Weil represented the New York City Department of Education in connection with its acquisition of a large, complex computer system to improve the management of special education services. The department provides special education services to 191,000 disabled preschool and school-age students with disabilities in New York City. The management of these services had been operated for years by an aging data collection system, the imperfections and limitations of which were potentially costing the city millions of dollars of federal reimbursement. The new web-based, state-of-the-art system, called SESIS, will improve the department's management of special education referral, evaluation, and placement process; provide real-time information to schools; and improve data integrity, potentially assisting the city in increasing federal reimbursement.

The new system will allow the Department of Education to provide families of students with disabilities with better and more timely information and will greatly improve the efficiency and effectiveness of the department by replacing paper files with electronic records for every student with disabilities recommended for special education services, including vital information such as student referrals, evaluation reports, and physicians' prescriptions.

Maintaining Fairness in Homeownership

In London, Weil represented a homeowner in connection with litigation against a distant relative (via marriage) who attempted to seize our client's home. This referral came from Weil's regular attendance at the Battersea Advice Centre. Our client had purchased her "council house," or public housing unit, under a right-to-buy program with the financial assistance of the aforementioned relative, who had resided with our client while attending law school. The relative, now a solicitor of the supreme court, used threatening and bullying tactics to try to persuade our client that he had a 50% interest in her property, but he would never commit to writing any agreement that he maintained was in place.

Our pro bono team first endeavored to remove a restriction that the relative had placed on the property so as to enable our client to re-mortgage. Despite repeated attempts, the relative continually withdrew from his agreed position and ultimately the re-mortgage fell through. Concerning the litigation stage of the matter, on our client's behalf we applied for and obtained the services of Counsel through the Bar Pro Bono Unit. Ultimately, the court handed down a judgment in our client's favor lifting all restrictions on the property, freeing our client to use it as she sees fit. She was required only to repay the loan made by the relative, without any interest or costs.

Investing in Community Regeneration

This past year, Weil advised Bridges Ventures, an investment company that seeks to deliver both financial returns and social and environmental benefits, on the acquisition of Babington Business College, a vocational training company based in the United Kingdom. The College has seven training centers and will provide Bridges Ventures with an opportunity to build on its strategy of pursuing investments in the education sector, along with the

healthcare and environmental sectors, in some of the underinvested areas that Bridges targets. Over two-thirds of Babington's current training centres are based in Bridges Ventures' target areas.

Babington provides funded apprenticeship training in accountancy, business administration, customer service, and financial advice and has a diverse employer base. Over 1,300 people work in the companies backed by Bridges, of whom 36% live in the targeted socially deprived areas and 163 were formerly unemployed. The group's latest social impact report indicates that each £1.00 invested by Bridges is leveraging £2.30 of additional spending in their target areas. This investment builds on Bridges Ventures' successful record of backing businesses that can achieve intrinsic social or environmental impacts, as well as attractive financial returns, within the UK's most deprived areas.

Developing New Ways to Partner with Others

In late 2009, Weil's Houston office was instrumental in launching the Houston Pro Bono Joint Initiative (HPBJI), a joint initiative between in-house counsel and law firm attorneys. The initiative's kick-off event was hosted by Weil and included a presentation by the Pro Bono Institute on partnering between corporate counsel and law firms. The HPBJI was created to bring attorneys together to enhance the pro bono base and offerings of Houston's legal community by identifying and recruiting attorneys interested in doing pro bono work; sharing pro bono opportunities; leveraging the collective pro bono strength of law firm and in-house attorneys; raising the profile of the group's pro bono efforts within the community and legal profession; and providing a central platform to generate broader participation and partnership among businesses and law firms, so as to produce successful pro bono results to better serve the Houston community.

Community & Economic Development

Helping People Build Better Lives

Weil Budapest advised Habitat for Humanity in connection with documentation for the establishment of homes for disabled people. Founded in 1996, Habitat for Humanity Hungary has constructed homes in several Hungarian towns and cities with plans to expand their operations throughout the country. Besides a successful new-construction program that has enabled almost 200 families to move into their own homes, Habitat for Humanity Hungary is also involved in renovating homes for families who cannot afford to maintain their existing homes.

Protecting Consumers from Fraud

On behalf of several consumer victims, Weil brought a class action lawsuit in Florida against several entities (including Wizard Of Claws) and their two founders/owners that were involved in knowingly and repeatedly selling puppies with undisclosed illnesses or genetic conditions to unsuspecting consumers. As a result of the liability they faced in the lawsuit, eventually both Wizard Of Claws and its owner filed for bankruptcy. Following the bankruptcy filings, Weil resolved the lawsuit through a settlement that required all of the corporate defendants to exit the business of selling pets to consumers and to permanently dissolve. As to the two individual defendants, the settlement required them to admit (among other legal violations) that they had violated Florida's Pet "Lemon Law" and to abide by very strict and clear conditions in the event they ever again became involved in the business of selling pets to consumers, including conditions on reporting, due diligence, and compliance with the law.

Several months after the settlement agreement, a Weil-led investigation uncovered evidence that the individual defendants were violating the settlement agreement and the corresponding

court's order effectuating the settlement, including by again knowingly selling puppies with undisclosed illnesses or genetic conditions to unsuspecting consumers. Weil promptly moved to enforce the settlement and court order.

As an initial measure, the court prohibited the defendants from engaging in any further sales of animals until the court could resolve the motion, and the court appointed a receiver to monitor the care and condition of the animals that the defendants currently held. Thereafter, the court held evidentiary hearings over the course of four days during which Weil presented extensive testimony and documentary evidence demonstrating that the individual defendants had breached the settlement agreement, violated the court's order effectuating the settlement and engaged in additional deceptive practices.

At the close of the evidence, the court found that the defendants knowingly and willfully violated the court's order and the settlement agreement and caused harm to consumers. As a result, the court ordered the individual defendants to compensate any consumer whom they had harmed if the consumer seeks such relief within 60 days and, in addition, to pay a sanction of over 50% of their gross profits since the settlement was entered. The court also ordered that the individual defendants be subject to monitoring by the court-appointed receiver for six months, including surprise inspections. Finally, the court made clear to the defendants that if any future violations of the court's order and the settlement occur, the consequences for the defendants would be even more severe. The litigation and its aftermath demonstrate the need to monitor and aggressively enforce prospective-relief provisions of settlement agreements, lest those provisions become meaningless because unscrupulous defendants treat them as nothing more than words on paper.

Humane Society of the United States Animal Protection Litigation Award

In 2009 HSUS recognized Weil with its Animal Protection Litigation Award. Weil was one of eight law firms cited for their combined total of more than 10,000 hours of pro bono service in the courts in 2008 to protect animals.

“Through Weil’s assistance, our work has touched the lives of dozens of people in 2009 throughout Hungary.”

**— György Sümeghy
Executive Director, Habitat for Humanity Hungary**





Not-For-Profits

Not-for-Profit Practice Group

Weil's commitment to the not-for-profit sector is supported by the firm's Not-for-Profit practice group. The group, founded in 2006, comprises lawyers from a wide array of practice specialties and works to marshal and standardize the vast spectrum of Weil's not-for-profit efforts, while also providing a resource for Weil lawyers to access the firm's collective experience and expertise in the non-profit arena. As a result of the group's efforts, the firm's pro bono transactional practice has continued to elevate its status as an industry leader, and Weil has emerged as a premier provider of legal services for the not-for-profit sector. The group, in cooperation with the firm's Pro Bono Committee, hosted its Fifth Annual Not-for-Profit Board Governance Symposium in May 2010, which focused on good governance and practical solutions in an era of enhanced challenges, financial stress, heightened expectations, and rigorous regulatory scrutiny in the not-for-profit, foundation, and charitable communities.

United Way of Massachusetts Bay

The firm serves as pro bono General Counsel to the United Way of Massachusetts Bay and has been involved on an ongoing basis with various legal issues, including substantial intellectual property work, real estate work, contract negotiations, and program agreements relating to the furthering of its programs. Weil advised the United Way of Massachusetts Bay on its mergers with the United Way of Merrimack Valley and the United Way of the Greater Seacoast. In the past, Weil has also conducted training sessions for United Way employees regarding contract provisions.

ACCION USA

The firm serves as General Counsel to ACCION USA, Inc., the largest micro-lender in the United States. We have recently advised on various legal issues arising from the merger and subsequent integration of ACCION USA with ACCION New York, as well as on new partnerships with kiva.org, Valley Economic Development Center (Los Angeles County), and the Port Authority of New York and New Jersey. Attorneys in Weil's Finance group are working on new loan documentation for borrowers, and our regulatory lawyers are advising on the implications of the 2010 Dodd-Frank Act on the lending activities of community development financial institutions.

Heritage Foundation for Preservation of Jewish Cemeteries

Weil's Budapest office assisted the Heritage Foundation for Preservation of Jewish Cemeteries (HFPJC), also known as Avoyseinu, in liaising with local authorities and businesses; in the preparation of a cooperation agreement with Mazsihisz, one of the most important Jewish organizations in Hungary; and in setting up and maintaining an escrow account in Hungary for charitable donations. HFPJC is a non-profit organization committed to helping Jews in the restoration of their ancestral cemeteries in Eastern Europe. Since 2002, the HFPJC has restored numerous abandoned Jewish cemeteries throughout Hungary, Poland, Romania, Slovakia, Serbia, western Ukraine, and parts of Poland.

New York Police & Fire Widows' & Children's Benefit Fund

During 2009, Weil continued its long association with the New York Police & Fire Widows' & Children's Benefit Fund. Since its inception in 1985, the Benefit Fund has distributed over \$123 million to the families of New York City police and fire personnel who have been killed in the line of duty. Though the Benefit Fund was initially created to assist families of New York City firefighters and police officers, it now includes the families of emergency medical services personnel and Port Authority officers as well. This past year, a number of Weil attorneys provided the Benefit Fund with legal

advice covering a wide range of matters. We represented the Benefit Fund in connection with negotiations relating to its being designated as the beneficiary of proceeds from popular entertainer Jay-Z's "Answer the Call" charity concert held at Madison Square Garden on 9/11/09. We also advised the Benefit Fund in connection with matters of fundraising, licensing, and corporate governance.

Victims of Crime Trust

Weil's London office was asked in early 2009 to advise the trustees of Victims of Crime Trust (VCT), an organization that provides care and assistance to victims of serious crime in the United Kingdom. Our advice was in connection with the process of winding up the charity and informing the trustees of their responsibilities and liabilities going forward. After entering into a dialogue with the trustees, it became clear that more information relating to the charity's historical operations and financial problems was required and that extensive due diligence would need to be conducted to ascertain VCT's assets and liabilities. After gaining access to the charity's offices, having been refused entry previously by the landlord due to rent arrears, Weil was inundated with boxes arriving at our offices containing a vast amount of information. Through the hard work of the London Business Finance & Restructuring team, we were able to decipher VCT's financial situation and provide advice to the trustees on an orderly wind-up of the charity, which is now entering its final stages.



Health & Environment

“Health is more than absence of disease; it is about economics, education, environment, empowerment, and community.”

— *Joycelyn Elders (b. 1933)*

Empowering Those Who Seek Change

In 2009, Weil contributed over 1,700 hours of legal services to E+Co, a non-profit social enterprise corporation started with support from the Rockefeller Foundation. E+Co invests capital and provides business development support to local enterprises in Africa, Asia, and Latin America that supply clean and affordable energy to households, businesses, and communities in developing countries. Weil’s multidisciplinary efforts have included representing the company in several loan agreements, joint venture agreements, and development finance agreements with financing institutions and government and quasi-government development entities to support clean energy projects; and general corporate, tax, employment, and intellectual property advice. In one notable transaction, Weil advised E+Co in a joint venture to develop rural electrification strategies in Uganda, Rwanda, and Tanzania.

WEILGREEN

In 2007 Weil launched WEILGREEN, a firm-wide initiative to introduce greener business processes and procedures. The program to date has introduced many efficiencies into the firm’s day-to-day operations affecting recycling, document printing, office equipment/supply procurement and disposal, energy consumption, and facilities management and utilization, as well as launching green outreach programs in local communities, such as art and writing competitions in public schools. The firm’s efforts have been greatly assisted by the formation of Green Committees in each of the firm’s offices. These committees serve as talking shops for new ideas and also provide resources through which the firm is able to identify and extend best practices and the means by which the firm can monitor its results. Weil is also an Associate Member of the Chicago Climate Exchange (CCX), which commits the firm to moving toward carbon neutrality by purchasing Carbon Financial Instrument (CFI) contracts in an amount equal to the amount of carbon emissions produced by the firm through its US air travel and office operations.

HIV Law Project

HIV Law Project recognition

Weil was honored in November 2009 by the HIV Law Project at its 20th Anniversary Benefit for the firm’s dedication to assisting the organization and low-income people living with HIV/AIDS in New York City.

Creating Frameworks for Global Cooperation

Weil participated in the Legal Response Initiative (LRI), an Oxfam/World Wildlife Fund initiative that provided real-time legal advice to non-governmental organization (NGO) delegations during the United Nations Framework Convention on Climate Change (UNFCCC) negotiations in Barcelona and Copenhagen in November and December of 2009. The initiative involved over 150 experts from law firms, chambers, and institutions around the world liaising to support the thousands of NGO delegates attending the Copenhagen summit. Weil lawyers from our London and Washington offices advised on a wide variety of matters, including the compatibility of proposals with US domestic law and international trade rules; the governance of institutions for providing climate change-related finance; and the legally binding effect of proposed treaty language. The Copenhagen summit was a key event in the ongoing efforts to agree on further measures to stabilize greenhouse gas concentrations in the atmosphere at a level that will prevent dangerous human interference with the climate system. LRI will continue to support the UNFCCC at the forthcoming conference in Cancun in December and beyond.

Assisting Local Conservation Efforts

Weil continues to assist Birdlife Hungary, Hungary’s largest and oldest conservation association, on the reorganization of its internal structure and related matters as well as employment matters. Collectively, our representation has enabled our client to modernize its organizational structure and has positioned Birdlife to continue its mission as a leader within the Hungarian conservation movement.

Weil has received notable recognition in the past from numerous charitable and pro bono organizations, including:

- Academy for the Development of Philanthropy in Poland
- American Bar Association
- Dallas Volunteer Attorney Program
- Disabled American Veterans
- Eleventh Judicial Circuit and Dade County Bar Association
- HIV Law Project
- Houston Bar Association
- Human Rights Initiative
- Humane Society of the US
- The Innocence Project
- Jewish Board of Family and Children’s Services
- Law Society of England & Wales
- Lawyers Alliance for New York
- Lawyers’ Committee for Civil Rights Under Law
- Legal Aid Society (NY)
- Legal Services NYC
- March of Dimes
- National Wildlife Federation
- New York Lawyers for the Public Interest
- Political Asylum/Immigration Representation (PAIR) Project
- Pro Bono Institute
- Sanctuary for Families
- Texas Appleseed
- Texas Bar Foundation

Veterans' Rights

“All wars eventually act as a boomerang and the victor suffers as much as the vanquished.”

— Eleanor Roosevelt (1884-1962)

Protecting the Benefits of Veterans' Widows

In a matter initially referred to us by Disabled American Veterans, Weil succeeded on behalf of three widows of distinguished servicemen in their challenge to the US Department of Defense's (DOD) long-standing misinterpretation of law on which the government based a refusal to provide them with the death benefits they were entitled to while also providing them with the insurance benefits for which they paid. In rejecting the government's improper offsets, the Federal Circuit explained, "After all, the service member paid for both benefits: Survivor Benefit Plan payments with premiums; and Dependency and Indemnity Compensation payments with his life."

Assuming government compliance, the Federal Circuit's ruling should result in proper benefits being paid to all surviving spouses in similar circumstances, the amount of which has been projected to be over \$35 million to be paid out to hundreds of families that made the ultimate sacrifice. The victory was confirmed when DOD announced that there would be no further appeals in the case.

Helping Reform Administration of Veteran Benefits

Weil prevailed before the US Court of Appeals for the Federal Circuit in litigation that secured disability benefits for a long-suffering Vietnam veteran and may change the way disabled veterans are compensated by the US government. Referred to the matter by Disabled American Veterans, our team represented a former army private and Vietnam War veteran diagnosed with post-traumatic stress disorder (PTSD) in the 1980s. When alerted to our client's condition, the Department of Veterans Affairs (VA) asserted that there was no proof that the disorder was related to his military service. Our client was in and out of VA facilities from 1988 onwards, and the VA did not legally connect his PTSD disability to his military service in Vietnam until 1999, assigning to him a partial disability rating that entitled him to only \$300 per month despite his inability to hold a job.

In 2004, the VA upgraded our client's disability designation, but did not retroactively apply the designation. Our client appealed the case to the Board of Veterans' Appeals (BVA) in 2004, but BVA rejected the claim. This was followed by an appeal to the US Court of Appeals for Veterans Claims, where the government took the unusual position of treating our client as an adversarial party in the proceedings, gutting the traditional "rule of sympathy" in handling veterans affairs litigation.

In his subsequent appeal to the US Court of Appeals, our client was finally vindicated. The court's decision established the important precedent that veterans should receive all possible benefits, even if they do not have the legal knowledge to specifically ask for them. Also, the court said that veterans must be treated sympathetically even if a veterans' organization assists them in navigating the difficulties of the system.



Weil Externships

The firm is particularly proud of its externship programs that allow full-time associates the opportunity to work exclusively on pro bono matters for a period of several months for leading public service and charitable organizations. Because of the expanded time frame of our externship assignments, associates are able to witness and appreciate the difference their efforts make, and the knowledge and skills they acquire on these assignments enhance not only their sense of social responsibility but also their legal acumen.

New to the firm's externships is The Legal Aid Society Criminal Practice Program where volunteer attorneys assist Legal Aid in their representation of approximately 220,000 indigent defendants. Providing free legal service to the Bronx community includes criminal defense work on misdemeanor cases, research and investigations, preparing witnesses, and arguing motions.

The following summaries detail some additional externships offered at Weil:

- Weil corporate associates work at Lawyers Alliance for New York with a wide variety of clients, advising on matters ranging from economic and community development projects and contract and lease negotiations to mergers of not-for-profits and financial reorganizations.
- Weil's externship program at the New York City Law Department provides litigation associates the opportunity to assist the Corporation Counsel's office with depositions, motions, and trials.
- At Legal Services NYC, Weil litigation associates get hands-on litigation experience in areas such as housing, bankruptcy, Social Security disability, and parental and children's rights, gaining valuable experience while helping disadvantaged New Yorkers.
- Weil and the Dallas Volunteer Attorney Program (DVAP), a joint program of the Dallas Bar Association and Legal Aid of NorthWest Texas,

work together on the Lend-A-Lawyer Program assisting low-income Dallas residents with their legal problems. While working onsite at the DVAP offices, our attorneys help the Lend-A-Lawyer Program handle civil cases, participate in weekly legal clinics, and work closely with DVAP's mentoring lawyers to assist clients. Weil's Dallas summer associates are also able to spend a week of their clerkship at DVAP's offices assisting staff in providing legal services to the poor.

- Trainees from Weil's London office are seconded on a rotation program to the Bar Pro Bono Unit, a UK-based pro bono charity organization that helps members of the public access legal counsel one day a week. The trainees assist with the prioritization and allocation of cases and are an invaluable resource for the unit.
- Weil's New York summer associates are given the opportunity to participate in the firm's pro bono summer externship program by spending one or two weeks at a public interest organization. These externships afford summer associates the opportunity to attend pro bono training programs, work alongside staff attorneys, conduct administrative hearings, assist on appeals, and interview clients. Apart from externships, summer associates are also assigned pro bono cases under the supervision of attorneys in the various practice groups through which they rotate.
- Summer associates from Weil's Washington, DC office participate in the Washington Legal Clinic for the Homeless. With training and attorney supervision, each summer associate provides advice and assistance to potential clients on issues of homelessness, the shelter appeals process, income assistance, medical needs, and public benefits issues.

50-Hour Plus Performers

Priya B. Adhinarayanan	Karen T. Broderick	James Cole	Marisa L. Ferraro	Debora Hoehne	Brant D. Kuehn	Douglas A. Nave	Matthew D. Powers	Dániel Simonyi	Daniel J. Venditti
Christopher K. Aidun	Vernon S. Broderick	Marco Compagnoni	Rebecca Fett	Lauren Hoelzer	Akshay Kundaiker	Ramona Nee	Mandisa S. Price Brown	Matthew T. Simpson	Ronald W. Victor
Elizabeth Alibhai	Vigdis Bronder	Annemargaret Connolly	Michael Firestone	Mark Hoenig	Rupert J. L. Jones	Mavnick B. Nerwal	Ausra O. Pumputis	Randi W. Singer	Robert T. Vlasis
Margaret H. Allen	Ardith Bronson	Melanie Conroy	Jared Foley	Yossie Y. Horwitz	David B. Laibstain	Christian Timm Neugebauer	Bronwen R. Pyle	Katie Slater	Cassie Waduge
Ashley R. Altschuler	Brandye L. Brown	Rose Constance	Angela L. Fontana	Melissa L. Hotze	Malcolm E. Landau	Steven A. Newborn	Alex Radetsky	Odalys C. Smith	Justin Wagner
M. Jean Anderson	Vadim M. Brusser	Justin L. Constant	Justin Forlenza	Maxine House	Erin J. Law	Ariane Newell	Richard B. Ramsey	Jeremy Smith	Brian A. Waldbaum
Vanessa Antoinette	Yehudah L. Buchweitz	Richard R. Cook	Michael R. Franzinger	Christine Howard	Kathy A. Le	Alexander W. Ng	Faraz Rana	Farbod Solaimani	Jessica N. Walder
Andrew Arons	Miriam Buhl	Aubree L. Corallo	Robert Frastai	Matthew Howatt	June Kyung Lee	Yen P. Nguyen	Edward R. Reines	Scott M. Sontag	Emily Wapples
Amanjit Arora	Warren T. Buhle	Caroline S. Coursant	Emily Friedman	Eileen Hren	Joseph H. Lee	Barbara Nichols	Steven A. Reiss	Edward Soto	Douglas P. Warner
Patricia Astorga	Gemma Bullmore	Erin Craddock	Jeffrey R. Friedman	Aaron Y. Huang	Arielle G. Lenza	Michael Nissan	Philip F. Repash	Mark W. Soundy	Allison M. Warner
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Lawrence J. Baer	William A. Burck	Jessica Cunningham	David B. Gail	Anwar Imam	Zohar Rebecca Levy	Kristina L. Novak	R. Bruce Rich	Danitra T. Spencer	Robert Watkins
Conrad G. Bahlke	Gregory C. Burns	Xiaofeng Stephanie Da	Randell J. Gartin	Peter D. Isakoff	Jason Lichter	Emmanuel U. Obi	Aaron J. Rigby	Colleen Sphar	Claire L.M. Webb
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Tímea Bana	Linda E. Calles	Blandine Davies	Simeon Gold	Peggy Jones	Annelies Lottmann	Eric Ordway	Adam Ben Rosenblum	Russell J. Stein	Sean White
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Jakub Biernacki	Bill Kam Chan	Catherine T. Dixon	Nathan A. Greenblatt	Nadia Karkar	Stacey M. Mayer	Benedict Pearce	Astrid N. Sandberg	Gergely Szoboszlai	Jonathan Wood
Kimberly S. Blanchard	Herbert Chan	Christine Doktor	Holly J. Gregory	Eoghan P. Keenan	Charlotte Mayes	Tashanna B. Pearson	Peter Sandel	Aleksandra Szymczak	RaShawn Woodley
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Benton B. Bodamer	Calvin Y. Cheng	Brian C. Drozda	Catherine Gurney	Monika Kierepa	Elizabeth E. Melson	Megan Pendleton	Miranda S. Schiller	Jerrice Thomas	Jenny C. Wu
Lynn Bodkin	Anupama Chettri	Jodie Anna Elizabeth Dunlap	Germaine N. Gurr	Peter King	Ramon E. Mercedes	Kimberly M. Perdue	Michaela C. Schmitt	Sunny J. Thompson	Mindy Wu
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Carmen E. Bremer	Bruce A. Colbath	Timothy S. Feltham	Eric S. Hochstadt	Kevin Kudlac			Caroline K. Simons	Cheri Veit	

Weil staff members are equally critical to our pro bono work. From the Marketing Department's creative insight for our publications and the events and technical staff who assist with the firm's trainings, to our paralegals and administrative colleagues who provide critical support to the attorneys, every member is a valuable contributor to our pro bono success.

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