

2009 – Volume 1



for the public good

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

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An Era of Change

By Peter Kalis, Chairman and Global Managing Partner



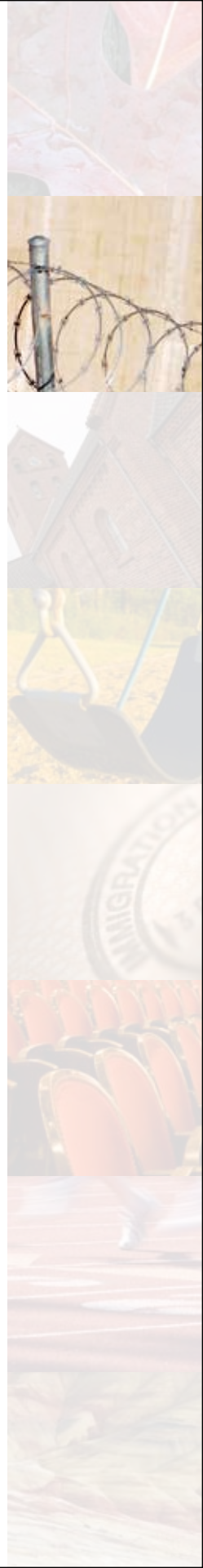
People at all points of the globe have seen a good deal of change in the last year. The United States elected the nation's first African-American president, while societies around the world faced challenges created by a transforming global economy. As our lawyers work to help clients navigate the shifting economic and political landscapes, our dedication to pro bono work remains steady. Indeed, these challenging economic times will require a heightened emphasis on pro bono service by our lawyers.

The substance of our pro bono matters reflects the transformations around us. Perhaps influenced by this atmosphere of change, several of our lawyers recently focused on civil rights-related matters. This issue of "for the public good" spotlights this work, including our election protection efforts across the United States during the 2008 presidential election, and our many hours dedicated to helping ease overcrowded conditions in California's prisons. We also take a look at Kids in Need of Defense, or KIND, an organization recently launched by Microsoft in which the firm is a founding member. KIND provides representation to unaccompanied minors in immigration proceedings around the United States.

The report also highlights K&L Gates' long-standing commitment to Lawyers for the Creative Arts in Chicago, and reviews immigration cases handled by lawyers around the firm. And looking globally, we describe how, in one unique matter, a corporate lawyer was able to assist in gathering funding for a new venture to distribute propane gas to rural villages and health clinics in Mozambique.

Please read and be inspired by these stories of the many ways our lawyers are helping the communities and individuals around them.

Civil Rights



Protecting the Rights of Incarcerated Individuals



California Team Helps Relieve Overcrowded Prisons

Working with the Prison Law Office and Rosen, Bien & Galvan, a team of the firm's San Francisco and Los Angeles lawyers, paralegals, and staff succeeded in trying two consolidated cases working to relieve overcrowding in California's prisons.

The cases challenged the adequacy of medical and mental health care provided to California state prison inmates. The district courts in the cases ruled that the services fell so far below acceptable levels as to constitute cruel and unusual punishment. Both district judges issued numerous orders requiring remedial measures.

When the remedial measures did not alleviate the issues, plaintiffs' counsel in both cases filed motions to appoint a three-judge panel to consider whether any relief short of a prison release order could bring up the level of care. The size of the proceeding caused the plaintiffs' counsel to seek the firm's assistance.

In February, the panel ruled that overcrowding was the primary cause of the constitutional violations, and told the state to reduce its population by more than 50,000 inmates.

The *New York Times*, the *Los Angeles Times*, the Associated Press, and the *San Francisco Chronicle* covered the case.

The team included San Francisco partners Ed Sangster and Jeff Bornstein, Los Angeles partner Fred Heather, San Francisco associate Rachel Chatman, and paralegals Chanell Yates and Linda Woo.

Sentence Reduced by Safety Valve Exception

Los Angeles partner Fred Heather and associate Angelo Primas, Jr. helped reduce a young woman's sentence to the two years she had already served in prison. The woman, a mother of two children, was subject to the mandatory minimum sentence of 10 years after being convicted of being a low-level participant in a conspiracy to traffic narcotics. Her ex-boyfriend had been a high-level participant in the conspiracy.

Heather and Primas argued that the client was a candidate for the safety valve exception, which allows individuals to be given a sentence lower than the mandatory minimum if certain requirements are satisfied. After successful arguing by Heather, the client was able to walk out of the courtroom on the day of her sentencing hearing after serving two years in jail.

Protecting the Rights of Incarcerated Individuals (cont'd)

Sentence Vacated due to Miscalculation

Harrisburg associate Abram Burnett's pro bono work before the Third Circuit resulted in the summary reversal of a district court order denying a request to vacate an inmate's sentence. Burnett filed an opening brief arguing that the district court miscalculated the inmate's sentence. Although the government had argued before the district court that the sentence was correct, officials quickly realized their error after reading Burnett's argument and concurred that a miscalculation had indeed occurred.

Though the man has yet to be resentenced, he likely will receive more than a year's reduction in sentence based on the error.

Habeas Corpus Petition Moves Forward

Harrisburg associate Amy Groff and partner David Fine won an appeal before the Third Circuit for a client whose attempt to amend his *habeas* petition was denied on procedural grounds.

The client had been sentenced to life imprisonment following a criminal trial. After his state court appeals proved unsuccessful, the client sought review in federal district court by filing a petition for a writ of *habeas corpus*. The district court denied the petition and did not allow the client to correct the petition or amend it to reflect other claims.

The appeals court reversed the district court's decision and remanded the case with instructions that the court allow the amendments and review the petition on its merits.

Election Protection Efforts

On November 4, K&L Gates lawyers, paralegals, and clerks in Boston, Los Angeles, Miami, Pittsburgh, Seattle, and Washington, D.C. worked to ensure a smooth Election Day. Volunteers monitored polling stations and served as liaisons to local and state election officials if errors occurred.

Many of the offices' efforts were in association with the Lawyers' Committee for Civil Rights Under Law, a private, nonprofit, and nonpartisan legal organization that endeavors to secure equal access to the electoral process for all voters. Efforts in Boston were also coordinated with the Asian American Legal Defense and Education Fund poll monitoring project. In addition, K&L Gates' Seattle office helped organize the entire effort in Washington state, including identifying problem polling stations, coordinating trainings and day-of mobilization, and serving as the Washington State Legal Command Center.

Religious Liberty Defended for Homeless Shelters

Pittsburgh associate Nicholas Ranjan partnered with the ACLU of Pennsylvania to successfully obtain emergency injunctive relief in two law suits enabling two church-supported homeless shelters to keep their doors open and serve the community's neediest individuals. Pittsburgh-area local boroughs had taken adverse zoning actions and made other threats, effectively closing down the shelters located on church property. In each case, Ranjan and the ACLU threatened or instituted formal legal action against the boroughs. The lawyers charged religious discrimination under the First Amendment, and that officials had violated the churches' religious-liberty rights under the federal Religious Land Use and Institutionalized Persons Act (RLUIPA), which prohibits governments from imposing land use regulations restricting the exercise of religion.

First Amendment Rights Safeguarded for Protest Group

After nearly four years of representing an anti-police brutality protest group, Seattle associates Michael Ryan and Ryan Redekopp were successful before the Ninth Circuit Court of Appeals in a precedent-setting First Amendment case.

In December 2008, the Ninth Circuit issued a published opinion declaring Seattle's parade ordinance facially unconstitutional under the First Amendment, overturning the district court. In particular, the Ninth Circuit ruled that the law gave the chief of police too much discretion in determining what condition could be placed on marchers, and that such discretion was compounded by the fact that the parade ordinance lacked any requirement that the person conditioning the permit state the basis for doing so, as well as the absence of any forum for appeal.

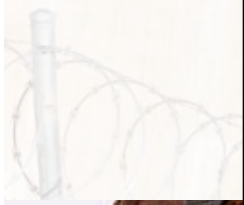
As counsel for the prevailing party, K&L Gates was awarded fees and costs, which were then donated to the ACLU.

Promoting Civil Rights and the Rule of Law in Kosovo

Boston partner Michael Greco traveled to Kosovo in 2008, where he addressed lawyers, judges, and government officials on the role of the legal profession in answering the most pressing problems facing the world today. He discussed the details of his trip with the editor of *Metropolitan Corporate Counsel* in a Q&A article featured in the October 2008 issue.

In the article, Greco explained that the ABA Rule of Law Initiative offers assistance and partnerships in areas including anti-corruption, criminal law reform and human trafficking, gender issues, human rights and conflict mitigation, judicial reform, legal education reform, and legal profession reform.

Corporate





Bethany United Church of Christ Campus

Seattle staff attorney Richard Tupper and associate Troy Rule recently assisted the Bethany United Church of Christ in acquiring title to the former Beacon Avenue United Church of Christ campus where Bethany holds services. Over the last two years, K&L Gates processed the transfer of the property (worth an estimated \$2.69 million) at a total cost to Bethany of only \$7,500.

Dallas Police Athletic League

Over the last year, Dallas partners Eddy Espinosa and Eugene Segrest, with the assistance of Dallas associate Sandi Elrod, have aided the Dallas Police Athletic League (DPAL) in its formation, including preparation of DPAL's organizational documents and advising DPAL on its tax status and its adoption of various institutional policies.

DPAL is a Texas nonprofit organization established as an educational, athletic, and recreational outreach program for low-income, inner-city youth.

VillageReach

Seattle associate Rumei Mistry and partner Stephan Coonrod assisted VillageReach, a Section 501(c)(3) nonprofit focused on improving health care in developing countries, draft a funding memorandum for distribution to social investors and other potential funding sources for VidaGas Limitada.

VillageReach and The Foundation for Community Development, a Mozambican nonprofit organization, established VidaGas with the primary mission of distributing liquefied petroleum gas (LPG)-based energy services to health care facilities, businesses, and households in Mozambique. The organizations believe that increasing LPG use, rather than the charcoal and wood generally used in Mozambique, will strengthen and promote a broad range of social, health care, and environmental goals.

Berlin Art Gallery

K&L Gates is offering pro bono legal advice and representation on all legal issues to a new German art gallery. Temporäre Kunsthalle Berlin, which opened late last year, provides unique, dynamic space for contemporary art created by national and international Berlin artists, while also promoting the city as an attractive business location. Situated in Berlin's Schloßplatz, the Temporäre Kunsthalle Berlin has gained recognition throughout the contemporary art scene.

Family Law





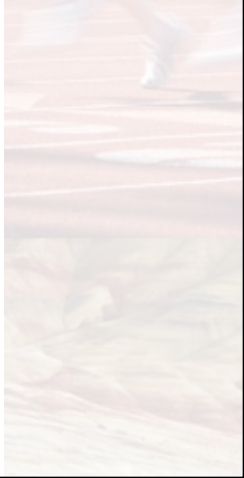
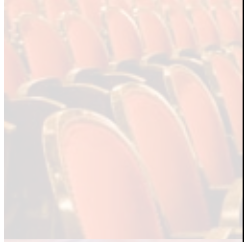
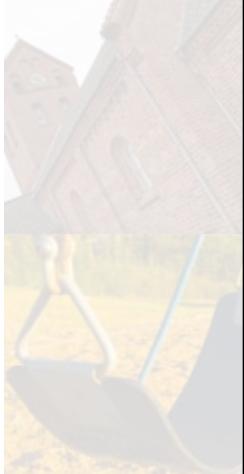
Federal Court Lawsuit on Behalf of Nevada Children

K&L Gates represents the plaintiffs in *Clark K. v. Willden*, an action filed in 2006 in federal court in Nevada by the National Center for Youth Law. The complaint alleges that children in the Clark County foster care system are subject to physical, sexual, and emotional abuse and that since 2003, at least 49 children have died while under the care of the Clark County Department of Family Services. In October 2008, the Ninth Circuit Court of Appeals granted permission for an appeal from the district court's denial of class certification in the case. Through New York partner Pat Loughlin, a longtime supporter of its work, the National Center asked K&L Gates to brief and argue the Ninth Circuit appeal. Seattle partner Paul Lawrence, along with Seattle associate Kymberly Evanson and Dallas associate Stanford Purser, filed the opening brief on the appeal in January 2009.

Child Custody for De Facto Parent

Boston of counsel Samuel Adams and associate Naoka Carey represent a client on appeal from the denial of her request for custody of a child whom she raised for more than six years. Adams and Carey argue that courts should treat de facto parents (persons who have taken on a true parental role in the life of a child) similarly to biological parents in custody proceedings. In May, Adams will argue the case before the Massachusetts Supreme Judicial Court. Also assisting on the case are associate Kristin Davis and summer associate Alison Kinchla.

Immigration





Partnership to Aid Unaccompanied Minors

In late 2008, K&L Gates announced its support of a major new pro bono initiative launched by firm client Microsoft and Angelina Jolie. Kids in Need of Defense (KIND) brings together law firms, corporate law departments, nonprofit organizations, and nongovernmental organizations to represent the more than 8,000 unaccompanied minors who are involved in immigration proceedings every year.

Many of these children arrive in the country after fleeing abuse, mistreatment, torture, or trafficking. U.S. law provides no right to government-appointed counsel for these minors, and nearly 50 percent are forced to navigate the immigration system with no advocate. K&L Gates is a founding member of the organization and has pledged 1,500 pro bono hours per year to the initiative.

KIND will provide mentoring and training to lawyers and others involved in the program, offering volunteers the opportunity to represent children in proceedings with the United States Immigration and Citizenship Service (USCIS).

Ballot Language Initiative

Cooperating with the American Civil Liberties Union of Washington Foundation, Seattle lawyers Greg Wong, Paul Lawrence, and Lauren King argued and won a challenge to the title language used in a ballot initiative requiring state officials and private employers to enforce federal immigration laws. Wong, Lawrence, and King argued that the misleading ballot title did not fully inform voters of the initiative's essential contents. The judge issued an order the same day granting the petition, and amended the ballot title in accord with the client's suggested language.

Individual Immigration Cases

Lawyers throughout the firm regularly represent individuals seeking a safe haven in the United States.

Ethiopia

Seattle partner Lance Dahl successfully represented an Ethiopian immigrant in a long-standing asylum appeal.

K&L Gates began representing the client in 2005. A primary issue was whether the client had met the requirement that all asylum applicants apply within one year of their entry into the United States; the asylum office had claimed that a person with the same name as the client had entered the country more than a year before the filing of the application. Dahl prepared an extensive revised declaration for the applicant and the immigration judge granted asylum at the conclusion of a removal hearing in July 2008.

Guinea

Boston lawyers Leanne Hartmann, Nicole Newman, and Clarence Brown helped a Guinean woman gain asylum after surviving tremendous abuse at the hands of her family in Guinea when she resisted their attempts to perform female genital mutilation on her U.S. citizen daughter. K&L Gates lawyers worked with the woman for five years preparing her asylum application, representing her in her affirmative asylum interview, preparing the client for her removal hearing, maintaining her work authorization, and managing her ongoing safety concerns. In February 2009, the Immigration Court granted the client's application for asylum, noting that her case was the most extreme ever encountered by the government's attorney.

Honduras

Seattle partners Tom Wolfendale and Cris Leffler worked with Volunteer Advocates for Immigrant Justice (VAIJ) to secure a green card for a young Honduran woman who suffered years of family and gang abuse in her home country. Although her claim was initially denied, Wolfendale and Leffler, along with the able assistance of VAIJ personnel, staff, and summer associates, ultimately secured her green card by asserting provisions in immigration law addressing juveniles who turn 18 while in the United States.

Romania

Harrisburg associate Anthony Holtzman and partner David Fine persuaded the U.S. Court of Appeals for the Third Circuit to reverse a decision by the Board of Immigration Appeals (BIA) regarding the deportation of a Romanian native.

An immigration judge initially ruled that the man should not be deported to Romania because he would likely be subject to persecution there because of his ethnicity. The BIA disagreed, however, and the Third Circuit Court appointed K&L Gates to handle the appeal of the BIA ruling.

The Third Circuit Court ruled that the BIA erred in its ruling and remanded the case to the BIA for additional consideration. The BIA, in turn, upheld the immigration judge's ruling allowing the client to remain in the United States.

General



Lawyers for the Creative Arts



The firm's Chicago lawyers have devoted thousands of volunteer hours over 20 years to Lawyers for the Creative Arts (LCA), a pro bono association that assists artists and arts organizations who are financially unable to retain legal counsel. We have helped artists, writers, musicians, actors, and television, film, theatrical, and record producers find solutions for their business problems. Lawyers have secured copyright and trademark protection, negotiated management and product agreements, and stepped in to protect an artist's rights through litigation when necessary.

New Management Structure for Dance Festival

A long-established nonprofit that brings Chicago's dance community together for an annual festival was forced to reorganize following the unexpected death of one of its founders. Chicago associate David Kim worked with the principal parties to untangle the existing management structure. They drafted and registered a new service agreement to ensure the organization's tax-exempt status and its ability to raise funds, defined ownership of company assets and theater lease arrangements, and transitioned the group's trademark to the new management entity. Kim's counsel secured the viability of the dance festival for years to come.

Lawyers for the Creative Arts (cont'd)

Artist and Gallery Owner Dispute Resolved

Chicago partner Joseph Wylie represented a skilled visual artist whose work has appeared in exhibitions throughout the United States and Italy. For several years, she sold her work, primarily large-scale landscape oil paintings, exclusively in the Chicago market through a single gallery. A dispute arose when the gallery owner withheld several thousand dollars in fees generated from the sale of several of her paintings. After many months of negotiation, Wylie achieved a settlement in the artist's favor, overcoming the gallery's arguments and recovering her inventory of paintings.

Performing Arts Organization Receives Trademark Assistance

Chicago partner Kate Starshak is assisting a client which incorporated as a nonprofit in 1995 to promote performing arts. The organization offers daily classes and a summer workshop program in acrobatic arts, drama, and dance, and needs assistance with trademark registration for its primary trademark and the tagline it uses on promotional materials.

Bainbridge Island Soccer Club

Seattle partner Bart Freedman and associate Ken Gish successfully defended the Bainbridge Island Youth Soccer Club in an environmental appeal regarding the renovation of decrepit soccer fields with new drainage and artificial turf. Opponents to the renovation had persuaded the city of Bainbridge Island, Wash., into withdrawing the SEPA determination for the project and issuing new conditions that were impossible to fulfill. Freedman and Gish won the permit appeal on every issue and convinced the city to issue the permit. The fields are due for completion in mid-July and will help hundreds of kids play soccer and lacrosse in a safe environment.

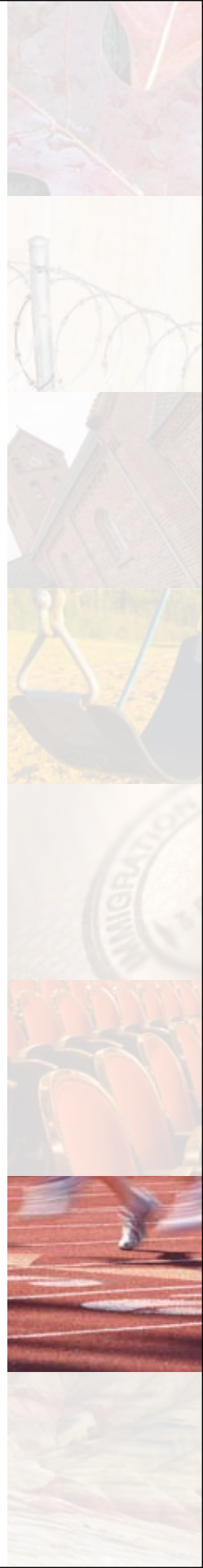
Widow of Vietnam Veteran

New York partner Andrew Morrison, working with New York associates Brian Koosed and Samantha Katze, won an appeal for an Arkansas widow of a decorated U.S. Marine who served three tours of duty in Vietnam. Believing that her husband's death was caused by exposure to Agent Orange, she filed a claim for death benefits with the Board of Veteran's Appeals, but the claim was denied. The Pro Bono Veterans' Consortium asked K&L Gates to handle the appeal. The New York team appealed to the U.S. Court of Appeals for Veterans Claims, which vacated the decision and ordered the board to give the client another opportunity to prove that her husband's death was related to the exposure.

American Friends of Canadian Land Trusts

Seattle partner Konrad Liegel is acting as general counsel for a newly formed conservation organization, American Friends of Canadian Land Trusts. The group was formed by a collaboration of conservationists on both sides of the border to facilitate preservation of high priority natural areas in Canada, and as a resource to respond to the major financial obstacles that U.S. residents face if they want to protect land they own in Canada.

Recognition





KCBA Volunteer of the Month Award

The King County Bar Association (KCBA) named Seattle associate Cristin Kent its Volunteer of the Month for her work on a family law case.

The case involved a single mother fighting for adequate child support for her young daughter. Due to Cristin's efforts, the amount the mother now receives for child support has doubled.

Volunteer of the Year Award

Seattle partner Stephen Smith received the King County Bar Association's (KCBA) Volunteer of the Year Award for his work assisting victims of domestic violence.

Smith represented two women and their children, in separate cases, in obtaining or retaining protection orders from violent partners. He also spoke at a training seminar for lawyers interested in taking on similar pro bono representations.

Baroness Scotland Event

Speaking at a K&L Gates London program, the attorney general of the United Kingdom, the Rt Hon Baroness Scotland of Asthal QC, congratulated our lawyers for their commitment to pro bono service. She cited the diversity of their volunteer work, from an international effort to advance the Rule of Law, to their efforts on behalf of children from underprivileged backgrounds, and commended the firm for reaching out to those less fortunate in these difficult economic times.

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