



A Presidential Perspective: Mike Greco on Pro Bono and The Lawyer's Role in Society

By Michael S. Greco, K&LNG Boston



Michael S. Greco

In this Issue

Lawyers' Committee for Civil Rights Honors K&LNG Lawyer
San Francisco..... 2

K&LNG's Pro Bono Advocacy in the Second Circuit Court of Appeals
New York..... 3

Boston Office Supports Affordable Housing Initiative
Boston..... 4

K&LNG Prevails on Behalf of Texas Art Gallery Owner
Dallas..... 4

London Associate Applauded for Pro Bono Contributions
London..... 5

A Widow's Second Chance at Justice
Harrisburg..... 6

Working on Behalf of the Arts
Miami..... 6

Newark Office Partners for Women and Justice
Newark..... 7

As a youngster growing up in a small Illinois town, I recognized the special role lawyers had in the community. In addition to representing their clients, those lawyers were also problem solvers in the community, respected citizens and civic leaders. Many of them donated their legal services and time free of charge to the poor. To me, those lawyers embodied the role of lawyer as public citizen.

I saw then, as I see today, that lawyers have a privileged position in society. We have, therefore, a responsibility to give back to our communities. Regrettably, because of added burdens, fewer lawyers now are able to do that. Throughout my career, and now as president of the American Bar Association, I have striven to make public service—especially pro bono work—a defining element of what it means to be a lawyer.

I have been fortunate to work in law firms that have valued and supported public service work. As a young lawyer at Hill & Barlow, I was encouraged to jump in feet first to do pro bono work. I was pleased to find a similar commitment at K&LNG when I joined the firm in January 2003. The numbers are impressive: in 2005, more than half of K&LNG's lawyers dedicated over 23,000 hours to pro bono work. Our lawyers have worked on high-profile matters, and several have earned awards and recognitions for their contributions. I am proud of their dedication and our firm's commitment.

As the practice of law evolves, demands upon lawyers continue to increase, making it difficult to take on pro bono assignments. That is why as ABA president, I have called for a "Renaissance of Idealism" in the legal profession – a recommitment to the noblest ideals that have guided the practice of law since our nation's founding.

I look forward to working with all of you, and you with me, as we continue this vital public interest work and nurture it for generations of lawyers to come. Pro bono is not just about caring for our communities or the poor and vulnerable among us—it is also about the soul of our profession. K&LNG

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

www.klng.com

Lawyers' Committee for Civil Rights Honors K&LNG Lawyer

SAN FRANCISCO



By Jeffrey L. Bornstein

On February 10, 2006, Sandra Geiger, an associate in the K&LNG San Francisco office, received the prestigious James T. Caleshu Award honoring her for her extraordinary pro bono contributions to the Lawyers' Committee's Legal Services for Entrepreneurs (LSE) program. Sandra was honored at the 19th Annual Dr. Martin Luther King, Jr. luncheon. The LSE program is part of the Lawyers' Committee for Civil Rights of the San Francisco Bay Area. Sandra currently serves on the LSE Screening and Advisory Committees.

The Lawyers' Committee for Civil Rights of the San Francisco Bay Area was founded in 1968 and is "devoted to advancing the rights of people of color, poor people, and immigrants and refugees, while maintaining its historical commitment to provide legal advocacy for African-Americans." The Committee's LSE program provides free legal services to low-income individuals, including women and people of color, who would like to start or expand for-profit businesses and to certain for-profit businesses that invest directly in disadvantaged neighborhoods and who have limited access to credit and capital. LSE provides free legal assistance to entrepreneurs covering the entire range of legal services necessary to begin a new business or expand an existing one. These services may include incorporation/entity formation, tax counseling, trade name protection, equity capital formation, lease negotiation, employment counseling, and franchising. Volunteer lawyers from 35 law firms and corporate counsel offices currently participate in LSE. To date, LSE has assisted more than 400 clients. In 2004, LSE served 113 clients, 76 of whom were matched with pro bono counsel. The 159 lawyers and paralegals who participated in the program provided 2,790 hours of their time, valued at close to one million dollars.

Sandra began working with the LSE program in March 2001 as a firm liaison and as a member of the Steering Committee. As a member of the Steering Committee she helped resolve pro-

gram issues and increase law firm participation. Since 2001, Sandra has continued to increase her commitment to LSE by serving on the Screening Committee and serving as the co-chair of the LSE program from January 2004 through December 2005. As a member of the Screening Committee she helps evaluate applicants to determine whether they should be approved for legal services through the LSE program. As a co-chair of the Program, she helped resolve staffing and financial needs, reviewed the Program's annual reports, developed program milestones and provided advice and support as needed for the staff lawyer in charge of the LSE program.

Sandra is very proud of her work with LSE. Sandra explained that "LSE affords business lawyers with a unique opportunity to improve the economic well-being of low-income individuals and people of color who might not otherwise have access to effective legal counsel." Traditionally, pro bono clients have needed litigation assistance on asylum cases, immigration issues, eviction defense or domestic-violence claims. "LSE also provides business lawyers the rare opportunity to work on pro bono matters in their areas of expertise," she added.

In addition to Sandra, other San Francisco based K&LNG lawyers have been active in supporting LSE. Currently, Lynn DuBois, an associate in the K&LNG San Francisco office serves as our LSE office liaison. As our office liaison, she is the main point of contact for the staff lawyer in charge of the program. She distributes client summaries to lawyers in the office and keeps track of the projects and the lawyers' billable hours. San Francisco-based K&LNG lawyers and law clerks who have volunteered to help LSE clients in addition to Sandra Geiger and Lynn DuBois include Dan Bailey, Deborah Bailey-Wells, Maria Chavez, XinXin Guo, Jon Jaffe, Matt Mangan, Tim McCann, Dirk Michels, David Mishel, James Prenton, Leah Shough, John Sutton, and Kate Wheble. These lawyers have provided LSE clients with a wide range of legal services including the preparation of standard business contracts, entity formation, negotiation of business leases, and intellectual property assistance. K&LNG



Sandra L. Geiger receives the
James T. Caleshu Award

K&LNG's Pro Bono Advocacy in the Second Circuit Court of Appeals

NEW YORK

Through the membership of two of its partners on the Pro Bono Panel of the United States Court of Appeals for the Second Circuit, K&LNG's New York office maintains an active appellate practice on behalf of pro se litigants with cases pending before that Court. The program provides K&LNG litigation associates the opportunity—often as early as their first year with the firm—to brief and argue appeals in one of the leading appellate courts in the nation.

Senior antitrust/litigation partner Doug Broder has been a member of the pro bono panel for almost 25 years and has handled more than 40 appeals during that time. Senior counsel David Simon joined the panel several years ago. They both accept assignments from the Court's pro bono clerk to assist pro se appellants whose cases have been dismissed or otherwise lost in the lower courts.

The pro bono clerk and the court pre-screen the cases and assign counsel only in those where the appeals appear to have some merit or raise important issues. The majority of the cases involve prisoners' claims that they have been mistreated during arrest or while in prison or that they have otherwise been denied constitutional rights. Non-prisoner cases have included, among others, appeals of deportation orders, of orders denying social security benefits, or of civil rights actions.

Upon receiving an assignment, the firm designates an associate to handle the appeal. All the while working closely with Doug or David, the associate will obtain the record on appeal and begin the process of formulating the appellant's arguments. The associate will also get in touch with the new client to discuss his or her case. We will often be required to attend a pre-argument conference conducted by one of the Court's staff attorneys. At the conference the parties will discuss settlement and the staff attorney will set a final briefing schedule.

The associate will then prepare a draft of the appellant's brief and begin assembling the joint appendix, communicating with opposing counsel for that purpose. Doug or David will review the draft and work closely with the associate in preparation of the final version. Once the appellant's brief has been served and the opposing brief received, the associate will prepare a draft of the reply brief, which will once again be reviewed and edited by Doug or David. While a single associate is responsible for each case, every effort is made to involve summer associates in the briefing process with research or other assignments.

Once briefing is complete, the responsible associate will begin preparing for oral argument. In addition to consulting with Doug or David, the associate will have a moot court session at which Doug or David and two or more other litigation partners will play the roles of appellate judges. Several New York litigation partners have eagerly taken part in this process—at times grilling the associates so mercilessly that the actual argument later seemed tame by comparison.

Tame or not, the associates frequently describe their arguments before the Court of Appeals as high points in their legal careers. New York litigation associates Kim Kabnick and Daniel Doron each argued before the Second Circuit in 2005. Kim described her argument as "an amazing experience that I never expected to have as a first year." And Daniel called it "the most rigorous 20 minutes I have had since I was a one-L."

In both Kim's and Daniel's case, our clients had sued alleging a police brutality incident to their arrests and had seen their suits dismissed by the district courts. In Kim's case the issue on appeal was whether the plaintiff's version of the events—he claimed the police had thrown him from a third-story window after apprehending him—was so unlikely that the court did not need to submit it to a jury. And in Dan's case it was whether the plaintiff's trial counsel had waived his client's right to assert claims individually against the police officers he claimed had beaten him during his arrest.

Currently, associates Michele Higgins, Shari Alexander, Sarah Kenney, and Brian Koosed are working on cases that should be up for argument by mid-2006. Three are prisoner cases involving claims of lack of adequate medical care or inhumane treatment and the fourth involves the appeal of the denial of social security disability benefits.

K&LNG's Second Circuit pro bono program benefits not only the clients we assist and the associates and summer associates who take part, but also the partners involved, the firm as a whole, and our other clients. It enhances our standing with the Second Circuit and adds to our institutional knowledge of practice and procedure before this very important court. K&LNG



By Douglas F. Broder

Boston Office Supports Affordable Housing Initiative

BOSTON

The recent boom in the residential housing market in Massachusetts has greatly increased the number of obstacles to home ownership, especially for the underprivileged. In an effort to increase the supply of affordable housing in the city of Brockton, Massachusetts, K&LNG lawyers in the Boston office are providing pro bono legal assistance to Brockton Interfaith Community Nehemiah Development, LLC (“BIC Nehemiah”), a non-profit organization that derived its name from the Old Testament prophet who led the rebuilding of Jerusalem.

BIC Nehemiah is a joint venture between BIC Nehemiah Partnership, Inc., an affiliated non-profit entity of BIC Nehemiah in Brockton, and the South Shore Housing Development Corporation. BIC Nehemiah purchased empty land from the Brockton Housing Authority for the development of eight two- and three-bedroom condominium units. Investment management associate Douglas MacLean and corporate associate Ronan O’Brien counseled BIC Nehemiah regarding its formation, non-profit status, and organizational documents for this joint venture. MacLean and O’Brien teamed up with partner Paul Bauer and associate Gregg Cosimi from the real estate group to provide advice concerning the conveyance of the land and the negotiation of the purchase and sale agreement. In addition, K&LNG helped the client develop the estimated budgets for construction of the condominiums and negotiated the terms of the construction financing and construction agreement.

On Sunday, October 16, 2005, BIC Nehemiah broke ground on this construction project. Individuals who earn between \$30,000 and \$60,000 in annual income are eligible to enter the housing lottery to purchase a condominium unit. K&LNG assisted BIC Nehemiah in developing policies and procedures regarding the housing lottery and sales process to promote fairness and to reduce participation by speculators.



By Douglas F. MacLean

“The team at BIC Nehemiah impressed me with its ability to overcome the red tape and bureaucratic hurdles associated with such a project,” O’Brien commented. O’Brien further noted that “BIC Nehemiah’s grassroots approach, and its inclusion of hundreds of people from 25 different church organizations, shows that a group of committed people can unite together and make affordable housing a true reality.”

Construction on this project will continue throughout the winter months. Thereafter, K&LNG will assist the client with the condominium conversion process as BIC Nehemiah hopes to market these units in the spring of 2006. K&LNG

K&LNG Prevails on Behalf of Texas Art Gallery Owner

DALLAS

In a previous issue of the Pro Bono Report, we brought you news of Dwight Miller, an art gallery owner in Pilot Point, Texas. Mr. Miller sought K&LNG’s help in defending his right to display a mural depicting Eve, the apple from the Garden of Eden, and the pointing arm of God taken from Michelangelo’s creation scene in the Sistine Chapel in Rome. The figure of Eve was stylized, and Eve was nude (although shadows concealed her below the waist).

This past fall, lawyers from K&LNG successfully obtained a permanent injunction that prevented local officials from interfering with Mr. Miller’s right to display the mural.

The town’s police department had twice threatened to charge Miller with violating a Texas statute prohibiting the display of obscene material to children if he did not cover the nudity in the mural. Mr. Miller maintained that his right to display the artwork in its original state fell under the First Amendment, and did not violate Texas law.



By Michael D. Napoli

continued on page 5

London Associate Applauded for Pro Bono Contributions

LONDON

We are delighted that Real Estate associate Eleanor Smith has received the "Star Volunteer" award from the South West London Law Centre in recognition of her pro bono contribution to the firm's support of Battersea Legal Advice Centre over the past five years. Bob Nightingale, CBE, Chairman of the Law Centres Federation, has just reported that the number of people helped at the Advice Centre in 2005 has increased by 20% from the previous year.

Eleanor had the opportunity to meet Bridget Prentice, MP, who deals with Legal Aid at the Department of Constitutional Affairs at the presentation. She was presented with the award by Paul Newdick, the Chairman of the Solicitors Pro Bono Group. He commented that Eleanor "is a stalwart member of Kirkpatrick & Lockhart Nicholson Graham's pro bono team, encourages lawyers within the firm...and has an excellent track record."

Eleanor feels strongly that the opportunity to help clients through Battersea adds a valuable perspective to a busy practitioner operating in a highly commercial field. She recalls with particular satisfaction managing to secure proper compensation from the Royal Mail for a client whose passport, visa application and other vital documents were lost in the post, and in securing the return of a significant tenant's deposit from a landlord. Both are results that many advisers might regard as almost unheard of.

On other fronts we are keen to recognise that pro bono opportunities exist and assistance can be given outside the litigation field, the practice area with which pro bono work has traditionally been associated. We are pleased to have been appointed pro bono counsel to Bliss, a national charity involved in the care and protection of newborn babies, principally those born premature-

ly. Bliss's aims are to ensure that more babies survive, have the best possible quality of life and to provide support for parents and families. Led by Owen Waft, we have reviewed and advised upon the charity's constitutional and structural position and we have recently been instructed in connection with its new lease. Where appropriate, we also aim to broaden the network of our pro bono clients to assist their charitable causes.



By Robert Hadley

Litigation partner Anne McCarthy has offered pro bono advice to the Wasps amateur rugby union club in its establishment as a Community Amateur Sports Club. We are setting up the Club's new status and charitable constitution, as well as handling the formalisation of arrangements to make the Club's facilities available to all schools and community groups in the local area, in liaison with the professional London Wasps team (currently the English Premiership champions). Anne's opportunity to provide these pro bono legal services arose after representing the Club in a substantial professional negligence claim against surveyors, which she won at trial with the judgment in the Club's favour subsequently upheld in the Court of Appeal.

We have also been giving advice to a charity that offers support and counselling to victims of rape or sexual abuse, including a free confidential helpline open 24 hours a day, 365 days a year. Employment associate Lisa Goodyear has been advising the charity. K&LNG

K&LNG Prevails on Behalf of Texas Art Gallery Owner

continued from page 4

The K&LNG team argued that the U.S. Supreme Court has made clear that depictions of simple nudity are not obscene and are, in fact, protected by the First Amendment. After K&LNG filed a motion for a preliminary injunction, the town agreed to settle the case and, as part of the settlement, the court entered a permanent injunction barring the town from charging Miller with any offense.

Frederick Linton Medlin, who led the K&LNG team, said: "This case raised important questions about Mr. Miller's right to display constitutionally protected art without fear of reprisal and unwarranted criminal prosecution. We are proud to have played a role in this effort to successfully preserve his rights." K&LNG

A Widow's Second Chance at Justice

HARRISBURG

The widow of a Navy veteran has another opportunity to prove her entitlement to benefits as the result of a decision in December 2005 by the United States Court of Appeals for Veterans Claims. K&LNG Harrisburg lawyers Marsha A. Sajer and Linda J. Shorey represented the widow.

Surviving spouses of veterans are entitled to Department of Veterans Affairs ("VA") benefits if the veteran's death was related to military service or if the veteran was entitled to benefits at the time of his death for a service-connected injury or disease that was totally disabling for the last decade of the veteran's life. K&LNG client claimed that her husband suffered from service-connected schizophrenia that was totally disabling for the last 10 years of his life, and that his schizophrenia was a cause of his death.

The Board of Veterans' Appeals (the "BVA") determined that the veteran's schizophrenia was connected to his Navy service, but it concluded that his widow did not offer sufficient proof of the decade-long disabling effect of the condition.

On appeal, K&LNG lawyers argued that the BVA's determination was mistaken for three significant procedural reasons. First, the VA had not provided the surviving spouse with access to medical records to which she was entitled. Second, the BVA did not examine the widow's claim under the two legal theories raised by her request. Third, the BVA improperly challenged the credibility of uncontradicted medical evidence of a VA physician who concluded that the veteran's death was related to his schizophrenia.

In response, the VA argued that the court should retroactively apply the current version of the applicable regulation, which

allows a surviving spouse to receive benefits only if the veteran actually obtained an adjudication of total disability before his death. The version of the regulation in effect when the widow filed her claim allowed the surviving spouse to argue that the veteran "would have been entitled" to a total disability determination even if none was actually made during the veteran's life. The K&LNG team argued that retroactive application of the regulation would be inconsistent with precedent from the Supreme Court and several federal courts of appeals.

In its December 14, 2005, opinion, the appellate court agreed with K&LNG's position. It held that the current version could not be applied retroactively and that the widow should have been allowed to prove that her husband would have been found totally disabled had such a determination been made during his life. The court also held that the VA had failed to make available to the widow certain of her husband's medical records that could have helped her prove both the severity and duration of her late husband's disability.

As a result of the appellate court's determination, K&LNG's client will now have another opportunity to prove her entitlement to survivor's benefits, and to do so with greater access to information and with application of a more favorable version of the governing regulation. K&LNG



By David R. Fine

Working on Behalf of the Arts

MIAMI

As not-for-profit institutions, performing arts groups have traditionally survived on the generosity of corporate and individual donors. Some groups, however, have been unable to do so. In Miami, for example, the Florida Philharmonic Orchestra was forced to close its doors due to a lack of funding. Individuals can contribute to the survival of such groups in myriad ways, including through pro bono efforts. In K&LNG's Miami office, two partners have worked with different performing arts groups to allow those companies to face new fund-raising and legal realities.

Marc Auerbach is a longtime board member and production counsel of Actors' Playhouse at the Miracle Theatre. In addition to his financial support, Marc has served on the advisory board of directors and has been the company's production counsel for 10 years. In that capacity, Marc has negotiated licensing rights for plays, including subsequent royalty payments, credits, budget allocations, and all manner of contractual issues relating to the staging, production, and termination of plays.



By Jeffrey T. Kucera

continued on page 7

Newark Office Partners for Women and Justice

NEWARK

The Newark office has launched a pro bono relationship with a groundbreaking new organization, Partners for Women and Justice. Founded in 2002, Partners promotes equal access to the judicial system for poor and working-poor women in northern New Jersey struggling with issues of domestic violence, child support, custody, visitation and divorce.

Partners recently implemented a first-of-its-kind pilot program to provide pro bono legal representation to low-income women in Final Restraining Order hearings in Essex County, New Jersey. As part of the pilot program, 11 of K&LNG's Newark lawyers participated in a 4-hour primer on the applicable law and have begun representing victims of domestic violence. An appeal has also been opened in one case.

Typically, cases involving domestic violence end up in New Jersey's family courts, where the sheer number of them — 58,924 cases statewide in 2005 — overwhelms the system. For victims of domestic violence, by the time they are emotionally ready to seek a restraining order against their abuser, the challenge of navigating the legal system only adds to their anxiety and can be overwhelming. Further, many of these women work, making too much money to qualify for legal aid services but not enough to afford a private attorney. Partners for Women and Justice and K&LNG's Newark lawyers can help make a difference in the lives of women who have found that they have few places to turn for help.

In addition to serving such a worthy cause, this program is especially valuable for associates seeking to gain additional experience in the courtroom. In representing victims in Final Restraining Order hearings, associates have an opportunity to

go before a judge and represent a client in a matter that is challenging and personally rewarding. Further, the nature of the work makes the time commitment manageable, as most cases have a fairly quick turnaround time due to the sensitivity of the domestic situation. In total, 18 Newark lawyers have expressed interest in the program.



By Kathy Dutton Helmer

"Partners for Women and Justice serves a vital need to empower women who are victims of domestic violence and help break the pattern," says Stephen Timoni, a Newark lawyer active in the program. "Though the law governing restraining orders is set up very clearly to benefit them, sometimes they are not in a position to navigate the legal system and help themselves directly. Without the restraining order, there is nothing that stands between them and further abuse."

Though study findings vary, the consensus is that restraining orders decrease, but do not eliminate, the risk of continued abuse. According to research by the National Center for State Courts Research Project, six months after obtaining a protection order, 65% of victims reported no further problems, 26% reported that the respondent came to or called their home or workplace, and 8% of victims reported post-order physical abuse. While it is clear that there is still work to be done to protect victims of domestic violence, a restraining order is a valuable piece of the puzzle, and for many victims Partners' work makes getting that piece possible. **K&LNG**

Working on Behalf of the Arts

continued from page 6

Marc's role has been important to the growth of Actors' Playhouse. In 1995, Actors' Playhouse partnered with the City of Coral Gables to renovate the historic Miracle Theatre, turning it into the new home for Actors' Playhouse. Actors' Playhouse operates the city-owned facility. This includes management of all programs and fundraising for operations and capital improvements. Some of the plays staged by the company have later gone on to successful off-Broadway productions; in fact, Actors' Playhouse has carved a niche for itself as a theatre that can stage an early debut, allowing the company to perfect the staging prior to an off-Broadway production.

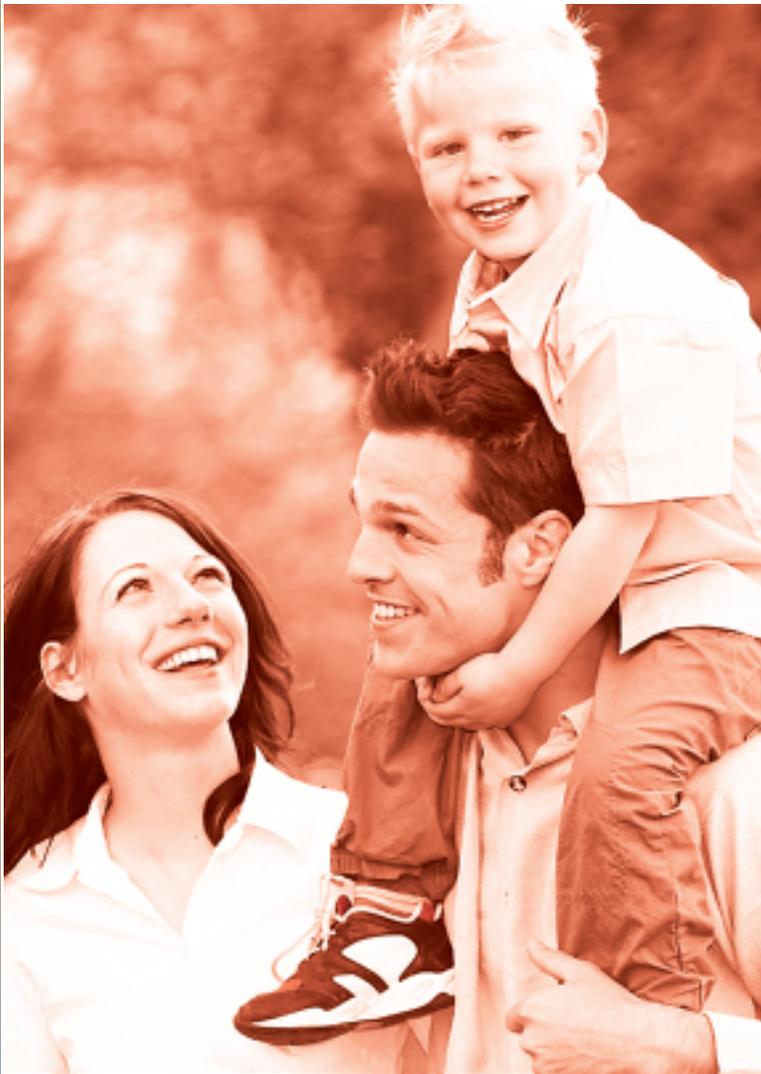
Jeffrey Kucera has been a member of the board of directors of City Theatre for six years and was recently elected president of the company. Jeff has used his legal skills to review and negotiate contracts with various theatres. In addition, Jeff's skills as a bankruptcy lawyer have helped the company weather the tough

financial times facing all performing arts groups. "Being active with City Theatre has given me a new appreciation for the dedication of the performing arts community," said Jeff. "I am very glad that I have been able to use my legal skills and experiences to assist this worthy effort."

City Theatre is based in Coral Gables but also has productions in Fort Lauderdale in the Broward County Performing Arts Center. City Theatre produces only one program per year—Summer Shorts, a festival of short plays. In this specialized form of theatre, each play runs for five to 20 minutes. City Theatre has joined with Actors Theatre of Louisville's (ATL) Humana Festival of New American Plays to co-sponsor the National Ten-Minute Play Contest.

Marc and Jeff hope that their efforts demonstrate that there are many ways in which individuals—and K&LNG—can support the arts. **K&LNG**

K&LNG Pro Bono Committee & Coordinators



Firmwide Committee

Carleton O. Strouss, Chair

Kenneth M. Argentieri

Rory J. FitzPatrick

Coordinators

Boston

Harry P. Grill

Newark

Stephen A. Timoni

Dallas

Michael D. Napoli

New York

Eva M. Ciko

Harrisburg

David R. Fine

Palo Alto

Jeffrey L. Bornstein

London

Robert V. Hadley

Pittsburgh

Kenneth M. Argentieri

Los Angeles

Dennis M.P. Ehling

San Francisco

Jeffrey L. Bornstein

Miami

Judd J. Goldberg

Washington

Philip H. Hecht

Kirkpatrick & Lockhart Nicholson Graham (K&LNG) has approximately 1,000 lawyers and represents entrepreneurs, growth and middle market companies, capital markets participants, and leading FORTUNE 100 and FTSE 100 global corporations nationally and internationally.

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

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

Data Protection Act 1988—We may contact you from time to time with information on Kirkpatrick & Lockhart Nicholson Graham LLP seminars and with our regular newsletters, which may be of interest to you. We will not provide your details to any third parties. Please e-mail cgregory@klng.com if you would prefer not to receive this information.

© 2006 KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP. ALL RIGHTS RESERVED.

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