

2008 – Volume 2



for the public good

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

K&L | GATES

Table of Contents

An Enduring Commitment	2
Focus: Long-standing Work	
Economically Depressed Counties Win Case against U.S. Navy	3
Local Projects Secure Representation for Domestic Violence Victims	4
Family Law	
Court Orders Children Back to Father in Mexico	7
Mother, Daughter Reunited after Year of Separation.....	8
Mother Wins Increase in Child Support	8
Health Care	
Volunteer Emergency Health Workers Gain Uniform Rights.....	10
Washington Committee Wins Ballot Title Challenge	11
Foster Children Gain Reprieve from Contempt Sanctions	11
Portland Organization Supports Breast Cancer Patients.....	12
Immigration	
Immigrants Seek Safe Haven	14
Corporate and Real Estate	
Open-air David Lloyd George Statue Erected in London	18
Bliss Provides Care for U.K. Premature Babies.....	19
Lawyers Secure Nonprofit Status for Dallas Youth Program	19
Community Project Avoids Eviction.....	20
Lawyer Acts as Employment Counsel.....	20
Highlights around the Firm	
Lawyers Argue High-profile Prison Overcrowding Cases.....	22
Father Wins First Amendment Appeal	23
Elderly Man Secures Trust and Avoids Foreclosure.....	24
Homeowner Collects on Arbitration Award.....	25
Veteran, Grandmother Have a Place to Call Home	25
Camp Korey Purchases First Home	26
Lawyers Provide Assistance through Telephone Advice Line	27
Community Domestic Violence Organization Obtains Trademark.....	27
Mongolian Government Works to Develop Clean Air Laws.....	28
Awards	
K&L Gates Lawyers Honored for Pro Bono Work.....	30

An Enduring Commitment

By Peter Kalis, Chairman and Global Managing Partner



At K&L Gates, we have become adept at evolving alongside the needs of our clients, while staying true to our core values. One of the constant strengths of the firm — even as we grow in scope, size and geography — is our steadfast commitment to long-term pro bono efforts in our communities.

In this edition of “for the public good,” we celebrate K&L Gates’ various enduring relationships with pro bono organizations as well as the important “wins” of several of the firm’s long-standing pro bono engagements. Articles highlight the happy ending to significant work in North Carolina to protect economically depressed counties near a wildlife sanctuary, one lawyer’s efforts to help create a uniform system of protections for emergency health workers in disaster relief situations, and a team’s involvement in cases working to ease prison overcrowding in California.

We feature cases from around the firm that demonstrate a decades-long commitment to protecting victims of domestic violence. Our lawyers also routinely volunteer with local immigrant advocate organizations as well as assist in real estate and other matters for individual clients who otherwise would have little access to the legal system.

Please enjoy these stories of our robust and long-standing pro bono efforts that prove the value of time and persistence.

Economically Depressed Counties Win Case against U.S. Navy



Three lawyers from the Charlotte office recently celebrated a victory after a four-year fight against the U.S. Navy's plan to build an Outlying Landing Field (OLF) in North Carolina within five miles of one of the largest wildlife refuges for migratory birds in the United States.

Lawyers Kiran Mehta, Ray Owens and Chris Lam (along with other firm lawyers and staff) dedicated more than 3,000 pro bono hours to their representation of two economically depressed counties in eastern North Carolina.

The case began in the fall of 2003, when the Navy announced its plans to locate an OLF in Washington and Beaufort counties as a training facility for new squadrons of F/A-18 Super Hornet aircraft. The OLF would have required 30,000 acres, taking away the homes, farms and businesses of more than 100 local families. In addition, the site was next to the Pocosin Lakes National Wildlife Refuge, the winter home of more than 100,000 tundra swans and snow geese. The impact on the community and on the wildlife would have been significant. On average, aircraft would have touched down and taken off every 15 minutes, 24 hours a day, seven days a week.

In 2004, Mehta, Owens and Lam filed suit against the Navy on behalf of the counties in federal district court. They were joined by the Southern Environmental Law Center, which represented the National Audubon Society, North Carolina Wildlife Federation and Defenders of Wildlife. The case garnered international attention.

In 2005, a judge granted a permanent injunction against the OLF, saying the Navy failed to make an objective determination of its impact on the surrounding environment. The Navy filed an appeal, but the Fourth Circuit Court of Appeals affirmed the injunction, forcing the Navy to prepare a supplemental environmental impact statement that kept the case active for several more years.

Closure came on January 22, 2008, the day the Navy announced it was abandoning its plans to build an OLF in Washington and Beaufort counties. It was a long-awaited triumph for the counties' residents, the critical bird habitat and the dedicated K&L Gates lawyers who fought the OLF on their behalf.

Two groups acknowledged Lam for his outstanding work on the case. In April, he received the Impact Pro Bono Award from *Business Leader* magazine, and earlier this year, the University of North Carolina School of Law named him the inaugural Alumni Pro Bono Attorney of the Year.

Local Projects Secure Representation for Domestic Violence Victims



Many of the firm's pro bono engagements span several years and cases. In some instances, the firm has built decades-long relationships with pro bono organizations. This is particularly true for the firm's collaboration with local organizations seeking to prevent domestic violence.

Project Challenge

In the early 1990s, the Neighborhood Legal Services Association (NLSA) in Pittsburgh launched Project Challenge, a project to encourage more lawyers to provide pro bono legal services in Protection From Abuse (PFA) cases. K&L Gates, which had already been involved with the Women's Center and Shelter of Greater Pittsburgh for many years, signed on to the challenge.

The firm handles cases under Project Challenge for six months of the year by representing clients seeking final PFA orders in court every Monday. Our lawyers also provide training sessions targeted to both the firm's lawyers as well as other lawyers involved with NLSA's Project Challenge. Lawyers from the firm worked closely with staff from the Women's Center, NLSA and Family Court to develop a checklist and client interview worksheet for pro bono attorneys that is used by NLSA in its training programs for all pro bono attorneys.

The program is also an opportunity to involve summer associates in pro bono work, and many of the office's summer associates through the years have provided integral assistance in various cases.

inMotion

On their first day of orientation, summer associates in the New York office receive pro bono assignments through inMotion, an organization that represents low-income women in New York City in matrimonial, family and immigration cases.

Under the supervision of a mentor, the summer associates take full responsibility for the representation of the pro bono client. The cases range from custody battles, child support and visitation rights to divorces and immigration issues. The summer associates conduct interviews, draft pleadings, take discovery, and appear and argue before a judge or magistrate. Combining education and pro bono work, the firm's summer associates don't just observe; they immediately become advocates.

In 2006, inMotion acknowledged the firm's continuing efforts by recognizing K&L Gates with the inMotion Commitment to Justice Award for our success in a particularly difficult case.

Domestic Violence Revision Squad and NWIRP

In the Seattle office, partners Steve Smith and Laura Clinton regularly provide pro bono assistance through the Domestic Violence Revision Squad, a program administered by the King County Bar Association. The Squad provides representation to low-income victims of domestic violence who are involved in domestic violence protection order proceedings.

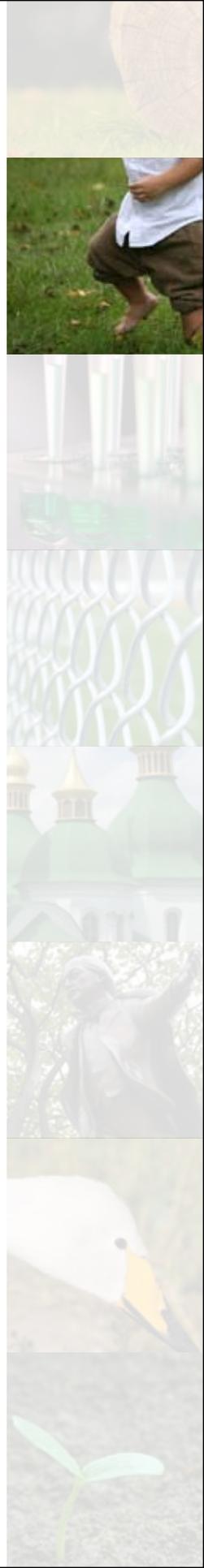
Since 2001, Seattle lawyers have represented domestic violence victims in obtaining or defending protection orders. Some cases involve bringing revision motions when a protection order is denied initially, and some involve defending revision motions brought by the batterer. Recently, Smith and Clinton represented a client and her seven-month-old child in two separate proceedings involving the client's former boyfriend and father of the child.

In the first proceeding, the client sought a protection order for herself and her child. In a June hearing, Smith assisted the client in obtaining that order of protection and related relief. Subsequently, the batterer sought to modify that order and obtain a protection order of his own, claiming the client battered him. At a second hearing in July, Clinton successfully defended the order of protection, arguing the abuser was attempting to use the court process to continue to abuse the client. The commissioner agreed and refused to modify the order of protection or to grant the boyfriend's petition.

The Seattle office is also heavily involved in the Northwest Immigrants Rights Project (NWIRP), which refers cases involving Violence Against Women Act issues. Associate Greg Luloff, who began working on cases from NWIRP when he was a summer associate with the firm in 2004, helps facilitate the program today. Under the NWIRP program, K&L Gates lawyers represent pro bono clients in a variety of immigrant domestic violence issues, from deportation defense to affirmative petitions.

This year, summer associate John Graham represented a Cambodian woman referred from NWIRP. Graham, who was mentored by associates Greg Luloff and Jeremy Brown, helped the client, who is a victim of domestic abuse, stay and work in the United States legally, and apart from her husband, while working toward citizenship.

Family Law



Court Orders Children Back to Father in Mexico



Earlier this year, K&L Gates' Miami office completed a year-long case representing a father in a matter where the mother took their two youngest children from Mexico and moved illegally to the United States. The mother first entered the country in Texas, and the father contacted the National Center for Missing and Exploited Children there for assistance.

Shortly after, the mother took the children to Orlando, Fla. The NCMEC originally referred the matter to Dallas partner Michael Napoli, who has handled other cases referred from the organization, but, upon learning the mother was in Florida, he called on Miami partner Bob Galt and associate Melissa Malpass, now of Washington, D.C., to handle the case.

In October 2007, Galt and Malpass filed an action in the U.S. District Court for the Middle District of Florida pursuant to the Hague Convention on the Civil Aspects of International Child Abduction. Under the Hague Convention, courts decide whether abducted children should be returned to the country from which they were taken so that country's courts can rule on the custody issues. The client had already begun divorce and custody proceedings in Mexico, but, under Mexican law, the custody matter could not be decided unless the children were also in that country.

The U.S. District Court set an evidentiary hearing in early November on its Order to Show Cause why the children should not be returned to Mexico, and, at 3 a.m. the day of the hearing, the mother filed an answer to the petition along with two affirmative defenses. She first alleged the father had abused the children. The mother then argued that the amount of time the children had been in the United States constituted a defense that the children were well settled in Orlando and should not be uprooted.

The judge did not want the children, who were eight and five at the time, to testify, so he appointed a psychologist to interview the children on numerous occasions and file a report prior to the actual trial. In the mean time, Galt and Malpass obtained written discovery and conducted six depositions of witnesses (four in Mexico taken by telephone) to prove the father did not mistreat the children and to establish the mother's lack of credibility.

During three days of trial, Galt and Malpass presented evidence that the father had not mistreated the children and that their status as illegal immigrants made it impossible for them to be well settled. They were successful in proving their case and defeating both affirmative defenses, and the judge ordered the children returned to Mexico.

Mother, Daughter Reunited after Year of Separation

In April, Pittsburgh associates Jim Insko, Elizabeth Purpura, Natasha Self and Jamie Spataro helped reunite a child and her mother in a pro bono case involving the Hague Convention on the Civil Aspects of International Child Abduction.

Their client, a German citizen, was married to an American soldier stationed in Germany. When the couple's daughter was less than a year old, the father took the girl and brought her to the United States without the mother's knowledge or consent.

When the firm became involved, the mother had not seen her daughter in a year despite her immediate attempts to seek assistance from the United States military, the German police and her German counsel. The K&L Gates team filed a Petition for Return in the Western District of Pennsylvania and was able to obtain an expedited hearing date.

The mother traveled from Germany to Pittsburgh for the hearing. On the morning of the hearing, the lawyers were able to help the parents reach a settlement agreement whereby the child would split her time between Germany and the United States. Two days later, the child returned to Germany with her mother.

Mother Wins Increase in Child Support

Seattle associate Cristin Kent settled a pro bono case in May that resulted in the substantial increase of a mother's child support award.

As a result of the settlement, the mother, who had previously received only \$300 per month in child support for her eight-year-old daughter, now will receive approximately \$700 each month, plus 80 percent of child care expenses.

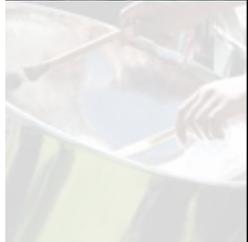
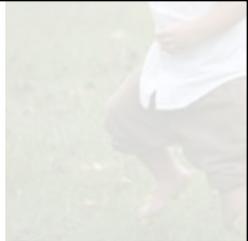
The mother, a Laotian woman, came to the United States with her ex-husband. The couple married in the United States, but the relationship dissolved soon after their daughter was born. The husband filed for divorce in 2004 and the mother, who had little knowledge of English, did not challenge the divorce or its child support provisions.

The King County Bar Association referred the case to K&L Gates after the mother filed a petition to modify her child support.

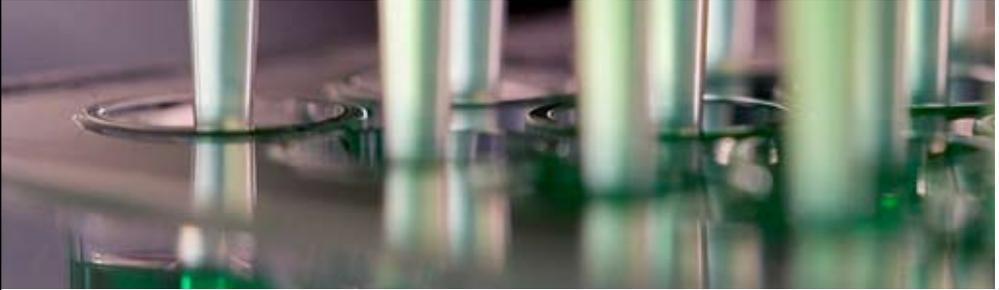
The ex-husband, a long-haul truck driver, claimed nearly 85 percent of his \$190,000 per year income as business expenses, claiming it left him with little take-home income. However, when the ex-husband could not produce documentation of his alleged business expenses, he agreed to increase the child support payments.

Seattle partner Mabry DeBuys and paralegal James Stensel assisted in the case.

Health Care



Volunteer Emergency Health Workers Gain Uniform Rights



While the work of bar associations and law review commissions can sometimes be directly or indirectly client-related, a recent matter undertaken by the Uniform Law Commission (ULC) with substantial support of K&L Gates illustrates how this work can also have a predominately pro bono nature.

The devastating 2005 Gulf Coast hurricanes of Katrina and Rita vividly demonstrated the limitations of state and federal licensure laws in facilitating the coordination and deployment of volunteer health practitioners in response to emergency declarations. Already existing federal and state laws contemplated the need for the recognition of out-of-state licenses, but there was no clear and uniform system to link the various public and private sector programs. As a result of this lack of uniformity in state approaches to the issue, many volunteers attempting to assist the hurricane victims were unable to efficiently deploy to the Gulf Coast, and many others were not well utilized.

In response, the ULC met in February 2006 to decide if a uniform state law could be the answer to these limitations. They appointed a drafting committee, chaired by Harrisburg partner Raymond Pepe, which worked over a two-year period to develop recommendations that were approved at the 2006 and 2007 Annual Meetings of the ULC and are currently in the process of being considered by many states. In his role as chair, Pepe met with various health care and emergency response organizations, attended ABA and American Trial Lawyers Associations meetings, and provided testimony and assistance in states considering adopting the act.

The American Bar Association and a group of more than 20 disaster relief, healthcare and public health organizations unanimously endorsed the final work of the ULC, known as the Uniform Emergency Volunteer Health Practitioners Act. The act's provisions create the mechanism for recognizing out-of-state licenses while at the same time ensuring that emergency health workers will be used in close cooperation with, and under the supervision and control of, state and local emergency management agencies. Once widely enacted, volunteer emergency health care workers, including veterinarians, will be better able to provide much-needed assistance during declared emergencies, natural disasters and public health crises.

To date, six states have enacted the act. Eight other states have introduced the act for consideration, and further movement in other states is expected in 2009.

Washington Committee Wins Ballot Title Challenge

In February of 2008, Seattle partner Paul Lawrence and associate Jessica Skelton represented former Washington Governor Booth Gardner and the Yes On I-1000 committee in a ballot title challenge to a statewide initiative.

The Yes On I-1000 committee is a coalition of physicians, nurses, hospice patients, family members, organizations and state residents who have worked to bring a ballot initiative that would allow mentally competent, terminally ill adults who have six months or less to live the legal choice to access and self-administer life-ending medication.

Lawrence and Skelton, who was a second year associate at the time, succeeded in intervening in a ballot title challenge brought by the Coalition Against Assisted Suicide against the Washington Attorney General's Office. The coalition sought to insert the term "physician-assisted suicide" in the ballot title and summary language drafted by the attorney general. Skelton drafted the briefing in opposition to the challenge and argued the matter in the Thurston County Superior Court.

The K&L Gates team helped prevent the "physician-assisted suicide" language from being inserted into the ballot title and measure summary, which are printed on the initiative forms that are circulated for signature. The Yes On I-1000 committee succeeded in obtaining the required number of signatures, and the ballot title was used on the Washington ballot.

Foster Children Gain Reprieve from Contempt Sanctions

Working on behalf of a half dozen national mental health organizations, Seattle lawyers Kari Vander Stoep and Steve Smith successfully curbed the authority of juvenile court judges to use their inherent contempt power to detain foster care children for repeatedly running away from their foster homes.

The crux of the case centered on the power of inherent contempt and, more specifically, whether or not the court had exercised this power appropriately in the sentencing of three children to between 30- and 60-day detentions.

Ultimately, the Washington Supreme Court determined that while the court can use its inherent contempt power to put foster care runaways in detention, the juvenile court judges erred in these cases because the sanctions were not imposed as a last resort as required by law.

The concurring opinion quoted the amicus brief prepared by Vander Stoep and Smith on behalf of the American Academy of Child and Adolescent Psychiatry, the National Council for Community Behavioral Healthcare, the Federation of Families for Children's Mental Health, Mental Health America, the National Alliance on Mental Illness and the Bazelon Center for Mental Health Law.

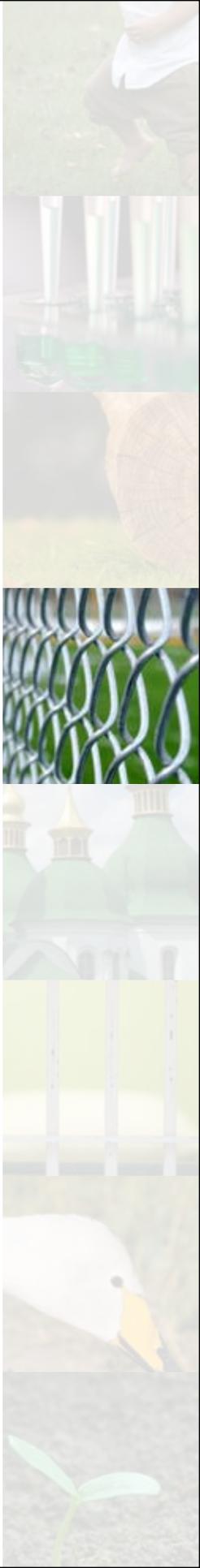
Portland Organization Supports Breast Cancer Patients

In 2007, Portland associate Matt Goldberg founded the Breast Cancer Legal Advocacy Project of Oregon, a group of volunteer Oregon attorneys dedicated to providing free legal assistance to breast cancer patients faced with health insurance and other issues. The project recently represented a 29-year-old Costco employee diagnosed with breast cancer in 2007.

The woman's doctor recommended MRIs and massage therapy, totaling more than \$1,300, which the patient's insurance refused to pay. Associate Laura Salerno represented the woman and has since helped the client get coverage for more than \$900 of the services. Salerno is still fighting for the final \$400.

At least two other cancer patients/survivors have inquired about free legal services through the breast cancer project and been successfully referred to volunteer attorneys outside the firm who attended the K&L Gates-sponsored continuing legal education seminar on representing breast cancer patients.

Immigration



Immigrants Seek Safe Haven



Representing immigrants in proceedings to remain in the United States has been a long-standing feature of K&L Gates' pro bono work. Lawyers throughout the firm regularly represent pro bono clients through various immigration organizations.

Eritrea

Los Angeles partner Ron Stevens has undertaken a political asylum case involving an escapee from an Eritrean prison.

Eritrea, formerly part of Ethiopia, is located in Northeast Africa. Since May 2002, the Eritrean government has officially recognized only four religions: the Eritrean Orthodox Tewahdo Church, Sunni Islam, Catholicism and the Evangelical Lutheran church. Stevens' client is a Pentecostal Christian, a faith disallowed by the country's government. His religion, combined with his unwillingness to serve in the army (where length of service is indefinite), led to his incarceration.

While imprisoned, the client was routinely beaten and left in the sun in 100 degree or more temperatures for six to eight hours a day, all in an effort to coerce him into recanting his religion and joining the Eritrean army. He managed to escape after 27 months, and through an underground railroad went through numerous African countries to South Africa, then to South America, Central America and Mexico. He ultimately snuck across the Mexican border into Texas where he was arrested by U.S. authorities.

The case is ongoing, with a hearing in 2009 on the merits of whether the client should be granted asylum in the United States. The principal issue in the case will be whether the client is who he says he is, since he left his country with no valid photographic identification papers, and he cannot produce records of his arrest or imprisonment.

Honduras

Seattle associates Jeremy Brown and Greg Luloff have, with the assistance of Volunteer Advocates for Immigrant Justice (VAIJ), secured permanent U.S. residence for a Honduran teenager and gained a friend in the process.

The young man was abandoned by his parents at a very young age, forcing him to stop attending school after the first grade. By age 14, he had traveled to Arizona, where the U.S. Border Patrol found him and sent him to foster care in Seattle.

Brown and Luloff volunteered to provide legal representation before the immigration court. The boy was deemed eligible for Special Immigrant Juvenile Status due to his parental situation and since that time has received his green card and permanent legal status in the United States and is on pace to graduate from high school next spring. Brown and Luloff remain in contact with the young man, recently attending his high school play.

Romania

Harrisburg associate Anthony Holtzman and partner David Fine represented a native of Romania before the U.S. Court of Appeals for the Third Circuit.

The client, a member of the Roma ethnic group, was admitted to the United States in November 1990 as a lawful permanent resident. After he was convicted of committing crimes on three occasions between 1994 and 1997, removal proceedings were instituted against him. In turn, he applied for withholding of removal, arguing that due to his ethnicity, he would likely be persecuted or tortured in Romania.

An immigration judge (IJ) agreed and ordered that the client could not be removed to Romania. The U.S. government appealed the IJ's decision to the Board of Immigration Appeals (BIA), which reversed the order. The BIA concluded that, in light of its review of the record, conditions for the Roma in Romania are not so dire that the client would likely be persecuted or tortured if he were sent there.

The client took an appeal to the U.S. Court of Appeals for the Third Circuit, and the appeals court appointed Fine and Holtzman to brief and argue the case. Holtzman took the lead, arguing that the BIA violated its own regulations by engaging in a de novo review of the record and setting aside certain findings of fact the IJ made in the client's favor without finding them to be "clearly erroneous."

In a 2-1 decision, the Third Circuit agreed, reversed the BIA's decision and remanded the case to the BIA for additional consideration. On remand, the BIA upheld the immigration judge's order that the client not be deported.



Ukraine

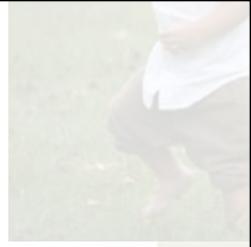
Seattle associate Greg Luloff continues the firm's ongoing relationship with Volunteer Advocates for Immigrant Justice (VAIJ) by helping an immigrant invalidate a guilty plea and remain in the United States with his family.

The client came to the United States as a refugee in 1994 after suffering physical and emotional abuse in the former Soviet Union. He eventually received permanent resident status but suffered mental health complications as a result of the abuse. When the client was arrested, his criminal defense attorney erroneously told him he would not be deported if he pled to the charges. Despite the client's limited English proficiency and issues regarding his mental competency, a guilty plea was entered and proceedings were initiated to deport him to Ukraine.

Luloff quickly filed a motion, met with the client, contacted expert witnesses and obtained affidavits from them attesting to the ineffectiveness of the client's original representation.

After hearing the case, the judge issued a memorandum allowing the plea to be withdrawn, vacating the conviction on which the deportation charges are based.

Corporate and Real Estate



Open-air Lloyd George Statue Erected in London



In 2006, K&L Gates' London office undertook a project with the David Lloyd George Appeal Trust to erect a statue of former prime minister David Lloyd George in Parliament Square.

John Grigg, a well-known Lloyd George biographer, instigated the project in 1995 when he mentioned the regrettable lack of an open-air statue of Lloyd George in London. A distinguished group quickly formed an executive committee and developed a charitable trust to fund the project.

In a cross-practice effort spearheaded by partner Piers Coleman and assisted by partner Kevin Greene, the London team oversaw the final stages of the project, securing planning permission and negotiating the contract with the sculptor and the foundry. Planning permission was subject to a number of conditions, including agreement on the materials for the statue and the base, approvals from the Secretary of State and the Greater London Authority, and understanding that there would be sufficient funds for the on-going maintenance of the statue.

Prince Charles and the Duchess of Cornwall unveiled the statue in late 2007, and it is now visible to all in Parliament Square.

Bliss Provides Care for U.K. Premature Babies

For several years, lawyers in K&L Gates' London office have worked with Bliss, a U.K. charity supporting the care of premature and sick babies. The organization offers guidance and information for families and education for doctors and nurses, and funds important research initiatives. The K&L Gates team, managed by partner Owen Waft, regularly provides legal and commercial advice for specific projects.

Currently, the intellectual property group advises Bliss on a range of commercial and intellectual property matters, including brand protection advice in connection with the charity's rebranding exercise, a sponsorship agreement with Pampers (who sponsor a section of the Bliss Web site), various partnership agreements for fundraising initiatives, a DVD distribution deal, and updating terms and conditions for the Bliss Web site. The London office is also working on Bliss-branded credit cards and revisions to the charity's funding agreements with various hospitals and research establishments.

Lawyers Secure Nonprofit Status for Dallas Youth Program

K&L Gates lawyers have worked to secure nonprofit status for a Dallas outreach program catering to inner-city youths.

The Open Door Youth Foundation was founded in 2003 by Mark Peters, who began working with a small group of aspiring inner-city basketball players. The program, designed to nurture and develop leadership through sports, tutoring, community service and educational trips, has since flourished.

Peters, however, was funding much of the program himself because many grant organizations and foundations could not provide donations to an entity without 501(c)3 status.

Dallas associate Lauren Syler established the youth foundation as a nonprofit in Texas and, with the help of Pittsburgh partner Susan Mussman Schwartz, began the application for 501(c)3 status. The Internal Revenue Service approved the organization for tax-exempt status in May. Obtaining that status enables the Open Door Youth Foundation to solicit funds from foundations and seek grants.



Community Project Avoids Eviction

A team of London real estate lawyers is helping the Comets Community Project avoid eviction from its building. The project teaches young people to play steel drums and then brings their musical talents to the community through an orchestra which plays at a wide range of events throughout the city.

In 2002, the project secured a license to occupy a disused and derelict pavilion, which workers spent nearly three years cleaning and renovating. The Comets Community Project officially opened its doors in 2005, and today has a membership of 70 children and adults.

The landlord of the building decided to begin eviction proceedings against the group when a few of the neighborhood's nearby residents complained of noise. Comets offered to soundproof the building at their own cost, but the landlord refused. K&L Gates is now helping the group resist the eviction process and negotiate a more formal agreement regarding the project's use of the building moving forward.

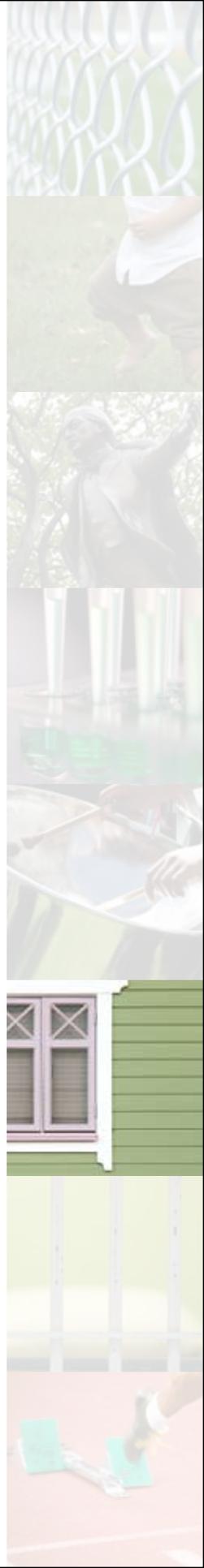
Lawyer Acts as Employment Counsel for Entrepreneurship Foundation

The National Foundation for Teaching Entrepreneurship (NFTE) provides entrepreneurship education programs to young people from low-income communities.

Since its inception in 1987, NFTE has reached more than 220,000 young people and currently has programs in 21 states and 13 countries outside the United States.

Newark of counsel George Barbatsuly acts as labor and employment counsel to the foundation and provides day-to-day employment and labor counseling on a wide variety of issues.

Highlights
around the Firm



Lawyers Argue High-profile Prison Overcrowding Cases



A team of San Francisco and Los Angeles lawyers has joined the litigation of two high-profile cases, *Coleman v. Schwarzenegger* and *Plata v. Schwarzenegger*. The cases challenge the adequacy of medical and mental health care services provided by the California Department of Corrections and Rehabilitation to inmates in vastly overcrowded state prisons.

The district courts in the two cases previously ruled that the medical and mental health care services provided to inmates fell so far below acceptable levels as to constitute cruel and unusual punishment in violation of the United States Constitution. Both district judges thereafter issued numerous orders requiring remedial measures. None of the remedial orders resulted in sufficient progress. As a result, in *Plata*, the district judge appointed a receiver for the entire prison medical system. In *Coleman*, the district judge appointed a special master to provide periodic reports on the state's compliance with his orders.

Even appointment of the receiver and special master failed to remedy the constitutional violations, so the plaintiffs' counsel in both cases filed motions to appoint a three-judge panel for the purpose of ordering the release of prisoners

to reduce the overcrowded conditions that have overwhelmed the medical and mental health services. In response, the courts convened a three-judge panel to consider whether overcrowding was the primary cause of the unconstitutional level of care and, if so, whether any relief short of a prison release order could bring the level of care into compliance with constitutional standards.

The proceeding before the three-judge panel involves all of the original parties, plus more than 135 intervenors consisting of state legislators, prosecuting attorneys, counties and groups of correctional officers who claim that they will be affected by a prisoner release order. The size and breadth of the three-judge panel proceeding caused the plaintiffs' counsel in both cases to seek the firm's assistance. A K&L Gates litigation team comprised of Jeff Bornstein, Tim Frederickson, Fred Heather, Ray Loughrey, Ed Sangster and Linda Woo is now working with the Prison Law Office, which brought the class action in *Coleman v. Schwarzenegger* and *Rosen, Bien & Galvan*, which brought the *Plata v. Schwarzenegger* case.

"This is literally one of the most important cases pending in the state of California, in terms of the number of people who are affected and the significance of the issues presented. To work at the forefront of such an important and controversial issue is extremely exciting," says Sangster. "It is gratifying to be a part of the public debate and an invigorating challenge to consider our legal strategy in light of all the competing players."

The team expects to handle discovery, depositions and a trial slated to begin in November 2008.

Father Wins First Amendment Appeal

In April, K&L Gates lawyers won an appeal to the Pennsylvania Superior Court in a First Amendment case that saw a young father facing potential jail time for voicing profanities.

The client, a 24-year-old single father who receives child support payments from the child's mother, was charged with violating the state's disorderly conduct statute by uttering a spoken "obscenity" while attempting to file paperwork at a state domestic relations office.

The child's mother has a history of not paying child support, and when the father tried to enforce payment or challenge the support, he regarded the system as flawed and biased against men.

In this instance, the employees at the office refused to take his paperwork, claiming he was one day late in its filing. The client allegedly lost his temper and muttered a few obscenities under his breath while voicing his belief that he was being treated differently because he was a man.

The client was fined and ordered to serve probation. He could have been sentenced to up to one year in prison for the crime — a conviction that may have eventually factored into the custody rights over his son.

In Superior Court, Pittsburgh associate Nicholas Ranjan argued that the man's speech was protected under the First Amendment, as words of anger cannot be considered obscene under the Supreme Court's definition of "obscenity." Ranjan also argued that his client's criticism of the system was political speech at its core and could not be criminalized.

In a unanimous 3-0 decision, the Superior Court agreed and reversed the conviction.

In addition to Ranjan, Pittsburgh partner Tom Reiter assisted on the brief and summer associates Lubna El-Gendi and Magua Benson, both of whom are returning this fall as first year associates, helped research the arguments.



Elderly Man Secures Trust and Avoids Foreclosure

When the care provider for an elderly man realized that the gentleman was about to be kicked out of his home, the provider sought the assistance of Seattle associate Luke Thomas. The client, an 85-year-old disabled man, was the beneficiary of two trusts, one from his deceased mother and one he established for himself with his own property. His sister, who had served as trustee for more than two decades, had allegedly mismanaged or personally appropriated most of the assets from both trusts.

Only one heavily mortgaged property remained, where the client lived in squalor, sleeping in a chair because his bed was destroyed years earlier by the leaking roof his sister refused to repair. The client's sister, who had failed to service the mortgage, now sought to sell his home out from under him because the property faced foreclosure.

With the help of partner Theo Angelis, Thomas swiftly secured a *lis pendens* on the remaining property to prevent its sale and sued the trustee seeking redress on behalf of the client for the trustee's egregious breaches of her fiduciary duties. Thomas and Angelis brought in a new trustee for the client's trust and, with the invaluable assistance of Wells Fargo Bank, engineered a liquidity event to save the client's home from foreclosure and provide sufficient assets to support him for the balance of his lifetime.

Homeowner Collects on Arbitration Award

K&L Gates lawyers recently helped a Los Angeles homeowner collect on an arbitration award after a dispute with a home contractor.

The homeowner hired a contractor to build an addition to her house. When the contractor did not perform the work as requested, a dispute about fees prompted the contractor to place a mechanic's lien on the house.

The homeowner and the contractor went to arbitration as required by the Contractors State License Board, which awarded the homeowner more than \$5,000 in damages. The contractor, however, refused to comply with the award and failed to release the mechanic's lien and return blueprints for the addition. The homeowner then made a claim to the contractor's surety, which initially indicated that the claim would be paid and later rescinded that offer.

The homeowner then sought assistance from public counsel, and Los Angeles partner Timothy Pierce and associate Hector Espinosa took the case to enforce the arbitration award.

Pierce and Espinosa, assisted by Los Angeles associate Eric Bevan, convinced the surety to revisit its position and eventually secured payment of the arbitration award. They also secured a release of the mechanic's lien and, after several months of ongoing dialogue with the contractor, secured the blueprints for the home addition.

Iraq Veteran, Grandmother Have a Place to Call Home

Orange County partner William Grenner, associates Luke Anderson and Rana Aryan, and paralegal Maria Nadal assisted a young woman who served in Iraq. The woman, who suffers from serious war injuries, returned to the United States to find that her 73-year-old grandmother was at risk of losing their Pasadena, Calif., home.

Judge Jim Rogan, a former K&L Gates partner, referred the case to the Orange County office.

The K&L Gates team learned that the grandmother, who does not read or speak English, unwittingly signed a document that she believed preserved her interest in the home until her death. However, the document actually transferred her interest in the home to the plaintiffs, who threatened to sell the house.

With the grandmother's consent, the lawyers intervened on her behalf and filed a Complaint in Intervention that sought to cancel the grant deed and restore her interest in the home.

The K&L Gates team was successful in their motions and secured significant monetary sanctions against the plaintiffs for discovery violations. The plaintiffs accepted a settlement which transfers title in accordance with the grandmother's wishes (including a significant interest to her granddaughter who served in Iraq) and ensures that the grandmother will live in the home for the remainder of her life.

Camp Korey Purchases First Home



K&L Gates' public finance group recently closed a \$10.5 million bond issue for Camp Korey, a start-up nonprofit camp for children with severe and life-threatening illnesses. The camp provides a week-long experience of camp programs and activities for children ages 7–16 at no cost to them.

The bond issue enabled Camp Korey to purchase its first home, the 800-acre historic Carnation Dairy Farm in Carnation, Wash.

The camp is specifically designed for children with chronic or life-threatening illnesses such as juvenile arthritis, cancer, epilepsy, Crohn's and colitis, cardiovascular disease, hemophilia, sickle cell anemia, spina bifida and cystic fibrosis, and will allow campers to safely enjoy the activities of "traditional" camp. Between swimming, arts, crafts, boating, fishing, horseback riding, climbing walls and evening campfires complete with marshmallows and songs, children whose lives have been a series of medical procedures and hospital stays are transformed into "just kids." Campers have a chance to be with other kids coping with the same illnesses or conditions, and quickly realize that at camp they are not alone and they are not "different."

The bond issue is a historic event for the public finance group as it was the first pro bono bond issue completed by the practice. Seattle partners Jay Reich and Faith Pettis, Portland partner Mac McCullough, Seattle associate Rob Seale and Seattle paralegal Jill Wagner worked on the transaction.

Camp Korey is also working toward certification as a member of the Hole in the Wall Camps, an organization founded by the late Paul Newman which operates similar medically staffed camps around the world.

The bonds were issued by the Washington State Housing Finance Commission, a client the firm helped establish and has represented since 1983. The Commission has issued more than \$6 billion of bonds, and this pro bono effort was, in part, to commemorate its 25th anniversary.

Lawyers Provide Assistance through Telephone Advice Line

Since January, London assistant Susannah Jarvis has been working with LawWorks (the operating name of the Solicitors Pro Bono Group, an independent charity) and BPP Law School as a legal adviser on two employment law telephone advice lines. The two lines, the Employment Law Telephone Advice Line (ELTAL) and the Apex Trust Employment Advice Line (APEAL) provide employment advice to those who would not otherwise have access to legally sound and practical advice. APEAL is available to individuals who have had contact with the criminal justice system.

Callers to ELTAL and APEAL leave messages on the advice line and student volunteers from BPP Law School set out the specific case issues before involving the volunteer legal advisors. The legal advisors then call the individuals on Tuesday evenings and provide initial legal advice.

As a volunteer advisor, Susannah has advised on a wide range of issues including claims for unfair and constructive dismissal, discrimination, harassment and victimization, whistleblowing, unlawful deductions from wages, stress at work, and the conduct of grievance and disciplinary procedures.

Community Domestic Violence Organization Obtains Trademark

A team of Seattle lawyers, consisting of partner Mark Wittow, associate Stephen Leptich and special projects attorney Lisa Feldman, received thanks for their assistance to the Covington Domestic Violence Task Force. Wittow, Leptich and Feldman advised the Task Force on protecting its "Purple Night Lights" campaign for possible regional or national use by other nonprofits. The campaign works to raise awareness of domestic violence issues and its effect on children and families by encouraging local residents to shine purple lights in their windows during October.

Wittow, Leptich and Feldman provided general counseling on IP protection and logo design contest rules, developed an IP transfer agreement for the Task Force with the logo designer, and helped the organization register a state trademark for "Purple Light Nights." The Task Force came to K&L Gates via a request from Washington Attorneys Assisting Community Organizations (WAACO).



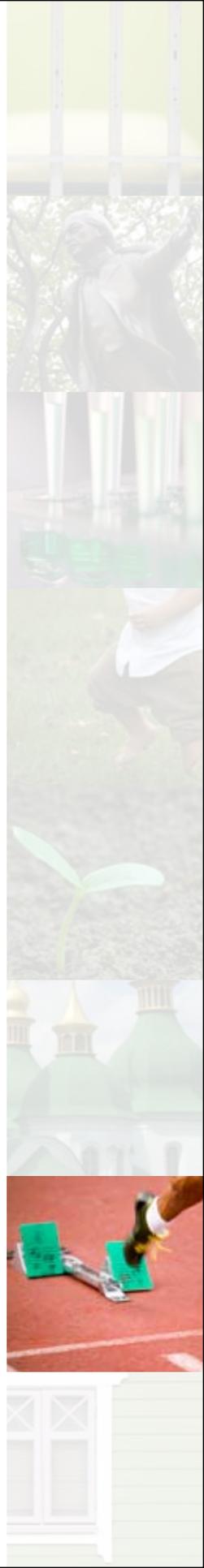
Mongolian Government Works to Develop Clean Air Laws

A team of lawyers led by London partner Maria Cull and including colleagues in London and the United States is working to help the Mongolian government reduce air pollution. The team is assisting with the development of clean air laws to facilitate fuel switching in the capital city of Ulaanbaatar.

The European Bank of Reconstruction and Development (EBRD) supported and facilitated the first stage of the project, which includes a pilot project and legislative road map. The project will help contribute towards EBRD's goal of working with the Mongolian government and business community to finance the development of private enterprise and the process of privatization.

The K&L Gates team is working as a member of a multidisciplinary group which includes Jim Wingard, an expert in Mongolian environmental law and a contact of Seattle partner Matt Wells; environmental economists; environmental consultants; and communications specialists. The first stage of the project began in September 2008.

Awards



K&L Gates Lawyers Honored for Pro Bono Work



K&L Gates lawyers are regularly recognized for their pro bono work. Recent awards include:

Impact Pro Bono Award

Charlotte associate Chris Lam was recognized with two awards after dedicating more than 1,250 pro bono hours to two economically distressed counties in eastern North Carolina. In April, Lam received the Impact Pro Bono Award from *Business Leader* magazine, and earlier this year, the University of North Carolina School of Law named him the inaugural Alumni Pro Bono Attorney of the Year. The accolades recognized Lam's role in a lawsuit against the United States Navy over its decision to build an Outlying Landing Field (OLF) within five miles of a national wildlife refuge. The case officially closed this year with the Navy's announcement that it would no longer consider the site. Lam was previously recognized as the inaugural Mecklenburg County Bar Young Lawyer of the Year.

Thurgood Marshall Award

The Committee for Public Counsel Services (CPCS) has recognized Boston of counsel Arnold Rosenfeld for his significant contributions to the organization's goal of high-quality representation for all indigent persons by naming him the Thurgood Marshall Award winner. Rosenfeld has been affiliated with CPCS for more than 20 years, serving in a number of capacities, including a six-year stint as the group's first chief counsel and most recently as a Supreme Judicial Court-appointed member of the board. CPCS operates under the auspices of the Massachusetts Supreme Court.

Pro Bono Honor Roll

The Multnomah County Bar Association, Legal Aid Services of Oregon and the Oregon Law Center included Portland partner Linda Johannsen (who sadly passed away in 2008) and Pittsburgh associate Phil Bender, formerly of Portland, on their 2007 Pro Bono Honor Roll. The list recognizes lawyers for their generous dedication to providing legal representation to those who could not otherwise afford legal assistance and to programs that support such representation.

New York Thurgood Marshall Award

The Association of the Bar of the City of New York in July awarded New York partner Walter "Pat" Loughlin the Thurgood Marshall Award. Loughlin received the award in recognition of his pro bono representation of a Texas man released from death row in 2004 after 17 years in prison. Loughlin litigated the case in two levels of Texas state courts and federal court in San Antonio for 12 years.

K&L | GATES

For more information about our pro bono work, please contact:

Rory Fitzpatrick

+1.617.261.3162

rory.fitzpatrick@klgates.com

Carleton O. Strouss

+1.717.231.4503

carleton.strouss@klgates.com

Matthew D. Wells

+1.206.370.7651

matthew.wells@klgates.com

K&L Gates comprises approximately 1,700 lawyers in 28 offices located in North America, Europe and Asia, and represents capital markets participants, entrepreneurs, growth and middle market companies, leading FORTUNE 100 and FTSE 100 global corporations and public sector entities. For more information, visit www.klgates.com.

K&L Gates comprises multiple affiliated partnerships: a limited liability partnership with the full name K&L Gates LLP qualified in Delaware and maintaining offices throughout the U.S., in Berlin, in Beijing (K&L Gates LLP Beijing Representative Office), and in Shanghai (K&L Gates LLP Shanghai Representative Office); a limited liability partnership (also named K&L Gates LLP) incorporated in England and maintaining our London and Paris offices; a Taiwan general partnership (K&L Gates) which practices from our Taipei office; and a Hong Kong general partnership (K&L Gates, Solicitors) which practices from our Hong Kong office. K&L Gates maintains appropriate registrations in the jurisdictions in which its offices are located. A list of the partners in each entity is available for inspection at any K&L Gates office.

This publication 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.