

# PRO BONO ANNUAL REPORT



2009

Helping those in our community  
who need it most.

Perkins  
Coie



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*Robert Giles*

## A MESSAGE FROM THE MANAGING PARTNER

Throughout Perkins Coie's history, we have felt compelled to help those who are less fortunate. In 2009, our lawyers and staff in offices across the country carried on that tradition, dedicating their time and talents to help ease the burden of a difficult year for those who needed help the most. Whether it was providing free legal services, volunteering with local organizations or simply lending a hand, the drive to give back to the community was stronger than ever. Our firm is proud of the efforts of our colleagues who selflessly give to our pro bono and community service programs. Their dedication to improving the world around them is an inspiration to us all. We are honored to have the opportunity to share some of their stories and look forward to witnessing the positive effect their efforts will have in 2010.

A handwritten signature in cursive script that reads "Bob Giles".



Leah E. Medway

## A MESSAGE FROM THE PRO BONO COUNSEL

At Perkins Coie, we strongly encourage and support pro bono and public service work. This commitment is part of who we are. In 2009, our lawyers, paralegals and staff responded to the increased demand for pro bono services as our country's economic troubles filtered down to our most disadvantaged. Many legal service providers saw their budgets cut dramatically and some were forced to close their doors or cease operating key programs.

Last year we gave of our time more than ever before. With pro bono representing nearly 4.4% of our total hours for the year and an average of 69 pro bono hours per attorney, we well exceeded our Pro Bono Challenge goals. Even more important than the over 46,000 pro bono attorney hours we provided, however, is the immeasurable impact of those hours.

We worked on behalf of low-income individuals including homeless persons, victims of domestic violence, immigrant children and striving entrepreneurs, as well as the legal service providers that support them. In addition, we continued to fight for the rights of all through broader systemic change, including impact litigation, and policy and advocacy work. Our lawyers helped bring about ethics reform in Illinois, defended the rights of mentally ill children and other patients in need, helped protect families of all types and fought for the environment. We continued our representation of Guantanamo Bay detainees and inmates on death row. Moreover, we represented an increasing number of nonprofit organizations operating throughout the United States and the world. We are proud of the important work done by our lawyers and staff, and of course by the efforts of our clients. We hope you will enjoy reading about some of the many pro bono projects we handled and that you will be inspired by our clients' stories.

*Leah Medway*

## ADVOCACY FOR SYSTEMIC CHANGE

In addition to our pro bono efforts to help individuals in need, our lawyers have worked to produce systemic change. Whether through impact litigation or policy reform, in 2009, we were involved in numerous projects to bring about necessary changes in our communities.



In anticipation of the first statewide election since former Gov. Blagojevich's arrest and impeachment, Patrick Collins just released a book called *Challenging the Culture of Corruption: Game Changing Reform for Illinois*, which draws heavily on his IRC experiences in advocating for meaningful reform in Illinois.

### Ethics Reform in Illinois

Chicago attorney Patrick Collins is no stranger to tackling ethical abuses. Before joining Perkins Coie, he served as the lead federal prosecutor in the Operation Safe Roads investigation that uncovered massive fund-raising abuses in the Secretary of State's office in Illinois and culminated in former Gov. George Ryan's criminal conviction in 2006.

On December 29, 2008, then - Lt. Gov. Pat Quinn tapped Patrick to chair an ethics commission formed in the wake of the scandal involving former Gov. Rod Blagojevich's alleged attempts to sell President Obama's former Senate seat. Illinois residents had recently seen federal agents arrest their governor on wide-ranging charges of corruption. Lt. Gov. Quinn asked Patrick to put together an independent citizens' commission to recommend comprehensive ethics reform for the state. The Illinois Reform Commission (IRC) was born. Among its appointed commissioners were professors, surgeons, veterans, former state politicians, public interest leaders, whistleblowers and victims of corruption, among others. Each member brought a unique perspective to the issue of tackling political corruption.

The commission traveled the state to hold hearings and town hall meetings, promising to issue a comprehensive report within 100 days. The commission also created a Web site, both to help it comply with the Open Meetings Act and to seek input from citizens unable to attend a live meeting (<http://reformillinoisnow.org/>). The commission's final report, the "100-Day Report," recommended significant reform in key areas such as campaign finance, redistricting, transparency and procurement. Several of the commission's recommendations became the basis for new legislation, including an overhauled Freedom of Information Act and the state's first campaign finance limits in history.

More than 50 Perkins Coie attorneys and staff from offices across the country donated several thousand hours to this important project. Team members painstakingly researched reform movements and laws in Illinois and other states to identify the best proposals that were tested and proven to be constitutional. Several attorneys took the lead as head writers for the commission's final report. Others were assigned to specific commission members as liaisons who would provide research and background materials as needed on the range of issues addressed. Senior staff team members included Chicago attorneys Nadia Kiyani, Jade Lambert, Susan Lauer and Joel Levin, as well as paralegals Andrea Homier and Rosa Ravelo, among others.

We previously reported on the work done by Seattle attorneys Sherilyn Peterson and Diane Meyers on behalf of death row inmate Darold Stenson, challenging the method of execution for capital crimes in Washington. In March 2010, the Department of Corrections announced its plan to adopt a one-drug protocol for use in future executions as opposed to the existing and troublesome three-drug policy. This development represents significant change in state policy. Washington is now the second state in the country to adopt a one-drug protocol.

“T.R. is a ten-year-old boy from King County with significant mental health care needs. Although his treatment team recognizes that his condition will only worsen in an institutional environment, he is unable to access the intensive home and community-based mental health services that would allow him to safely return home. Instead he has remained confined for the last nine months at the state psychiatric hospital for children on the grounds of Western State Hospital.” — Excerpt from complaint

## Children’s Mental Health Litigation

In *T.R., et al. v. Dreyfus*, a team of Seattle attorneys, led by Susan Foster and also including Laura Ewbank, Travis Exstrom, Austin Rainwater and Fred Rivera, partnered with Disability Rights Washington and national aid organizations to challenge Washington state’s failure to ensure that Medicaid-eligible children are provided necessary intensive in-home and community-based mental health services. While state participation in the federal Medicaid program is voluntary, once a state elects to join, it must administer a statewide plan that meets certain federal requirements, including the enactment of an Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program that provides screening, diagnostic and treatment services to qualifying children. The program is intended to treat or ameliorate their physical and mental illnesses or conditions.

Under the current system, Medicaid-eligible children with significant mental health issues are denied services completely or are cycled in and out of hospitals and long-term institutions, often living months or even years in lockdown facilities far from their families. Alternatively, these children may be placed into foster care, with their parents forced to voluntarily relinquish custody, simply as a means of allowing them to



access the relatively broader array of mental health services available in the foster care system.

In light of the state’s failure to meet its obligations under the federal Medicaid Act, including the EPSDT provisions, Perkins Coie and other coalition members filed a civil class action lawsuit on behalf of 10 children in the Western District of Washington on November 24, 2009. The suit also included all of Washington’s Medicaid-eligible children who have been denied these necessary intensive in-home and community-based mental health services. The class action was necessary

to prevent unnecessary, prolonged and costly institutionalization and cycles of ineffective treatment that Washington’s at-risk children have suffered due to the state’s past failure to put resources into the early detection and prevention of mental illnesses. As the Washington State Department of Social and Health Services stated in a 2002 report, “the mental health system excludes people who are in the early stages of illnesses that may become more severe, more debilitating, and more of a threat to public safety when they are left untreated.”

## COMMUNITY ECONOMIC DEVELOPMENT

### Nonprofit Representation

In 2009, nonprofit organizations needed pro bono legal services more than ever before. Perkins Coie lawyers and paralegals answered the call, providing legal advice to nonprofit clients operating throughout the United States and around the world. Our business and tax lawyers helped with the formation of nonprofit entities and with related efforts to achieve tax-exempt status and other corporate governance matters. Our labor and employment lawyers assisted nonprofits with a variety of employment matters, including employment handbooks and policies, employee leave, discipline and termination issues. And our intellectual property lawyers provided much-needed guidance in the areas of trademark, copyright and patent law.

### A Merger of Nonprofit Entities

Perkins Coie has long provided pro bono assistance to the Compass Center, a nonprofit organization providing shelter and other assistance to homeless and very low-income individuals in Seattle and King County. In 2009, the Compass Center identified an opportunity to expand the services it could provide to the community and reduce its operating costs by merging with the Lutheran Alliance to Create Housing (LATCH), an organization devoted to providing affordable long-term housing to low-income individuals and families throughout King County. To complete the merger, the Compass Center turned to a team of Perkins Coie business and tax attorneys led by Steven Glasgow and Kris Yoshizawa to prepare the merger agreement and to draft new charter documents that would combine the unique cultures, missions and governance, and membership structures

of both the Compass Center and LATCH into a single organization. The team structured the merger in a way that would maintain the combined organization's tax-exempt status, preserve the tax-credit financing of the organization's low-income housing projects and avoid real estate excise taxes in order to conserve the organization's limited capital. The combined entity is now called the Compass Housing Alliance. Seattle attorneys David Clarke and Lisa Schaires also provided corporate and tax guidance. In addition to our work on the merger, attorneys in the firm's Seattle office continued to staff the Compass Center legal clinic on a semi-monthly basis, providing guidance to homeless and low-income clients on a variety of issues.



Starting in 2005, our Portland office has represented the African Women's Coalition (AWC), a 501(c)(3) organization whose main objective is to help African refugee families, with a focus on African women, achieve social integration into the community at large. Portland attorney Candice Carr provided an extensive review and rewrite of AWC's bylaws and has advised the Board of Directors on a number of corporate governance issues, including running meetings efficiently, the responsibilities that come with their roles as directors and related fiduciary duties, and topics that require board action such as bylaws, employee-related matters, new fiscal policies and lease agreements. Candice has developed a rapport with the AWC that has made her a trusted adviser to the organization. Portland attorneys Audrey Baker, Danielle Benderly, Chris Criglow and Gwyneth McAlpine and former firm attorney Renee Starr assisted in offering the AWC an extensive range of legal services to help them develop and improve as an organization.



At the suggestion of patent agent Scott Anchell in our Washington, D.C. office, in 2009, Perkins Coie began to provide pro bono services to Patriot Cruise & Salute (PC&S). PC&S is a community group of boating enthusiasts in Washington, D.C. that has organized annual events for members of the armed forces since 2007. PC&S invites members of the armed forces that are stationed at Walter Reed Army Medical Center (and their families) to enjoy a day of leisure, including a cruise on the Potomac River, a picnic, music and entertainment. Washington, D.C. attorney Don Friedman has been coordinating our work for PC&S, which initially asked him to prepare a partnering agreement with an existing nonprofit organization so that PC&S could benefit from additional sponsorship available only to nonprofit, tax-exempt organizations. Ultimately, attorney

Ezra Reese organized PC&S as a not-for-profit corporation and applied for 501(c)(3) tax-exempt status, which was granted in July 2009. Seattle attorneys Jason Howell, Andrea Sander and Jim Vana have been assisting with trademark, copyright and privacy issues for this new organization. PC&S plans to test the portability of the event format in 2010, perhaps in the Puget Sound area, and then expand to additional venues.

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Portland attorney Meredith Weisshaar recently received the Lewis & Clark Law School Small Business Legal Clinic (SBLC) second annual Outstanding Pro Bono Service Award. The SBLC provides business transactional legal advice to new and emerging businesses, primarily those owned by women, minorities and recent immigrants. The SBLC matches clients with business attorneys from the community who specialize in various areas of corporate law and provides consultations to clients in need of business legal services. According to the SBLC, Meredith stood out over 75 attorneys who provided pro bono assistance to clients. She volunteered at five legal clinics, and represented eight pro bono clients. She has been described as a “trailblazer for the SBLC and its clients,” and we are excited to celebrate her work and the success of the SBLC in supporting new and emerging businesses. The following is one example of such work.



For nearly three years, attorneys in our Portland office have taken on clients through the SBLC, often joined by in-house lawyers from Intel Corporation. In August 2009, Portland summer associate James Williams, Intel attorney Trevor Jones and Portland attorney Meredith Weisshaar met with Karen Phillips, the executive director of Tooth Troop, a nonprofit organization that provides onsite, preventative dental services and education to local children and their families. They helped Tooth Troop obtain 501(c)(3) tax-exempt status by reviewing the application that Karen had prepared and providing feedback. The IRS granted tax-exempt status to Tooth Troop in early December 2009 and the client was very pleased to receive a positive response from the IRS in such a short timeframe. The official tax-exempt status will help Tooth Troop raise funds in order to build up its operations and, hopefully, to expand its service area in the future.



## Facilitating Entrepreneurship

Our business and other transactional lawyers actively contribute to local community development by helping disadvantaged small business owners through legal advice to microlenders. They also provide business legal advice and transactional assistance to low-income entrepreneurs. In 2009, we continued our active involvement in legal clinics specifically geared toward this type of work, such as the SBLC in Portland, the Washington Attorneys Assisting Community Organizations (WAACO)/Washington Community Alliance for Self-Help (Washington CASH) microenterprise clinics in Bellevue and Seattle and Legal Services for Entrepreneurs in the Bay Area, to name just a few.



In May 2009, Perkins Coie became involved as local corporate counsel for Vittana Foundation (Vittana), a nonprofit organization that provides a direct link for individuals to support educational microfinance loans for students seeking post-secondary education. These students live in countries that generally lack a student loan infrastructure. Vittana was founded by a former Amazon.com engineer and has grown tremendously in the past year. Vittana has successfully facilitated loans to its first students and launched an active Web site through which individuals can make educational loans to students in developing countries. Seattle attorneys Gaurab Bansal and Naomi Sheffield and former firm attorney Matt Beebe, with guidance from Lorri Dunsmore and Dave McShea, have worked with Vittana on its corporate formation and ongoing corporate governance issues, including advising on regulations concerning charitable solicitation and reviewing privacy policies and terms of use. Through this work, we have been able to help one person, through the organization he formed, improve the educational and life prospects of young students throughout the world.

Throughout the firm, our intellectual property attorneys increasingly lend assistance to nonprofit organizations and low-income entrepreneurs. In Menlo Park, we have sought out ways to leverage our patent experience in particular. Last year, through Legal Services for Entrepreneurs, Menlo Park attorneys Chris Cheng, Brian Coleman and Kirupa Pushparaj took on as clients a low-income married couple who were bankrupt and really struggling, but who had an idea. They had created a simple, yet effective sewing clip to sew leather. We provided full-service legal assistance to this couple including registering a corporation for Galloifornia, filing several patent applications in the United States and China and securing trademark protection. The business is now selling its product in China and earning revenue, and our clients are doing much better.

## PROTECTING THE POLITICAL PROCESS

Perhaps nothing is more fundamental to any democracy than a fair electoral process. Perkins Coie attorneys have fought to protect our political process, both for individuals and for groups who need a voice to speak for them.

In May 2009, Washington Gov. Christine Gregoire signed Senate Bill 5688, which provided state-registered domestic partners in Washington all rights, responsibilities and obligations granted by or imposed by state law on married couples. Shortly thereafter, an organization known as Protect Marriage in Washington (PMW) launched an effort to overturn Senate Bill 5688 by putting the bill to a referendum vote (R71). Washington Families Standing Together (WFST) was founded to preserve domestic partnerships in Washington state by first spearheading the effort to prevent PMW from gathering enough signatures to place R71 on the ballot and then, after R71 did qualify, urging voters to approve R71 and to adopt Senate Bill 5688.

A team led by Seattle attorney Kevin Hamilton represented WFST in two lawsuits challenging signatures and petitions submitted by PMW that, in WFST's view, did not comply with Washington law. They also successfully intervened in a lawsuit seeking to shield the identity of people who sign referendum petitions, obtaining a protective order under which WFST could view the petitions to evaluate further challenges to the signatures and petitions. Perkins Coie also successfully intervened on WFST's behalf in an additional lawsuit in which an organization sought a temporary restraining order that would have allowed it to shield the identity of its contributors

and make large last-minute expenditures in opposition to R71. In conjunction with the Washington State Attorney General's Office, WFST successfully opposed the motion for a restraining order.

On November 3, 2009, Washington voters approved R71 and thus Washington became the first state in the United States where voters directly approved domestic partnership benefits for lesbian and gay families.

In January 2010, the U.S. Supreme Court granted certiorari to review the merits of the Ninth Circuit decision with respect to petition signers' anonymity rights. The case, *Doe v. Reed, et al.*, has drawn national attention, with supportive amici from a variety of national civil rights organizations, and the intervention of the U.S. Solicitor General. The R71 team of Perkins Coie lawyers prepared merits briefing on an expedited basis for an argument date in April of this year.

Perkins Coie has been selected by the Greater Seattle Business Association (GSBA) to receive its first Special Recognition: Advocate for Social Justice Award for the R71 team's work on behalf of Washington Families Standing Together and the "Approve 71" campaign. GSBA, the largest lesbian, gay, bisexual and transgender chamber in the country, was on the coordinating committee for the "Approve 71" campaign and helped raise money and awareness for the campaign. The award was presented at the GSBA's annual awards dinner on February 17, 2010.

Three years ago, the Phoenix office began its pro bono representation of a group of Arizona voters who were concerned about the state's use of direct recording electronic or touchscreen voting machines. Our clients believed that the touchscreen machines were not secure, did not accurately record votes and were not accessible to disabled voters. We filed suit in the Arizona Superior Court in May 2006, challenging the use of two models of these touchscreen voting machines on a variety of legal theories. The state moved to dismiss the case, arguing that the elections officials' actions were not reviewable and that the voters had no private right of action. The trial court granted the motion to dismiss, stating that it was exercising judicial restraint in not deciding the issues presented. We appealed and the Arizona Court of Appeals took more than two years to issue its decision in the case. But the wait was worth it. The appellate court reversed the trial court, holding that the trial court erred in dismissing the case because the plaintiffs stated valid claims and state law provided a private right of action. We now look forward to demonstrating to the trial court on remand that the touchscreen voting machines violate state statutory and constitutional law because they are not secure and do not accurately report the votes cast. Those who worked on the case were Phoenix attorneys Rhonda Barnes, Chuck Blanchard (now general counsel to the U.S. Air Force), Paul Eckstein, Mike Liburdi, Lauren Lowe (now with the Arizona Attorney General's office), Jack Vincent and paralegal Bea Stam.

## HELPING CHILDREN AND FAMILIES

One of the hallmarks of our pro bono program has been the protection of vulnerable children and families. We work to help families in numerous ways, including representing foster children and either acting as or practicing on behalf of guardians for children in the court system. In 2009, we represented victims of domestic violence and immigrant youth, and advocated on behalf of domestic partners fighting for their parental rights and other benefits.

### Protecting the Rights of Domestic Partnership

Chicago attorneys Debra Bernard and Brandy McMillion helped a woman in connection with her custody battle in Michigan. Our client, D.G., and her partner L.T. had adopted three girls from China. Because China did not allow same-sex couples to adopt, D.G. then completed a second parent adoption in Illinois. At the time, the couple lived in Chicago and had a second home in Michigan. When the relationship ended, our client initiated a custody suit under the Michigan Child Custody Act. Because Michigan does not allow same-sex adoptions, L.T. filed a motion to dismiss on the basis that same-sex adoptions are against public policy in Michigan. The trial court found that full faith and credit mandated recognition of the adoptions, but did not mandate enforcement. Although she expressly noted that the adoptions in Illinois were valid, the judge dismissed the custody case. Our client appealed to the Michigan Court of Appeals, which noted that the adoption orders not only had to be recognized, but also had to be enforced and remanded the case for the custody hearing. On remand, opposing counsel filed another motion to dismiss asserting that the Illinois court did not have jurisdiction to enter the adoption orders (which were entered in 2000 and 2004) because neither the parties nor the girls were Michigan residents at the time and, therefore, the adoptions should be null and void. Additionally, she argued that because adoptions by gay individuals are against public policy in China and Michigan, under principles of comity, the Michigan court should not recognize the Illinois same-sex adoption.

In November 2009, the magistrate judge denied L.T.'s request for an evidentiary hearing and denied her motion to dismiss noting that (a) she should have challenged it in Illinois; (b) she should have filed an appeal to the Michigan Supreme Court after the Court of Appeals decision; and (c) as far as the Illinois court, Michigan trial court and Michigan Court of Appeals were concerned, both D.G. and L.T. were parents of these girls. Brandy and Debra worked together with local counsel from Pepper Hamilton on this case.



Phoenix lawyers Rhonda Barnes, Dan Barr and former firm attorney Jim Barton worked with Lambda Legal on a pair of matters advocating for gay rights. The first project was to draft an amicus brief for social scientists promoting the rights of the non-birth parent when a gay or lesbian couple dissolves. In the brief our lawyers argued, "Promoting strong families is the declared public policy of the State of Arizona. In order to achieve this goal, Arizona must respond to the increasing number of families headed by individuals other than a married biological father and mother. For example, children are increasingly being raised by a single parent, by unmarried parents, by grandparents, and by same-sex partners." Unfortunately, the Arizona Supreme Court refused to hear the appeal of a case

denying all visitation and custody to the non-birth parent who had raised the child from birth to 8 years old. In the second project, Dan, Rhonda and Jim challenged Arizona's recent decision to remove from state employees the domestic partner benefits that had been put in place during the Napolitano administration. They argued that in a state that prohibits gays and lesbians from marrying, this decision denies gay and lesbian employees "any way to qualify for family coverage" and thus the state subjects gay and lesbian employees "to irreparable harm in the form of increased medical risks, emotional injuries, potentially ruinous financial costs, and a stigmatizing government label of inferiority."

In addition to the above efforts, a team of lawyers from our San Francisco office represented Human Rights Watch and others in the battle to strike down Proposition 8, the ballot initiative passed by California voters to reverse the California Supreme Court's decision to recognize the constitutional right for same-sex couples to marry.

## Defending Abused or Neglected Children

Chicago attorney Charles (Vince) Maloney has been a Court Appointed Special Advocate (CASA) for CASA of Cook County since 1995. With Vince's encouragement and support, attorneys Nathan Fahrer and Brandy McMillion, and paralegal Andrea Homier have become CASA volunteers and represent children through the program. They have worked on a number of cases, including one where Brandy advocated on behalf of two babies who were removed from their home because of abuse and neglect. Our clients' older siblings had also been previously removed from the home because of abuse and put into foster care. Brandy advocated in court, worked with the social worker and helped to make sure the children's best interests were represented throughout the legal process. Each of these CASA cases involves heartbreaking tales of abuse and neglect, but through the CASA program, we are able to help ensure these children can have a more promising future.

In Seattle, attorneys have been providing pro bono legal assistance to CASA volunteers through the King County Dependency CASA Program. In one such case, Seattle attorney Tyler Peterson represented a CASA volunteer in what turned into an extensive trial. A.L.,



mother to three children ages 14, 3 and 2, was the focus of a dependency petition that concerned all three children filed by Washington's Department of Social and Health Services in February 2009. The case was originally sent to a pilot mediation program, but was quickly bounced back to the "adversarial" track due to the uncooperative nature and unpredictable rage of the mother. After a two-week trial involving 29 testifying witnesses, the court found the children to be dependent on the State of Washington.

The court adopted all of our client's recommendations. A.L.'s parenting plans with the children's respective fathers required that she utilize mental health services and be limited to one two-hour supervised visit a week with the children. The children have since been placed with their respective fathers and have been thriving since being removed from their mother's care.

## Assisting in Establishing Paternity

Our client, G.P., was referred to the firm by the Alaska Legal Services Corporation for pro bono legal representation. She requested assistance in establishing the paternity of her daughter. The girl's alleged father died shortly before she was born. Because the father was a former member of the armed services, our client hoped to establish paternity so that her daughter would be eligible for certain military survivor benefits. The goal of the representation was an amended birth certificate naming the father, which G.P. could then use to obtain benefits for her daughter. After several requests for additional information from the court, which required tracking down and interviewing witnesses in various states, Anchorage attorney Amy MacKenzie was able to document the paternity of the father and ultimately have the birth certificate amended to show the paternity of the child.



## Help for Victims of Domestic Violence

Lawyers in the Boise office regularly take family law cases through the Idaho Volunteer Lawyers Program. In her first domestic violence protective order case, Boise attorney Christine Salmi represented a 19-year-old woman who lived with her abusive boyfriend and her two small children. The client and her boyfriend were the biological parents of one of

these small children. The client had sought and obtained an ex parte temporary restraining order after her boyfriend attempted to strangle her in front of the child one evening. Unfortunately, this was a typical scene of violence in this household because the boyfriend had extreme anger issues and lashed out at both the client and

her two children on numerous occasions, typically with physical violence. The client attempted to call 911 during the struggle with her boyfriend, but he knocked the phone from her hand before she could talk with anyone. Fortunately, the police were able to track the call and get the client and her children out of the house.

After an evidentiary hearing with witnesses, including the brave testimony of the client, Christine was able to obtain a one-year protective order (the maximum allowed in Idaho) for the client and her children. She was also able to preclude the father from having visitation with his son until he successfully completed anger management classes. Later, when the father's attorney went back to court, without notice, and was able to get the protective order vacated ex parte, Christine again successfully convinced the court to re-order that the child be returned to his mother. The client has since shared that this whole process has helped her put her life back on track and she was applying to nursing school. Moreover, Christine agreed to be on a call list to serve as a pro bono attorney to represent other petitioners seeking a domestic violence protective order.



## DEFENDING CONSTITUTIONAL RIGHTS

Lawyers throughout the firm have long worked to help individual clients and organizations defend their constitutional rights. Last year, we were involved in several constitutional challenges at the state level to protect patients' rights.



A team of Perkins Coie litigators, led by Tom Boeder and Andrew Greene, are helping to defend the constitutionality of two laws that require pharmacies to deliver time-sensitive medicine, like Plan B, to patients without discrimination. Perkins Coie, with assistance from Legal Voice and Planned Parenthood of the Great Northwest, is representing a group of intervenor defendants in *Stormans, Inc., et al. v. Selecky, et al.*, a constitutional challenge of two Washington State Board of Pharmacy regulations that require pharmacies to deliver lawfully prescribed medication to patients. The two regulations, which ensure timely, nondiscriminatory access to medical care and treatment, are opposed by two pharmacists and a pharmacy owner who assert a religious objection to filling prescriptions for emergency contraception.

Shortly before the regulations were to take effect in 2007, the plaintiffs sued to enjoin enforcement of the regulations and immediately sought an injunction barring their enforcement. After extensive briefing and argument, the trial court issued a broad preliminary injunction preventing the State of Washington from enforcing the regulations. Although the court's decision was immediately appealed to the Ninth Circuit, extensive discovery proceeded and the case proceeded toward trial. Perkins Coie became involved as lead trial counsel while the appeal was pending.

On October 28, 2009, relying on several arguments advanced by Perkins Coie lawyers, the Ninth Circuit reversed the trial court's preliminary injunction that had prevented enforcement of the

regulations. The Ninth Circuit disagreed with the trial court's application of a heightened scrutiny standard, and found that the regulations were facially neutral and that the injunction was overly broad. Seattle attorneys Nicholas Manheim and Liz McDougall drafted an amicus brief on behalf of religious groups and leaders from a wide variety of faiths in support of the regulation as necessary to ensure the religious freedom of patients and the population as a whole. Tom Boeder and Andrew Greene have now taken over as pro bono defense counsel for the intervenor defendants in proceedings before the trial court.

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In October 2007, two terminally ill patients, four physicians and Compassion & Choices (a nonprofit organization dedicated to improving care and expanding choices at the end of life) filed a lawsuit against the State of Montana, asking the court to find a constitutionally protected right for terminally ill patients to seek aid in dying. In December 2008, the Montana State District Court ruled in favor of the plaintiffs, holding that the state constitution's explicit protection of the rights to privacy and individual dignity required that "competent terminal patients have the constitutional right to determine the timing of their death and to obtain physician assistance in doing so."

The state subsequently filed an appeal with the Montana Supreme Court. In the appeal, a team of Perkins Coie attorneys, including David Burman and Kanika Chander from Seattle, and Jeremy Buxbaum from Chicago, filed an amicus brief on behalf of a coalition of bipartisan legislators from Montana in support of the trial court's ruling and the finding of a constitutionally protected right to death with dignity.

On December 31, 2009, the Montana Supreme Court affirmed the lower court decision, finding that certain terminally ill individuals have the right under state law to seek physician-assisted aid in dying. The decision makes Montana only the third state in the country (after Oregon and Washington) to allow aid in dying.

The Perkins Coie team is also involved in a similar case recently filed in Connecticut, *Blick v. Connecticut*.

## ENVIRONMENTAL PROTECTION

Environmental attorneys throughout the firm work hard to protect the environment in a myriad of ways. From defending the rights of environmental activists to representing nonprofit conservation organizations, we leverage our environmental and energy experience to provide pro bono legal assistance to those in need.

Washington, D.C. attorneys Don Baur and Emily Merolli have provided pro bono assistance to the Friends of the Sea Otter, a nonprofit environmental organization dedicated to species protection and restoration. In particular, they have worked closely with other environmental organizations, including Defenders of Wildlife and the Monterey Bay Aquarium, to address the use of zonal management as a means of species recovery for the Southern Sea Otter under the Endangered Species Act (ESA). They have spent



considerable time working within the interest group and with scientists to develop consensus positions, which they have shared with federal agency decision-makers and Congress. The objective is to allow for natural range expansion of the species to achieve sufficient distribution and population size to allow for recovery and delisting under the ESA.



Perkins Coie Portland attorney David Bledsoe and San Francisco attorney Farschad Farzan, as well as former firm attorney Mamta Ahluwalia, have been representing four Gabonese environmental activists through the Environmental Defender Law Center, which works to protect the human rights of individuals and communities in developing countries who are fighting against harm to their environment. In December 2008, Gabonese authorities stormed into each of our clients' homes without arrest warrants or search warrants. Among those clients was

Marc Ona Essangui, one of six individuals to receive the Goldman Environmental Prize, which is the world's highest prize honoring grassroots environmentalists. Mr. Essangui received the prize for working to stop large-scale deforestation and mining in the Congo Basin Rainforest. Amazingly, he has done all of this while being wheelchair-bound from polio since early childhood. This invasion of his home was just another incident in a series of threats against Mr. Essangui and his family because of his work to protect the environment.

Our clients' homes were searched thoroughly by the police and copies of an "Open Letter to the Gabonese People" were seized. The letter was written by Ben-Moubamba, a Gabonese citizen now living in France who has criticized the actions of Gabonese President Omar Bongo Ondimba and the current government of Gabon with respect to

the personal use of Gabonese resources. Although police had found the letter in our clients' homes, it had been distributed widely both inside and outside Gabon, resulting in many people having it in their possession.

Following their arrests, our clients were detained in a basement room and interrogated for more than a week without the assistance of counsel and without charges placed against them. After international pressure, they were released and finally charged with disseminating propaganda. The charges remain, and Perkins Coie prepared a brief arguing that the charges must be dismissed under regional and international covenants, which Gabon has ratified.

## REPRESENTING IMMIGRANTS

In 2009, we provided pro bono counsel on numerous immigration-related matters. We assisted low-income immigrants with removal proceedings in immigration court, at the Bureau of Immigration Appeals (BIA) and at the circuit court level. In many cases, we also worked with immigrant youth and assisted with their related dependency hearings.



### Helping Political Asylees

Seattle attorney Adam Glant, in association with Volunteer Advocates for Immigrant Justice (VAIJ), a pro bono initiative of the ABA Commission on Immigration and Microsoft Corporation, successfully received a grant of asylum for his client, H.N. An Eritrea national, H.N. was forced into military service at the Sudanese border. Because he refused to shoot and kill innocent civilians, he was imprisoned and tortured for six months. He eventually escaped prison and fled to Sudan, where he began a two-year flight that found him in the United Arab Emirates, Brazil, Honduras, Guatemala and Mexico before he was able to reach the United States. H.N. entered the United States in November of 2008 without the government's knowledge and made his way from Texas to Seattle. If our client had been required to return to Eritrea, he would have faced further imprisonment, torture and possible execution. Since his grant of asylum, H.N. has been attending community college and working toward a college degree.

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Madison attorneys Eric Barber and Tim Burns began assisting M.J.B. in early 2009 in her quest to be granted asylum. M.J.B. fled Haiti after being beaten and threatened for her political activities. She left behind her mother and a daughter. While living in the United States, M.J.B. gave birth to another daughter, who is a U.S. citizen. Although her daughter is a U.S. citizen, M.J.B. found herself in deportation proceedings with an asylum hearing scheduled for August 2010.

However, on January 15, 2010, the Obama Administration granted Haitians currently in deportation proceedings "temporary protected status," or TPS. For our client, this move allows the immigration judge to stay the deportation case, during which period (at least 18 months) she would be able to work legally in the United States. Tim and Eric are advising M.J.B. on whether to seek to qualify for TPS or to allow the deportation proceedings to move ahead. When TPS for Haitians expires, Tim and Eric will assist their client through any reinstated asylum proceedings.

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In 2001, Perkins Coie began working with a Ukrainian woman and her son in an appeal to the BIA. Following the BIA appeal, Bellevue attorney Sheree Carson took over the representation in an appeal to the U.S. Court of Appeals for the Ninth Circuit. She was later joined by Seattle attorney Kaustuv M. Das. S.P. fled the Ukraine with her then 10-year-old son A. to get away from the unrelenting physical abuse heaped on them because of their religious beliefs by her second husband M., who was involved in the Ukrainian mafia. Our client and her family are Pentecostal Christians. As a child, she had even been imprisoned and later forced to undergo "re-education" because of her religious beliefs.

S.P. initially fled to the Czech Republic to escape the abuse, but realized she would have to flee to the United States to ensure her safety. Only able to bring one of her children with her, S.P. left her daughter with her parents and fled with her son to the United States in 1999. They sought asylum and withholding of removal in early-November 1999. After hearings in December 2000 and



January 2001, the immigration judge found “horrendous” abuse, but denied asylum and withholding of removal because: (a) domestic abuse was not one of the five protected grounds under which the United States grants asylum; and (b) although S.P. had suffered past persecution on the basis of her religion, there was no reason to believe she would suffer future persecution because her mother and daughter were still in the Ukraine practicing their religion.

On remand, Sheree and Kaustuv presented evidence that: (a) the family had a reasonable fear of persecution on grounds of religion if they returned to the Ukraine (based in no small part on the fact that in 2004 S.P.’s daughter and her grandmother had been granted asylum in the United States based on persecution they had faced because of their religion); and (b) M. was almost certain to track S.P. and A. down and likely kill them if they returned to the Ukraine. Among the evidence presented was proof of rampant violence against women and children in the Ukraine. More than 10 years after they first sought asylum and more than eight years after Perkins Coie began representing them, S.P. and A. were granted asylum by the Immigration Court in Seattle.

## Immigrant Youth

Each year, more than 8,000 immigrant children arrive in the United States without an accompanying adult. Whether escaping persecution in their home country or domestic violence in their own homes, these children are alone and vulnerable. In partnership with VAIJ, we help provide counsel to some of these children. In 2009, we represented several immigrant youth and adults, and also took cases through the related Kids in Need of Defense initiative.

Seattle attorney Chian Wu represented E.T., a 17-year-old youth from Honduras in deportation proceedings. E.T. traveled from Honduras to the United States to reunite with his mother after years of living with abusive relatives. E.T.’s mother had remarried, had other children and was not able to care for him. Our client left his mother, spent months traveling and working odd jobs before being detained by U.S. Customs and Immigration Service (USCIS). In recognition of the plight of abandoned, abused and neglected children living in the United States without proper immigration documents, Congress enacted a Special Immigrant Juvenile (SIJ) status as an opportunity for these children to seek lawful permanent residence. In order to qualify for SIJ status, a juvenile must, among other things, be declared dependent and deemed eligible for long-term foster care by a U.S. juvenile court. Through a nearly two-year process, Chian, along with attorneys at VAIJ, successfully petitioned the Superior Court of Pierce County to declare E.T. a dependent and avoid deportation. Upon meeting this and certain other criteria, he was granted SIJ status and shortly thereafter became a permanent resident. Chian and her client have stayed in touch and E.T., who has been placed in foster care, is currently pursuing a GED and expresses a lot of hope for a bright future in the United States.

## Victims of Crime

Washington, D.C. attorney Maggie Greenlee successfully obtained a U-visa for her pro bono client on January 6, 2010. U-visas are designed to grant victims of violent crimes temporary legal status and work eligibility for up to four years. In order to get this form of relief, a client must show that she suffered substantial physical or mental abuse from certain criminal activity, had information regarding the criminal activity and assisted government officials in the investigation or prosecution of such criminal activity.

The client, an El Salvadorian immigrant, was a long-term victim of domestic violence who was subject to a Final Order of Removal. To prevent her client from being deported, Maggie simultaneously re-opened the removal proceedings before the Baltimore Immigration Court and submitted a U-visa application to USCIS. Maggie successfully argued the removal proceedings should be re-opened because her client was not notified the proceedings had taken place; thus she could not be ordered removed in absentia. The immigration judge granted a new master calendar hearing date for April 2010, which allows the client to argue for her continued presence in the United States. She also showed that the client met all the conditions necessary to be eligible for U-visa relief. As a result, Maggie's client is able to support herself and her children and will be eligible for permanent legal residency in three years. Paralegal Rebecca Brezenoff assisted Maggie in this matter.



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Los Angeles attorney Ben Soffer successfully obtained U-visas and employment authorization documents for two pro bono clients in 2009. In one case, Ben represented V.T., a woman who grew up in Mexico with her mother and her two brothers. Her father worked in the United States and would return to Mexico on occasion for family visits. When V.T. was just 5-years-old, her father sexually molested her during one of his visits home. Also during his visits, her father was abusive to her mother, once threatening her with a rifle. After that incident, her father went back to the United States and never returned to Mexico. Just before V.T.'s 15th birthday, her mother brought her to the United States to live with her father. The mother did not know about the sexual abuse that had taken place. Shortly after the move, the sexual abuse resumed. Finally, V.T. told her brothers about the abuse, but they did not believe her and even blamed her for any abuse. V.T. left home, cooperated in the criminal prosecution of her father, and spent the rest of her teen years living in shelters and foster homes. When she was 24, V.T. gave birth to twin girls. Unfortunately, the girls were born prematurely and have suffered a number of health complications as a result. V.T.'s relationship with the girls' father had deteriorated and she became a single mother with sickly girls and no means to care for their health issues. As a result of obtaining U-visa relief, the client is eligible to legally work in the U.S., may apply for a social security card and driver's license, and has the right to receive public benefits such as Medi-Cal, food stamps, and temporary financial assistance and employment through the CalWorks program.

## Board of Immigration Appeals Project

T.C., a native of Zimbabwe, had sought asylum based on her membership in the major opposition party in Zimbabwe and on her uncles' attempt to sell her into marriage. After the immigration judge granted her application, the Department of Homeland Security (DHS) appealed. A team of Perkins Coie attorneys, led by Tim Franks, represented T.C. in the proceedings before the BIA, which affirmed the grant of asylum.

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Another Perkins Coie client is a Cuban national who was an anti-Castro dissident. He was imprisoned and tortured in Cuba multiple times and received death threats from a Cuban military official. He came to the United States as a refugee in 1993 and adjusted his status to permanent residency in 1994. In 2004, he was convicted of transportation of marijuana for sale, for which he was sentenced to five years, and possession of drug paraphernalia, for which he was sentenced to one year. As a result of these convictions, the client could be removed to Cuba under U.S. immigration laws. In light of his past persecution and his fear of future persecution, the immigration judge granted the client relief in the form of deferral of removal under the Convention Against Torture. DHS appealed the decision. Portland attorney Ellen Sheedy wrote a brief arguing that the BIA should uphold the immigration judge's decision and the client should not be immediately removed to Cuba. The BIA decided in favor of our client and dismissed the DHS appeal.



## CIVIL RIGHTS

### Protecting the Rights of Public Assistance Recipients

Denver attorneys Norton Cutler and Jess Dance serve on a task force of the Colorado Lawyers Committee seeking to protect the civil rights and dignity of individuals who receive public assistance benefits, such as food stamps or welfare. In 2008, the Colorado Lawyers Committee began receiving numerous reports from benefits recipients of harassment and coercion by county investigators. Reports included investigators making unannounced early morning home visits timed to interrupt mothers getting their children ready for school. Those who refused to allow the unannounced visit or who asked the investigator to come back at a more reasonable time were often threatened with immediate arrest or benefits termination. At other times, investigators simply barged into homes unannounced and uninvited in order to interrogate very young children without their parent's permission. On at least one occasion, a county investigator even impersonated an FBI officer in order to harass a recipient's mother at her work. County investigators also employed harsh, coercive investigative tactics. After being placed in a small interrogation room, recipients were bullied into writing statements dictated by the investigator, which in some cases included coerced statements that were not true. Working with Colorado Legal Services, a nonprofit group that represents benefits recipients, the task force investigated the allegations and concluded they had merit.

Members of the task force began appearing at benefits termination proceedings and requesting discovery into the county's abusive and coercive investigative tactics. The task force learned that its mere presence as a "watch dog" was serving a deterrent effect. The number of complaints about the county investigators dropped drastically. As a result, the task force has recently shifted tactics from litigation to regulation. Seeking to prevent further abuses by county investigators, the task force is proposing new state regulations which, if implemented, will clarify the rights of benefits recipients in investigations and termination proceedings.

### Defending the ACLU

In *Arunga v. ACLU*, Portland attorneys Michael Simon and Julia Markley, with assistance from paralegal Susan Roberts, recently won the dismissal of a federal court lawsuit seeking \$5 billion in damages against our clients, including the American Civil Liberties Union Foundation (ACLU). The plaintiffs alleged several claims including federal racketeering, extortion, money laundering and obstruction of justice. The general counsel of the national ACLU has expressed his deep appreciation to the firm for achieving this success.

## Defending Religious Freedom

Perkins Coie, in conjunction with the ACLU of Washington, filed suit on behalf of United States Mission (the Mission) challenging City of Puyallup restrictions that prevented the organization from carrying out its mission of preaching the “Social Gospel.” The Mission is a Christian-based nonprofit organization that operates transitional housing for homeless persons. Residents engage in door-to-door solicitation on the Mission’s behalf to evangelize and practice the Social Gospel and thereby advance their personal and spiritual growth. Door-to-door solicitation is also the Mission’s primary means of support for its social programs.

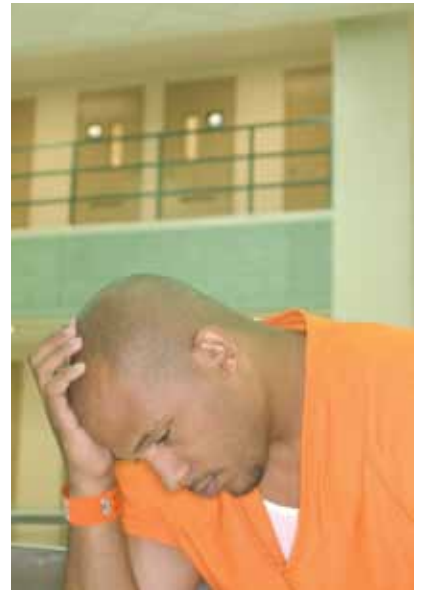
Puyallup’s solicitation ordinance required religious organizations to obtain a license from the city before its members could engage in religious solicitation. Due to these restrictions, the Mission had been unable to engage in door-to-door solicitation in the city. The lawsuit asserted that these restrictions violated the Mission’s free speech rights under the U.S. and Washington state constitutions.

In response to the lawsuit, the Puyallup City Council amended its solicitation ordinance, which now includes exemptions for religious, political and other nonprofit organizations that engage in door-to-door solicitation. The case was handled by Seattle attorneys Kevin Hamilton, Ben Stafford and Lisa Manheim.

## Prisoner Civil Rights

Madison attorneys David Jones and Jeffrey Walker, with assistance from paralegal Trish Dean, represented Bruce Valind in a lawsuit alleging violation of his 4th and 14th Amendment rights as a result of excessive force and the objectively unreasonable denial of medical care. We were appointed to represent Mr. Valind by the Chief Judge for the U.S. District Court, Eastern District of Wisconsin. As alleged in Mr. Valind’s complaint, he led law enforcement officials on a high-speed chase after robbing a credit union in 2004. After officers blew out Mr. Valind’s car tires, they tackled him to the ground and twisted his elbow during the course of his arrest, which caused injury to his left elbow. The officers and their supervisors then refused to take Mr. Valind to a hospital for medical treatment before booking him into the county jail, despite his complaints of pain and a demand from the jail’s booking officer to have Mr. Valind medically cleared before admitting him to the jail. Mr. Valind then sat alone in his cell for at least 15 hours before receiving any medical treatment.

The jury in the case found no liability for any of the defendants. We then filed a Notice of Appeal on several grounds, including the judge’s ruling to exclude testimony from our expert witness, the former chief of police for the City of Madison. The Seventh Circuit ordered David and Jeffrey to attend a settlement conference with the defendants-appellees. David and Jeffrey are working with the mediator to reach an agreement with the other side.



Seattle attorneys Shylah Alfonso, Joe Cutler and Laura Ewbank successfully negotiated a settlement for their client, a former inmate of King County’s Regional Justice Center (RJC). Perkins Coie was assigned to this case after our client filed a pro se complaint in federal court and the judge found that his claims had sufficient likelihood of success to warrant appointed counsel. The client’s claims arose out of the treatment by medical, dental and officer staff of the RJC while he was in custody there. He was incarcerated in the RJC for nearly three years (the average stay is 20 days), during which time he was denied access to much-needed dental care, resulting in the loss of multiple teeth. He was also subjected to unhygienic living conditions that caused him to contract multiple staph infections. After a long discovery process, including numerous depositions that demonstrated systemic lack of understanding by RJC employees of the policies and procedures of their own institution, King County was willing to negotiate a settlement that was favorable to the client. As the client is currently serving a long sentence in a Washington state correctional facility, he plans to put the majority of the settlement funds into a savings fund for his children, reserving only enough for himself to purchase a typewriter and other prison necessities.

A team of lawyers in our Phoenix office has been actively engaged in the representation of a former state prison inmate, J.P., who was referred to the firm by the American Diabetes Association (ADA). The team has been led by Phil Higdon and Craig Morgan (both active volunteers with the ADA) and includes Rhonda Barnes, Harmony Simmons and Aaron Welling. While incarcerated, J.P. was not provided the treatment necessary to manage his disease, and to the extent he was provided any treatment, it fell well below the minimum standard of care. The team filed a lawsuit in federal court in an effort to compel the Arizona prison system to update its standards and practices with regard to treatment of inmates with diabetes, as well as compensate our client for his irreversible injuries due to the substandard care he received while incarcerated.

Before filing the federal lawsuit, however, the team needed access to the client's medical records made by the state while he was incarcerated. Despite several requests for those records under Arizona's public records law, the state refused to produce them. As a result, the team had to file a special action and compel a court to order the disclosure of J.P.'s medical records. In May 2009, Craig argued the public records case before the Superior Court of Arizona and the court ruled from the bench, ordering that the state provide the requested public records and awarding J.P. his attorneys' fees and costs. The federal lawsuit is pending and negotiations with the state to change their current standards and practices with regard to treatment of inmates with diabetes are ongoing. In the ongoing federal suit, the Perkins Coie team is working with a team of nationally recognized experts in the field of diabetes treatment and research in determining the medical deficiencies in the state's treatment of and accommodations for the disease, and in formulating recommended fixes as part of the settlement process.

The federal case is proceeding on an Americans With Disabilities Act claim under the theory that the state denied J.P. access to programs and services because of, and/or would not make reasonable accommodations for, his disease and disability – diabetes.

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At the request of senior Ninth Circuit Judge Arthur R. Alarcon, sitting by designation in the U.S. District Court for the Eastern District of California, San Francisco attorney Troy Sauro, Menlo Park attorney Matt Hindman, and then summer associate Kevan Fornasero, represented prisoner A.A. in a federal civil rights lawsuit against a psychiatrist who treated him while he was incarcerated at Corcoran State Prison in California. The claims surrounded two incidents during which the defendant doctor involuntarily administered powerful anti-psychotic drugs to A.A. Our client alleged that the involuntary treatment violated his constitutional rights. The team conducted discovery of prison records, corresponded with the client to obtain information about his case, deposed the defendant doctor and opposed a motion for summary judgment seeking dismissal of our client's claims.

## Helping Client Get a Fresh Start

On March 23, 2009, Chicago attorney Jade Lambert won a low-income client's motion for reconsideration of a denied petition to seal five arrests. The client is awaiting a decision from the governor of Illinois on a petition seeking executive clemency for two convictions for non-violent crimes that occurred when he was 17-years-old, but, in the mean time, he hoped to seal portions of his record that were impeding his job search. After his initial petition to seal five arrests (none of which resulted in convictions) was denied without hearing, Jade presented testimony from her client, his wife and his two young daughters to the Chief Judge of the Cook County Criminal Court. The testimony outlined her client's transformation from a young kid in trouble with the law to a caring father and businessman who was being held back by the mistakes of his youth. In granting the motion, the judge commended the client's turnaround and emphasized the importance of his role as a father and role model to his young daughters.



## HOMELESSNESS PREVENTION AND ASSISTANCE

While working to end homelessness in our communities, we also strive to make a difference in the lives of individual homeless persons. One of the main ways we do this is through the staffing of legal clinics focusing on this population. From working with the Housing Justice Project to representing low-income clients at risk of losing their homes to staffing legal clinics for the homeless at shelters such as the Compass Center, Perkins Coie attorneys and staff regularly donate their time and talents to help make a difference in the lives of those who need it most.



Attorneys in the firm's San Francisco office volunteer on a regular basis at a low-income clinic organized by the Lawyers Committee for Civil Rights. Following a referral from the clinic, a team of Perkins Coie litigators recently represented I.W. in proceedings before the San Francisco Department of Parking and Transportation. A recent high-school graduate, our client was homeless and living in his car. His vehicle was towed and he faced thousands of dollars in impound charges and other administrative fees, in

addition to fees for the parking violations. The majority of the tickets I.W. received resulted from difficulties caused by his homelessness. Indeed, many of the tickets issued because of expired meters or street cleaning violations were posted to I.W.'s vehicle while he slept inside the car.

The Perkins Coie team was led by San Francisco attorneys Faisal Hasan and Phemie Thomopoulos, with assistance from Joren Bass, Farschad Farzan and Marta Palacios. Phemie and Faisal represented I.W. at a tow hearing where they explained

his difficult living situation. Although the towing official did not have the authority to take I.W.'s extraneous circumstances into account, he did include them in his rejection letter. Moreover, he was moved by the evidence presented and recommended that the team appeal his decision. Although initially reluctant to waive any fees, after hearing arguments and considering the evidence presented, the supervisor who heard the appeal agreed to waive almost all penalties associated with the outstanding parking tickets. As a result of the team's efforts, our client could reclaim his vehicle by paying the face value of the parking tickets -- half of the amount the city originally claimed he owed.



Perkins Coie has participated for several years in a free legal clinic at the Colorado Coalition for the Homeless (the Coalition). Organized by Qwest Communication's pro bono attorneys, Perkins Coie was the first private law firm to join Qwest in providing pro bono legal services at the Coalition. On the first Thursday of each month, Qwest, Perkins Coie attorneys and other local lawyers and paralegals meet at the Coalition to provide individual drop-in legal counseling to people in need. Denver attorneys Norton Cutler and Joanna Thies have led the participation by Perkins Coie attorneys and provided counsel to homeless and low-income individuals in the areas of family law, employment, credit, housing, landlord/tenant issues, bankruptcy and other civil and criminal matters. Volunteers have assisted veterans in appealing social security disability benefit determinations, helped parents to identify resources for obtaining or changing custody orders and aided homeless individuals in obtaining public housing.

## COMMUNITY SERVICE FELLOWSHIP PROGRAM

On the firm's 75th anniversary in 1987, the Perkins Coie Community Service Fellowship was established. Through this program, associates have the opportunity to take up to six months off from their regular practice to work pro bono for a community service organization on a significant public service project. Since the first fellowship was awarded in 1988, we have had 35 fellows take advantage of this great program. Below is a summary of the four fellowships we awarded in 2009:



*Naomi A. Sheffield*

### The Northwest Center

During the summer of 2009, Seattle attorney Naomi Sheffield spent six weeks at The Northwest Center (the Center), a nonprofit organization in Seattle serving children and adults with developmental disabilities. The Center runs several business enterprises and provides direct services to the disabled. Naomi worked on a wide variety of projects with much of the work related to corporate governance. Among her many projects, Naomi drafted formation documents and a management services agreement for a new foundation, researched federal requirements for Ability One contracts and advised on these requirements, worked on compliance issues, revised form contracts, and researched and advised management regarding legislative trends and potentially beneficial initiatives relating to some of the Center's existing business areas. "My experience at Northwest Center was an amazing opportunity to fully commit myself to working for an organization and people who otherwise would be unable to afford such assistance," she explained.



*Penny Fields*

### Federal Public Defender's Office

Seattle attorney Penny Fields worked for the Federal Public Defender's (FPD) office for six months assisting in the representation of indigent defendants charged with crimes in federal court. During her tenure, she helped prepare the defense of clients charged with crimes such as bribery of a public official, drug trafficking, wire fraud and assault with a dangerous weapon. She appeared on behalf of clients at arraignments, negotiated plea agreements with federal prosecutors, drafted and argued pretrial motions, and represented clients at sentencing proceedings. She also prepared subpoenas, interviewed expert witnesses and conducted additional research regarding humane conditions for clients on Washington's Death Row. Penny also researched and prepared the briefing for two appeals to the Ninth Circuit. Noted Penny, "My Perkins Coie practice has evolved into one largely in federal court, but until the fellowship, I had few opportunities to actually appear there. I now feel very comfortable in court and am familiar with most of the judges in Seattle. The fellowship also helped me broaden my appellate experience through handling two Ninth Circuit appeals. That was an amazing opportunity for such a short time period."



*Nathan F. Fahrer*

## Chicago 2016

From February to October, 2009, Chicago attorney Nathan Fahrer worked in the legal department of Chicago 2016, the nonprofit organization that led Chicago's bid to host the 2016 Summer Olympic and Paralympic Games. As a member of the legal department for Chicago 2016, Nathan worked on a variety of matters including everything from drafting software license agreements to handling a multimillion-dollar agreement for the proposed site of the Olympic Village. In addition to his work on the Olympic Village, Nathan worked with members of the Outreach Advisory Council, a group of more than 65 community-based organizations, to prepare a Memorandum of Understanding that established a broad set of initiatives targeted toward housing, employment and contracting objectives related to hosting the Games. During his work for Chicago 2016, Nathan commented on how different his professional life was while working in the legal department of Chicago 2016. "As an associate, I tend to focus more on one particular area of law. As part of the Chicago 2016 legal team, I touched upon a variety of areas, including IP, labor and employment, general contracting, real estate, and state legislation, all within a single day."



*Rebecca S. Engrav*

## King County Prosecuting Attorney's Office

Seattle attorney Rebecca Engrav spent six weeks on a trial fellowship with the King County Prosecuting Attorney's Office. This is a regular program in which attorneys from private law firms are "loaned" to work as special deputy prosecuting attorneys. On behalf of the State of Washington, Rebecca prosecuted five felony narcotics cases. She tried each to a jury, four of them solo, including handling all aspects of the trials. She interviewed witnesses, briefed and argued pretrial motions, such as suppression and motions in limine, conducted voir dire, conducted direct and cross examination of witnesses, presented evidence, drafted jury instructions, and gave opening and closing arguments. According to Rebecca, "I learned so much from getting a chance to be 'on my feet' and I figured out how to deal with factual and legal issues as they arose spontaneously in the course of witness testimony and cross examination. Written communication tends to be primary in the cases we handle at the firm, so it was a real benefit for me to practice law in a setting involving primarily oral advocacy. And, it was simply tremendously fun to be in court every day."

## OTHER COMMUNITY SERVICE INVOLVEMENT

Perkins Coie has an extensive community service program that supports and promotes community service activities for attorneys and staff. The program is overseen and managed by the firm's Community Service Committee. At the firm level, Perkins Coie makes charitable contributions to deserving organizations, encourages all personnel to contribute to the United Way, and sponsors major fundraising events, such as organized walks/runs/bowl-a-thons. In addition, the firm supports attorneys and staff participating in these events.

Hundreds of our lawyers and professional staff also give back to the community by serving on nonprofit boards, holding leadership positions in bar associations and other law-related organizations, volunteering at moot court and mock trial exercises, mentoring youth and volunteering at their churches or local senior centers. When possible, we try to integrate our community service and pro bono legal efforts in order to more fully and holistically serve our clients and communities. The month of June is the firmwide "community service month." Each office participates in a local hands-on community service project during that month. Three of the organizations we supported in 2009 include Food Lifeline, St. Mary's Food Bank and the Oregon Food Bank.



*Seattle and Bellevue volunteers*

### Food Lifeline

On Saturday, June 6, 2009, a group of 25 Seattle and Bellevue volunteers sorted and repacked 24,690 pounds of food collected from the May 9 National Association of Letter Carriers food drive. The food was distributed by Food Lifeline to area food banks and provided 19,373 meals to families throughout Western Washington. In addition to our community service efforts, Bellevue attorney Jason Kuzma has provided pro bono business counseling to Food Lifeline.



*Phoenix volunteers*

### St. Mary's Food Bank

On Saturday, June 13, 2009, 18 volunteers from the Phoenix office, including attorneys, staff, summer associates and their family members, sorted and packaged food at St. Mary's Food Bank. The job was to sort and pack food that would then be sent to other nonprofits and families in crisis. The volunteers boxed about 5,200 pounds of food, which translates into about 6,400 meals.



*Oregon Food Bank*

### Oregon Food Bank

The Portland office participated in a Canned Soup and Cash Drive that resulted in 2,984 cans of soup and cash contributions donated directly to the Oregon Food Bank. The canned food drive was held June 22-30, 2009.

## RECOGNITION IN THE COMMUNITY

We are honored to be recognized for our efforts to make our communities better places to live and work.

- **Greater Seattle Business Association's first Special Recognition: Advocate for Social Justice Award** to Perkins Coie for its work on behalf of Washington Families Standing Together and the "Approve 71" campaign.
- **Lewis & Clark Law School's Small Business Legal Clinic Outstanding Pro Bono Service Award** to Portland attorney Meredith Weisshaar for her work representing low-income entrepreneurs.
- **Washington Young Lawyers Division's Professionalism Award** to Seattle attorney Kate Vaughan for her advocacy work on behalf of foster youth.
- **Jewish Family Service 2009 Outstanding Service Award** to Perkins Coie for its assistance to Holocaust survivors as part of the German Ghetto Work Payment Program.
- **Ninth Circuit Pro Bono Program** recognition to Perkins Coie for its work on behalf of the court's Pro Bono Program.
- **Norm Maleng Advocates for Youth Award** from the Center for Children and Youth Justice to Perkins Coie for its pro bono and civic work on behalf of youth in Washington.
- **Puget Sound Business Journal's Corporate Philanthropists List** ranking Perkins Coie 6th out of 25 medium-sized companies.
- **The Executive Council of the Coalition of National Park Service Retirees 1872 Award** to Washington, D.C. attorney Don Baur for his pro bono assistance.
- **American Inns of Court's Professionalism Award for the Ninth Circuit** to Seattle attorney Harry Schneider for his representation of Guantanamo Bay detainee Salim Hamdan.



*Kate Vaughan*

Seattle attorney Kate Vaughan was awarded the Washington Young Lawyers Division's Professionalism Award, which honors the practitioner from the entire Washington legal community who has greatly enhanced the profession through his or her extraordinarily noble and honorable practice of law. Kate was honored for her advocacy work on behalf of foster youth, which included spending six months as a fellow with the Center for Children and Youth Justice (CCYJ) through the firm's Community Service Fellowship program. CCYJ is a nonprofit legal advocacy organization dedicated to reforming the state's juvenile justice and child welfare system to enhance the lives of children and youth. During her fellowship, Kate focused on the legal needs of a highly vulnerable population – youth aging out of foster care. Kate also volunteered extensively with the CASA program, representing guardians ad litem in trials to terminate the parental rights of abusive or neglectful parents so that their children who are in foster care can be adopted by loving families.

- **Washington Association of Criminal Defense Lawyers President's Award** to Seattle attorney Sherilyn Peterson for her representation of a death row inmate.
- **Catholic Legal Immigration Network Pro Bono Award for 2009** for representation of immigrants in their appeals to the Board of Immigration Appeals.
- **Washington Defender Association President's Award** to Seattle attorney Marc Boman for his civic and pro bono work to improve the public defense system in Washington.
- **Oregon ACLU Foundation Civil Liberties Award** to Portland attorneys Paul Fortino, Tom Johnson and Cody Weston for their representation of Guantanamo Bay detainees.
- **Portland Business Journal Orchid Award** to Portland attorney Sarah Crooks in recognition of her civic and pro bono work.
- **King County Bar Association (KCBA) Volunteer of the Month Award** to Seattle attorney Lisa Schaures in recognition of her pro bono work for the KCBA's Legal Services for the Homeless Project.



In August 2009, Jewish Family Services of Seattle presented Perkins Coie with a JFS 2009 Outstanding Service Award for its work assisting Holocaust survivors in obtaining reparations from the German government. The German Ghetto Work Payment program was established to pay symbolic compensation to survivors who had performed “voluntary” work in German-controlled ghettos from 1939-1944. This national pro bono effort to assist survivors was launched by Bet Tzedek, a legal services organization in Los Angeles. As part of the Bet Tzedek Holocaust Survivors Justice Network, thousands

of attorneys, paralegals and other professionals worked nationwide in partnership with social service agencies to deliver pro bono legal services to Holocaust survivors.

Attorneys in our Seattle, Phoenix and Denver offices provided pro bono legal assistance to Holocaust survivors and continue to do so through the next phase of this project whereby survivors may now be eligible for ongoing pension payments as a result of changes in German law.

## PRO BONO LEADERS IN THE FIRM

Perkins Coie established the Perkins Coie Pro Bono Leadership Award in 2001 to recognize one or more firm lawyers each year for demonstrating outstanding leadership and commitment in providing pro bono services. Chosen by the firmwide Pro Bono Committee, award recipients are honored for their pro bono work, the diversity of which reflects the strength and breadth of the firm's pro bono program.

Award winners are not only recognized within the firm, but are also given the opportunity to direct a \$1,000 charitable contribution to the legal services organization of their choice. 2009 was an exceptional year for the firm in terms of both the hours provided and diversity of projects. This year the Pro Bono Committee chose to honor two recipients with the 2009 Pro Bono Leadership Award: Portland Commercial Litigation attorney Julia Markley and the Illinois Reform Commission (IRC) team.



Julia Markley was selected because of her extraordinary pro bono work. Throughout her career, Julia has contributed her time to assist those who may not otherwise have access to legal counsel. In 2009, she defended the ACLU against racketeering allegations and other charges, defended a client's claim of unlawful seizure by police and helped save the life of an El Salvadorian national who had come to the United States to escape torture and threats to his life by the local police. Thanks in large part to Julia's efforts before the Ninth Circuit and the local immigration court, her client was successful in obtaining withholding of removal and withholding under the Convention Against Torture. Because of this outcome, the Department of Homeland Security was forced to bring back to the United States a person whom it had wrongfully deported, which is an extremely rare occurrence. The client is now living in California with relatives. Julia regularly partners with colleagues to work on pro bono cases that positively impact the lives of individuals.

*Julia Markley*



Led by Chicago attorney Patrick Collins, the IRC team was chosen for its effort to bring about ethical reform in Illinois. Collectively, the team, which numbered more than 50 members, contributed several thousand hours to this important project. Some senior staff team members who helped lead the IRC's efforts included Chicago attorneys Jade Lambert, Joel Levin, Susan Lauer and Nadia Kiyani. Patrick and the other team leaders each contributed several hundred hours to the project. Commission members traveled across Illinois gathering public input through town hall meetings and hearings. The public feedback, along with other recommendations, were compiled into a report and presented to the Illinois General Assembly. IRC team members effected systemic change within the Illinois political system by helping to change many of the state's laws. For more details about the IRC team's work, see page 5 of this report.

*Patrick Collins*

## Staff Certificates of Appreciation

The Pro Bono Committee also recognized staff members for their extraordinary work in support of the firm's pro bono efforts in 2009. These individuals were selected for recognition based on nominations submitted by lawyers and staff at the firm. The Pro Bono Committee thanks the following individuals for their extra efforts on behalf of our pro bono clients: Teresa Anders, Judy Brandon, Becky Brezenoff, Karen Campbell, Judy Casey, Barbara Ditchey, Jane Frissell, Erin Gladson, Andrea Homier, Amy Jarrell, Heidi Knoch, Bethany Ming, Tabitha Moe, Amber Norris, Gina Nyberg, Theresa Osburn, Rosa Ravelo, Deana Scott, Alan Shirk, Bea Stam and Brooke Stopherd.

We know that many other members of our staff also provided valuable support on behalf of our pro bono clients. We thank all of you for your dedication and support.

## CONTRIBUTORS WITH 50 OR MORE PRO BONO HOURS

The Pro Bono Committee would like to thank the following Perkins Coie lawyers and paralegals who provided 50 or more hours of pro bono services to our clients in 2009:

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CONTACT: Leah Medway, *Pro Bono Counsel*

E-MAIL: [LMedway@perkinscoie.com](mailto:LMedway@perkinscoie.com)

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*April 2010*