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# Pro Bono Practice

2008 Annual Report

CLEARY  
GOTTLIEB

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In 2008, Cleary Gottlieb ranked #10 on *The American Lawyer's A-List* – a carefully weighted ranking of the top 20 AmLaw 200 firms based on revenue per lawyer, pro bono performance, treatment and development of junior lawyers, and workplace diversity.

Cleary Gottlieb is one of only four firms to have been ranked among the top 10 on the list every year since its inception in 2003.

# Introduction

Cleary Gottlieb logged 65,526 pro bono and public service hours in 2008 – over 3 percent of all billable hours.

In 2008, approximately two-thirds of all Cleary Gottlieb lawyers worldwide were active in pro bono and public service programs with 98 partners, 30 counsel/senior attorneys, 474 associates and 98 summer associates taking part in various firm initiatives. On average, 56 hours of pro bono and public service time were billed per lawyer worldwide. In the U.S. offices, lawyers devoted an average of 90 hours per year to pro bono and public service work.



The firm opened 142 new matters in 2008, addressing international human rights and immigration, not-for-profit law, domestic violence, arts and entertainment law, community development, civil rights, education and children's rights, family law, housing litigation, criminal defense, and homelessness, veterans' rights, and environmental law.

In 2008, Cleary Gottlieb lawyers continued to dedicate a significant amount of time and energy to the firm's pro bono practice. As a result, the firm once again surpassed its pledge of devoting at least 3 percent of all billable hours to pro bono clients. This steadfast effort reflects the firm's long-standing philosophy on pro bono work – that it is a privilege to practice law and a duty to give back to the community.

Cleary Gottlieb lawyers worked on a broad spectrum of pro bono and public service projects last year. Our lawyers argued and won path-breaking decisions for immigrants in the federal courts of appeals, before the Bureau of Immigration Affairs, and in front of immigration judges; assisted veterans as well as other indigent persons with disabilities in gaining access to benefits; continued to represent a large number of Hurricane Katrina survivors with their FEMA and Mississippi Development Authority claims; helped to secure educational opportunities for students in underserved school districts; prosecuted a discrimination suit on behalf of an HIV positive minor who was denied admission to basketball camp due to his status; guided not-for-profit organizations through the incorporation process, as well as with tax, real estate, contracts and intellectual property issues; fought for tenants' rights in bankruptcy court; protected the rights of domestic violence survivors by filing for orders of protection, immigration relief, and in one instance suing against unlawful firing by her former employer; fought for redress in wage and hour matters; represented Guantánamo Bay detainees; handled criminal appeals; and partnered with not-for-profit organizations on community development and affordable housing projects.

## CALENDAR OF EVENTS

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### January

Cleary Gottlieb designed and hosted the Legal Aid Society-sponsored CLE seminar on How to Draft a Will for Low-Income Elderly. Associates Chi Yu Liang and Leslie Geller instructed approximately 40 lawyers on how to interview the client, assess the information collected and prepare the appropriate documents for seniors with small estates.

Cleary Gottlieb hosted the annual Washington Irving High School (WIHS) Financial Aid Night. Volunteers from the firm assisted WIHS seniors and their parents in completing financial aid forms and answered questions concerning scholarships, grants and other types of funding assistance for college.



In 2008, Cleary Gottlieb's pro bono practice received honors for its outstanding services from Sanctuary for Families, the federal judiciary of the District of Columbia, the Legal Aid Society, the New York City Bar Association and Legal Services for NYC.

Cleary Gottlieb continued to work with other law firms to increase the overall provision of legal services to those in need. Among other efforts, in New York, the firm worked with six other law firms to organize and sponsor the sixth New York City Law Firm Pro Bono Coordinators Meeting.

Cleary Gottlieb lawyers met regularly with not-for-profit legal service providers, public interest law groups and long-standing pro bono clients to discuss the latest trends in pro bono service provision and to determine how the firm's vast and varied legal talent could be best used to continue to assist communities in need.

**PARTNERS AND ASSOCIATES ON THE  
COMMUNITY LEGAL ASSISTANCE COMMITTEE  
(CLAC) IN 2008:**

Lewis Liman, *Chair*  
David Sugerman, *Vice Chair*  
Penelope Christophorou  
Evan Davis (*ex officio*)  
Hadi Deeb  
Dana Fleischman  
Paul Glotzer  
Kara Hailey  
Steven Horowitz  
Jennifer Kennedy  
Mitchell Lowenthal (*ex officio*)  
Thomas Moloney  
Francesca Odell (*ex officio*)  
David Rush  
Allan Sperling (*ex officio*)  
Mark Walker (*ex officio*)  
David Webb (*ex officio*)

**CALENDAR OF EVENTS**

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**January (Continued)**

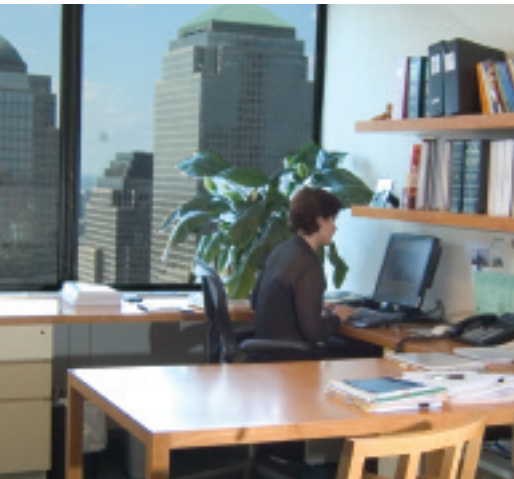
Cleary Gottlieb volunteers coached WIHS's Model United Nations Team in preparation for their international conference at Columbia University. The team did very well and one student won an award for being the best delegate on his committee.

Cleary Gottlieb hosted WIHS's Winter Emerging Artists Art Show in the Cleargo Gallery.

# Sanctuary for Families

## STAFFING DEVELOPMENTS

**Maurya Couvares** volunteered to succeed **Amelia (Amy) Sanchez-Moran** as the firm's Courtroom Advocates Project (CAP) coordinator. Maurya assists **Carrie Grimm**, the firm's pro bono administrator, and the SFF staff in arranging the CAP trainings and also maintains information about past and present participants.



**Sanctuary for Families (SFF)** is the largest not-for-profit in New York State dedicated exclusively to serving domestic violence victims and their children, helping thousands to build safe lives by offering a range of high quality services to meet their complex needs.

Since 1996, Cleary Gottlieb has dedicated nearly 50,000 hours of pro bono representation to SFF clients on matters spanning immigration, family law, trusts and estates, and civil rights litigation. In addition to pro bono support, SFF is a regular beneficiary of donated technology equipment, graphic design assistance, conference rooms for meetings and trainings, as well as generous financial support, and the firm's associates were among the founding members of SFF's Associates Committee. In addition, Cleary Gottlieb staff donated more than 60 bags of clothing, toys and books to benefit SFF during the Women's Working Group's fifth annual winter donation drive.

## CALENDAR OF EVENTS

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### February

Cleary Gottlieb organized and participated in the sixth annual NYC Law Firm Pro Bono Coordinators Meeting, which was attended by more than 70 representatives from over 50 area firms. Discussion topics included how law firm pro bono practices can enhance and/or be enhanced by firms' professional development, recruiting, marketing and diversity departments.

The firm held a screening of the award-winning documentary *When I Came Home* for lawyers interested in learning more about our efforts to support veterans. The screening included a brief introduction to our legal work representing veterans before the Veteran's Administration in applications and appeals for disability benefits.

The WIHS SAT preparatory course given by the firm every year was launched this month, with classes held every Saturday morning through May. Cleary Gottlieb lawyers and staff joined together to prepare students for both the math and verbal sections of the SAT.

### **Asylum and U Visa Cases**

At the end of 2008, the firm had 14 active cases referred by SFF, including affirmative asylum matters, matters before the immigration court, family court matters and several U visa matters. The active asylum claims are on behalf of women fleeing honor killings, female genital cutting/mutilation, arranged marriages, and beatings at the hands of their husbands. Cleary Gottlieb works closely with SFF staff to ensure our clients have proper access to mental health care.

In 2008, Cleary Gottlieb filed its first U visa applications. The U visa is a remedy for immigrant victims who have been helpful with the investigation or prosecution of certain crimes committed against them, and have suffered substantial physical or emotional harm as a result. The legislation was passed in 2000, but implementing regulations were not promulgated until September 2007.

Since 2000, SFF had submitted over 400 requests for interim relief under the U visa statute, which allowed the applicants to remain in the United States legally and obtain employment authorization. The recipients of interim relief had until April 17, 2008 to file the newly created U visa applications. If by that date no such application had been filed, removal proceedings could be initiated against anyone who previously received interim relief. With hundreds of clients granted interim relief and only 6 months to file applications, SFF reached out to law firms and Cleary Gottlieb answered the call, to ensure timely filing for the clients.



### **CALENDAR OF EVENTS**

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#### **March**

Representatives from Lawyers Alliance for New York City's largest provider of business law services to the not-for-profit community, joined Cleary Gottlieb lawyers for an informational luncheon. Lawyers Alliance provides direct services as well as pro bono opportunities for law firms. Since 1989, Cleary Gottlieb has had an externship program with Lawyers Alliance, whereby our associates work full-time at the Lawyers Alliance office for four months on a rotating basis.

Cleary Gottlieb volunteers coached WIHS's Mock Trial Team. The team had impressive performances against Essex Street Academy and the Bronx School for Law and Government.



### **Courtroom Advocates Project**

Understanding both the importance of family courts within the legal system and how underserved the participants in that court often are, Cleary Gottlieb has long participated in the Courtroom Advocates Project (CAP) to help fill the existing gap in advocacy, education and services in New York City's Family Courts. Through CAP, law students and non-admitted lawyers are trained, supervised and mentored in the intake and processing of legal matters that come through these courts.

To recruit volunteers for this effort Cleary Gottlieb hosted a luncheon with SFF, which included a presentation reviewing the evolution of family law, as well as the challenges that domestic violence survivors face in the justice system today. The luncheon was followed up by two CAP trainings: one for summer associates and the other for first-year associates. After attending a training, law clerks and first year lawyers participated in the CAP program by spending a day in family court interviewing domestic violence survivors and assisting them in drafting and obtaining orders of protection.

### **CALENDAR OF EVENTS**

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#### **April**

The Community Legal Assistance Committee of Cleary Gottlieb hosted the 2008 Pro Bono Appreciation Event. Lewis Liman made the opening remarks and Timothy Mayopoulos, Executive Vice President and General Counsel, Bank of America Corporation, was the keynote speaker. All lawyers who billed 100 or more hours to pro bono and/or public service projects were honored.

Cleary Gottlieb associates Tanisha Massie, David Rush and former associate Joe Landau planned, designed and conducted the annual in-house asylum and immigration training CLE with support from former paralegal Elyse Richardson. The training seminar is a half-day long program to prepare Cleary Gottlieb lawyers to represent asylum seekers and other immigrants at all levels of their application process.

# ACCIÓN USA Partnership

ACCIÓN USA (formerly ACCIÓN NY) is a not-for-profit organization offering loans to self-employed individuals who do not have access to traditional forms of business credit. With these loans, ACCIÓN USA increases business and family incomes, creates jobs, and revitalizes economically disenfranchised neighborhoods nationwide including in New York City. Cleary Gottlieb works in partnership with ACCIÓN USA to provide financial and educational tools that build and foster economic independence in the organization's clients.

Since 1998, Cleary Gottlieb has offered pro bono legal services to approximately 157 ACCIÓN USA clients. In 2008, lawyers at the firm provided counsel to 10 microentrepreneurs in the incorporation and structuring of businesses, navigating tax matters, attaining commercial leases, negotiating and drafting contracts, and forming partnerships. ACCIÓN USA's client base of microentrepreneurs include barbers, bakery owners, jewelry designers, shoe store owners, marketing consultants and film distributors, among others. The majority of ACCIÓN USA clients are Spanish speakers.

By providing pro bono services, Cleary Gottlieb helps establish successful individual ACCIÓN USA businesses and also contributes to the greater development of the community as a whole. The firm's partnership with ACCIÓN USA provides Cleary Gottlieb lawyers with the opportunity to work with microenterprises at a stage when business and legal advice is crucial to the businesses' success. The collaboration between Cleary Gottlieb and ACCIÓN USA has been and will continue to be a rewarding experience for the lawyers and clients alike.

## CALENDAR OF EVENTS

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### April (Continued)

The federal judiciary of the District of Columbia honored Cleary Gottlieb's Washington, D.C. office for its pro bono work. Cleary Gottlieb was one of the Washington, D.C. law firms in which 40 percent or more of both its partners/counsel and its associates devoted at least 50 hours to pro bono legal services in calendar year 2007.

Cleary Gottlieb hosted a college fair for all WIHS juniors, where more than 60 college representatives offered recruiting materials and answered questions about the admissions process for students.

## STAFFING DEVELOPMENTS

ACCIÓN USA: Associate **Dalmau Garcia** joined partner **Francesca Odell** in directing the ACCIÓN partnership. Garcia and Odell ensure proper staffing on cases and provide mentoring to volunteer associates as needed on ACCIÓN matters.

**Teal Emery** joined **Paula Agulla** and former paralegal **Isabel Mattina** as paralegal coordinators of the ACCIÓN partnership. Emery and Agulla process ACCIÓN client in-take, maintain the program database and assist ACCIÓN lawyers in staffing new matters.

*"I have been involved in the ACCIÓN program at Cleary for over 5 years now and I continue to find the experience as rewarding, both on a personal and professional level, as I did when I first started working on ACCIÓN projects. ACCIÓN provides associates at the firm with a unique opportunity to advise and assist clients in many different legal aspects relating to their growing businesses, and, in doing so, tackle real and tangible issues that any business client, no matter how large or small, inevitably faces in today's legal and business landscape."*

—Dalmau Garcia, Cleary Gottlieb Associate

*"When I began working with my ACCIÓN client, she was in significant distress. The landlord of the building in which her store is located had decided to repair certain damage to the property without consulting her, during which time she would be forced to close her store. The repair period ultimately lasted a period of 13 days, during which time my client suffered significant financial losses. Over the course of a few months, we worked together to negotiate with the landlord a temporary rent reduction to compensate her for these losses. The process was very rewarding for me because I was able to contribute to the relief of my client's financial and emotional distress during a period in which many small business owners, including my client, are suffering from the economic downturn."*

—Joshua Kalish, Cleary Gottlieb Associate



# International Human Rights and Immigration

## STAFFING DEVELOPMENTS:

Cleary Gottlieb lawyer **Arminda Bepko** joined **Tanisha Massie** and **David Rush** as coordinators of the firm's immigration practice group. As coordinators, Bepko, Massie and Rush assist other firm lawyers with legal and procedural questions on immigration matters, keeping them abreast of recent legal and procedural developments and organizing the in-house immigration CLE training.



**Meredith Pitts** and **Asima Ahmad** succeeded **Elyse Richardson** as the firm's immigration practice paralegal coordinators. Ahmad and Pitts assist the immigration practice coordinators and maintain the Cleary Gottlieb database of immigration cases.

In 2008, the firm opened 27 new international human rights cases, 17 of which involve immigration and/or asylum issues. This year the firm's associates won eight immigration victories for clients from around the world, including the Caribbean, Africa, the Middle East, Asia, and Central and Latin America. The remaining cases await resolution by the U.S. Bureau of Citizenship and Immigration Services (USCIS) and immigration courts.

As post-9/11 developments increasingly narrow the prospects for aliens seeking to remain within U.S. boundaries, Cleary Gottlieb has taken on more cases at the appellate level, briefing and arguing before the Board of Immigration Appeals and the federal appellate courts.

In one such matter, the United States Court of Appeals for the Second Circuit praised Cleary Gottlieb for its outstanding advocacy and encouraged other lawyers to "follow in their example." On behalf of Mr. G.A., associates from the firm successfully argued before the Second Circuit in his petition for review of a Board of Immigration Appeals decision denying a motion to reopen deportation proceedings and rescind an order of deportation. The decision by the Court clears the way for Mr. G.A. to receive a long awaited hearing on the merits of his case, which he was denied due to the ineffective assistance of his previous lawyers.

Throughout 2008, Cleary Gottlieb continued its partnership with the leading immigrants rights organizations and public interest law firms. Cleary Gottlieb handled cases referred from the Door, Human Rights First, Tahirih Justice Center, the Legal Aid Society, Immigration Equality and the New York Public Defenders Association Immigrant Defense Project.

## CALENDAR OF EVENTS

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### May

Cleary Gottlieb's annual summer associate pro bono luncheon was held to introduce summer associates to the diverse range of pro bono opportunities at the firm.

The firm also hosted a luncheon with representatives from Sanctuary for Families (SFF), a legal services provider for domestic violence survivors. Guest speaker Jennifer Friedman, director of the Courtroom Advocates Project (CAP), discussed opportunities for not-yet-admitted lawyers to provide legal counsel to SFF clients in family court.

Cleary Gottlieb hosted WIHS's Spring Emerging Artists Art Show in the Cleargo Gallery.

The firm's international human rights docket includes providing counsel to several microfinance institutions, such as FINCA International, ACDIVOCA, Pro Mujer, Building Resources Across Communities, and Nobel Prize winner Grameen Foundation; the continuing representation of Guantánamo Bay detainees; advising Liberia on the ratification of international treaties; providing analysis and advice on public international law matters to Independent Diplomat, an organization dedicated to advising inexperienced and marginalized groups on how to have their voices heard in diplomatic and international affairs; advising the Afghanistan Legal Education Project, which supports the American University of Afghanistan's efforts to develop a modern law school to teach the new constitution and statutes to future members of the country's legal community; and working with global health specialists to produce an international legal framework for a malaria elimination feasibility assessment being conducted for the government of Zanzibar that will provide a platform for other countries as well.



Cleary Gottlieb successfully represented a long-time, lawful U.S. permanent resident before the United States Second Circuit Court of Appeals in his petition for review of a Board of Immigration Appeals decision denying a motion to reopen deportation proceedings and rescind an order of deportation.

## CALENDAR OF EVENTS

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### June

Cleary Gottlieb hosted a citywide CAP training for summer associates and lawyers not yet admitted to practice. The CAP program, which trains future lawyers in assisting women with filing orders of protection against their batterers, is organized by Sanctuary for Families.

Cleary Gottlieb continued its sponsorship of a summer fellowship with the Harvard Immigration and Refugee Clinic, which enables a law student to work as a fellow assisting refugees and immigrants in search of human rights and immigration-based protections.

Cleary Gottlieb organized its traditional, end-of-the-school-year "Cleary Day" at WIHS, whereby volunteers from the firm meet students and teachers on their own turf and participate in enriching team-building activities.

# Externships in Public Interest Law

*“The MFY externship is an unparalleled experience for young associates. At MFY, the externs, like the full time staff attorneys, are responsible for every aspect of case management and exercise the full panoply of skills that are essential to litigation. Externs gain experience drafting, presenting oral arguments and conducting trials. Not only is the externship a great learning experience, it is extremely gratifying. I improved my negotiation skills, learned to manage client expectations and gained experience communicating with adversaries. I would recommend the experience to any associate interested in improving their advocacy skills.”*

—JoAnn Kamuf, Cleary Gottlieb Associate



*“Being an extern at MFY allowed me develop and polish advocacy skills and manage my own cases, all while helping some of New York’s neediest citizens. The externship offers Cleary associates an incredibly rewarding opportunity.”*

—Luke Barefoot, Cleary Gottlieb Associate

Testament to the firm’s deep-rooted commitment to pro bono and the importance of giving back to the communities in which it serves, Cleary Gottlieb became the first law firm to provide public interest law externships in 1968, and has continued to do so for over 40 years. In 2008, Cleary Gottlieb sponsored two public interest externship programs, whereby on a rotating basis Cleary Gottlieb associates are placed for four months in a full-time position at one of two legal service organizations in New York City.

## **MFY Legal Services, Inc.**

Since 1969, Cleary Gottlieb has sponsored an externship at MFY Legal Services, Inc. (MFY). MFY provides civil legal representation and community education to nearly 5,000 households each year. The organization’s effectiveness over the years has been rooted in community participation and its collaborative delivery of services that address the multiple and interrelated problems affecting low income families and individuals. Approximately 156,000 eligible low-income people reside in MFY’s Manhattan service areas of Chinatown, Lower East Side, Manhattan Valley, East Harlem and Clinton. Cleary Gottlieb externs generally work in MFY’s housing department and represent indigent New Yorkers in housing court.

## CALENDAR OF EVENTS

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### **June (Continued)**

As part of the Legal Aid Society Associates’ Campaign, representatives from the Legal Aid Society met with Cleary Gottlieb volunteers to speak about their practices and how Cleary Gottlieb associates can help support their programs.

Cleary Gottlieb was selected by the New York City Bar Association Committee on Capital Punishment to receive the 2008 Thurgood Marshall Award for Capital Representation in recognition of the firm’s counsel to former death row inmate Erksine Johnson.

### Lawyers Alliance for New York

Created in 1989, Cleary Gottlieb's externship with Lawyers Alliance for New York (Lawyers Alliance) continues to provide the firm's corporate lawyers firsthand experience in the world of not-for-profit law. Lawyers Alliance is New York City's largest provider of business law services to the not-for-profit community and provides pro bono opportunities for law firms and in house counsel. Lawyers Alliance staff and volunteers serve thousands of not-for-profit clients each year, advising them on corporate structure and governance, tax, real estate, employment and other business and transactional law issues. The legal services provided strengthen the organizations' abilities to achieve their missions and improve the lives of the communities and individuals that they serve.

*"The Lawyers Alliance externship provided me with opportunities to assist worthy New Yorkers with a wide range of legal issues; each day brought a unique story, a stimulating challenge and a host of unexpected surprises. I can't think of a better means of putting corporate legal skills to use for the public good, and I couldn't have been more fortunate for the chance to work with such a talented, passionate and warm team of professionals."*

—David Flechner, Cleary Gottlieb Associate



*"Through Cleary's externship program at Lawyers Alliance for New York, I had the opportunity to develop and enhance valuable lawyering skills while assisting organizations and individuals who strive on a daily basis to improve the lives of New York City residents. The work is challenging, interesting and immensely fulfilling and I benefited from being able to work with and learn from the committed, bright and knowledgeable attorneys at Lawyers Alliance. I am grateful for the friendships and connections I made within the not-for-profit community during my time at Lawyers Alliance and firmly believe that working there has made me a better and more well-rounded lawyer."*

—Elizabeth Mandell, Cleary Gottlieb Associate

### CALENDAR OF EVENTS

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#### June (Continued)

Cleary Gottlieb was honored by SFF at its annual Zero Tolerance Benefit with the Law Firm Leadership Award. Cleary Gottlieb partner and SFF Board member William Gorin accepted the award on behalf of the firm.

Cleary Gottlieb hosted a training to launch the firm's participation in the Transgender Legal Defense and Education Fund's Name Change Project.

# Not-for-profit Clients



At Cleary Gottlieb, pro bono encompasses a diverse range of projects and draws on lawyers from various practice areas throughout the firm. Lawyers in the firm's corporate practice have been increasingly involved in pro bono activities through Cleary Gottlieb's growing relationships with not-for-profit organizations. Many of these entities need assistance incorporating, finding suitable tax structures and understanding how corporate governance laws affect them, among other issues. A sampling of organizations for which Cleary Gottlieb has done work in 2008 is included below.

**Brooklyn Bridge Park Conservancy:** Cleary Gottlieb provided legal counsel with regard to the creation of a temporary "pop-up" park on Pier 1 on the Brooklyn side of the East River during the summer of 2008. Nearly 200,000 visitors came to this summer park to relax and enjoy concessions amidst waterfront views as well as views of the New York City Waterfalls. The summer park provided a small but exciting preview of the future piers section of Brooklyn Bridge Park.

**Community Connections for Youth, Inc.:** Cleary Gottlieb assisted the organization with incorporating as a not-for-profit under New York law and is now assisting them with their 501(c)(3) and tax-exempt filings. Community Connections for Youth, Inc. seeks to empower indigenous neighborhood organizations to operate effective community-based alternative-to-incarceration programs for youth.

**Coney Island Preparatory Charter School:** Cleary Gottlieb assisted the organization with 501(c)(3) and tax-exempt filings. Coney Island Prep runs a rigorous academic program with a strong focus on writing and supportive and structured school community with the goal to ensure students in grades 5-12 develop the academic skills and character necessary for success in selective secondary schools and their careers.

## CALENDAR OF EVENTS

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### July

Jennifer Brown, Legal Momentum's legal director, joined us to discuss the organization's mission, programs and pro bono opportunities. Founded in 1970, Legal Momentum (formerly NOW LDEF) is the nation's oldest legal advocacy organization dedicated to the advancement of the rights of women and girls.

Cleary Gottlieb hosted a training by the Sex Workers Project of the Urban Justice Center on how to prepare T visas for trafficked persons. The Sex Workers Project provides legal services and legal training, and engages in documentation and policy advocacy for sex workers.

**FINCA International:** The firm reviewed ongoing financing transactions and developed model financing agreements for the organization. FINCA International is a microlending organization with a mission to provide financial services to the world’s lowest-income entrepreneurs so they can create jobs, build assets, and improve their standard of living. With 21 programs in Africa, Eurasia, the greater Middle East and Latin America, FINCA provides life-improving small loans, averaging \$532, to nearly 700,000 clients, who repay their loans at a remarkable 97 percent.

**Hope Shines:** Cleary Gottlieb is assisting the organization with 501(c)(3) and tax-exempt filings as well as providing general tax and corporate law advice. Hope Shine’s purpose is to foster the personal development and empowerment of children and families in Africa through mentoring relationships and activities with local and international mentors. Starting in 2008, Hope Shines successfully launched its first week-long day camp for female orphans at the Rebero Orphans Center, outside of Kigali, Rwanda.

**Independent Diplomat, Inc.:** Cleary Gottlieb helped Independent Diplomat, Inc., an organization dedicated to advising inexperienced and marginalized groups on how to have their voices heard in diplomatic and international affairs and in organizing as a not-for-profit. The firm also provided substantive legal advice on issues of public international law as well as on human resources matters.

**Nolkup:** Cleary Gottlieb assisted the organization with 501(c)(3) and tax-exempt filings. Nolkup’s mission is to assist in providing clean water in rural Bangladesh, where a major challenge is naturally occurring high concentrations of arsenic in the ground water – the chief source of drinking water in rural Bangladesh. Nolkup provides information about safe well digging practices, using a statistical algorithm that computes the optimal well depth and an insurance providing project, whereby Nolkup, in conjunction with local insurance providers, will price and provide arsenic insurance for wells in Bangladesh.

#### CALENDAR OF EVENTS

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##### July (Continued)

Cleary Gottlieb participated in Legal Outreach’s summer legal internship program for public high school students. Legal Outreach is one of the largest pipeline diversity programs in the country, providing programs designed to assist students in pursuing a college education and beyond. Cleary Gottlieb welcomed select students as summer interns for one week. WIHS students with summer jobs at Cleary Gottlieb also participated for a week of legal research, mock contract negotiation, brief writing and litigation.





**Nuru Project, Inc.:** Cleary Gottlieb assisted Nuru Project, Inc. draft its organizational documents and is in the process of helping the organization obtain 501(c)(3) tax-exempt status. Nuru’s goal is to host photography exhibits and educational events that raise public awareness of important social issues affecting people in the developing world and to inspire humanitarian efforts to resolve these problems.

**Pro Publica:** Cleary Gottlieb helped organize this 30-person non-profit investigative reporting agency, whose work has been featured in *The New York Times* and other national outlets. We also helped with lease negotiations and intellectual property issues.

**Project Sunshine:** Cleary Gottlieb helped the organization register for tax-exempt status in New York State. In addition, Cleary Gottlieb connected the organization with six lawyers in other states for not-for-profit registration. Project Sunshine’s mission is to energize and empower volunteers to bring impactful programs to children living with medical challenges and their families. Each year 10,000 volunteers deliver educational and recreational programming to 60,000 children and their family members in 150 medical facilities across the United States, Canada, Kenya, China and Israel. Cleary Gottlieb’s Hong Kong office provided Project Sunshine with expertise in Chinese NGO registration, by liaising and coordinating with Chinese law firms.

**The Rural China Education Foundation (RCEF):** RCEF is a worldwide not-for-profit organization dedicated to improving the lives of rural Chinese children through quality education, including supporting curriculum and teaching methods that enable well-rounded development, inspire joy in learning, and prepare students to make positive change in their communities. Cleary Gottlieb assisted with corporate structuring advice relating to operations in China and the United States.

#### CALENDAR OF EVENTS

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##### August

Cleary Gottlieb hosted a citywide meeting of pro bono coordinators with guest speakers from the Federal Capital Habeas Project (the 2255 Project). The representatives informed the coordinators about pro bono opportunities available through the 2255 Project.

**Sauti Yetu Center for African Women, Inc.:** Sauti Yetu means “Our Voice” in Swahili, a language spoken in most of east and central Africa. It is a not-for-profit organization based in New York City that empowers immigrant African women and girls to articulate, demand and exercise their human rights, with a focus on reproductive and sexual health and rights, gender-based violence, and enhancing women’s and girls’ leadership. Cleary Gottlieb assisted Sauti Yetu in understanding its rights and obligations under its existing commercial lease and in renegotiating a new lease.

**Wildcat Service Corp:** Cleary Gottlieb continues to help this 35-year-old job training and placement organization, which pioneered many of the techniques used by agencies nationwide. Our assistance includes general corporate work, as well as litigation.

#### CALENDAR OF EVENTS

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##### September

Jennifer Ching, the director of the recently established New York office of Appleseed, joined interested lawyers for an informational luncheon. Appleseed is a network of 16 public interest justice centers in the United States and Mexico dedicated to building a society where opportunities are genuine, access to law is universal and government advances the public interest.

The Legal Aid Society honored Cleary Gottlieb with the “Most Creative Fund-raising Strategies Award” for our June Associates Committee fund-raising campaign.





# New Projects



## TECHNOLOGY UPDATE:

**Chris Fanelli, Igor Edelstien, Karl Schmitt and Cleary Gottlieb's IT Department** further enhanced the time-saving pro bono reporting system to include automated status update reminders. The system also enables the firm to issue reports on pro bono work for surveys conducted by the American Bar Association and publications, such as *The American Lawyer*, at the click of a button.

At Cleary Gottlieb, pro bono is not a static set of programs. The firm encourages its lawyers to take initiative on new projects, which helps keep everyone at the firm excited about the many pro bono opportunities available to them. Some of the new programs the firm began in 2008 are listed below.

**Afghanistan Legal Education Project:** Cleary Gottlieb assisted Stanford Law School's Afghanistan Legal Education Project (ALEP) in designing a law school curriculum for the American University of Afghanistan. After the fall of the Taliban government in 2001, Afghanistan adopted a new constitution and new statutes pursuant to that constitution, but the country does not yet have textbooks that teach students the post-Taliban constitutional framework. ALEP is filling this void by writing textbooks and preparing statutory supplements that teach the new constitution and laws of Afghanistan. Cleary Gottlieb has contributed to chapters in those textbooks on tax law, commercial law, property law and criminal law. Cleary Gottlieb has also helped draft ALEP's bylaws and provided ALEP strategic guidance on fundraising and other matters.

**Education Law Research Project:** Cleary Gottlieb is assisting Appleseed in researching and drafting potential legislation aimed at increasing low-income parental involvement in New York City schools by providing an "education duty" law akin to family leave, whereby a parent could take several hours of leave per year to attend school-related activities, such as parent-teacher conferences or PTA meetings.

## CALENDAR OF EVENTS

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### October

Cleary Gottlieb hosted a training session for the Homeless Experience Legal Protection (HELP) Program on October 2nd. This program was created by Federal Judge Jay Zainey and pioneered in New Orleans in 2000 to assist the homeless population by addressing its legal needs. Volunteers dedicated time once a week to answer questions and provide counsel to those seeking services at three New York homeless organizations – Urban Pathways, Project Renewal and CEO Works.

Over 25 Cleary Gottlieb volunteers began mentoring WIHS students in a Big Brother/Big Sister-style relationship.

The WIHS SAT intensive preparatory course was given to WIHS seniors as a refresher from the course during the spring. Classes were held on Saturday mornings during October and Cleary Gottlieb lawyers and staff helped refresh students for both the math and verbal sections of the SAT.

**Federal Capital Habeas Project:** In 2008, Cleary Gottlieb took on its first case from the Federal Capital Habeas Project (the 2255 Project). The firm represents a man held on federal death row in his 2255 proceedings. Capital § 2255 litigation is a relatively new endeavor. Fewer than a dozen such cases have been litigated to completion since 1988, when the first post-Furman federal death penalty statute was enacted. However, due in part to the expansion of the federal death penalty in 1994, the last decade has seen a sharp increase in both the size of the federal death row and the number of capital cases entering § 2255 proceedings. Due to the unprecedented growth of the federal death row, the Office of Defender Services initiated a project in 2006 to address the urgent need for qualified representation in the complex and largely uncharted waters of capital § 2255 litigation. The mandate of the Federal Capital Habeas Project is to monitor the status of capital § 2255 litigation; identify, recruit and recommend qualified counsel to represent indigent inmates in post-conviction proceedings; and to consult with and train appointed counsel.

**German Ghetto Fund Project:** In September 2007, the German government announced the establishment of a German Ghetto Payment Program to pay symbolic compensation to victims of persecution for work done while living in Nazi-controlled ghettos. This reparation program pays a one-time award of 2000 Euros to survivors who performed work that did not qualify as “forced labor” and thus was not covered by previous reparation programs. In the United States, 25,000 potentially eligible survivors were notified of this program. Cleary Gottlieb joined the wider law firm community in helping men and women in the New York area successfully file applications for the payment. Volunteers meet with clients both in their homes and in clinic settings to listen to the survivors’ stories and convey the relevant information to the German government.



## CALENDAR OF EVENTS

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### October (Continued)

The Legal Aid Society honored Cleary Gottlieb for its outstanding pro bono service. In addition, Cleary Gottlieb associate Ed Saad was honored at the Legal Aid Society’s Annual Pro Bono Awards and Law Firm Recognition Ceremony.

Alison Sclater, the pro bono director of the New York Legal Assistance Group (NYLAG), joined Cleary Gottlieb lawyers for an informal luncheon. NYLAG is a not-for-profit law office that provides free civil legal services to low-income New Yorkers in most areas of poverty law. Alison spoke about NYLAG’s various programs and pro bono opportunities.

On October 30th, Cleary Gottlieb was honored by Legal Services NYC with their 2008 Pro Bono Leader Award for our work with Brooklyn Legal Services Corporation A’s (Brooklyn A) Disability Appeals Project. Cleary Gottlieb and Brooklyn A’s Disability Appeals Unit jointly developed the program in 2005.



Cleary Gottlieb successfully concluded several arts, not-for-profit, land use and affordable housing deals this year, including advising the Brooklyn Bridge Park Conservancy with the creation of a pop up park from which an art installation could be viewed.

The firm also represented several microfinance institutions, including the Grameen Foundation USA, whose affiliate organization received the 2006 Nobel Peace Prize, in several innovative financing programs for microfinance institutions.

**Transgender Rights:** Transgender Legal Defense and Education Fund (TLDEF) launched their Name Change Project in 2008. Cleary Gottlieb lawyers volunteered to assist several clients with their legal name changes. For many transgender people, a legal name change is a first step towards conforming their legal identities to the way they identify and live their lives. Securing a legal name change can be an intimidating experience, involving interaction with the court system, as well as a serious commitment of time and effort. By ensuring that transgender people have adequate legal representation when seeking name changes, TLDEF's Name Change Project ensures that they can successfully negotiate the legal process and move forward with their lives. Since TLDEF launched the Name Change Project, the enthusiasm and hard work of lawyers from Cleary Gottlieb and the 17 other law firms participating in the project have served over 215 clients.

In addition, Cleary Gottlieb lawyers have been working with the ACLU in researching the constitutionality of current state and federal requirements to have one's gender changed on their birth certificates, driver's license, and federal identification documents.

## CALENDAR OF EVENTS

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### November

Cleary Gottlieb hosted a CAP training. CAP enables lawyers not yet admitted to the bar to assist domestic violence survivors in navigating their way through the legal system and obtaining orders of protection against their batterers.

Victoria Neilson, the legal director of Immigration Equality, joined Cleary Gottlieb for a luncheon to discuss the organization's representation of immigrants and ways of expanding the firm's pro bono participation in Immigration Equality's practice. The mission of Immigration Equality is to end discrimination in the U. S. immigration law against lesbian, gay, bisexual, transgender and HIV-positive people, and to help obtain asylum for those persecuted in their home country based on their sexual orientation, transgender identity or HIV-status.

Cleary Gottlieb volunteers coached WIHS's Model United Nations Team in preparation for their conference at the University of Virginia. The team represented the country of Pakistan.

# Pro Bono in Washington, D.C.

As is true throughout the firm, the lawyers in Cleary Gottlieb's Washington, D.C. office are encouraged to follow their interests and suggest new projects and representations. As a result, the Washington, D.C. office handled a wide array of matters in 2008, including corporate work for not-for-profits and the representation of veterans, homeless persons and immigrants.

**Assisting Disabled Veterans:** Cleary Gottlieb works with the National Veterans Legal Services Program and the Veterans Pro Bono Consortium Program to assist veterans with disability claims before the Department of Veterans Affairs or the Court of Appeals for Veterans Claims. In 2008, the firm successfully represented a veteran seeking disability benefits for a lower back injury that occurred during military service. The firm is currently assisting a Vietnam veteran with an appeal before the Board of Veterans Appeals.

**Asylum:** Cleary Gottlieb represents a woman who fled Honduras after suffering six years of horrific physical and sexual violence at the hands of her police officer boyfriend. The legal team worked with the client to develop the facts of her case, receive professional psychological counseling and evaluations, gather corroborating evidence from Honduras, and prepare for a merits hearing on her application. The team then developed an extensive legal brief explaining her eligibility for asylum under the "particular social group" nexus and represented her at the hearing. The matter remains pending before the immigration judge.

**Unlawful Detention:** The firm's lawyers represented a stateless individual in seeking relief from potentially indefinite detention. Our client had been ordered deported and was being kept in detention "pending" his deportation. Because the U.S. government was unable to find a country willing to accept him, our client faced the prospect of years in prison, possibly indefinitely, even though he had never been convicted of any crime. Cleary Gottlieb persuaded the office of Immigration and Customs Enforcement to release our client because his deportation was not reasonably foreseeable.

## CALENDAR OF EVENTS

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### December

Joined by representatives from the New York public interest law community, incoming associates learned about the firm's pro bono practice at Cleary Gottlieb's New Associates Pro Bono Reception.

During the Women's Working Group's fourth annual winter donation drive, Cleary Gottlieb staff donated more than 60 bags of clothing and books to benefit pro bono partner Sanctuary for Families, which provides integrated services to domestic violence survivors in New York City.





The federal judiciary of the District of Columbia honored Cleary Gottlieb's Washington, D.C. office for its pro bono work. Cleary Gottlieb was one of the Washington, D.C. law firms in which 40 percent or more of both its partners/counsel and its associates devoted at least 50 hours to pro bono legal services in calendar year 2007.

The firm's Washington, D.C. office has a long-standing commitment to pro bono legal services and is proud to be among this elite group within the Washington, D.C. legal community.

**Family Court:** Cleary Gottlieb recently represented a woman in Washington, D.C. Superior Court contesting her ex-husband's petition for custody of their 12-year-old daughter. The ex-husband had been physically abusive to the client throughout their relationship, which ended in divorce in 2003. The firm opposed the custody petition and filed a counter-petition for custody and increased child support. The parties then negotiated and the court ultimately entered a consent order with custody terms wholly favorable to our client.

**Not-for-profit Incorporation:** The firm's lawyers successfully assisted a local charitable group, MoverMoms, in its efforts to incorporate as a not-for-profit 501c3 organization. The group organizes volunteers to carry out charitable activities in the greater Washington, D.C. area. During its first year of operations the group expanded to over 100 active volunteers, organized several charitable events each month, and received sponsorships from two corporations. Cleary Gottlieb worked closely with the organization to develop a workable corporate governance structure and to plan for the organization's future operations.

**Defending the Rights of the Homeless:** In 2008, Cleary Gottlieb continued its work to stop eviction companies from paying their homeless employees below minimum wage. Cleary Gottlieb is litigating a class action on behalf of the employees against six Washington-area eviction companies and their principals. The suit seeks a court order barring the companies from illegally paying rates below minimum wage and from conspiring with each other to suppress wages, as well as damages for backpay and antitrust violations. To date, four defendants have settled with the class, accepting the injunction, paying damages, and cooperating in prosecuting the case against the remaining defendants.

# Pro Bono in London

Lawyers in Cleary Gottlieb's London office also have a tradition of providing pro bono legal advice to a variety of not-for-profit and charitable organizations. Cleary Gottlieb was one of the first American firms to sign the Joint Protocol for Pro Bono Legal Work and is also active with LawWorks. LawWorks (formerly the Solicitors Pro Bono Group) is the leading pro bono resource for legal volunteers in the United Kingdom and promotes pro bono work among the legal profession, acts as a referral agency for pro bono matters and provides free legal training on a variety of topics to members. In addition to pro bono legal work, lawyers in the London office are involved in firm-sponsored community service work.

**Citizenship Foundation – School Twinning Program:** Cleary Gottlieb became involved in the "School Twinning Program," by a program run by the United Kingdom's Citizenship Foundation. A number of law firms in London participate in this program, which entails pairing a law firm with one or more classes at inner-city London schools in order to teach the legal aspects of citizenship to 14 and 15 year olds. This program offers the children the chance to learn and discuss a range of topics such as employment law, rights and responsibilities and human rights with members of the legal profession, as well as meet legal professionals. The program has proved very popular not only with the Swanlea School, the school with which Cleary Gottlieb is paired, but also among Cleary Gottlieb's lawyers, who have signed up in significant numbers.

**Undercurrents Joint Venture:** The firm began working with Undercurrents Foundation, a registered charity and private company limited by guarantee that is involved in training amateur filmmakers to make films supporting social, economic and environmental campaigns. Cleary Gottlieb is assisting Undercurrents in the incorporation of a joint venture with third parties called Vision on TV. It is intended that Vision on TV, which will be a commercial venture, will launch an internet protocol television channel that will distribute video content produced by the filmmakers trained by Undercurrents and others. The client is considering various structures and the matter is on-going.





**Independent Diplomat:** Associates in the London office joined colleagues in the New York office working with Independent Diplomat (ID) on a series of research questions surrounding the status and sovereignty of Somaliland under international law. Cleary Gottlieb assisted in ID's preparations for a proposed African Union conference on the future of Somalia, addressing various questions of public international law and providing analysis of similar situations where statehood and sovereignty are in dispute. This work will be used in the future to provide ID, who is advising Somaliland on its diplomatic strategy, with a more comprehensive research memorandum on the legal issues underlying Somaliland's status, including the protection of the human rights of Somalilanders under international law.

**Free Representation Unit:** Cleary Gottlieb's lawyers volunteer with the Free Representation Unit (FRU). FRU was founded in 1972, and is the largest single provider of pro bono services in the United Kingdom. It provides legal advice, case preparation and advocacy in tribunal cases for members of the public who could not otherwise obtain legal support, for want of public funding or personal means to pay for legal representation. To provide this service FRU staff trains volunteers law students and lawyers who are in turn supervised by FRU case workers.

# Washington Irving High School Partnership

In 1991, Cleary Gottlieb initiated a partnership with Washington Irving High School (WIHS), a New York City public school, in order to assist with the major challenge of revitalizing the perceived failure of the NYC public school system. The partnership allows the firm, as a whole, to participate in community service in an area where there is dramatic need. Major partnership programs include mentoring students one-on-one, providing college advising, offering SAT preparation courses, and sponsoring annual events that promote the various academic and cultural talents of the students.

All personnel at the firm, legal and non-legal, are invited to share their time and talents with WIHS students through participation in these programs and events. A partnership coordinator and a committee composed of lawyers, paralegals and non-legal employees administer the program from the New York office.

In 2008, more than 100 lawyers and staff from all of Cleary Gottlieb's departments participated in the WIHS partnership, helping more than 400 students.

## **WIHS Program Opportunities**

**Next Steps:** Since 2005, Cleary Gottlieb has developed the Next Steps program, which helps prepare students for life after high school. Cleary Gottlieb volunteers helped Next Steps seniors prepare their college applications, and former college admissions officers held office hours to field the students' questions. Next Steps juniors have also benefited from the help of Cleary Gottlieb volunteers who led workshops on public speaking, computer research and planning for the future.

**Mentoring:** Each October, a new set of Cleary Gottlieb volunteers "adopts" WIHS students in a Big Brother/Big Sister-type relationship. Mentors meet with their mentees for approximately four to six hours per month to help them set goals, identify interests and explore New York City. Cleary Gottlieb's mentoring program doubled this year to 30 active mentee-mentor pairs.

**SAT Preparation Classes:** Cleary Gottlieb organized two SAT programs in 2008, one for seniors in the fall and one for juniors in the spring. Volunteers from all departments in the firm use practice tests, textbooks, vocabulary lists, math handouts and games to review the basic areas of the exams.

**College Fair:** Each spring, Cleary Gottlieb collaborates with more than 50 college representatives to spend the evening speaking to WIHS students and parents about their institutions and assisting WIHS students in making decisions about college applications.

**Emerging Artists:** Each winter and spring, Cleary Gottlieb celebrates the artistic efforts of WIHS students by sponsoring a reception featuring their work in the firm cafeteria.

For 17 years, Cleary Gottlieb has maintained a partnership with Washington Irving High School through which lawyers and staff at the firm provide educational, professional and personal advice to students of this New York City public school.







Cleary Gottlieb's New York office continues to participate in Legal Outreach, one of the largest pipeline diversity programs in the country, providing programs designed to assist students in securing a college education.

**Legal Outreach:** Each summer, Cleary Gottlieb's New York office participates in Legal Outreach, a pipeline diversity program. As part of the program, Cleary Gottlieb, as well as other New York law firms, welcomes select students as summer interns for one week. WIHS students with summer jobs at Cleary Gottlieb are also invited to participate for a week of legal research, mock contract negotiation, brief writing and litigation.

**Cleary Gottlieb's Day of Service at WIHS:** This community service day affords all Cleary Gottlieb employees the opportunity to mingle with WIHS students and staff for a morning of activities, including a treasure hunt of public monuments and buildings in the Union Square area, a planting project, and visits to a radio station and a culinary institute.

**Day One:** Cleary Gottlieb volunteers are trained by the staff of the not-for-profit domestic violence education organization, Day One, to lead workshops for students at Washington Irving on domestic violence and students' rights and responsibilities under the law.

**Success Day:** Cleary Gottlieb volunteers, along with other business partners, participate in WIHS's Success Day during the fall. Volunteers visit classrooms to discuss their careers and life choices with students. The day provides an excellent opportunity for students to be exposed to many different career paths.

**Model United Nations:** In 2008, Cleary Gottlieb took over responsibility for coaching WIHS's Model United Nations Team ("MUN Team"). Volunteers help the students research the topics they will discuss and the countries they will represent, learn the rules of procedure, and hone their presentation and speaking skills in preparation for participation in Model U.N. conferences throughout the year. During this school year, the MUN Team attended conferences at the University of Virginia, Dartmouth College and Columbia University.

**New York College Access Coalition Collaboration:** Throughout the year, Cleary Gottlieb holds collaborative events with the College Access Coalition of New York City. In 2008, the coalition hosted interview workshops, money management workshops and scholarship workshops.

**Mock Trial:** Cleary Gottlieb volunteers helped train the Mock Trial team at WIHS, leading the practices twice a week and escorting the team to competition. This year's team of nearly all freshmen did extremely well against Essex Street Academy and the Bronx School for Law and Government.

# Success Stories

## **Cleary Gottlieb Wins Asylum for FGM Survivor**

Cleary Gottlieb successfully sought asylum for pro bono client Ms. B. on December 3, 2007 before an immigration judge in New York City. Ms. B. is a twenty-year-old native of the Ivory Coast who was subjected to female genital mutilation (FGM) when she was six years old. Because the procedure was not completed, the client stood the chance of suffering a repeated FGM, and her claim was therefore based on both past and likelihood of future persecution. Ms. B. fled the Ivory Coast and came to the United States in 2001 and applied for asylum in 2006, in violation of the rule that she apply for asylum within a year of her arrival in the United States. However, the attorney representing the Department of Homeland Security, upon hearing witness testimony regarding the likelihood of repeated FGM and the psychological impact of the client's prior experiences in the Ivory Coast, made a recommendation for a full grant of asylum. The immigration judge agreed with that recommendation, and the final order for asylum was signed that same day.

## **Cleary Gottlieb Helps Naturalization Applicants Overcome Bureaucratic Delays**

Cleary Gottlieb successfully represented three immigrants in a trilogy of federal court petitions challenging excessive and unreasonable delays in the process of obtaining their United States citizenship.

Under the Immigration and Nationality Act, a decision to grant or deny citizenship must be made within 120 days after the initial interview ("examination") of an applicant. In practice, the United States Citizenship and Immigration Services (USCIS) often fail to make a decision within this statutory period, claiming that the term "examination" used in the statute does not refer to the interview by USCIS but instead encompasses all background checks, which have no deadline. Intending to challenge that implausible legal position in litigation, Cleary Gottlieb successively filed petitions in the nature of *mandamus* in the Eastern District of New York on behalf of three pro bono clients: a Russian citizen who had been waiting for a decision for about a year after his interview, an Uzbek-born Israeli citizen who had been waiting for over three years and a stateless refugee from Belarus who had been waiting for over four years.

All three cases were promptly and successfully resolved without litigation: within three weeks of the filing or Cleary Gottlieb's appearance, each of the clients received an invitation for his or her naturalization ceremony, and all three became U.S. citizens in 2007.

Cleary Gottlieb lawyers received eight immigration victories, won three SSI appeals, won three naturalization petitions in federal court, filed four *amici* briefs, secured a settlement for restaurant workers and one for tenants in bankruptcy court, and advised over 30 not-for-profits including, microfinance institutions.





At Cleary Gottlieb, lawyers successfully represent their pro bono clients in and out of the courtroom – a victory can mean asylum is granted for a political refugee or that a not-for-profit is able to finance its business operations.

### **Cleary Gottlieb Filed an *Amici Curae* Brief on Behalf of the New York Council of Defense Lawyers, the New York State Bar Association and the National Association of Criminal Defense Lawyers**

Cleary Gottlieb filed an *amici curae* brief on January 23, 2008, on behalf of the New York Council of Defense Lawyers, the New York State Bar Association and the National Association of Criminal Defense Lawyers, in support of affirmance of Judge Lewis A. Kaplan’s order dismissing the criminal indictment against thirteen defendants.

In its brief, the government argued that the deprivation of counsel fees was not attributable to “state action” under the Constitution because the prosecution did not coerce KPMG’s decision to condition and limit the payment of attorneys’ fees. The government also claimed that nothing “prevents Government interference with a third party’s purely voluntary decision to pay the legal fees of a criminal defendant.” In response to such arguments, *amici* highlighted that the logic of the government’s arguments would free the prosecution to purposely hobble the defense and increase its own chance of obtaining a conviction. By examining the devastating consequences of such interference in white-collar prosecutions, *amici* argued that acceptance of government’s argument would eviscerate both the Fifth and Sixth Amendment protections.

### **Cleary Gottlieb Wins Immigration Appeal; the Firm’s Efforts Commended by the Second Circuit**

Cleary Gottlieb successfully represented Mr. G.A. before the United States Court of Appeals for the Second Circuit in his petition for review of a Board of Immigration Appeals decision denying a motion to reopen deportation proceedings and rescind an order of deportation. The decision by the Court clears the way for Mr. G.A. to receive a long awaited hearing on the merits of his case, which he was denied due to the gross ineffective assistance of his previous lawyers.

Mr. G.A., originally from Jamaica, lawfully entered the United States in 1983, when he was twelve years old. In 1994, Mr. G.A. was placed in deportation proceedings as the result of a drug possession conviction for which he paid a \$25 fine and served three years’ probation. Despite facing deportation, because he was a long-time lawful permanent resident of the United States, with a U.S. citizen wife, mother and daughters, Mr. G.A. was a strong candidate for relief from deportation. Unfortunately, in the first of a series of examples of inadequate legal representation, Mr. G.A.’s lawyer failed to file the appropriate application for that form of relief and did not attempt to prepare Mr. G.A. for his hearing. More egregiously, on the day of his deportation hearing, when Mr. G.A. called his lawyer’s office to find out when and where he was to meet his attorney, he was told by a paralegal that he did not have a hearing scheduled that day. Unbeknownst to Mr. G.A., the paralegal then called the court, learned that there was indeed a hearing for Mr. G.A. on that day, and informed Mr. G.A.’s attorney of that fact. However, neither the paralegal nor the lawyer

ever relayed this information to Mr. G.A. As a result, he missed the hearing and was ordered deported in *absentia*. Months later, when Mr. G.A. discovered the error, he contacted his attorney and was assured that the problem would be resolved. Ten years later, all the while operating under the assumption that his lawyers had solved his immigration issues, Mr. G.A. was arrested and detained for nine months.

On appeal, the Second Circuit held that Mr. G.A. is entitled to a hearing on the merits of his case. “We write today to establish what we would have thought to be self-evident: A lawyer who misadvises his client concerning the date of an immigration hearing and then fails to inform the client of the deportation order entered in *absentia* (or the ramifications thereof) has provided ineffective assistance.” The Court noted the “disturbing frequency” with which they see immigrants provided with ineffective assistance of counsel. In stark contrast to the assistance Mr. G.A. received before retaining Cleary Gottlieb to represent him, the Court praised the diligent efforts of Mr. G.A.’s counsel at Cleary Gottlieb, and encouraged other lawyers to “follow in their example.”

#### **Cleary Gottlieb Wins Asylum for Venezuelan Activist**

Cleary Gottlieb successfully represented Mr. J.D., an asylum seeker who turned to Cleary Gottlieb for assistance after his case was referred to the firm by Immigration Equality. Mr. J.D. is an attorney and human rights activist who fled his native Venezuela in November 2006. He was awarded asylum on March 17, 2008, after a hearing before an asylum officer at the New York asylum office in Rosedale.

Mr. J.D.’s claim for asylum was based on the treatment he endured in Venezuela on account of his work against the regime of Hugo Chavez and his fear of future persecution based on his visible opposition to President Chavez’s government. He also sought asylum on the basis of persecution based on his homosexuality.

Due to the unique circumstance of the case, the Cleary Gottlieb’s team arranged for an extended investigation of Mr. J.D.’s psychological condition by healthcare professionals connected with Bellevue/NYU Program for Survivors of Torture. The team also secured numerous witness statements from individuals in Venezuela who knew of his anti-Chavez work and the treatment he suffered for it. In addition to the I-589 asylum application, Cleary Gottlieb attorneys submitted a legal brief, chronology of significant events, and numerous supporting documents, including extensive medical and psychological expert reports provided by the Bellevue/NYU Program for Survivors of Torture. Mr. J.D. was awarded asylum based on our submissions and his successful interview with the asylum officer.

In 2008, Cleary Gottlieb’s pro bono work received recognition from the federal judiciary of the District of Columbia, Sanctuary for Families, Legal Services of NYC, Legal Aid Society of New York and the New York City Bar Association.



### **Cleary Gottlieb Wins Asylum for Pro Bono Client**

Cleary Gottlieb successfully represented Mr. E.A., a Salvadoran national, in winning a grant of asylum from the Board of Immigration Appeals (BIA). Mr. E.A. had fled El Salvador due to



the severe persecution he suffered on account of his sexual and gender identity, including repeated rapes and brutal assaults at the hands of the Salvadoran police and military. Mr. E.A. had previously been denied asylum by both the immigration judge and the BIA, which had held that the abuse Mr. E.A. had suffered did not constitute persecution, and that he had not shown that the El Salvadoran government was unable or unwilling to control the abuse. The case was then referred to the firm by Immigration Equality, and the Cleary Gottlieb team represented Mr. E.A. in his appeal to the Ninth Circuit. Cleary Gottlieb argued to the Ninth Circuit that the many incidents of

The firm advised Liberia on international treaties and worked with global health specialists to produce an international legal framework for a malaria elimination feasibility assessment being conducted for the government of Zanzibar that will provide a platform for other countries as well.

rape and assault did constitute persecution, and that because government actors had perpetrated the persecution, no “unable or unwilling” showing was necessary. In an unusual turn of events, the Department of Justice agreed with Cleary Gottlieb’s position and voluntarily moved to remand the case to the BIA for reconsideration based on Cleary Gottlieb’s arguments.

On remand, Mr. E.A., who had remained detained in a prison facility for two and a half years while his case was pending, finally won relief when the BIA reversed its prior decision and granted asylum.

### **Cleary Gottlieb Authors Brief on Behalf of Social Scientists in Iowa Same-Sex Marriage Case**

In the same-sex marriage case pending before the Iowa Supreme Court, Cleary Gottlieb filed an *amicus curiae* brief on behalf of the American Sociological Association, the American Anthropological Association, the Center for Inquiry, and over fifty leading scholars, urging affirmance of the lower court’s exclusion of defendant’s expert witnesses. While defendants’ “experts” sought to testify to the effects same-sex marriage could have on children and families, *amici* argue they lacked any reliable methodology or relevant expertise, and instead offered what amounted to unsupported personal opinions.

### **Cleary Gottlieb Wins Asylum for Colombian Survivor of Kidnapping**

Cleary Gottlieb successfully represented Mr. X., an asylum seeker from Colombia, in ongoing proceedings before the Arlington, Virginia asylum office. The Revolutionary Armed Forces of Colombia (FARC) had kidnapped Mr. X., a member of a politically active family, but released him after Mr. X. paid a ransom. The FARC also made ongoing death threats to Mr. X. and his family and murdered some of his relatives. Mr. X. had arrived in the United States in 2001 and timely applied for asylum *pro se*. While an asylum officer agreed that Mr. X. had a well-founded fear of future persecution, the asylum office put Mr. X.'s asylum application on hold while it determined whether Mr. X.'s payment of the ransom to secure his freedom from the FARC constituted financial support of a terrorist organization, which would bar a grant of asylum.

After Mr. X.'s asylum claim languished in the asylum office for four years, in 2006 Mr. X. retained Cleary Gottlieb to assist in moving his application forward. In part due to Cleary Gottlieb's advocacy, in 2007 the Department of Homeland Security issued an order excluding payments made under duress from the terrorism bar in certain situations. Cleary Gottlieb then briefed the asylum office on the applicability of this exclusion to Mr. X.'s ransom payment. On March 18, 2008, the asylum office approved asylum for Mr. X.

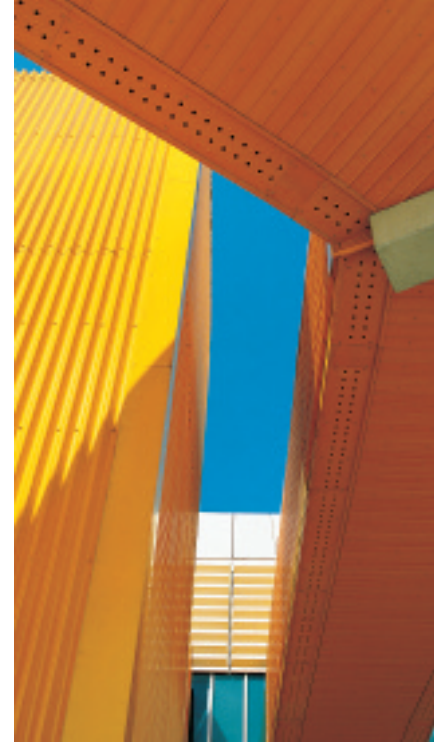
### **Cleary Gottlieb Wins Cancellation of Removal for Domestic Violence Survivor**

Cleary Gottlieb successfully represented of Ms. E.M., an applicant for asylum and protection under the Violence Against Women Act ("VAWA") who turned to Cleary Gottlieb for assistance after her case was referred to the firm by Sanctuary for Families. Ms. E.M. is a native of Senegal who arrived in the United States in 2000. She was awarded Cancellation of Removal under VAWA on May 27, 2008 before Judge Schoppert of the New York Immigration Court at 26 Federal Plaza.

Ms. E.M.'s claim for asylum was based on the treatment she endured in Senegal on account of her religious beliefs and objections to cultural traditions, including forced marriage and forced female genital mutilation (FGM). Her VAWA claim was based on the abuse to Ms. E.M. and her U.S. citizen daughter at the hands of the father of the child, a legal permanent resident.

### **Cleary Gottlieb Advises Liberia on Ratification of International Treaties**

Cleary Gottlieb provided advice on a pro bono basis to Republic of Liberia Minister Morris G. Saytumah at the Ministry of State for Finance, Economic and Legal Affairs (MOS-FELA) in the Office of President Ellen Johnson Sirleaf regarding Liberia's potential ratification of the Protocol of the Court of Justice of the African Union and the Convention of the African Energy Commission. Cleary Gottlieb received the request for pro bono assistance through the International Senior Lawyers Project.



The firm continued its advocacy for the homeless communities with litigation in Washington, D.C. and walk-in legal clinics in New York.



For each treaty, a memorandum was prepared for Minister Saytumah summarizing its intended goal, current status and the affirmative obligations it would require of Liberia upon ratification; potential objections to its ratification from an international perspective; possible grounds for Liberia to enter any reservations under it; secondary commentary from international experts; and any lessons from other West African nations' experiences with implementing the treaty.

Cleary Gottlieb also advises Liberia in connection with the settlement of external commercial claims against the Republic.

#### **Cleary Gottlieb Files Civil Rights Brief in Supreme Court**

Cleary Gottlieb filed an *amicus* brief in the U.S. Supreme Court to affirm the right of individual employees to pursue federal statutory anti-discrimination claims in court even if they are subject to a collective bargaining agreement that provides for grievance and arbitration of discrimination complaints. The brief was filed in conjunction with The Lawyers' Committee For Civil Rights Under Law on behalf of a consortium of civil rights groups in *14 Penn Plaza LLC v. Pyett* (No. 07-581). The employees filed a federal age discrimination lawsuit against their employer after the union declined to pursue their claims. The lower courts, relying on prior Supreme Court decisions, denied the employer's motion to compel arbitration. Cleary Gottlieb's brief argued in support of that precedent that allowing a collective bargaining agreement to waive an individual's access to federal court would undermine the anti-discrimination statutes.

#### **Cleary Gottlieb Wins a Social Security Disability Benefits Claim**

Cleary Gottlieb won a disability claim appeal for pro bono client Ms. P. obtaining Supplemental Security Income disability benefits after the Social Security Administration (SSA) had denied her initial benefits application. This triumph extended Cleary Gottlieb's unbroken streak of victories since 2005. The SSA issued its decision in Ms. P.'s favor on June 27. Cleary Gottlieb represents individual clients on referral from Brooklyn Legal Services Corporation A.

The judge found that Ms. P. suffers from a mental impairment which made her unable to respond appropriately to changes in a work setting. The judge's decision concluded that Ms. P. is unable to work due to this disability, and is therefore entitled to benefits.

In preparing Ms. P.'s appeal, the Cleary Gottlieb team researched Ms. P.'s medical condition and the applicable Social Security regulations, obtained additional medical records, filed a pre-hearing memorandum, represented Ms. P. in her hearing before an administrative law judge, and responded to the judge's concerns.

### **Cleary Gottlieb Files an *Amicus* Brief on Behalf of Human Rights Organizations**

On April 17, 2008, Cleary Gottlieb filed an *amicus* brief on behalf of human rights organizations in the Third Circuit appeal of a decision that struck down the city of Hazelton's anti-immigrant ordinances. The brief argued that the harsh provisions of the ordinance impaired the international human right of access to work and fair housing, and thus the district court's decision should be affirmed. The ACLU represented the appellees and made the U.S. constitutional and federal law arguments relied upon by the district court.

Similar ordinances are being litigated across the country and this would likely be the first Court of Appeals to address the issues. Argument in the case was held on October 31, 2008.

### **Cleary Gottlieb Wins Asylum for Salvadoran DV Survivor**

Cleary Gottlieb successfully represented Ms. G., an asylum seeker from El Salvador who was referred to the firm by the Tahirih Justice Center in Falls Church, Virginia. Ms. G. was brutally persecuted for almost a decade by her partner/boyfriend, a retired high-ranking officer in the Salvadoran

military who took Ms. G. from her family in exchange for protection when Ms. G. was 13 years old. Although the story of Ms. G.'s persecution was both credible and compelling, her case faced significant legal difficulties in that she had missed the 1-year asylum application deadline by almost six years, and had returned to El Salvador in the interim in order to care for her mother undergoing cancer surgery. With the assistance of a psychologist who identified Ms. G. as suffering from post-traumatic stress disorder, Cleary Gottlieb successfully explained to the Asylum Office that because engaging with recollections of the abuse as necessary for an asylum application would have effectively re-traumatized her, Ms. G.'s past persecution constituted "extraordinary circumstances" excusing compliance with the 1-year deadline, and that her temporary return did not negate her well-founded fear of future persecution.

### **Cleary Gottlieb Continues Streak of Victories in Social Security Disability Benefits Claims**

Cleary Gottlieb won a disability claim appeal for pro bono client Mr. K., obtaining Social Security disability benefits after the Social Security Administration (SSA) had denied his initial benefits application. This triumph extended Cleary Gottlieb's unbroken streak of victories since 2005. The SSA ruled in Mr. K.'s favor based on the record on October 21, 2008 and







issued a written decision on November 5, 2008. Cleary Gottlieb represents individual clients on referral from Brooklyn Legal Services Corporation A.

The judge found that Mr. K. suffers from a schizoaffective disorder coupled with depression. The judge's decision concluded that Mr. K. is unable to work due to this disability, and is therefore entitled to benefits based on the medically-determined onset of his psychiatric condition.

In preparing Mr. K.'s appeal, the Cleary Gottlieb team researched Mr. K.'s medical condition and the applicable Social Security regulations, interviewed Mr. K and his wife, and drafted and filed pre-hearing memoranda.

#### **Yet Another Social Security Disability Benefits Claims Victory**

Cleary Gottlieb won a disability claim appeal for pro bono client Ms. G., obtaining Supplemental Security Income disability benefits after the Social Security Administration (SSA) had denied her initial benefits application. This triumph extended Cleary Gottlieb's unbroken streak of victories since 2005. The SSA issued its decision in Ms. G.'s favor on October 30, 2008. Cleary Gottlieb represents individual clients on referral from Brooklyn Legal Services Corporation A.

The judge found that Ms. G. suffers from a physical disability and concluded that Ms. G. is unable to work due to this disability and is therefore entitled to benefits.

In preparing Ms. G.'s appeal, the Cleary Gottlieb team researched Ms. G.'s medical condition and the applicable Social Security regulations, interviewed Ms. G. obtained additional medical records, filed a pre-hearing memoranda and conducted additional research to respond to the judge's concerns.

#### **Cleary Gottlieb Wins Settlement for Restaurant Workers**

On behalf of several former employees of a small chain of restaurants in Manhattan, Cleary Gottlieb obtained a settlement after filing for relief in federal court. Plaintiffs asserted claims under the Fair Labor Standards Act and related state laws for underpayments of minimum wages, overtime, spread-of-hours payments (for days in which work was performed over more than ten hours), reimbursement for job equipment, and damages for retaliation by the defendants against the plaintiffs for filing a claim with the Department of Labor.

The case came to Cleary Gottlieb from the Urban Justice Center, a not-for-profit legal organization that assists New York's most vulnerable residents through a combination of direct legal service, systemic advocacy, community education and political organizing.

### **Cleary Gottlieb Successfully Represented a Committee of Tenants**

Cleary Gottlieb successfully represented the Committee of Tenants of 652-656 West 160th Street, New York, New York before the Bankruptcy Court for the Southern District of New York in connection with a motion by the debtor and former landlord, 652 West 160 LLC, seeking to impose a lien on property owned by the tenants' cooperative for certain repairs made to the property by the debtor-landlord.

In 2004, prior to the debtor's bankruptcy filing, the City of New York initiated proceedings to foreclose on the property based on the landlord's unpaid property taxes and to transfer the property to a tenants' cooperative. These proceedings were stayed with the filing of the landlord's chapter 11 petition in December 2004. After a three-day trial in July 2005, the Bankruptcy Court lifted the stay and permitted the City to foreclose on the property and transfer it to the tenants' cooperative. The Court determined that the landlord repeatedly had engaged in bad faith conduct, including (i) manufacturing false creditors, (ii) creating spurious debts, (iii) filing false operating reports, (iv) missing statutory deadlines, and (v) making improper postpetition payments. The Court also ruled that the debtor may have a surcharge claim under section 506(c) of the Bankruptcy Code to be reimbursed for the cost of structural improvements that benefited the property on a long-term basis.

Subsequently, the debtor filed its a 506(c) surcharge motion seeking to recover the costs of various repairs in the amount of \$47,700 by imposing a lien on the property. After a trial was held in September 2007, the Court denied the motion and ruled that none of the costs for which the debtor sought a surcharge had resulted in any actual benefit to the property. Agreeing with the testimony of the architect in charge of the current renovation of the property, the Court specifically found that the repairs were inadequate and had no value in connection with the broader renovation of the property. The Court also dismissed the Debtor's chapter 11 case in March 2008.

### **Early 2009 Victory: Cleary Gottlieb Obtains Settlement; Protects Artist's Constitutional Rights**

Cleary Gottlieb secured a settlement in the U.S. District Court for the Eastern District of New York on January 14, 2009 for artist Kevin Allen, who was detained after taking photographs on a New York City subway platform for part of his MFA thesis. The New York City Transit Rules of Conduct explicitly permit photography on the platform so long as no ancillary equipment is used. Mr. Allen alleged that New York City police officers stopped him from taking pictures and forced him to delete the photographs he had already taken from his digital camera. Cleary Gottlieb helped Mr. Allen to bring an action against the City seeking compensation for the loss of his photographs, as well as violations of his Constitutional rights. The City agreed to pay Mr. Allen \$7,500 as part of the settlement. The case came to Cleary Gottlieb from Volunteer Lawyers for the Arts, a not-for-profit legal organization that serves members of the arts community with legal, education and advocacy services.



# Awards



## **Cleary Gottlieb's Washington, D.C. Office Honored for Pro Bono Work**

The federal judiciary of the District of Columbia honored Cleary Gottlieb's Washington, D.C. office for its pro bono work. Cleary Gottlieb was one of the Washington, D.C. law firms in which 40 percent or more of both its partners/counsel and its associates devoted at least 50 hours or more to pro bono legal services in calendar year 2007. The Standing Committee on Pro Bono Legal Services of the D.C. Circuit Judicial Conference recognized the firms at a breakfast. The firm has a long-standing commitment to pro bono legal services and is proud to be among this elite group within the Washington legal community.

## **Cleary Gottlieb Received Law Firm Leadership Award from Sanctuary for Families**

Cleary Gottlieb was honored by Sanctuary for Families at its annual Zero Tolerance Benefit on Tuesday, June 3rd with the Law Firm Leadership Award. Cleary Gottlieb partner and Sanctuary Board member William Gorin accepted the award on behalf of the firm.

Since 1996, Cleary Gottlieb has dedicated nearly 50,000 hours of pro bono representation to Sanctuary clients on matters spanning immigration, family law, trusts and estates, and civil rights litigation. In addition to pro bono support, Sanctuary is a regular beneficiary of donated technology equipment, graphic design assistance, conference rooms for meetings and trainings, as well as generous financial support. Cleary Gottlieb's summer associates participate in Sanctuary's Courtroom Advocates Project, and the firm's associates were among the founding members of Sanctuary's Associates Committee.

### **Cleary Gottlieb Honored by the New York City Bar Association**

Cleary Gottlieb was selected by the New York City Bar Association Committee on Capital Punishment to receive the 2008 Thurgood Marshall Award for Capital Representation in recognition of the firm's counsel to former death row inmate Erksine Johnson. The Committee is dedicated to securing capital defendants' right to competent defense and addressing issues relating to capital punishment. The award, given once every ten years, honors U.S. Supreme Court Justice Thurgood Marshall and his commitment to the cause of civil rights in this country. It is given to attorneys and firms based in New York City who have significantly contributed to the pro bono representation of an inmate under a death sentence during the last 10 years.

Mr. Johnson was convicted of murder and sentenced to death in Memphis in 1985, and Cleary Gottlieb began representing him pro bono ten years later. The firm succeeded in having his death sentence overturned in a 2001 decision of the Tennessee Supreme Court based on the prosecution's improper suppression of favorable evidence relating to sentencing issues in the 1985 trial. While the State could have sought to impose the death penalty again in a resentencing hearing, Cleary Gottlieb persuaded the prosecution to agree not to do so. As a result, Mr. Johnson was given a life sentence with a possibility of parole. Since then, Cleary Gottlieb has focused on seeking to overturn Mr. Johnson's murder conviction, and spent 1700 hours in 2007 alone pursuing a new trial for Mr. Johnson to hear additional exculpatory evidence that was never revealed at his initial trial. There is currently an appeal pending before the Tennessee Court of Criminal Appeals of a decision denying a petition for writ of error *coram nobis* filed by the firm seeking to have Mr. Johnson's conviction vacated and a new trial ordered.



### **Legal Aid Society of New York Honors Cleary Gottlieb**

Cleary Gottlieb was proud to make the Legal Aid Society's Pro Bono Honor roll, which recognizes outstanding pro bono service to the Legal Aid Society and its clients. The award was presented at the Legal Aid Society's Annual Pro Bono Awards and Law Firm Recognition Ceremony on October 7th. At the same event, Cleary Gottlieb associate Ed Saad also received an award for his work representing the Legal Aid Society on a tax matter.

In addition, Cleary Gottlieb received the "Most Creative Fund-raising Strategies Award" from the Legal Aid Society for our June Associates Committee fund-raising campaign. The in-house program was developed by director of creative services and graphic design Mark Mullin, designers Victor Vergara and Stephen Toth, and associates Alexandra Magness and Joshua Frankel.

### **Cleary Gottlieb Received Legal Services NYC's 2008 Pro Bono Leader Award**

On October 30th, Cleary Gottlieb was honored by Legal Services NYC with its 2008 Pro Bono Leader Award for our work with Brooklyn Legal Services Corporation A's (Brooklyn A) Disability Appeals Project. Cleary Gottlieb and Brooklyn A's Disability Appeals Unit jointly developed the program in 2005. Over a dozen Cleary Gottlieb lawyers have worked on the project since its inception. Associates review exhibit files, meet with and interview clients and then working closely with Brooklyn A's Victor Torres, develop case strategies. Our collaboration has been very successful. Cleary Gottlieb has won 12 out of 12 matters referred to the firm to date. Cleary Gottlieb pro bono administrator Carrie Grimm and associate Corey Goodman accepted the award on behalf of the firm and its volunteers.



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**Founded in 1946** by lawyers committed to legal excellence, internationalism and diversity, Cleary Gottlieb Steen & Hamilton LLP is a leading international law firm with approximately 1,100 lawyers around the world. Cleary Gottlieb has offices in New York, Washington, D.C., Paris, Brussels, London, Moscow, Frankfurt, Cologne, Rome, Milan, Hong Kong and Beijing.

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