



Pro Bono Practice

2009 Annual Report

CLEARY
GOTTLIEB

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In 2009, Cleary Gottlieb ranked #9 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 commitment, associate training and satisfaction, and diversity among lawyers.

Cleary Gottlieb is one of only 3 firms to have been ranked among the top 10 on the A-List every year since its inception in 2003.

Introduction

Cleary Gottlieb logged 64,148 in pro bono and public service hours in 2009, over 3 percent of all billable hours.

In 2009, approximately two-thirds of all Cleary Gottlieb lawyers worldwide were active in pro bono and public service programs. On average, 46 hours of pro bono and public service time were billed per lawyer worldwide. In the U.S. offices, lawyers devoted an average of 61 hours per year.

In 2009, 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 longstanding 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; filed and won a discrimination suit on behalf of an HIV positive minor who was denied admission to basketball camp due to his health status; guided not-for-profit organizations through the incorporation process, as well as tax, real estate, contracts and intellectual property issues; protected the rights of domestic violence survivors by filing for orders of protection, immigration relief, and in one instance suing against unlawful firing by a former employer and winning a settlement; fought for redress in wage and hour and discrimination matters; assisted artists with intellectual property issues and contracts; represented Guantánamo Bay detainees in their effort to get legal redress; filed several criminal appeals and filed and/or settled several 1983 civil rights cases; secured guardianship for kinship caregivers where the parents are incapable of acting as their children's guardians; continued to represent several NYC charter schools; and partnered with not-for-profit organizations on community development projects.





In 2009, the Legal Aid Society, Legal Services NYC, Volunteers for Legal Services, Appleseed and Housing Conservation Coordinators all honored Cleary Gottlieb's pro bono program for its outstanding services.

Cleary Gottlieb continued its trend of working 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 Cadwalader, Wickersham & Taft LLP; Kaye Scholer LLP; Milbank, Tweed, Hadley & McCloy LLP; Ropes & Gray LLP; Shearman & Sterling LLP and Schulte Roth & Zabel LLP to organize and sponsor the seventh New York City Law Firm Pro Bono Coordinators Meeting. Discussion topics included how law firm pro bono practices can meet the increased legal needs of the indigent communities presented by the recession, create diverse opportunities for corporate associates and sustain their programs on tighter budgets. We were joined by the Honorable Juanita Bing Newton, then the New York State Deputy Chief Administrative Judge for Justice Initiatives. She spoke about how the courts are encouraging and supporting pro bono efforts.

Cleary Gottlieb lawyers met regularly with not-for-profit legal service providers, public interest law groups and longstanding pro bono clients to discuss the latest developments 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 2009:**

Lewis J. Liman, *Chair*
David L. Sugerman, *Vice Chair*
Kenneth S. Blazejewski
Penelope L. Christophorou
Evan A. Davis (*ex officio*)
Paul E. Glotzer
Kara A. Hailey
Steven G. Horowitz
Mitchell A. Lowenthal (*ex officio*)
Thomas J. Moloney
Francesca L. Odell (*ex officio*)
Jennifer Kennedy Park
David Rush
Allan G. Sperling (*ex officio*)
Mark A. Walker (*ex officio*)
David E. Webb (*ex officio*)

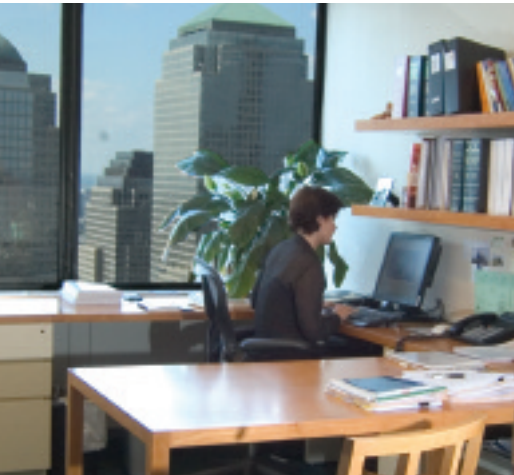
Sanctuary for Families

Sanctuary for Families (SFF) is the largest nonprofit organization in New York State dedicated exclusively to serving domestic violence victims and their children. Each year, SFF helps thousands of victims and their children build safe lives by offering a range of high quality services to meet their complex needs.

Since 1996, Cleary Gottlieb has dedicated nearly 51,000 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. Furthermore, 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.

Asylum and U Visa Cases

At the end of 2009, the firm had 16 active cases referred by SFF, including affirmative asylum matters, proceedings before the immigration court and several U visa petitions. 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 and to ensure our clients have proper access to mental health care.



CALENDAR OF EVENTS

January

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

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

STAFFING DEVELOPMENTS

Maurya Couvares and **Meredith Mann** volunteered to act as the firm's Courtroom Advocates Project (CAP) coordinators. Maurya and Meredith assist **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.

Courtroom Advocates Project

Understanding both the importance of family courts within the legal system and how *pro se* court petitioners are often underserved, 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 not-yet-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 by two CAP trainings: one for summer associates and the other for first-year associates. After attending a training, the volunteers participated in the CAP program by spending a day in family court interviewing domestic violence survivors and assisting them in drafting Orders of Protection.



CALENDAR OF EVENTS

February

Cleary Gottlieb designed and hosted the Legal Aid Society-sponsored CLE seminar on How to Draft a Will for Low-Income Elderly. Cleary Gottlieb associates 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 organized and participated in the seventh annual NYC Law Firm Pro Bono Coordinators Meeting, which was attended by more than 70 representatives from over 50 firms.



Reuniting a Mother and Child

In 2009, Cleary Gottlieb had a unique opportunity to partner with SFF to help a New York woman recover her abducted child from an abusive spouse residing in China. As reported by *The New York Times* on October 30, 2009, the woman's estranged husband, a U.S. citizen, lured her and their two-year-old daughter to Beijing in January 2009 with the promise of a new beginning for their family. After their arrival in China, the husband kidnapped the child and abandoned his wife, without money or knowledge of Chinese, at a shopping mall.

In order for kidnapping charges and an arrest warrant to be brought against the husband, Cleary Gottlieb lawyers in New York helped obtain sole custody for the woman in a U.S. family court—arranging for the hearing to occur via teleconference from Cleary Gottlieb's Beijing office. Cleary Gottlieb provided tremendous support and security to the woman during a frightening time. The firm's lawyers in Beijing translated relevant legal documents and reached out to family law practitioners in China. Meanwhile, a Cleary Gottlieb summer associate in New York arranged for the woman to stay at a friend's home in China.

In October 2009, mother and daughter were reunited and returned to New York. The husband was later arrested upon reentering the United States.

CALENDAR OF EVENTS

February (continued)

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.

Cleary Gottlieb hosted a CLE training with Brooklyn Legal Services Corporation A (Brooklyn A) on assisting indigent persons with disability claims. Brooklyn A has a 95% success rate, are experts in the area of law and screen their clients very well for eligibility. We have taken and won nine cases in the four years that we have been working with Brooklyn A on this project.

International Human Rights and Immigration

In 2009, the firm opened 22 new international human rights cases, 11 of which involve immigration and/or asylum issues. The firm's associates won seven 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.

Throughout 2009, 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 most recently, Kids in Need of Defense (KIND).

Cleary Gottlieb launched our relationship with KIND over the summer. KIND is an innovative, new not-for-profit organization founded by Microsoft Corporation and actress and humanitarian Angelina Jolie. The organization is committed to helping provide competent and compassionate legal counsel to refugee and immigrant children who are in the United States without their parents or legal guardian. Many of these children came to the United States to seek safe haven from human rights abuses, domestic violence and trafficking. Cleary Gottlieb's New York and Washington, D.C. offices have each taken on two such matters, which are still pending in the immigration courts.

CALENDAR OF EVENTS

March

Cleary Gottlieb hosted a luncheon with the Community Development Project (CDP) of our pro bono partner Urban Justice Center. The CDP's senior staff attorney, David Colodny, joined us. The mission of CDP is to provide legal, technical, research and policy assistance to grassroots community groups engaged in a wide range of community development efforts throughout New York City.

STAFFING DEVELOPMENTS:

Cleary Gottlieb lawyers **Jennifer Gorskie** and **Alida Lasker** joined **Arminda Bepko**, **Tanisha Massie** and **David Rush** as coordinators of the firm's immigration practice group. As coordinators they 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.



Paralegals **Meredith Mann** and **Asima Ahmad** maintain the Cleary Gottlieb database of immigration cases, precedents and training materials.



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.

The firm's international human rights docket includes providing counsel to several microfinance institutions including FINCA International, ACDI/VOCA, Pro Mujer, Building Resources Across Communities, and Nobel Prize winner Grameen Foundation; the continuing representation of Guantánamo Bay detainees; drafting a memorandum of understanding on behalf of Nauru in order for Israel to provide it with technical assistance on climate change impact management; 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; drafting an extensive study for the United Nations Conference on Trade and Development; and working with Public International Law & Policy Group to assist the government of South Sudan on solutions for sharing the water resources of the Nile River Basin.

CALENDAR OF EVENTS

April

The Community Legal Assistance Committee of Cleary Gottlieb hosted the pro bono appreciation event on the evening of April 16th. Our keynote speaker for the evening was Kimberly Summe, General Counsel at Partner Fund Management and Founder of Paladin Connect. Paladin Connect is a clearinghouse organization to match pro bono law firm volunteers with microfinance institutions in need of legal assistance.

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.

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 about how Cleary Gottlieb associates can help support their programs.

Externships in Public Interest Law

Testament to the firm's deep-rooted commitment to pro bono service 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 2009, 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.

"A day in the life of an MFY extern can be remarkable. You could go from having a counseling session with a client in the morning to preparing to enter a courtroom for trial or to negotiating a settlement forcing a landlord to make proper repairs. Such possibilities for each day are what make an MFY externship one of the more challenging and rewarding experiences you can have as an associate. While housing court may seem daunting at first, the skills you hone there, the overwhelming support you feel from the organization and the knowledge that each day you are helping many who would not otherwise have access to legal support, all make the experience worthwhile. As an extern I was grateful for the experience of working with smart, thoughtful and passionate individuals, appreciative clients and even adversaries who can sometimes push you to your limit."

—Tenisha Dyer, Cleary Gottlieb associate

"I feel extremely fortunate to have been able to participate in the MFY externship program. As an extern, I was in charge of my own cases and clients, and was able to develop my advocacy skills by doing such things as negotiating settlements, conducting trials, and developing and maintaining relationships with clients. Experiencing firsthand the dedication and enthusiasm that MFY's advocates bring to their practice every day was truly inspiring"

—Giannina Santo, Cleary Gottlieb associate

CALENDAR OF EVENTS

May

Cleary Gottlieb associates Tanisha Massie, David Rush and Jennifer Gorskie planned, designed and conducted the annual in-house asylum and immigration training CLE with support from associate Vitali Rosenfeld and paralegals Meredith Mann and Asima Ahmad. 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 applications.

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

“My stay at Lawyers Alliance was truly invaluable, both personally and professionally. I had the great fortune to advise amazing clients doing tremendous and important work in their respective communities. I was struck by the diversity of matters, yet each was interesting, complex and often exhilarating. This experience broadened my practice and enabled me to develop skills in new areas of the law. On a personal note, I made some great friends and I am forever grateful for the opportunity to have worked with such spirited, brilliant and funny people.”

—Busayo M. Olupona, Cleary Gottlieb associate



“One of the things I loved about my externship at Lawyers Alliance was working with clients that are invested in making my home – New York City – a better place to live.”

—Ivy Hernandez, Cleary Gottlieb associate

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.

CALENDAR OF EVENTS

June

Cleary Gottlieb hosted a citywide training of Courtroom Advocates Project (CAP) for summer associates and lawyers who are 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 was honored on June 11th, at Appleseed’s annual “Engaging a Network for Change” event for our work with the Education Law Research Project.

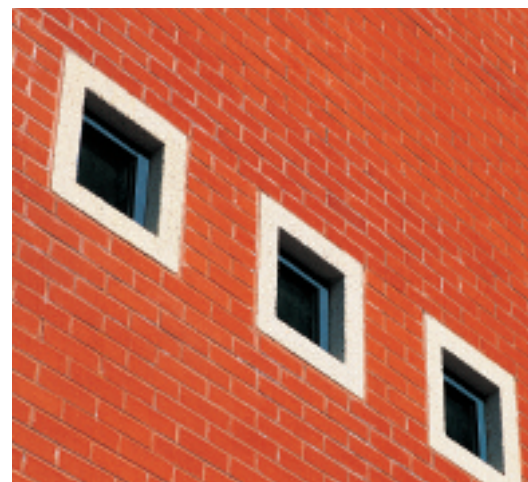
Cleary Gottlieb continued its sponsorship of a summer fellowship with the Harvard Immigration and Refugee Clinic, which enables a law student to work as a fellow assisting refugees and immigrants in search of human rights and immigration-based protections.

Not-for-profit Clients

At Cleary Gottlieb, the pro bono practice 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 2009 is included below.

Amazon Conservation Association: Cleary Gottlieb advised the Amazon Conservation Association ("ACA") in ways its carbon-trading operations in South America could be conducted in conformance with its 501(c)(3) status. Cleary Gottlieb also assisted in analyzing the legal implications of ACA's relationship with its sister organization in Peru, which holds a conservation concession for the Amazon rainforest, and helped review contractual terms of an agreement with a carbon broker.

Coney Island Preparatory Charter School: Cleary Gottlieb assisted the organization with 501(c)(3) and tax-exempt filings as well as negotiating its lease with the New York City Housing Authority and ongoing real estate needs. Coney Island Prep runs a rigorous academic program with the goal to ensure students in grades 5-12 develop the academic skills and character necessary for success in selective secondary schools and in their careers.



CALENDAR OF EVENTS

June (continued)

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

Donald Crane, the general counsel of the microfinance organization FINCA (the Foundation for International Community Assistance), joined interested Cleary Gottlieb lawyers for an informational luncheon. We discussed FINCA and its programs as well as the role that Cleary Gottlieb volunteers play in advancing FINCA's mission.



The Council for Zimbabwe: Cleary Gottlieb assisted the Council for Zimbabwe with obtaining 501(c)(3) status and provided general corporate law advice. The Council for Zimbabwe is an apolitical organization formed to mobilize financial, human, and material resources to respond to the humanitarian and development needs in Zimbabwe. The Council for Zimbabwe identified the exodus of professionals from Zimbabwe over the last decade as a primary obstacle to the country's successful development. The organization plans to create an information portal and database to mobilize and match professionals abroad to institutions in need of expertise in Zimbabwe; to facilitate meetings between the diasporas, development agencies and Zimbabwean policy makers; and to establish a fund to provide financial support to students.

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.

Friends of Staten Island Green Charter School: Cleary Gottlieb is assisting the organization with its formation as a non-profit corporation and tax-exempt filings. The organization will raise money needed to help start Staten Island's first charter school.

CALENDAR OF EVENTS

July

Cleary Gottlieb lawyers were joined by the legal staff of New York and New Jersey's Kids in Need of Defense (KIND) offices for an informational luncheon. KIND works to provide competent and compassionate legal counsel to refugee and immigrant children who are in the United States without their parents or legal guardian.

Cleary Gottlieb hosted a training of the Iraqi Refugee Assistance Project, a coalition of law students and clinical faculty at several law schools that works to represent the interests of displaced Iraqis both in the United States and overseas.

Cleary Gottlieb hosted an unemployment insurance appeals training presented by the Legal Aid Society.



Housing Conservation Coordinators: Working with the Housing Conservation Coordinators (HCC), Cleary Gottlieb assisted 11th Avenue Tenants in negotiating an agreement where they will receive \$195,000.00 on a payment schedule for their portion of the commercial income for their building. The firm also put together an extensive exit plan for the tenants as they prepare to purchase their building and become a low income cooperative. HCC will be able to use this extremely detailed book as a training guide for other low income tax credit projects.

Independent Diplomat: Cleary Gottlieb helped review its lease agreements, advised on human resources matters and also provided substantive legal memorandums on issues of public international law. Independent Diplomat is an organization dedicated to advising inexperienced and marginalized groups on how to have their voices heard in diplomatic and international affairs.

Prince Chunk Foundation Inc.: Cleary Gottlieb assisted the organization in establishing not-for-profit status in New York and several other jurisdictions, as well as with tax exemption filings and questions relating to providing aid and soliciting donations. Prince Chunk Foundation Inc. seeks to assist pet owners undergoing short-term financial crises by providing temporary aid for pet expenses, with the hope of keeping pets from abandonment.

Pro Publica: Cleary Gottlieb helped organize this 30-person nonprofit 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.

CALENDAR OF EVENTS

July (continued)

Cleary Gottlieb participated in Legal Outreach's summer legal internship 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.



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

Sauti Yetu Center for African Women, Inc: Sauti Yetu is a non-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. Sauti Yetu means "our voice" in Swahili, a language spoken in most of east and central Africa. Cleary Gottlieb assisted in preparing a memorandum explaining the legal options available to young girls to both prevent early marriages and to leave unwanted marriages after they have occurred. The memorandum explores both New York and federal law on the topic.

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 work includes litigation and general corporate matters.

CALENDAR OF EVENTS

August

Cleary Gottlieb volunteers continued to assist with intake at the New York City Bar Justice Center's Veterans' Law Clinics.

September

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

New Projects

At Cleary Gottlieb, the pro bono practice 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 larger new programs the firm began in 2009 are listed below.

New York Legal Assistance Group (NYLAG) and Bellevue/NYU Program for Survivors of Torture Clinics: NYLAG approached Cleary Gottlieb to partner with them on a new clinic/intake site of their existing hospital-based legal services project called LegalHealth. NYLAG's LegalHealth project operates two weekly clinics at Bellevue Hospital for patients and their families who are in need of legal assistance – the legal problems presented range from public benefits to family law to immigration, housing and more. The Bellevue/NYU Program for Survivors of Torture, located onsite at Bellevue Hospital, consistently refers several individuals who are in need of assistance with asylum petitions to LegalHealth clinics each month.

To meet the increased demand of clients seeking assistance with asylum applications, NYLAG decided to launch an additional LegalHealth clinic at Bellevue Hospital that will serve only individuals seeking asylum and approached Cleary Gottlieb to assist in staffing these monthly clinics. At the clinic, an experienced immigration attorney from LegalHealth works with one or two Cleary Gottlieb volunteers to interview clients and review their documents for possible immigration relief. Individuals with meritorious claims are sometimes taken on by Cleary Gottlieb as clients, and others are referred to other private law firm partners for placement. Since the clinics started in May of 2009, Cleary Gottlieb and NYLAG have screened over 30 patients at the NYU/Program for Survivors of Torture. The firm has taken on three such persons as clients, winning asylum grants for two of them with one client's asylum application still pending.

CALENDAR OF EVENTS

October

Cleary Gottlieb hosted a training session for the Homeless Experience Legal Protection Program on October 1st. 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. Cleary Gottlieb lawyers have volunteered in this program every October since its NYC launch in 2006.

TECHNOLOGY UPDATE:

Chris Fanelli, Igor Edelstien and Karl Schmitt of 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.



Unemployment Insurance Appeals: Cleary Gottlieb launched an unemployment insurance project in partnership with the Legal Aid Society and Volunteers of Legal Services. The firm works with these two partners to represent clients pro bono in unemployment insurance hearings. The clients are individuals who have lost their jobs and have been denied unemployment insurance.

Public International Law & Policy Group (PILPG): Cleary Gottlieb started to work with the PILPG in 2009, after hearing the organization’s executive director speak at a NYC Bar Association event. PILPG, a 2005 Nobel Peace Prize nominee, is a 501(c)(3) nonprofit organization, which operates as a global pro bono law firm providing free legal assistance to states and governments involved in conflicts. To facilitate the utilization of this legal assistance, PILPG also provides policy formulation advice and training on matters related to conflict resolution.

PILPG approached Cleary Gottlieb to assist them with a project for the Government of Southern Sudan on various matters, including pursuing solutions for sharing water resources with nine other African countries that access the Nile River Basin. In a region where access to water is especially crucial for commerce, peace, sustainability and health, the firm provided critical legal analysis of the draft Nile Cooperative Framework Agreement as it relates to the interests of the South Sudanese Government. In connection with this, Cleary Gottlieb prepared a case study addressing the management of trans-boundary water resources, focusing on the Brcko District of Bosnia and Herzegovina and the Framework Agreement on the Sava River Basin, and emphasizing issues pertaining to governance structures and resource-sharing arrangements. PILPG then approached the firm to work on a memorandum for the Ugandan government to examine how various international treaties to which they are signatories intersect.

CALENDAR OF EVENTS

October (continued)

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

Cleary Gottlieb hosted a Bankruptcy Assistance Project training on October 23rd. Attendees were introduced to bankruptcy practice from the debtor’s perspective, with a focus on assessing new bankruptcy cases and preparing them for filing.

Cleary Gottlieb associates Katherine Schulte, Jung Ju and Gina Rebollar were honored at the Legal Aid Society’s Annual Pro Bono Awards and Law Firm Recognition Ceremony for their work assisting a small business.



Iraqi Refugee Assistance Program (IRAP): In the summer of 2009, Cleary Gottlieb hosted a training for IRAP, a coalition of law students and clinical faculty at several law schools that represents the interests of displaced Iraqis both in the United States and overseas. The training was open to other law firms and taught volunteers how to assist Iraqi applicants with the U.S. Department of Homeland Security’s (DHS) “Request for Reconsideration” (RFR) process so that the volunteers are able to directly assist Iraqi refugees applying for resettlement in the United States with short, document-based appeals processes.

For many Iraqi refugees, the RFR process is a final hurdle on their way through the resettlement process. Refugees first register and interview with the United Nations High Commissioner for Refugees (UNHCR), which then refers eligible applicants for resettlement to the embassy or overseas processing entity of a country accepting Iraqi refugees. In the case of the United States, this is the International Organization for Migration (IOM), which conducts its own interviews and investigations. If IOM is satisfied that the applicant is credible and a good candidate for resettlement, it will then refer the applicant for a final interview with an employee of the Department of Homeland Security (DHS).

About one in ten applicants will be rejected by DHS, sometimes for good cause but often due to translation errors, miscommunication, evidentiary problems or other mistakes. The RFR process allows applicants to “appeal” their rejection and receive reconsideration. Most of IRAP’s clients are referrals from UNHCR of Iraqi refugees that they believe should qualify for settlement but were for some reason denied by DHS in their initial application. Cleary Gottlieb has taken on three clients from this project, winning resettlement for one of them with the other two cases still pending.

CALENDAR OF EVENTS

October (continued)

The Housing Conservation Coordinators honored the Cleary Gottlieb real estate team of Steven G. Horowitz, Marcel L. Anderson and Kevin C. Jones with their Volunteer and Leadership award for exceptional commitment and leadership in helping the organization further its mission of protecting safe, decent and affordable housing on Manhattan’s West Side. Carrie Grimm, the firm’s pro bono administrator, was also honored.

Cleary Gottlieb was honored by Volunteers of Legal Service for our legal work fulfilling the firm’s Pro Bono Pledge.



Rockefeller Drug Laws Resentencing Project: New York State Rockefeller Resentencing legislation went into effect on October 7, 2009. This statute enables prisoners who initially were sentenced to mandatory indeterminate Class B prison terms under the Rockefeller Drug Laws to petition the court for resentencing to apply for a greatly reduced term. Cleary Gottlieb had worked with the Legal Aid Society of New York to assist prisoners under the 2004 amendments to the Rockefeller drug laws and was pleased to again participate with the Legal Aid Society in this similar project. Skilled presentation regarding the inmate’s prior criminal record, record of programs and discipline while incarcerated, and family and community support are critical to successful outcomes. Since launching this program in October 2009, Cleary Gottlieb has taken on five such matters as co-counsel with the Legal Aid Society.

CALENDAR OF EVENTS

November

The Legal Aid Society Community Development Project (CDP) held a training for Cleary Gottlieb volunteers to learn how to assist small businesses dealing with emergencies, such as a fire or a water main break. We were joined by the director of the CDP, Susan Chase as well as by representatives from the New York City Small Business Services Emergency Response Unit.

The Children’s Law Center’s Executive Director, Karen P. Simmons, joined Cleary Gottlieb lawyers to discuss her organization’s programs. The Children’s Law Center is a not-for-profit law firm that provides representation to children in custody/visitation, domestic violence and guardianship cases and is funded by the New York State Office of Court Administration.

Pro Bono in Washington, D.C.

The lawyers in Cleary Gottlieb's Washington, D.C. office bring a sense of purpose and true conviction to their pro bono efforts. As is true throughout the firm, lawyers are encouraged to follow their interests and suggest new projects and representations. As a result, Cleary Gottlieb's Washington, D.C. office handled a wide array of matters in 2009, including corporate work for not-for-profits and the representation of veterans, homeless persons and immigrants, among others.

Defending the Rights of the Homeless: In 2009, 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 back pay and antitrust violations. Several defendants have settled with the class, accepting the injunction, paying damages, and cooperating in prosecuting the case against the remaining defendants. Most recently, the Court granted Cleary Gottlieb's motion for summary judgment against several defendants, and entered judgment on liability against all remaining defendants. The Court found that the defendants had failed to pay their workers the minimum wage and had conspired with each other to suppress wages below legal minimums.

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 2009, the firm assisted a Vietnam veteran with a successful appeal before the Board of Veterans' Appeals of the Department of Veterans Affairs.



CALENDAR OF EVENTS

November (continued)

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.



Unlawful Detention: Cleary Gottlieb continued its efforts to protect immigrants from unlawful detention. The firm’s lawyers represented an individual who had been ordered deported, and who was subject to an order of supervised release while awaiting deportation. The office of Immigration and Customs Enforcement (ICE) revoked our client’s supervised release and re-detained him because of an unrelated arrest. Cleary Gottlieb persuaded ICE to release our client and to impose significantly less restrictive supervised release terms, after arguing that ICE lacks the authority to impose potentially indefinite immigration detention based on an immigrant’s failure to comply with the terms of his or her supervised release.

Domestic Violence Empowerment and Appeals Project: Cleary Gottlieb represented the Domestic Violence Empowerment and Appeals Project (DV LEAP) as *amicus* before the D.C. Court of Appeals on a case involving the imposition of excessive attorneys’ fees against domestic violence victims who seek civil protection orders. The legal team filed an *amicus* brief on DV LEAP’s behalf and represented DV LEAP at oral argument. The case remains pending before the D.C. Court of Appeals.

Arms Trade Treaty: Since 2003, Oxfam America has been campaigning for an effective global Arms Trade Treaty that would impose legally binding international obligations on nation states to regulate the import and export of conventional weapons. In 2009, Cleary Gottlieb provided Oxfam with a legal analysis of the current United States conventional arms control framework, to be used as a benchmark for an international regulatory standard of arms transfers. Oxfam and its partners are working with the United Nations to meet the U.N. timetable for the establishment of such an Arms Trade Treaty.

CALENDAR OF EVENTS

December

Robyn Weinstein, Director of the Unemployment Insurance Advocacy Project at Volunteers of Legal Service, presented a training on unemployment insurance appeals.

Carne Ross and Jennifer Lake of pro bono client Independent Diplomat (ID) joined us for lunch. Cleary Gottlieb has represented ID since 2006, assisting them with 501(c)(3) filing, leases, and corporate governance issues, as well as researching and drafting memos on international law for ID and its clients.

Pro Bono in London

Lawyers in Cleary Gottlieb's London office also have a tradition of providing diverse legal advice to a variety of not-for-profit and charitable organizations pro bono. Cleary Gottlieb was the second American firm to sign the Joint Protocol for Pro Bono Legal Work and is also active with LawWorks (formerly the Solicitors Pro Bono Group). LawWorks 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 became involved in firm-sponsored community service work.

Citizenship Foundation's School Twinning Program: In 2009, Cleary Gottlieb's London office continued its involvement in the lawyers in schools section of the "School Twinning Program." The program is 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 students a chance to learn from legal professionals and to discuss a range of topics such as employment law, citizens' rights and responsibilities, and international human rights. We are working with the Swanlea School in an underserved community of the London borough of Tower Hamlets. The program has proved very popular not only with the school, but also among Cleary Gottlieb's lawyers, who have signed up in significant numbers. As such, discussions are under way to determine the viability of expanding Cleary Gottlieb's involvement in the community next year through programs run by the Tower Hamlets Education Business Partnership.

CALENDAR OF EVENTS

December (continued)

During the Women's Working Group's fifth 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.

Twenty-four Cleary Gottlieb lawyers were recipients of the Legal Services NYC's 2009 Pro Bono Recognition Awards for their efforts on behalf of low-income New Yorkers.





Overseas British Voter: Associates in the London office collaborated with lawyers in the Brussels office on assisting a British citizen resident abroad—in another European Union Member State—with a case to appeal the denial of his right to vote in U.K. elections. This project has involved extensive legal research, particularly involving the compatibility of the Overseas Citizenships Voting Rights Act of 1975 with European Union law. The case is pending before U.K. courts, and Cleary Gottlieb’s role in the matter is ongoing.

Humanity Calls: In 2009, Cleary Gottlieb began working with Humanity Calls, a new charity based in the United States and Canada seeking assistance to register with the Charities Commission in England and Wales. Humanity Calls facilitates the process for other nonprofit organizations to secure charitable donations through an interactive web-based platform. Humanity Calls plans to launch and administer a website that will allow donors to participate in a dynamic process of pooling donations and targeting the “most deserving” recipients of charitable funds. Its founders define its vision as follows: “We exist to make the process of giving more accessible, engaging and meaningful for large-scale audiences.” The Cleary Gottlieb team also advised Humanity Calls on various matters, including intellectual property and governance considerations.

Independent Diplomat: Cleary Gottlieb assisted in Independent Diplomat’s (ID) preparations for African Union conferences on the future of Somalia, addressing various questions of public international law and providing legal analysis of similar situations where statehood and sovereignty are in dispute. This work will be used in the future to provide ID with a comprehensive research memorandum on the legal status of the Somaliland, emphasizing the protection of the human rights of Somalilanders under international law.

Pro Bono in Rome

Assisting the American Academy in Rome: Cleary Gottlieb provides pro bono legal advice on a regular basis to the American Academy in Rome, a private, not-for-profit institution founded in 1894 to foster the pursuit of advanced research and independent study in the fine arts and humanities. Each year, the American Academy in Rome offers fellowships to artists and scholars and sponsors a wide array of cultural events, such as exhibitions, concerts, conferences and lectures. Over the last year and a half, the firm has been assisting the American Academy in Rome on various questions of Italian law.

Special Olympics Italia: Cleary Gottlieb provides pro bono legal advice on a regular basis to Special Olympics Italia ONLUS, a not-for-profit organization that operates as an accredited program of Special Olympics International. The mission of Special Olympics is to provide sports training and athletic competition in a variety of sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other Special Olympics athletes and the wider community. Cleary Gottlieb provides general corporate advice to Special Olympics Italia, including regarding relationships with sponsors and partners. In particular, over the past two years, the firm helped Special Olympics Italia to reorganize its corporate governance and assisted it in obtaining public funds from the Italian Paralympics Committee.



Firmwide, Cleary Gottlieb opened 125 new matters in 2009, addressing international human rights and immigration, domestic violence, arts and entertainment law, indigent criminal defense, community development, not-for-profit law, civil rights, education and children's rights, family law, housing litigation and homelessness, veterans' rights, and environmental law.

Washington Irving High School Partnership



Cleary Gottlieb's New York office continues to participate in Legal Outreach, a summer legal internship 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 securing a college education.

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 2009, 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

College Advising: Last year, Cleary Gottlieb developed the College Advising program, which helps prepare students for life after high school. Cleary Gottlieb volunteers helped seniors prepare their college applications, and former college admissions officers held office hours to field the students' questions.

Mentoring: Each fall, 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 increased this year to 30 active mentee-mentor pairs.

SAT Preparation Classes: Cleary Gottlieb organized two SAT programs in 2009, 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 exam.

College Fair: Each spring, Cleary Gottlieb collaborates with more than 40 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.

Legal Outreach: Each summer, Cleary Gottlieb participates in Legal Outreach, a summer

legal internship for public high school students. 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 Cleary Gottlieb employees the opportunity to mingle with WIHS students and staff for various activities, including a treasure hunt of public monuments and buildings in the Union Square area, a visit to The Bodies Exhibit and to the Museum of American Finance, and a planting project.

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 2009, Cleary Gottlieb took over responsibility for coaching WIHS's Model United Nations (MUN) Team. Volunteers help 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 MUN conferences throughout the year. During this school year, the MUN Team attended conferences at Columbia University and the University of California, Berkeley.

New York College Access Coalition Collaboration: Throughout the year, Cleary Gottlieb holds collaborative events with the College Access Coalition of New York City. In 2009, the coalition hosted interview, money management and scholarship workshops.

Mock Trial: Cleary Gottlieb volunteers helped train the Mock Trial Team at WIHS, leading 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.



For 19 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 at this New York City public school.



Success Stories

Cleary Gottlieb lawyers received seven immigration victories, won an SSI appeal, filed two *amicus* briefs, secured a settlement for restaurant workers, advised over 30 not-for-profits including microfinance institutions, won two discrimination claims—one on behalf of an HIV positive minor and one for an immigrant dishwasher, won a settlement protecting an artist's right and changed the names of several transgendered clients to reflect the clients' gender identity, as well as prepared an extensive study for the United Nations Conference on Trade and Development (UNCTAD) and drafted a memorandum of understanding on behalf of the republic of Nauru in order for Israel to provide it with technical assistance on climate change impact management.

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 nonprofit legal organization that serves members of the arts community with legal, education and advocacy services.

Cleary Gottlieb Wins Second Circuit Appeal Interpreting Minimum Sentencing Statute

On March 5, 2009, the Second Circuit decided United States v. Williams, a criminal appeal in which Cleary Gottlieb partner Lewis Liman was appointed as *amicus curiae* to brief the effect of a prior decision of the Court on the applicability of certain minimum consecutive sentences. The sentencing statute in question, 18 U.S.C. § 924(c)(1)(A), provides for an additional five-, seven- or ten-year consecutive minimum sentence for, respectively, possession, brandishing or discharge of a firearm during the commission of certain types of crimes, except where a greater minimum sentence otherwise applies. In the Court's prior decision, United States v. Whitley, the Court held that the plain language of Section 924(c)(1)(A)'s "except" clause precluded the application of an additional minimum sentence for a defendant also sentenced under the Armed Career Criminals Act, because the fifteen-year ACCA sentence was a "greater" minimum sentence than that provided by Section 924(c)(1)(A).

Williams presented the question of whether Section 924(c)(1)(A) applied in the context of an underlying drug-trafficking conviction. The defendant's drug-trafficking conviction carried a ten-year minimum sentence and Section 924(c)(1)(A) would have provided an additional five-year minimum sentence, unless the "except" clause applied. The Williams Court agreed with Cleary Gottlieb's argument that Whitley's plain-language interpretation of the "except" clause must extend to sentencing in drug-trafficking cases, and that the defendant's ten-year drug minimum sentence exempted him from receiving an additional five-year minimum under Section 924(c)(1)(A). The Court thus held that Section 924(c)(1)(A)'s additional minimums for firearms conduct do not apply "where the defendant is subject to a longer mandatory minimum sentence for a drug-trafficking offense that is part of the same criminal transaction or set of operative facts as the firearm offense." The Court referenced Cleary Gottlieb's *amicus* brief several times in its opinion, and in a footnote "thank[ed] *amicus* counsel for the helpful brief and oral argument in this appeal."

The import of the Williams decision is that a literal reading of the statute preserves judicial discretion in sentencing certain defendants convicted of firearms-related conduct in drug-trafficking cases, without limiting the upper end of the sentencing range. Although the effect of the ruling is confined to the three states of the Second Circuit, the Williams decision is potentially of national importance because it declines to follow the contrary rulings of six other courts of appeals, and because a prior version of the sentencing statute had been at issue in the Supreme Court's 1995 decision in Bailey v. United States.

Cleary Gottlieb Wins Favorable Settlement for Restaurant Workers on Second Day of Trial

Cleary Gottlieb represented 21 former waiters and busepersons in a suit against their employer, East Buffet & Restaurant, a Chinese restaurant on Long Island. The workers' claims included unpaid minimum wage and overtime earnings, as well as the recovery of tips that had been unlawfully taken by the restaurant's management. The case involved substantial discovery, including over 30 depositions. The matter was litigated in the Eastern District Court of New York, and went to trial on March 23, 2009 before settling on March 24, 2009 on terms highly favorable to the restaurant workers. The case was referred to the firm by the Asian American Legal Defense Fund. This case is one of several wage and hour cases on Cleary Gottlieb's docket that supports workers' rights and "fair labor," giving access to justice and a voice to otherwise disenfranchised workers.

Cleary Gottlieb Files *Amicus* in Iowa Supreme Court

Representing the American Sociological Association, the American Anthropological Association, the Center for Inquiry and over fifty leading scholars as *amicus curiae* in the recent victory in the marriage equality case, Varnum v. Brien, then pending before the Iowa Supreme Court, urging the court to affirm a lower court's exclusion of defendants' "expert witnesses" who sought to testify to the effects same-sex marriage could have on children and families. The *amici* argue that the experts lacked any reliable methodology or relevant expertise, and offered what amounted to unsupported personal opinions. The Iowa Supreme Court affirmed the district court's decision on April 3, 2009.

Cleary Gottlieb Secures Immigration Remedy for Three Domestic Violence Victims

In three separate petitions, Cleary Gottlieb won "U Nonimmigrant Status", commonly known as a "U Visa", for pro bono clients Ms. S., Ms. B. and Ms. Q. U Visas are available to certain crime victims who assist police and prosecutors in bringing their victimizers to justice; a U Visa provides legal immigration status in the United States for four years and a path to Lawful Permanent Resident status (green card).

On May 28, 2009, following two years delay due to regulatory changes and administrative backlogs, the U.S. Citizenship and Immigration Services division of the Department of Homeland Security (USCIS) approved Ms. S.'s petition based upon her cooperation with the Kings County District Attorney in prosecuting her ex-partner, who had repeatedly subjected Ms. S. to brutal beatings in the presence of her young child.

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.





In 2009, Cleary Gottlieb's pro bono work received recognition from Applesseed, Housing Conservation Coordinators, Legal Services NYC, Legal Aid Society of New York, and Volunteers of Legal Services.

A separate petition resulted in USCIS approval of Ms. B.'s U Visa petition on May 30, 2009 based on her assistance with the prosecution of her ex-partner by the Queens County District Attorney for his repeated severe beatings of Ms. B. In a third successful petition, on June 2, 2009 USCIS approved Ms. Q.'s U Visa based upon her cooperation with the Queens County District Attorney in prosecuting her ex-partner for a vicious attack on Ms. Q.

Ms. S., Ms. B. and Ms. Q. were referred to Cleary Gottlieb by Sanctuary for Families, which provided valuable training and support for the project. Sanctuary filed initial interim petitions on behalf of Ms. S., Ms. B. and Ms. Q. in 2007. In March and May 2008, Cleary Gottlieb filed expanded petitions based upon newly issued regulations. Cleary Gottlieb has also successfully secured several work authorization renewals on behalf of each of the three petitioners.

Cleary Gottlieb Secures Settlement in Prisoner Abuse Case

Cleary Gottlieb represented an inmate at a New York State correctional facility who had been beaten and systematically abused by corrections officers over a period of over 4 years. Our client first filed a lengthy *pro se* complaint in 2001, and we were appointed by Judge Kaplan of the Southern District of New York to represent him. We then filed amended complaints on his behalf in two cases, alleging violations of the First, Eighth and Fourteenth Amendments to the United States Constitution based on corrections officers' acts of retaliation and assault. Over the next several years, we defeated lengthy and complex motions to dismiss and conducted extensive discovery including more than a dozen depositions and three expert reports. On June 3, in a settlement conference before Magistrate Judge Pitman, we secured a settlement of \$30,000 for our client, up from the State's original offer of \$7,500.

Cleary Gottlieb Wins Political Asylum for Tibetan

Cleary Gottlieb won political asylum for a Tibetan pro bono client, a 38-year-old mother of two who was born and raised in India, where radical followers of the Dorjee Shugden attacked her twice and attempted to rape her. The Dorjee Shugden is a controversial Tibetan deity, the followers of which comprise an offshoot of Tibetan Buddhism that has been linked to the 1997 ritualistic murders of three close associates of the Dalai Lama. The U.S. Department of Justice Immigration Court granted asylum at a hearing on April 15, 2009.

The asylum applicant was targeted by followers of the Dorjee Shugden due to her work for the Tibetan Government in Exile, her service on the Central Executive Committee of the Tibetan Youth Congress and her outspoken support of the Dalai Lama's spiritual and political leadership. She asserted that the Indian police were unable or unwilling to protect her from her attackers, and that she would face further violence if she were forced to return to India.

Cleary Gottlieb Successfully Represents Pro Bono Clients in Adoption Proceedings

Cleary Gottlieb successfully represented pro bono clients Mr. and Mrs. D. in their adoption of Mrs. D.'s nephew, C. They had lovingly raised C. for nine years, after his biological mother had abandoned him as an infant. Although Mrs. D. had been C.'s legal guardian for most of his life, and Mr. and Mrs. D. considered themselves to be C.'s parents, they had never formally adopted C. However, Mr. D. was recently diagnosed with terminal cancer and desired to officially be recognized as C.'s father before he passed away. The adoption process was fraught with difficulties that would ordinarily have turned it into a lengthy affair. However, with the help of a sympathetic court, the dedication of Cleary Gottlieb volunteers, and the able assistance of MFY Legal Services, Inc. (the referring agency), the adoption was fast-tracked, and received final approval on May 20, 2009.

Cleary Gottlieb Completes Name Change for Transgendered Client

Cleary Gottlieb successfully represented pro bono client Ms. S. in her petition for a name change before Civil Court of the City of New York. Ms. S.'s name change petition was initially stayed when she was ordered by the court to submit a letter from a doctor or social worker "verifying the basis for the name change based on gender identity." However, after obtaining such documentation and appearing for a rehearing, the court held that petitioners need not provide medical evidence in order to obtain a name change and granted Ms. S.'s name change.

Cleary Gottlieb Wins Release and Permanent Residency for Dominican Client Facing Deportation

The firm has successfully represented Mr. A., a Dominican national, before the Immigration Court resulting in his immediate release, termination of removal proceedings against him and a grant of permanent residency in the United States. When Cleary Gottlieb took the case in March of 2008, Mr. A. was in detention awaiting removal, just a few weeks away from deportation. The Cleary Gottlieb team moved the Immigration Judge to reopen the case and stay removal. The Immigration Judge granted a stay of removal, but a few weeks later denied the motion and vacated the stay. Cleary Gottlieb appealed to the Board of Immigration Appeals, at the same time securing a further stay of removal by commencing a parallel petition for review in the Second Circuit and opposing the government's motion to dismiss the petition. On September 8, 2008, the Board of Immigration Appeals issued its decision, accepting Cleary Gottlieb's argument that the claims raised in the previous appeal had never been dismissed or resolved, and remanding the case to the Immigration Judge for reconsideration of the petition on the merits in light of new evidence.

During the course of several hearings before the Immigration Judge, the Cleary Gottlieb team pursued several different avenues for relief. In August 2009, the Immigration Judge finally terminated removal proceedings against Mr. A. and granted him adjustment of status. After a year and a half of detention and legal battles in which he was nearly deported on multiple occasions, Mr. A. was finally allowed to return to his family.

Cleary Gottlieb successfully concluded several arts, not-for-profit, land use and affordable housing deals this year, including representing four charter schools with their real estate and corporate governance needs. 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.





Cleary Gottlieb successfully represented a minor and his mother in an HIV discrimination suit against a summer sports camp in New York for refusing the then 10-year-old's admission into a basketball camp upon learning of his HIV status. The case was brought under the Americans with Disabilities Act and the New York Human Rights Laws in federal court in New York.

Cleary Gottlieb Successfully Assists Transgendered Clients in Changing their Legal Names

Cleary Gottlieb, in connection with The Name Change Project of the Transgender Legal Defense & Education Fund, successfully represented on a pro bono basis two transgendered clients, Ms. V. and Ms. T., in changing their legal names to conform with their gender identities. Ms. V.'s name change became effective on May 22, 2009, and Ms. T.'s name change became effective on August 20, 2009.

The Name Change Project provides the transgender community with free legal representation during the name change process, which for many transgendered individuals is a first step towards making their legal identities match the way they identify and live their lives.

Cleary Gottlieb Wins Disability Claim Appeal

Cleary Gottlieb won a disability claim appeal for pro bono client Mr. S., obtaining Social Security disability benefits after the Social Security Administration had denied his initial benefits application. After a hearing on August 24, 2009 during which a medical expert and a vocational expert were present, U.S. Administrative Law Judge Robert E. Ward ruled in Mr. S.' favor and issued a written decision on September 2, 2009.

The judge found that Mr. S. suffers from impulse control disorder, bipolar disorder and cognitive disorder, and that the severity of these impairments met the regulatory requirements for a mental disorder that made Mr. S. eligible to receive benefits.

In preparing Mr. S.' appeal, the Cleary Gottlieb team researched Mr. S.'s medical condition and the applicable Social Security regulations, drafted and filed pre-hearing memoranda, prepared Mr. S. for the hearing, and represented him at the hearing. Brooklyn Legal Services Corporation A referred the case to Cleary Gottlieb.

Cleary Gottlieb Wins Important Appeal for Pro Bono Client Seeking to Overturn Wrongful Murder Conviction in Tennessee

Cleary Gottlieb won from the Tennessee Court of Criminal Appeals an important victory for pro bono client Erskine Johnson, who currently is serving a life sentence for first degree murder. The appellate decision reversed a ruling from the trial court that Mr. Johnson's petition for *coram nobis* relief (a request for a new trial based on newly-discovered evidence) was time-barred, and remanded the case for a judgment on the merits of the petition.

Mr. Johnson was originally sentenced to death based on a conviction for the murder of a grocery store owner during a burglary in Memphis in 1983. Cleary Gottlieb previously won a reversal of Mr. Johnson's death sentence. After the Cleary Gottlieb team persuaded the State not to seek the death penalty again, Mr. Johnson was resentenced to life imprisonment. Since then, investigators for Mr. Johnson have discovered new credible evidence closely linking the prosecution's key trial witness – who went unimpeached at trial – to a group of

alternative suspects. Evidence connecting these alternative suspects to the crime had been suppressed by the prosecution at the time of trial and was the subject of a Brady claim, which was rejected by the Tennessee courts in part because of the testimony of the State's key witness.

The recent favorable ruling from the Court of Criminal Appeals paves the way for the trial court to consider the merits of the *coram nobis* petition and weigh the significance of the new evidence based on a standard of whether it "may have" resulted in a different verdict. The appellate court opinion contains several signals that the petition has merit.

Cleary Gottlieb Secures *Coram Nobis* Relief for Pro Bono Client

Cleary Gottlieb recently secured *coram nobis* relief for pro bono client Ms. D., obtaining an order from the Eastern District of New York that requires the federal government to correct its records to reflect that Ms. D. has not been convicted of a crime.

Many years after her arrest by federal law enforcement officers for alleged drug possession on federal land, and after Ms. D. had graduated from college and started a family, she learned that the arrest had resulted in the entry of a record of criminal conviction. Thereafter, Ms. D. filed a *pro se* motion to seal or expunge that criminal record.

Senior United States District Judge Sterling Johnson, Jr., requested pro bono counsel for Ms. D. and Cleary Gottlieb accepted the assignment. Cleary Gottlieb filed a memorandum of law in support of Ms. D.'s motion and made court appearances on Ms. D.'s behalf, arguing that her record should be expunged or, in the alternative, corrected to reflect that she had not been convicted of a crime, on the basis that Ms. D. had not knowingly or voluntarily entered a guilty plea. In particular, Cleary Gottlieb argued that at the time of her arrest, Ms. D. had been unaware that signing a form to resolve the allegations by paying a fine would constitute a guilty plea, and that the conviction caused her undue hardship in her subsequent career in financial services where background checks were standard and the conviction thus threatened Ms. D.'s ability to find and sustain employment.

The government ultimately acquiesced to the request for *coram nobis* relief, and by Memorandum and Order dated September 24, 2009, Judge Johnson ordered the government to correct its law enforcement records to indicate that Ms. D. has not been convicted of a crime. As a result of this correction, Ms. D. will no longer be ineligible for certain employment opportunities.





Cleary Gottlieb Prepares and Presents Study to the UNCTAD

Together with Professor Mitu Gulati of the Duke University School of Law, Cleary Gottlieb partner Lee Buchheit prepared an extensive study for the United Nations Conference on Trade and Development (UNCTAD) entitled "Responsible Sovereign Lending and Borrowing." UNCTAD has, at the request of the United Nations General Assembly, begun a three-year project to develop guidelines for responsible lending to, and borrowing by, sovereign borrowers. The Buchheit/Bulati paper was the first study to be commissioned by UNCTAD in this program. The paper was presented to the UNCTAD Secretariat and an interdisciplinary group of experts in Geneva on November 12, 2009.

Cleary Gottlieb Secures Asylum for Unaccompanied Minor from Côte d'Ivoire

On November 18, 2009, Cleary Gottlieb successfully secured asylum for pro bono client Ms. D., after a hearing before an asylum officer on July 29, 2009, at the asylum office in Lyndhurst, New Jersey. Ms. D. is a seventeen-year-old native of Côte d'Ivoire who was subjected to female genital mutilation (FGM) when she was six years old. Because the procedure was not completed, the client would have suffered a repeated FGM when a forced marriage was arranged for her at age fifteen. Her asylum claim was therefore based on both past and likelihood of future persecution in the form of repeated FGM, forced marriage and verbal and physical abuse. Ms. D. fled Côte d'Ivoire and came to the United States in early 2008. Because Ms. D. is an unaccompanied minor, Cleary Gottlieb also provided the client with substantial assistance in getting enrolled in high school, obtaining medical care and securing other related benefits while her case was pending.

Cleary Gottlieb Wins Settlement for Bangladeshi Man in Employment Discrimination Case

Cleary Gottlieb won a settlement for pro bono client Mr. K., who was allegedly terminated from his employment as a busser at a midtown restaurant on the basis of his race. Mr. K. claimed that upon his return from an approved leave to Bangladesh in 2006, a new manager at the restaurant refused to allow him to return to work, stating that the restaurant would be hiring "no more Bangladeshis."

With the help of the Urban Justice Center, Mr. K. filed a complaint with the Equal Employment Opportunity Commission (EEOC) in 2007. The EEOC dismissed the case and issued a right to sue letter in January 2009. Cleary Gottlieb then took over the case, filing a complaint in the U.S. District Court for the Southern District of New York in April 2009 that alleged discrimination on the basis of race and/or national origin in violation of Title VII of the Civil Rights Act of 1964, the New York City Human Rights Law, and 42 U.S.C. § 1981. After some discovery, defendants agreed to settle the case for a substantially larger amount than an earlier offer made before the EEOC.

Early 2010 Victories

Cleary Gottlieb Wins Discrimination Suit for HIV Positive Child Denied Admission to Camp

Cleary Gottlieb won a key summary judgment ruling for a ten-year-old child Mr. D. and his mother, who brought suit against a summer camp that denied him admission after learning of his HIV status. The case was brought under the Americans with Disabilities Act and the New York Human Rights Laws in federal court in New York. The Honorable Judge Donald Pogue, sitting by designation, issued a ruling on January 13, 2010.

The camp's principle defense was that, under the ADA, places of public accommodation may refuse admission to a disabled applicant whom they establish posed a "direct threat" to the safety of others. The camp argued that Mr. D. posed a direct threat because he could transmit HIV to others should he leave blood in his stool or urine when using the camp's swimming pool or toilets.

The court rejected the camp's contention and accepted in full Cleary Gottlieb's argument that a place of public accommodation must establish its direct threat defense based on reasonably available objective medical evidence and not on irrational fears or stereotypes about people with disabilities. In an important victory for HIV rights, the court also rejected the notion that a camp would be excused from making an informed determination simply because it had a short window in which to establish this "direct threat" defense. The court ruled that the camp had violated the ADA and the New York Human Rights Laws as a matter of law.

The Legal Aid Society of Rockland County, New York, and the Legal Action Center originally brought the case. After extensive discovery, the two organizations sought Cleary Gottlieb's assistance in preparing and defending cross motions for summary judgment.

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





Cleary Gottlieb Wins Disability Compensation for Vietnam Veteran

Cleary Gottlieb won disability benefits for a Vietnam veteran pro bono client following a successful appeal to the Board of Veterans' Appeals (Board). During his tour in Vietnam as a light weapons infantryman, the veteran was exposed repeatedly to loud noises, including a mortar blast on one occasion that went off inches from his head. Although he sought medical treatment for his injury at the time, neither the treatment nor his injury was documented. Beginning in 1974, the veteran sought disability benefits for hearing loss but was denied because his "separation physical" included a partial hearing test that did not indicate a hearing disability.

Working with The American Legion and the National Veterans Legal Services Program, Cleary Gottlieb began assisting the veteran in 2008 in an appeal of a 2005 Department of Veterans Affairs decision that again denied benefits for the veteran's hearing loss and tinnitus. A significant challenge in the appeal was addressing the veteran's 1969 separation physical, which indicated no hearing disability when the veteran left the service. Cleary Gottlieb's brief to the Board cited lay evidence from family members and soldiers who served with the veteran, an expert medical opinion, medical evidence and recent case law that supported linking the veteran's hearing disability to service. The Board held that the weight of the evidence supported the veteran's claim for service connection for his hearing loss and tinnitus. In January 2010, the veteran was notified that he would receive increased VA disability compensation benefits as a result of his successful appeal.

Cleary Gottlieb Obtains Reversal of Conviction

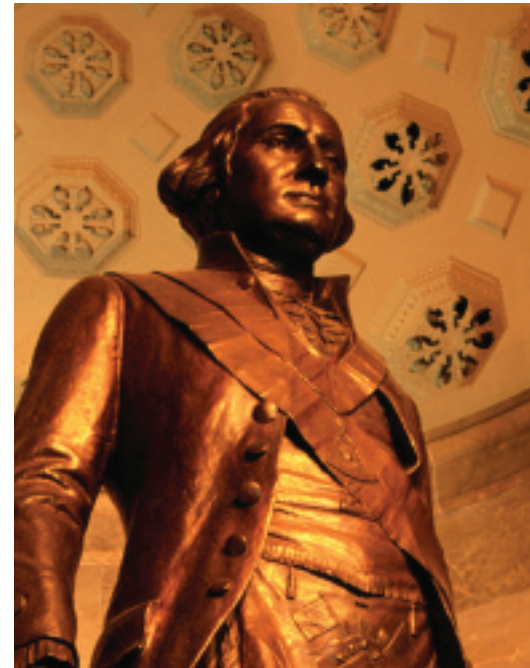
Cleary Gottlieb won a criminal appeal on behalf of pro bono client Mr. O. when on January 21, 2010, the New York Appellate Division, First Department unanimously reversed Mr. O.'s burglary conviction because the prosecutor's repeated misconduct deprived Mr. O. of a fair trial. Mr. O. was sentenced to 20 years to life imprisonment, and his case will now be remanded for a new trial.

The Appellate Division ruled that the prosecutor improperly tried to impeach Mr. O. on cross-examination, suggesting that he was being dishonest when he entered not guilty pleas before changing his pleas to guilty in prior cases, even though it is well settled that a not guilty plea is not a factual assertion of innocence and cannot be used against a defendant. This improper questioning also violated the trial court's ruling that the prosecutor was not permitted to ask Mr. O. about any of the underlying facts of his prior convictions.

The Appellate Division also ruled that it was improper for the prosecutor to introduce a mug shot photograph of Mr. O.'s girlfriend, who did not testify at trial, and repeatedly refer to her criminal history for no other purpose than to suggest that Mr. O. was associated with a disreputable person.

Finally, the court ruled that the prosecutor engaged in a pattern of misconduct during summation, including referring to Mr. O.'s propensity to commit crimes because of his past convictions and making statements such as the prosecutor's closing remark, "He knows he did it, you know he did it. He's waiting for you to tell him that you know, and if you don't think he did it, give him back his razor blade and let him walk out the door." Significantly, although the court determined that the challenges to the prosecutor's summation were not preserved at trial, the court exercised its right to review them in the interest of justice.

The court held that the cumulative effect of this misconduct deprived Mr. O. of a fair trial because the case turned on Mr. O.'s credibility, and the evidence against him was not so overwhelming that the prosecutorial misconduct was harmless error. Cleary Gottlieb received the case through the Volunteer Lawyer Program at the Office of the Appellate Defender.





Awards

Cleary Gottlieb Honored by Appleseed

Cleary Gottlieb was honored on June 11, 2009, at Appleseed’s annual “Engaging a Network for Change” event for our work with the Education Law Research Project. The New York City Department of Education (DOE) approached Appleseed NY to research and draft 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 invoke 3-4 hours of leave per year to tend to school-related obligations, such as parent-teacher conferences or PTA meetings. The DOE and parent education advocates would like to launch a campaign around such a legislative reform. Appleseed approached Cleary Gottlieb in the fall of 2008 to research the background of such laws in other jurisdictions and recommend the best legislative course for introducing such a law in New York.

Cleary Gottlieb Honored by Volunteers of Legal Service

On October 6, 2009, Cleary Gottlieb was honored by Volunteers of Legal Service (VOLS) for legal work fulfilling the firm’s Pro Bono Pledge. The Honorable Jonathan Lippman, Chief Judge of the State of New York, presented the VOLS Pro Bono Awards to Cleary Gottlieb and the other participating firms during a reception celebrating the 25th Anniversary of VOLS. VOLS develops projects and provides pro bono legal service to vulnerable New York City populations. The VOLS Pro Bono Pledge asks law firms to pledge an average of 30 hours or more of qualifying pro bono work per attorney.

Cleary Gottlieb Honored by the Housing Conservation Coordinators

The Cleary Gottlieb team for the “11th Avenue Tenants” case was a recipient of the Housing Conservation Coordinators (HCC) Volunteer and Leadership Award for exceptional commitment and leadership in helping HCC further its mission of protecting safe, decent and affordable housing on Manhattan’s West Side. The awards were presented during the HCC annual Volunteer and Leadership Awards Reception on October 22, 2009.

The Cleary Gottlieb team included Steven G. Horowitz, Marcel L. Anderson, Kevin C. Jones, and former associates Gaston de Los Reyes, Chris Mellon and Alexandra Magness. Pro bono administrator Carrie Grimm was also honored for bringing the case to the firm. The team helped the tenants association of a 47-unit, two-building low income limited equity co-op in reviewing the co-op partnership agreement and understanding the tax credit issues in order to help the tenants prepare to take control of the co-op.

Cleary Gottlieb Honored by the Legal Aid Society of New York

Cleary Gottlieb associates Katherine Schulte, Jung Ju and Gina Rebollar were honored with the Legal Aid Society of New York's 2009 Pro Bono Publico Awards for outstanding service to the Society and its clients. They received the awards at the Legal Aid Society's Annual Pro Bono Awards and Law Firm Recognition Ceremony on October 26, 2009. They were honored for their outstanding work with a Williamsburg couple starting their own small grocery store. The team helped these small business owners incorporate their company, drafted an operating agreement, and advised on corporate governance and tax compliance.

Cleary Gottlieb Lawyers Honored by Legal Services NYC

Twenty-four Cleary Gottlieb lawyers were recipients of The Legal Services NYC's 2009 Pro Bono Recognition Awards for their efforts on behalf of low-income New Yorkers.

The following individuals worked on LSNY matters and were acknowledged for their work during the Legal Service NYC Annual Awards Breakfast on December 4, 2009: David Aman, Marcel Anderson, Jason Canavan, Evan Davis, Suzanne deVries Decker, Deanna Dennis, Lawrence Friedman, Amy Gilday, Corey Goodman, Bill Gorin, Timothy Haggerty, Caroline Hayday, Steve Horowitz, Kevin Jones, Hoon-Hung Kim, Francesca Odell, Busayo Olupona, Yeora Park, Les Samuels, Lisa Schweitzer, Catherine Slack, Laesha Smith, Elizabeth Vicens and Liana Viatle.



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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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