

*Two thousand thirteen marked the 25th anniversary of Ballard Spahr’s formal pro bono program. Over the years, the program has coordinated the efforts of hundreds of attorneys in all areas of pro bono work, including civil rights, immigration, housing, education, public benefits, and criminal justice. In 2013, Ballard Spahr lawyers and staff contributed more than 36,000 hours of pro bono service to those in need. The firm consistently ranks among the top 100 law firms nationally in the Am Law Pro Bono Report and has received numerous awards and honors in recognition of its pro bono work.*

CIVICS & EDUCATION

Justice Sandra Day O’Connor Advocates for  
Civics Education

In November, our Philadelphia office hosted a very special guest speaker, former Supreme Court Justice Sandra Day O’Connor. Justice O’Connor introduced Philadelphia’s business community to iCivics, a nonprofit organization she founded to promote civics education. The opportunity arose from the firm’s longstanding relationship with Constitution High School, Philadelphia’s civics-themed magnet school. Justice O’Connor delighted the audience with tales from her legal career, analysis of the changing role of women in the law, and observations on merit selection of judges. Citing increasing misunderstanding or ignorance of government systems and political processes, she spoke about the need for civics education and the duty of all of us to volunteer and be active in our communities. As firm Chair **Mark Stewart** noted, the Justice leads by example. Rather than resting on her laurels in retirement, she identified the need for improved tools for civics education and decided to engage the next generation through computer games that incorporate civics lessons. Students from Constitution High were on hand to demonstrate the iCivics software. Baltimore of counsel **Olabisi “Bisi” Okubadejo** provided guidance to iCivics in website compliance with federal accessibility standards.

Ballard Spahr  
LLP

A Conversation with  
**Justice Sandra Day O’Connor:**  
The Importance of Civics Education

presented by  
BallardWOMEN



IN THIS ISSUE:

Internal Investigations – The National  
Conference of Black Mayors.....3

International Human Rights.....3

Darfur Activist Hawa Salih – Update .....4

Social Responsibility – Hunger & Sustainable Foods.....7

Support for First Responders and Service Members.....8

Families in Crisis ..... 10

Public Health ..... 11

Criminal Justice ..... 12

Supporting Access to Justice..... 13

Real Estate & Housing..... 14

Awards Corner ..... 15

## Project HEAL To Assist Children with Disabilities



Amy McClain

Ballard Spahr has partnered with the world-renowned Kennedy Krieger Institute to provide pro bono support to families raising children with disabilities through Project HEAL (Health, Education, Advocacy, and Law). Project HEAL, a community-based program of the Maryland Center for Developmental Disabilities at Kennedy Krieger, is a comprehensive medical-legal partnership offering advocacy and legal services to low- and moderate-income families. The program helps families receive appropriate special education and related services through local school systems, appeal inappropriate denials of disability payments under the Supplemental Security Income program, challenge school disciplinary actions, and obtain representation in simple family law matters. **Amy McClain**, a real estate partner in Ballard Spahr's Baltimore office, is overseeing the firm's partnership with Project HEAL.

## Promise Neighborhood Improves Collaboration between Nashville Schools and Nonprofits

**Amy Mushahwar** and **Rachel Keene** counseled the Nashville Promise Neighborhood Program in the implementation of an information sharing program funded by a \$500,000 U.S. Department of Education grant. The program provides access to key portions of school district data to nonprofit agencies working with students—but only with parental permission. Sharing data will help partners identify student needs and whether their programs are having an impact. The Ballard Spahr lawyers provided advice on drafting the data sharing agreements, compliance, and program setup.



## Remedial Education Reform in Mississippi



Phoenix associate **Lea Phillips** led Ballard Spahr attorneys assisting the Mississippi Center for Justice in researching issues

concerning college remedial education programs. Statistics indicate that 43 percent of two-year college students need remediation. These students are more likely to be African American, poor, and dependent on federal aid. The vast majority of those students also fail to graduate on time or at all. The project identified innovative practices and opportunities to improve remedial education and student outcomes in the state.

## Programs for Youth

In Denver, **Sarah Wallace**, **Greg Szewczyk**, and **Matt Morr** were trained to be part of the Denver Public Schools Truancy Mediation Program. Under this pilot program, the school district invites truant students and their families to a mediation at which volunteer lawyers present the particulars of truancy laws. After the lawyer presentation, the school, students, and families come up with a written plan to get the student back on track to attending school. Each lawyer works with one school for the entire academic year.

## Shelby Voting Rights Research

Last winter, a team of Ballard Spahr attorneys from seven offices worked with the national Lawyers' Committee for Civil Rights to examine voting rights compliance and enforcement in the wake of the U.S. Supreme Court's decision in *Shelby County v. Holder* that struck down a key provision of the Voting Rights Act (VRA). The team, including **Blake Wade**, **Philip Yannella**, **Lucretia Clemons**, **Bradley Patterson**, **Erica Leatham**, **Bisi Okubadejo**, **Lindsay Breedlove**, **Jessica Case**, **Mike Fabius**, **Robert Kearbey**, **Cliff Sacalis**, **Lisa Swaminathan**, **Greg Szewczyk**, **Charles Treece**, **Caroline Pollard**, **Rene Tracy**, and **David Webster**, researched voting rights issues in several key states. We also provided logistical support as the Lawyers' Committee conducted hearings in select locations across the country. This was familiar territory for our attorneys, who previously participated

in research and hearings leading to production of the Lawyers' Committee's 2006 report to Congress supporting reauthorization of the VRA.



## INTERNAL INVESTIGATIONS – THE NATIONAL CONFERENCE OF BLACK MAYORS



*Mayor Kevin Johnson*

In May 2013, Ballard Spahr was selected to represent the National Conference of Black Mayors (NCBM) and Kevin Johnson, its President, who is the Mayor of Sacramento, a former NBA All-Star, and the current President of the United States Conference of Mayors. Founded in 1974, the NCBM provides information

and policy resources to hundreds of black mayors and the citizens they represent. Mayor Johnson was elected to the NCBM presidency just as news broke that the organization was heavily in debt and had lost its tax-exempt status. He immediately launched an investigation, which implicated the NCBM's Executive Director, who was fired by its board after it learned that she had used the bank accounts of NCBM and the NCBM Title Company without board approval for personal expenditures totaling at least \$623,000.

The former director in turn challenged the election of Mayor Johnson and, by extension, other NCBM leaders.

In response to Mayor Johnson's request, Ballard Spahr assembled a team to assist the Conference's new leadership. That team, led by **Val Allen**, **David Pittinsky**, **BJay Pak**, and **Ethan Cohen**, conducted the internal investigation, secured critical organizational records, and scored a pivotal litigation victory in March 2014. The Superior Court of Fulton County (Georgia) found that Mayor Johnson had the authority to form a special task force and authorize an audit to determine the legal, operational, and financial status of the NCBM, and rejected the Executive Director's challenge and invalidated all actions taken by the Director since her termination.

## INTERNATIONAL HUMAN RIGHTS

Asylum and immigration is one of the firm's most active pro bono practice areas. Our attorneys handle dozens of local pro bono referrals from agencies such as HIAS Pennsylvania, Georgia Asylum and Immigration Network, and Phoenix's International Rescue Committee, and national referrals from Human Rights First, KIND, New York University Law School's Scholars at Risk Network, and Immigration Equality. The past few years have seen the development of pro bono practice groups in Philadelphia, Washington, D.C., Atlanta, Salt Lake City, and Phoenix to facilitate this work, including asylum groups led by **Mitch Katz** and **Jason Leckerman**. This year, **Lee Storey** established a group that works on T-Visas, which are special visas for victims of human trafficking. **Scott Cockerham**, **Jenny Perkins**, and **Steve Burt** head our U-Visa practice groups, which obtain visas for victims of crime, usually domestic violence. Just last week, our Salt Lake lawyers volunteered for 10 new U-Visa cases, and began exploring a pro bono partnership with students at S.J. Quinney College of Law at the University of Utah to serve more of those clients.



## DARFUR ACTIVIST HAWA SALIH – UPDATE

*It's been a busy year for Hawa Abdallah Mohammed Salih, a human rights activist from the Darfur region of Sudan and 2012 recipient of the U.S. State Department's Women of Courage Award. In February 2013, Firm Chair Mark Stewart obtained asylum for Hawa, almost 10 years to the day after her village was destroyed by the Janjaweed militia, a violent group of Arab militants sponsored by the Sudanese government. But, as Mark says, "asylum is a marathon, not sprint."*

Once the political activist and torture survivor received asylum, she needed a job, but found that the skills she developed to advocate for women and rule of law in a Darfur refugee camp did not transfer easily to the American job market. Hawa completed a refugee resettlement program with our good friends at HIAS last summer and started working at Ballard Spahr in the fall, where she quickly became a valued staff member. In February, her colleagues threw a housewarming party when she signed the lease on her first American apartment.



Ballard Spahr's Angela Adams and political activist Hawa Salih

Throughout her personal journey, Hawa has continued to advocate for the people of Darfur, particularly women. She is in contact with activists in her home country and writes on the subject, participates in conferences, and has a case pending against Sudan before the African Commission on Human and Peoples' Rights. In September, Hawa met with Hillary Clinton and presented a plea on behalf of Darfur.

Just this spring, she was recognized by Voices for Sudan at a celebration of International Women's Day in Washington, D.C., participated in a forum hosted by the Pittsburgh Darfur Emergency Coalition with Congressman Michael Doyle and a representative from the office of the U.S. Special Envoy for Sudan, and was the featured speaker at Villanova University's Spotlight on Leadership & Diversity. At the end of April, she was a signatory to a letter on behalf of 46 Sudanese relief and human rights agencies that called upon the United Nations to investigate allegations that the United Nations Mission in Darfur has failed to accurately report on the conflict and human rights violations in Darfur. Hawa hopes to attend graduate school in America as she continues her mission on behalf of the people of Darfur.

Interest in Hawa's work has fueled a new pro bono effort by the **Ballard Women** affinity group. Led by **Allison White** and **Lynn Rzonca**, two dozen of our female attorneys volunteered to participate in a project with the International Senior Law Project and an international human rights organization to investigate international legal remedies to end organized violence against women in Darfur.



## Recent Asylum Cases:

- **Renie Boudreau, Sarah Schindler-Williams, Jessica Case, and Jenny Perkins** won a difficult asylum hearing for a 19-year-old client who fled Honduras with her young son after suffering five years of physical and emotional abuse from the father of her son. Honduras, a country with a reputation for violence, has little regard for women's rights or safety. Although the case was sympathetic, gender-based persecution is a tricky issue under asylum law. The team did a tremendous job of developing the case, and received kudos from the immigration judge for its work.
- **Michael Skojec, Mary Grace Folwell, and Lauren Ziegler** successfully championed an asylum petition for a client who had suffered severe physical persecution when he lived in Liberia. The client's thank-you note says it all:

*To my Ballard Spahr LLP Team of Lawyers.*

*I want to take this time to bless and thank you guys for all you guys have done for me. There is no amount of words to use to express my appreciation and gratitude. To know you guys is to know people who are kind, considerate, and thoughtful. To know you guys is to be grateful for the special things you guys do. I pray that God bless you guys and your families and that you guys be the best team of lawyers of Ballard Spahr LLP. Your kindness will always be remembered and appreciated.*

**THANKS!!!**

Members of our **Equality Ballard** affinity group have undertaken representation of an LGBT rights activist from Kyrgyzstan, a former republic of the Soviet Union located in Central Asia. The client faced serious physical and sexual violence from police officers and community members after returning to Kyrgyzstan and attending LGBT advocacy events abroad. This month, his attorneys, led by Philadelphia associates **Ruth Uelton** and **Katherine Atkinson**, presented his asylum claim based on the client's ethnicity and gender identity discrimination.

In Atlanta, **Mitch Katz, Joseph Anderson, Kevin Hathcock, Ryan Kelley, Rebecca McFadyen, Ardalan Khalili, and Cecilia Andrews** are awaiting action on three asylum petitions they have filed in the past 18

months, including two on behalf of Syrian nationals whose lives were endangered after they protested human rights abuses by the Syrian government.

## Reunions:

After winning asylum for a Congolese man, Los Angeles associate **Nina Hernandez** solicited money and frequent-flyer-mile donations from family, friends, and colleagues as she worked to reunite him with his family. Pictured below is her client's first meeting with his son in a decade.



Last summer, the Philadelphia asylum group went all out to help a Guinean client bring her two daughters to the United States. The mother was persecuted for protesting female genital mutilation after one of her daughters died from the procedure. She hid her two other daughters and fled to the United States, where we helped her to obtain asylum. Philadelphia associate **Renie Boudreau** organized a fundraising raffle, the office renovation team donated the proceeds from its artwork auction, and, in an inexplicable act of valor, **Jason Leckerman** was persuaded to run a 5K race in a costume in exchange for pledges.

## Partnering with Law Students To Assist Iraqi Refugees



This year we began working with students at the University of Pennsylvania and University of Southern California law schools to represent refugees

seeking safe haven. The project, called the Iraqi Refugee Assistance Project (IRAP), focuses on Afghan and Iraqi interpreters who face threats and violence because they have assisted the U.S. Army. The IRAP program matches law students with pro bono supervisors to take on individual cases. Together, they help refugee applicants navigate the rules and processes for resettlement in a safe third country. **Carl Roberts, Phil Yannella, Sana Din, Chris Cognato, Heather Klein, Nina Hernandez, and John Carrigan** are participating in the project.

## A Woman Without a Country; A Man on a Mission



*Patrick Pugh*

In 2008, Denver associate **Patrick Pugh** agreed to help obtain identification papers for an elderly Colorado woman whose driver's license and passport were revoked after she was unable to produce documentation of her place of birth. Although her father was a naturalized U.S. citizen, and she had lived in the United States for almost her entire life, the client was subject to an immigration catch-22. Conflicting

family histories placed her birth in the United States or Mexico, but in either case the client was entitled to U.S. citizenship under different immigration rules. In the absence of concrete proof to establish either nation as her country of birth, however, the U.S. government refused to recognize her citizenship.

For five years, Patrick investigated countless avenues to establish the client's identity and obtain legal residency or citizenship for her. He conducted an exhaustive search of records in both countries, including the Mexican consulate and various Mexican provinces, but was unable to locate a record of birth in Colorado or Mexico. A request for a delayed birth certificate was denied by Colorado due to the inconsistent documentation. An application to the United States Citizenship and Immigration Services (USCIS) for a Certificate of Citizenship based on the fact that the client's father was a naturalized citizen was denied for the same reason. Negotiations with the U.S. Passport and International Travel office to reissue her passport were fruitless.

Finally, Patrick prepared an application for registry so that the client could be deemed a legal permanent resident, submitting proof that she had resided continuously in the United States since before 1972. After a formal interview and a number of follow-up discussions with USCIS, the registry application was granted. While short of the acknowledgment of citizenship to which she is entitled, the client was able to obtain the identification papers necessary to so many daily transactions, and no longer fears deportation.

## Human Trafficking

While television and movies usually cast tales of human trafficking in exotic locations, each year tens of thousands of people, mostly women and children, are trafficked illegally into the United States against their will, often as part of the sex trade. In Phoenix, **Lee Storey** is leading an "Anti-Human Trafficking Group" of eight attorneys in processing T-Visa applications referred by the U.S. Committee for Refugees and Immigrants (USCRI). A T-Visa is a specialized visa available to victims of human trafficking and immediate family members if they agree to assist law enforcement by testifying against the perpetrators. USCRI and the International Rescue Committee, a global humanitarian aid, relief, and development nongovernmental





organization, provided training to the group. Thus far, the group has taken several referrals involving labor trafficking at a nursing home and restaurant.

The Georgia Asylum and Immigration Network (GAIN) recently asked **Mitch Katz** if the firm's asylum practice group would be interested in referrals of T- and U-Visa cases for victims of human trafficking in Georgia. We expect to offer training and begin accepting referrals in Atlanta this summer.



## SOCIAL RESPONSIBILITY – HUNGER & SUSTAINABLE FOODS

Our commitment to doing good, and our longstanding relationship with a pro bono client that gives inner-city consumers access to locally grown food, has put us on the cutting edge of a funding innovation in Philadelphia. Under a tax credit program established by the City of Philadelphia, the firm has pledged to donate \$85,000 a year for 10 years to Common Market, a nonprofit that connects farmers in New Jersey, Pennsylvania, and Delaware with public and private schools, hospitals, universities, grocery stores, workplaces, nonprofits, and religious institutions in the region, with a focus on promoting nutrition in inner-city communities. The tax-credit program—the only one of its kind in the nation—is designed to encourage corporate support for nonprofits engaged in developing and implementing healthy food initiatives.

With Common Market as the centerpiece, we have identified hunger relief, good nutrition, and environmentally sustainable food as our social

responsibility focus for 2014. The firm already supports these causes through our pro bono and community service outreach and our charitable giving. In addition to our representation of Common Market on a variety of transactional issues, we provide pro bono assistance to community gardens, volunteer at soup kitchens, and organize food drives. Internally, we are promoting healthy eating by institutionalizing healthier dining and snack options in our offices.

Our 2014 focus on hunger and nutrition has already yielded results. In New Jersey, **Barb Casey** is helping to secure space for a new job training initiative that partners an urban garden with a homeless shelter. Our Atlanta office competed in the 3rd Annual Legal Food Frenzy to turn the table on hunger in Georgia. Thirty people in our Philadelphia office have signed up to participate in a new farm share program that will deliver fresh produce to the office every other week from May through October. And our Baltimore office is exploring opportunities with Community Law Center's Urban Agriculture project.

**Lila Shapiro-Cyr** and **Danielle Howarth** recently helped to establish Apples and Oranges Market, a healthy foods grocery store in what is known as a “food desert”—an area where the availability of fresh and healthy food is limited—in Northeast Baltimore. The original engagement was the negotiation of a loan to perform tenant improvements for the store. But it soon expanded to include negotiating a lease, closing loans, and resolving disputes with contractors. Lila and Danielle also helped locate below-market financing sources to expand the project.



## SUPPORT FOR FIRST RESPONDERS AND SERVICE MEMBERS

### Wills for Heroes Update



In October, the American Inns of Court honored **Dan McKenna** with the 2013 Sandra Day O'Connor Award for Professional Service for his leadership of the Wills for Heroes Foundation, which provides free estate-planning documents to first responders

and emergency personnel. He received the award at a reception hosted by Justice Elena Kagan at the U.S. Supreme Court. For eight years, Dan has been the face of Wills for Heroes at Ballard Spahr, introducing the program to the firm and then to clients. In this work he is ably assisted by **Carolyn Capobianco**, who manages the program logistics: recruiting volunteers, scheduling appointments, and attending dozens of clinics each year. Their incredible efforts have earned them positions with the national Wills for Heroes Foundation. Dan is now the foundation's President and Carolyn is the National Affiliate Coordinator, as well as the Pennsylvania coordinator, one of the largest affiliates in the country. The program continues to grow, garnering gratitude from the first responders we serve and rave reviews from the corporate clients with whom we partner on clinics throughout the country. This year the program expanded to include veterans.



As much as we enjoy the accolades that Wills for Heroes receives, we treasure notes from our Wills for Heroes clients:

*Hello Carolyn and Dan, I wanted to take a minute and thank both of you for helping my wife and I get our wills taken care of today. It is something that has been on my mind for years that I never took the time to get it taken care of probably because I didn't really know who to call and how much it would cost. Your organization made it very easy and actually a pleasure to get it done and I now have that security for my family.*

*From a fire chief -*

*Just a note to thank you and all of the wonderful folks that took time from their Saturday to help us with our wills at the L--- Fire Station on March 15th.... My wife and I have put off this "chore" for many years mostly because of the cost and also the thought of working through all the legal-eze. Your group made it fast, easy, and enjoyable. You should all feel really good about participating in this most worthwhile and noble program. I just can't say "thank you" enough.*

### Answering the Call

Increasingly, the volunteer fire departments that protect many of our communities struggle to attract volunteers and remain solvent. **Mary Mullany** has developed a specialty in assisting local fire companies with corporate governance and tax issues, helping them to acquire tax-exempt status so they can more effectively fund-raise and, in several instances, to merge with neighboring companies in order to share costs and resources. On September 11, Mary assisted two Pennsylvania fire companies—the Lima Fire Company and the Lenni Heights Fire Company—to merge their legal operations. The firefighters picked the effective date of merger.



## Ballard Spahr & Comcast Team up for Homeless Vets



Brian Pedrow

Ballard Spahr and Comcast Corporation have launched a new collaboration with the Homeless Advocacy Project's (HAP) **SOAR** Project. The highly successful SOAR program is designed to expedite Supplemental Security Income

application approvals for disabled men and women who are homeless. The Ballard Spahr-Comcast project will focus on homeless veterans. **Brian Pedrow** is leading our effort with Michael Eagles at Comcast. The collaboration grew out of the bimonthly homeless legal clinic we staff with Comcast and HAP. Many of the clients at the clinics are veterans and suffer from a range of mental and physical disabilities. The key to obtaining permanent housing for them is to obtain the disability benefits to which they are entitled. In March, we hosted a training session for almost 40 new SOAR volunteers. We will be handling the SOAR cases in teams with our Comcast colleagues.



## RECENT WORK FOR VETERANS AND SERVICE MEMBERS

**Dean Waldt** and **Jon Talcott** posted a big win in March for an active-duty servicemember from Arizona. While our client was deployed in Afghanistan and the United Arab Emirates, his condo association initiated legal action against him for failure to pay a condo fee, obtaining a default judgment and garnishing his pay. All of this violated the Servicemembers Civil Relief Act, which mandates special due process procedures precisely to ensure that servicemembers on active duty receive notice and the opportunity to defend actions against them. Dean and Jon had the judgment set aside and are now pursuing remedies to recoup the garnished wages and other damages.

**Sarah Wallace, Rachel Mentz, and Lisa Lee** participated in the Homeless Veterans Stand Down in Denver on November 7. The Stand Down is a one-day event that provides one-stop access to legal and social services for veterans.

**John Rice** is helping a Nevada organization of Vietnam veterans investigate and address issues of financial mismanagement and misuse of the organization's intellectual property rights.

**Brittany Johnson** assisted a disabled service member in Colorado to obtain a favorable disability rating after suffering atypical Post Traumatic Stress Disorder. As a result of her efforts, the client will receive a sizeable lump-sum payment and be entitled to the benefits and pension he deserves.

**Nina Hernandez** is helping a veteran with his appeal of the denial of benefits through a referral from the Veterans Consortium Pro Bono Program.

## FAMILIES IN CRISIS

*Family law is perpetually at the top of the list of unmet legal needs. Ballard Spahr lawyers are providing pro bono help to families in crisis in several critical areas.*

### Children in Need



The firm has a longstanding commitment to advocacy on behalf of abused and neglected children. **Kathy Jaffari** recently rebooted our Child Advocacy Practice Group—which includes advocates trained by the Support Center for Child Advocates in Philadelphia; the Legal Aid Center of Southern Nevada; the Children’s Law Center in Washington, D.C.; Delaware’s Office of the Child Advocate; and CASA in Utah and Phoenix. The group meets quarterly in Philadelphia, and semiannually firmwide, to share best practices and provide support for its members as they navigate a legal arena very different from their usual legal work. Corporate clients are also invited to participate in the practice group.

**Bill Curran** is currently serving as child advocate for five Las Vegas siblings ranging in age from five months to 11 years old. The children came to the attention of authorities when they were caught at 1 a.m. with \$500 worth of shoplifted merchandise in a Walmart. They had traveled eight miles alone on a bus, with the five-month-old and a “shopping” list prepared by their parents. The children have significant mental health issues. Bill has been instrumental in obtaining necessary services for them.

### Grandparent Custody and Visitation

We currently are counsel in two unusual cases involving grandparents. **Tony Kaye, Justice Roberto Rivera-Soto, Emily Wegener, Shannon Macauley, and Tyler Hawkins** are representing a mother in an appeal to the Utah Supreme Court of the denial of grandparent visitation. A trial court entered an order granting visitation by the client’s former in-laws with her 1-year-old daughter over the client’s objection. On appeal, the intermediate appellate court reversed and held that Utah’s Grandparent Visitation Statute is unconstitutional as applied to the facts of the case, both under the Utah and federal constitutions. If that holding is sustained, the case is expected to be appealed to the U.S. Supreme Court.

**Bill Hicks** and **Kim Warshawsky** are representing grandparents in an interstate adoption case with a twist. The grandparents, residents of Arizona, obtained guardianship for their five grandchildren after they had been placed in foster care in Minnesota and parental rights were terminated. The grandparents sought to adopt the grandchildren, with the blessing of social services agencies, but were barred from completing the adoption in Minnesota due to the grandfather’s 20-year-old conviction for manslaughter. Kim and Bill are assisting the clients to pursue adoption in Arizona, where the children now live with their grandparents, and where the grandfather’s prior conviction is not a bar to adoption.



## Stepchild Custody Dispute

Last December, we were asked to assist the family of a 25-year-old Air Force serviceman who had been diagnosed with terminal brain cancer in March. The serviceman had an 8-year-old daughter who had been in his custody since birth, and the biological mother had little to no contact with the girl. The serviceman had married a year before his diagnosis and formed a family unit with his new wife and their two daughters, who were classmates. When the biological mother learned of the father's diagnosis, she expressed her intention to seek full custody of the daughter. The father died in late December, and we now represent his wife, the stepmother, in the dispute over custody of the child. The matter presents complicated jurisdictional questions because two prior custody actions had been filed involving the daughter, in Delaware and Maryland, but none of the parties currently resides in either state. The father, mother, and stepmother were all originally residents of Pennsylvania, but the father, stepmother, and daughter lived in Delaware during the father's military posting. They moved back to Pennsylvania a few weeks before he died, but not before initiating an unsuccessful pro se case in Delaware to confirm custody with the stepmother. There was also a dormant custody action in Maryland, which had established custody with the father originally. None of the parties now lives in Delaware or Maryland where the prior two actions were filed, and the child has not yet lived in Pennsylvania for the six months required to vest jurisdiction in that state. **Carl Roberts, Sarah Schindler-Williams, Andrew Kampf, Sean Bellew, Tim McCormack and Michelle McGeogh** are sorting out the matter.



those states could lose some of their share of the tobacco settlement fund. Pennsylvania receives roughly \$320 million annually from the fund. Lawyers for the state of Pennsylvania asked a judge to throw out the arbitration ruling, claiming the state did a proper job of enforcing the law; or, in the alternative, to reject the arbitration panel's determination of how future benefits would be calculated. **David Pittinsky** and **Burt Rublin** filed an amicus brief on behalf of a consortium of Pennsylvania cancer research facilities that stood to lose hundreds of millions of dollars of research funds annually. After argument, Pennsylvania Common Pleas Court Judge Patricia McNerney issued a ruling on April 10 that preserves more than \$125 million of funding annually for Pennsylvania. The court refused to vacate the arbitrator's award, but overturned a crucial portion of the award that would have seriously restricted distributions of tobacco settlement money to Pennsylvania in subsequent years.

## Raising Awareness of Mental Health

Dan Maxwell was a smart, handsome, popular student athlete at a suburban Philadelphia high school. His suicide one month after his graduation last July shocked his Main Line community.

Since then, his parents have established the DMAX Foundation with the goal of reducing the stigma of mental illness and helping other young people. **Jean Hemphill** and **Shannon Farmer** worked with the family to create the nonprofit foundation. The firm is also working with the foundation to address intellectual property issues.




---

## PUBLIC HEALTH

### Tobacco Appeal Preserves Cancer Research Funding

In 1998, the nation's four largest tobacco companies promised to pay nearly \$200 billion over 25 years to 46 states to settle lawsuits that sought cigarette-related public health costs. In exchange, states were required to pass laws to stop companies that declined to settle from gaining an economic advantage over their competitors. A September 2013 arbitration ruling found that six states—including Pennsylvania—failed to "diligently enforce" that law in 2003. Consequently,



## CRIMINAL JUSTICE

### Historic Criminal Justice Initiative



Margie Peerce

In April, the U.S. Department of Justice announced a new program to consider clemency for nonviolent drug offenders. The Justice Department seeks to identify federal prisoners who, if sentenced under current sentencing laws and policies, would likely have received a substantially lower sentence. The program is designed to reduce staggering costs and incarceration rates that have resulted from mandatory minimum sentencing provisions enacted as part of antidrug laws in the 1980s and 1990s.

Ballard Spahr has been involved in the program since its inception, due to **Margie Peerce's** participation in the working group developing the program with the Justice Department. Margie is a nationally regarded thought leader on sentencing guidelines and other criminal justice issues, and frequently participates in policy initiatives. The working group comprises the Federal Defenders, Families Against Mandatory Minimums, the American Bar Association, the American Civil Liberties Union, and the National Association of Criminal Defense Lawyers, where Margie serves as Co-Chair of the Sentencing Committee. The program sets forth a new set of criteria the Justice Department and White House will use when considering clemency petitions from federal prisoners.



The Justice Department project utilizes significant pro bono assistance from the private bar to help select eligible prisoners and file clemency petitions. Margie will be coordinating Ballard Spahr's pro bono volunteers as the effort moves forward. Our initial call for volunteers yielded an enthusiastic response from almost 30 Ballard Spahr lawyers in a single afternoon. To kick off the project, Margie and **Elizabeth Lee** will be preparing national training materials on ethics issues for volunteers.

### Civil Forfeitures in the Spotlight

The abuse of civil forfeiture laws in several cities has generated media attention in the past year. Civil forfeiture laws are designed to permit confiscation of assets allegedly gained through criminal activity, but increasingly are used to seize the homes and other assets of innocent relatives of alleged wrongdoers. Ballard Spahr has a pro bono practice team that represents such victims, most of whom are poor and often elderly or disabled. In a typical case, the home of an elderly person is seized after a young relative living there is implicated in drug sales. In 2013, our civil forfeiture work included a trial over seizure of the home of two disabled women after the adult son of one was arrested for selling drugs at another location, an appellate argument and rehearing en banc in a matter raising novel issues under the Pennsylvania civil forfeiture statute, and assisting *The New Yorker* magazine with background information about abuse of civil forfeiture laws. We work closely with Professor Louis Rulli of the University of Pennsylvania Law School, a national expert on the issue. The civil forfeiture team includes **Jessica Anthony, Gianni DiMezza, Andrew Kampf, Rachel Keene, Paul Koob, Jason Leckerman, and Lisa Swaminathan.**

### Daniel Dougherty Death Penalty Case



David Fryman



Shannon Farmer

For the past decade, **David Fryman** and **Shannon Farmer**, with assistance from **Ron Varnum**, Firm Chair **Mark Stewart**, and dozens of other attorneys, paralegals, and summer associates, have devoted thousands of hours to securing a fair trial for

Daniel Dougherty. Dougherty was wrongfully convicted of arson murder in 2000, 15 years after a Philadelphia house fire claimed the lives of his two young sons. In December 2013, Dougherty was finally granted a new trial after the Superior Court of Pennsylvania found that his trial counsel was ineffective for failing to challenge the scientifically unsound arson testimony that formed the basis for his conviction. Yet the Commonwealth continues to oppose his release. Two years ago, it agreed to commute Mr. Dougherty's death sentence, a move that allowed him to have regular visits from his family, opportunities to interact with other inmates, and other privileges.

### NAACP Amicus Brief on Race Bias and Death Penalty



Last May, **Blake Wade, Lucretia Clemons, Jason Leckerman, Lindsay Breedlove, Marcel Pratt, and Ethan Chernin** prepared

and filed a brief on behalf of the NAACP Legal Defense and Educational Fund addressing issues of racial bias in the conviction and sentencing of Jonathan Lee Gentry, Washington State's longest-sitting death row inmate. The brief argued that under state law the prosecution had improperly appealed to racial bias and evoked dehumanizing stereotypes of African Americans as criminals to secure a conviction and the death penalty. While Washington's Supreme Court rejected Gentry's petition in January, its Governor issued a moratorium on death sentences a few weeks later.

### SUPPORTING ACCESS TO JUSTICE

Ballard Spahr prides itself on its commitment to legal services through donations, board service, and pro bono referrals. This year, in addition to the firm's contributions to legal service providers, our attorneys started or continued several projects to provide their personal financial support to these important guardians of access to justice:

- In Denver, **Rachel Mentz** succeeded **Scott Humphreys** in organizing the Associates Campaign for Legal Aid, a drive organized by associates at the

city's major law firms. The transition was seamless, with Ballard Spahr once again achieving 100 percent associate participation and receiving strong support from non-associates.

- For the second consecutive year, Ballard Spahr won a Pacesetter Award from the Maryland Legal Aid Bureau's Equal Justice Council for its sustained commitment and contributions to Legal Aid. **Jon Laria**, Managing Partner of the Baltimore office, leads that effort.
- Staff in Philadelphia, Washington, D.C., and Bethesda raised \$2,500 for legal services agencies in a record-setting Jeans for Justice/Balloons for Justice campaign during October's Celebrate Pro Bono Week.
- Marc Patterson** and **Jared Kelly** have volunteered to head up Ballard Spahr's participation in the Generous Associates Campaign of the Legal Aid Society of the District of Columbia, an annual fundraising drive run by associates at Washington, D.C., firms each summer.
- In November, our Atlanta office was recognized for fielding a large team in Atlanta Legal Aid Society's Run for Justice fundraiser.





## REAL ESTATE & HOUSING

### Senior Exploitation



*Matthew White*



*Christine O'Neil*

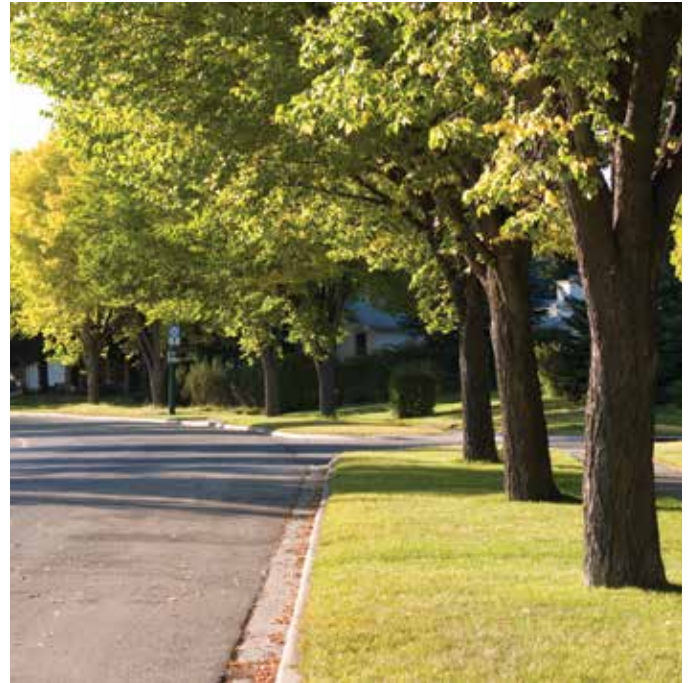
**Matthew White** and **Christine O'Neil**

assisted a 95-year-old senior whose home was taken from her in a shocking case of financial

exploitation. The senior was living in her own home with another senior female friend when a young man in the neighborhood befriended her by offering to help her with repairs to the house. He eventually convinced her to deed the house to him, for no consideration, with a promise that the woman and her friend could reside in the second-floor apartment rent-free for the remainder of their lives. The man then persuaded the woman and her friend to move out of the home on the pretext that he needed to make repairs. Instead, he filed a deed transfer misrepresenting that he was the senior's grandson, presumably to evade liability for transfer taxes. He refused to let the women back into their home, and disposed of all of their personal belongings. Matt and Christine filed a quiet title action and obtained an order revoking the fraudulent title and reinstating the client's rights.



## Community Revitalization I: University of Delaware Blueprint Communities



In 2008, the Center for Community Research and Service at the University of Delaware and the Federal Home Loan Bank of Pittsburgh entered into a formal partnership to launch the Blueprint Communities Program in Delaware. This program provides training, coaching, and technical assistance to community, neighborhood, and/or small town planning groups. The groups, which are composed of residents, community-based nonprofit organization leaders, a banker, a local government official, and a representative of a development organization, develop comprehensive revitalization plans to improve their physical, economic, and social quality of life. Last fall, the Center asked the firm to provide pro bono support to one of the Blueprint Community groups to negotiate a memorandum of understanding with a developer to implement the revitalization plan created by the group. **Sharon Wilson Géno** and **Amy Glassman** worked with the group to help bring their plan to fruition. The Center was so pleased with the first project that it referred a second community group to Sharon and Amy in March.

**Blueprint**  
**COMMUNITIES®**



## Community Revitalization II: D.C. Housing Project



Mitzie Smith-Mack

Since 2007, **Mitzie Smith-Mack** has represented the Parkway Overlook Tenants' Association in Washington, D.C., advocating for the rights of the former tenants to preserve the now-vacant development as affordable housing in a market increasingly inhospitable to low-income tenants. She participated in several developer selections, which stalled each time the developers were unable to complete acquisition negotiations because of funding gaps. The Tenants' Association and its counsel started an advocacy effort to have the District of Columbia government provide gap financing to preserve the development as affordable housing. Last summer, after many meetings with local officials, they persuaded the District government to finance the project.



## Tenants' Rights



Peter Haviland

**Peter Haviland** is working with Tenants Together, a nonprofit organization dedicated to defending and advancing the rights of California tenants. Peter is defending a tenant in an eviction action that allegedly violated rent control provisions.

In Philadelphia, **Sharon Marshall**, **Robert Haimes**, **Neil Sizer**, and **Rich Slavin** represented tenants in municipal court disputes referred by Community Legal Services.



COMMUNITY LEGAL SERVICES  
OF PHILADELPHIA

## Nile Swim Club

In Philadelphia, **Phil Korb**, **Wendi Kotzen**, and **Rich Slavin** have provided real estate, governance, and tax advice to the country's oldest African American-owned swim club as it struggles to regain its financial footing. Our team helped the 53-year-old organization avert a sheriff's sale when they identified a discrepancy in the tax assessments levied against the club.



## AWARDS CORNER

Please visit the Pro Bono page at [www.ballardspahr.com](http://www.ballardspahr.com) to see the many honors given to our pro bono lawyers and projects this year.

photo credits: ©iStock.com/mbrowe; ©iStock.com/mbrowe; ©iStock.com/jkbowers; ©iStock.com/JeanUrsula; ©iStock.com/FotografiaBasica; ©iStock.com/Lichtspieler; ©iStock.com/Ekspansio; ©iStock.com/laryn; ©iStock.com/CatLane; ©iStock.com/Claudiad; ©iStock.com/emholk; ©iStock.com/Matt\_Collingwood; ©iStock.com/ekinyalgin; ©iStock.com/wakila; ©iStock.com/bbbrn; ©iStock.com/wpohldesign; ©iStock.com/Branislav; ©iStock.com/blondiegirl; ©iStock.com/i\_love\_zou\_york



## WINDOW ON PRO BONO



*Mary Gay Scanlon*

As we review the firm's pro bono work for the year, we are struck by the range of legal work by our attorneys. In some instances, our lawyers used their unique talents and specialized knowledge to pursue systemic change, fashion a unique result, or assist in the development of innovative programs. In others, they responded to individuals in serious personal or financial crises, pursued causes in which they believe, or leveraged their knowledge and contacts to expand access to justice by partnering with corporate clients, legal services agencies, law students, and community groups. We see fresh evidence that there are opportunities for all lawyers to contribute their talents to pro bono work, no matter what their usual practice entails, and we are awed by the passion with which our lawyers pursue their pro bono interests. For over 25 years, Ballard Spahr's pro bono lawyers have given their talents to people and causes that could not otherwise afford legal help. We look forward to seeing the new windows of opportunity they will open for their pro bono clients and themselves in the future.



**Pro Bono**  
*Creating Windows of Opportunity*

## PRO BONO COMMITTEE

If you would like information on how to become involved in pro bono work, please contact any member of Ballard Spahr's Pro Bono Committee:

**Mary Gay Scanlon**  
Pro Bono Counsel  
Pro Bono Program  
215.864.8912

**Mary Anthony Merchant, Ph.D.**  
Atlanta  
678.420.9428

**Lisa F. Whiteley**  
Director of Practice  
Management Pro Bono  
215.864.8187

**Katherine M. Noonan**  
Bethesda  
301.664.6212

**Mayra Troendle**  
Administrative Assistant  
215.864.8161

**Constantinos G. Panagopoulos**  
Washington  
202.661.2202

**Jeffrey S. Beenstock**  
New Jersey  
856.761.3417

**Patrick H. Pugh**  
Denver  
303.299.7325

**Daniel M. Benjamin**  
San Diego  
619.487.0787

**Sara V. Ransom**  
Phoenix  
602.798.5461

**John R. Carrigan**  
Los Angeles  
424.204.4338

**William C. Rhodes**  
Philadelphia  
215.864.8534

**Bill Curran**  
Las Vegas  
702.387.3084

**Tesia N. Stanley**  
Salt Lake City  
801.517.6825

**Leslie A. Eaton**  
Denver  
303.299.7302

**Scott P. Towers**  
Philadelphia  
215.864.8632

**Stephen J. Kastenber**  
Philadelphia  
215.864.8122

**Glen P. Trudel**  
Wilmington  
302.252.4464

**Anthony C. Kaye**  
Salt Lake City  
801.531.3069

**Erik M. Zissu**  
New York  
212.223.0200 x8017

**Amy M. McClain**  
Baltimore  
410.528.5592