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Ballard Spahr Pro Bono News

Spring
'17



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Pro Bono at Ballard Spahr

In an uncertain and turbulent political atmosphere, pro bono services have become even more critical to ensuring fair legal treatment for all. Ballard Spahr has moved swiftly to meet new pro bono challenges, while continuing to provide fundamental services to its traditional pro bono clients: low-income families, nonprofit organizations, and small businesses.

In 2016, 630 lawyers, paralegals, and staff volunteered almost 44,000 hours of pro bono service—the most in firm history. That pace continued into 2017, as we won presidential clemency for 17 clients in President Barack Obama’s final month in office, and began addressing constitutional and immigration issues raised by the new administration.

PRO BONO BY THE NUMBERS

592,321

*number of pro bono hours provided since
since we started tracking time in 1988*

44,000

pro bono hours in 2016

991

*number of pro bono matters
handled in 2016*

630

*lawyers and paralegals participated
in pro bono service in 2016*

15

*consecutive years meeting
Pro Bono Challenge*

73

*average pro bono hours
per lawyer*



U.S. Women's Hockey Scores with Ballard Spahr Assist

On April 7, 2017, the U.S. Women's National Hockey Team won the International Ice Hockey Federation World Championship for the seventh time in eight years. The championship was far from certain in mid-March, when the team and their Ballard Spahr lawyers, Dee Spagnuolo and John Langel, announced that the players would boycott the tournament in protest of inequitable wages and support for women and girl players. After more than a year of negotiations with parent organization USA Hockey, they had made no meaningful progress to meet the players' needs.

The team had reached out to Ballard Spahr last year, knowing of the firm's trailblazing pro bono efforts to help women athletes win equal opportunity on the playing field. Retired Partner John Langel led the firm's representation of the U.S. Women's National Soccer team in labor negotiations with the U.S. Soccer Federation from 1998 to 2014. Ballard Spahr's efforts on behalf of female athletes received national recognition in 2012, when the American Bar Association (ABA) honored the firm with its Frances Perkins Public Service Award on the 40th anniversary of the passage of Title IX.

When the boycott was announced, nearly all of the players' compensation outside of the Olympic period came from the U.S. Olympic Committee. USA Hockey provided the players with just \$1,000 per month during the six-month Olympic residency period. During the remainder of the four-year period, USA Hockey paid virtually nothing, despite its expectation that the players train full time and compete throughout each of the non-Olympic years.

"We are asking for a living wage and for USA Hockey to fully support its programs for women and girls and stop treating us like an afterthought," said team captain Meghan Duggan. "We have represented our country with dignity and deserve to be treated with fairness and respect."

Ballard Spahr lawyers cited the Ted Stevens Olympic and Amateur Sports Act, which requires USA Hockey to provide equitable support and encouragement for participation by women where, as is the case with hockey, separate programs for male and female athletes are conducted on a national basis. The firm's lawyers argued that there was no girls' development program comparable to USA Hockey's yearly \$3.5 million, 60-game program

for boys. The women also received inequitable support for equipment, staff, meals, travel, and publicity.

John and Dee led the legal team representing the players, with assistance from Ashley Wilson, Kim Magrini, and Mary Cate Gordon. According to Dee, herself a former college hockey player, “these issues are systemic and demonstrate a failure to prioritize—or even consider in a meaningful way—the support and growth of the sport for women and girls.”

In addition to plotting legal strategy, the Ballard Spahr lawyers and players mounted a successful, worldwide press and social media campaign, with help from Robin Ireland and Joan Heider of the firm’s Communications Department. Fans, men’s professional players associations from all major American sports, and even a contingent of U.S. senators publicly announced their support for the players. NHL players threatened to boycott the men’s World Championship in solidarity. The U.S. women also secured the backing of players from the Women’s National Hockey League and college players, thwarting USA Hockey’s attempts to recruit replacement players.

Just two days before the first puck dropped, the players and USA Hockey reached an historic agreement. The team’s willingness to sacrifice their own defense of a world championship led USA Hockey to commit to increased pay and developmental opportunities. Ballard Spahr Chair Mark Stewart lauded the pro bono team’s effort in a message to the firm:

The formula for the success that we achieved for our client, the U.S. Women’s National Hockey Team, is not different from what our lawyers do every day. We work together, rely on extraordinary support from our staff, think creatively, and work doggedly on behalf of our clients. On those occasions when these attributes gain public recognition—and the even rarer occasions, like this one, when we are part of historic change— they should be celebrated.

The result clearly inspired the women’s hockey team. They won every one of their games, outscoring opponents 25-3, before beating Canada 3-2 in overtime for the gold medal.

Clockwise (from top right): Dee Spagnuolo, the lead negotiator, and her daughter celebrate with the team after the victory. Jocelyne and Monique Lamoureux, both members of U.S. Women’s Hockey Team present Dee Spagnuolo and Ashley Wilson with an autographed hockey stick. The team huddles on the ice during the World Championship games.



Immigration

New Federal Challenges

Our pro bono practice has long assisted those fleeing violence and persecution. We represent refugees, asylees, and victims of crime, domestic violence, and human trafficking. Shifting national policies and priorities have brought new urgency and challenges to this work.

Airport Advocacy

On Friday, January 27, President Donald Trump signed an executive order banning refugees and immigrants from seven majority-Muslim countries from entering the United States. As international flights began arriving, hundreds of travelers faced detention and/or deportation, despite having complied with all legal entry and screening procedures before embarking. Among these travelers were legal, permanent U.S. residents returning from business or family travel, college professors and students on winter break, and foreign nationals who had assisted the U.S. military in Iraq and Afghanistan.

Our first request for help came on Saturday afternoon, when a former Ballard Spahr attorney sought assistance for two families of Syrian Christian refugees who had landed in Philadelphia but were not allowed to enter the country. Unfortunately, the families were deported before their lawyers and the ACLU could obtain a court order to stop it. Even after a New York district court issued a stay, followed by stays from other courts around the country, bureaucratic confusion resulted in continued detentions and deportations.



Credit: airportlawyer.org

As the day progressed, volunteer lawyers mounted a concerted national response to the suffering produced by the hastily imposed order. Legal services agencies such as the ACLU, One Justice, and the International Refugee Assistance Project (IRAP), and national organizations of mostly volunteer attorneys, including Lawyers for Good Government and the Association of Pro Bono Counsel, were instrumental in recruiting volunteer attorneys to file petitions to stay the executive order and habeas petitions to release people who had been detained but not deported. Ballard Spahr lawyers were at New York's John F. Kennedy Airport, ground zero for the legal action. Margie Peerce arrived Saturday evening with Brad Gershel, who had joined the firm just three weeks earlier. They remained at JFK until early Sunday morning, assisting with habeas petitions and helping to craft a preliminary injunction to allow lawyers to contact detainees, after state police temporarily blockaded access to one of the terminals.

Margie and Brad were instrumental in securing the release of three people. At 2 a.m. Sunday, Brad sprinted through the airport, with several other volunteers, in a frantic bid to stop a flight taxiing for takeoff. A scholar from Iran, who had been a legal U.S. resident for a decade, was denied entry when she returned from visiting her family. She left Iran before the executive order was signed and returned to the U.S. via Ukraine. When she was denied entry, immigration officials placed her on a flight back to Ukraine, despite the court stay. As her plane left the terminal, the volunteer attorneys desperately looked for someone who could stop the plane. They contacted Customs and Border Patrol and the airport control tower, but no one could help. Finally, one of the volunteers reached the young woman on the plane and advised her to have a loud and sudden medical emergency. The plane returned to the terminal and the woman was released that afternoon.

Margie and Brad also aided an Iraqi family that had arrived from Qatar at dawn on Saturday. The mother was released that evening, but was told her husband and 17-year-old daughter would be placed on a flight back to Qatar that night. She waited, weeping, in the arrivals area, while Margie and Brad helped the family's attorneys file a habeas petition and a temporary restraining order. The family held valid U.S. visas issued through the green card lottery program, which requires applicants to pass multiple background checks, and prove good health and financial support. After extensive legal wrangling, the father and daughter were released the next day.

While the drama at JFK was unfolding, legal services agencies and pro bono lawyers organized rapid response teams at airports across the country, and volunteers created a website and app, Airportlawyer.org, to help foreign travelers obtain legal help. Ballard Spahr lawyers monitored airports in Philadelphia, Denver, Orlando, and Atlanta, and fielded requests for assistance for those stranded abroad. In subsequent weeks, as bureaucrats received more guidance, the situation stabilized. Yet heightened border enforcement has continued to create issues for our immigration clients.

The clients we represent through IRAP have been affected. They are typically foreign nationals who have assisted U.S. military efforts and are promised special visas in return.

One client served as a translator for the U.S. military in Afghanistan for five years. After he recognized and reported a Taliban fighter on a U.S. military base, our client was targeted by the Taliban and forced into hiding. He remained in hiding throughout the four years it took to navigate the complex special immigrant visa process, which included three denials of his petition. Working with students at the University of Pennsylvania Law School, Philadelphia attorneys Carl Roberts and Christopher Cognato revised the client's visa petition and filed a Freedom of Information Act request seeking State Department information to support the visa, which





ultimately was appealed to the D.C. Circuit Court of Appeals. The client finally traveled to the United States in March, and we coordinated his arrival with the airport advocates to ensure a smooth entry. Our client is relieved to be safe, but is anxiously awaiting approval of a visa for his pregnant wife.

New Concerns for Immigrant Families

While the White House's immigration travel order first drew lawsuits and protests, the impact of two executive orders issued on January 25, 2017, also garnered attention. They signaled a shift in priorities for deportation by

immigration authorities which, when followed by highly publicized raids, stoked fear in immigrant communities and created pressing demand for legal services. Because federally funded legal services agencies are barred from providing legal services to undocumented immigrants, and even some visa holders, much of that demand falls on pro bono volunteers. In response, the firm is working on a number of new immigration projects.

- Shannon Farmer, Jessica Anthony, David Margules, and Katie Leesman are working with the Appleseed network, a national legal advocacy group, to update several chapters of a manual designed to guide undocumented immigrant parents in protecting their children and assets in case they are detained or deported.

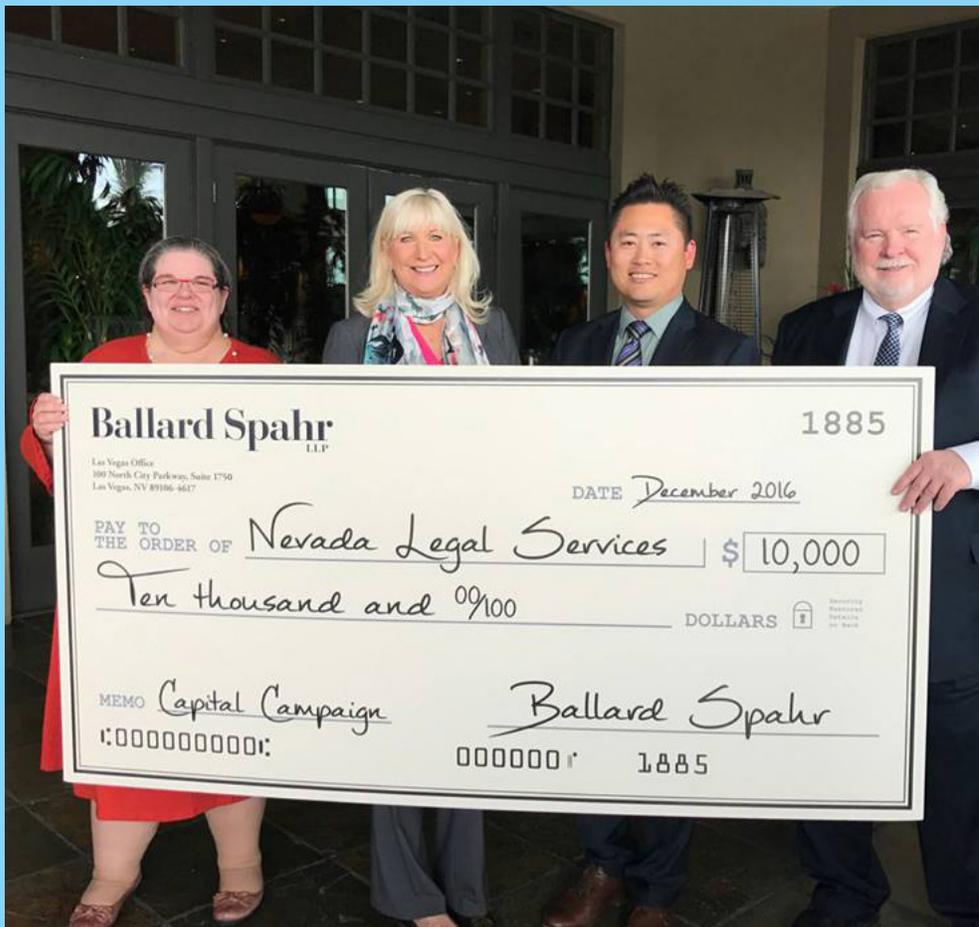
Immigration agencies across the country are scrambling to help parents seeking to make provisional custody arrangements for their American-citizen children. In California alone, 250,000 children have undocumented parents. Mexican consular officials have been so inundated by requests for information that, at the government's request, Shannon Farmer presented two webinars based on the Appleseed manual for officers at 50 Mexican consulates to review U.S. custody laws. We also are helping Appleseed gather research on how undocumented parents in all 50 states can arrange care for their children.



- Retired Senior Judge of the U.S. District Court for the Southern District of New York Shira Scheindlin tapped Margie Peerce to lend her wisdom to a new effort, the American Immigration Representation Project (AIRP). AIRP plans to train volunteers and connect them to people facing deportation who otherwise would not have access to counsel. AIRP is partnering with the Southern Poverty Law Center to provide access to justice to immigrants being held at a remote correctional facility in Georgia.
- Because green card holders have fewer rights than citizens—and their status under the new immigration policies is less secure—immigrants who are eligible for citizenship are rushing to complete naturalization applications. Immigration advocacy groups are training pro bono lawyers to help applicants with this process. We hosted a citizenship clinic with Esperanza Legal Services in Philadelphia, and are planning others for this summer.

Ballard Women Help Human Trafficking Victims

Lea Phillips, Kim Warshawsky, Lorna Banister, Laura Brooks, Lauren McKeon, Chloe Steadman, Shayna Watts, and Jessica Wilson have teamed up to obtain T visas for human trafficking victims referred by the International Rescue Committee. T visas are available to foreign victims of trafficking who are willing to aid law enforcement in prosecuting their traffickers. In the past three years, the team has represented 10 T visa clients, including five victims of Thai sex trafficking. The five Thai nationals were brought to the United States under false pretenses and held in an apartment by the traffickers, who forced them into prostitution to pay for their transportation. We are also helping them to obtain visas for their children.



Ballard Spahr Kicks Off Nevada Legal Services Capital Campaign

In December, Ballard Spahr kicked off Nevada Legal Services' capital campaign for a new facility. Bill Curran is the current Chair of the NLS Board of Directors. Bill and Rob Kim presented a \$10,000 donation to AnnaMarie Johnson, the Executive Director of Nevada Legal Services, and Kathleen Frantz, its Director of Development.

Pictured: Rob Kim and Bill Curran present check to Nevada Legal Services



CRIMINAL JUSTICE REFORM

Habeas Relief for Juvenile Lifer

Terry Grugan recently won habeas relief for a man convicted in 1996 of second-degree murder for his participation in a robbery during which another participant killed a store clerk. The client was 17 at the time and was sentenced to life without parole, which was mandatory at the time for all first- and second-degree murder convictions in Pennsylvania.

In 2012, the U.S. Supreme Court decided in *Miller v. Alabama* that sentences of mandatory life without parole for juveniles were unconstitutional, and last year, in *Montgomery v. Louisiana*, declared that ruling retroactive. Pennsylvania has almost 500 juvenile lifers, more than any other state.

Our client had his sentence vacated, but last November, his county stayed the resentencing of all juvenile lifers, regardless of the facts and grade of the crime, pending a forthcoming decision by the Pennsylvania Supreme Court in a case specifically dealing with resentencing in first-degree cases. When Terry filed a habeas petition on his client's behalf, the county asked for a stay, and Terry

objected. In March 2017, Judge Harvey Bartle III found that the client's sentence violated the U. S. Constitution and that "no just reason exists for further delay." The court ordered the client released from custody unless he is resentenced by the end of July. The county has appealed and has requested another stay.

Maryland Prisoner Rights Case Leads To Prison Reform

Tim McCormack, Michelle McGeogh, and Michael Cianfichi were appointed to represent a disabled elderly prisoner after he filed a civil suit in Maryland alleging abusive treatment. The prisoner, who is serving two life sentences for killings committed 30 years ago, complained in 2013 of multiple assaults by correctional officers. After he lodged his complaints, he was placed in segregation for 270 days and lost all visitation privileges, and his medical condition deteriorated.

Once discovery commenced, the State entered into settlement discussions. While refusing to acknowledge wrongdoing by its officers, the Department of Public

Safety and Correctional Services agreed to install digital surveillance cameras in the two “blind spots” in the prison where our client and other inmates claimed to have been routinely assaulted by correctional officers. The State also agreed to transfer our client to a geriatric unit closer to his family and immediately restored his visitation privileges. The client and his sister were incredibly grateful. This is the second prisoner civil rights appointment that the firm has taken in Maryland that has led to institutional reforms.

Expungement Clinics Clear Re-Entry for Ex-Offenders

After several states expanded the grounds for expunging criminal records, Ballard Spahr lawyers in Pennsylvania, Delaware, and Maryland began helping ex-offenders clear their records of old or minor crimes and arrests. The legislative changes stem from the realization that stale criminal charges seriously undermine the ability of ex-offenders to obtain gainful employment.

In November 2016, the Young Lawyers Division of the Philadelphia Bar Association staged a massive citywide expungement clinic; Kristin Daly-Barnes, Jayne Hebron, and Lynn Rzonca handled expungement petitions arising from that effort. Bill McDaniel organized participation by our Baltimore lawyers in an expungement clinic last year, and handles petitions on an ongoing basis. In March, Emilie Ninan participated in a clinic organized by the Delaware Public Defender’s Office at which more than 50 clients were served.

Ballard Wins Presidential Clemency for 29 Clients

In November, The Federal Bar Council of the Second Circuit presented a seminar on the Clemency Project featuring Michelle Miles, one of Ballard Spahr’s clemency clients. Ms. Miles was in her mid-20s and had no prior criminal record when she was sentenced to 30 years for a nonviolent drug offense. Her sentence was commuted by President Barack Obama after she spent 19 years in jail. She is pictured with Charlie Stillman, who represented her in collaboration with NYU Law School’s Mercy Project.



Charlie Stillman and clemency client Michelle Miles.

January 2017 saw the conclusion of Clemency Project 2014, a criminal justice initiative that sought to address the negative consequences of defunct mandatory minimum sentencing laws, including excessive sentences, mass incarceration, and skyrocketing prison costs. In order to be considered for the program, an applicant had to be a nonviolent, low-level offender, who had served at least 10 years of a federal sentence that would be substantially shorter if imposed today. Through the project, Ballard Spahr won presidential clemency for 29 federal prisoners, and the release of four others on other grounds. Our effort was led by Partner Margie Peerce, a nationally recognized thought leader on sentencing issues, who served on the Steering Committee of the Clemency Project.

In April 2014, the Department of Justice launched this clemency initiative by inviting petitions for commutation of sentence from federal prisoners who met the criteria outlined above. The federal government lacked the resources to review the 36,000 responses to that invitation, so Clemency Project 2014 was formed by the ABA, the ACLU, Families Against Mandatory Minimums, Federal Public and Community Defenders, and the National Association of Criminal Defense Lawyers to recruit and train pro bono lawyers to screen applicants and prepare clemency petitions for eligible prisoners.



In addition to Margie's leadership role on the Steering Committee, Ballard Spahr's contributions to the project included:

- 125 lawyer volunteers (more than 20 percent of the firm);
- 10,000 hours of pro bono time;
- Donation of the firm's \$25,000 Alan J. Davis Award to Clemency Project 2014;
- Development of training materials presented by Margie at a national training webinar;
- Coordination of case assignments to volunteers at Ballard Spahr and three other firms;
- Screening hundreds of prisoner applications, and hosting a one-day clinic at which 150 additional applications were screened;
- Submission of 82 clemency petitions.

The stories of the clients we helped, and some of those we were unable to assist, were often heartrending— young people who made bad choices; individuals whose loyalty to boyfriends or relatives landed them in jail for lengthy terms, or even life; drug addicts who might have benefitted from treatment rather than decades in jail; and minor offenders who received ineffective representation by counsel. The gratitude of these clients and their families was overwhelming, and their commitment to make the best of a second chance sincere.

One memorable client was a young woman convicted for conspiracy related to drug dealing by her abusive ex-boyfriend. After the boyfriend died, she cleaned up her life, married, and gave birth to two daughters. Five years later, she was tried on outstanding charges and, to her disbelief, convicted and sentenced to at least 15 years in federal prison under the mandatory minimum sentencing law. After serving eight years, her sentence was commuted by President Obama.

Although her case manager indicated that she would be home for Christmas, our client was sent to a halfway house a few days before the holiday and told that she would remain there for several weeks. Her entire family was bitterly disappointed. Her pro bono counsel, Margie Pearce and Tatjana Misulic, began calling case workers, prison administrators, and federal officials. Within 24 hours, they had untangled the red tape, and our client headed home to her family—in time for Christmas.

Equally notable was the impact of the Clemency Project on our volunteers. As one public finance lawyer wrote:

“This whole experience was the most stressful yet the most rewarding of my career. The pressure of negotiating a bond transaction simply pales in comparison to the pressure you feel when you are drafting a petition that, if successful, will give someone back their life, or, if not, will kill their last hope for freedom. [A]ll of us, no matter how inexperienced and clueless (and believe me, that I was and still am as to the matters of federal sentencing and drug offenses), are still privileged and have so many resources at our disposal which can make SUCH a huge difference in the lives of those who are not as fortunate.”

Legal Services

Our Partners in Promoting Access To Justice

Legal services partnerships are a vital part of our pro bono program. We value their expertise, and provide financial, board, and volunteer support to dozens of agencies.

Legal Services Corporation on the Chopping Block?

When the U.S. Office of Management and Budget (OMB) proposed eliminating Legal Services Corporation (LSC) funding as a cost-cutting measure in March, leaders of 156 of the nation's largest law firms, including Ballard Spahr, sent a letter to the OMB urging the preservation of funding. The LSC is the only funder of civil legal services in every county in the United States. Its agencies are barred from representing criminal defendants and most immigrants, but provide critical legal representation to low-income Americans facing a range of civil matters, including domestic violence protection, natural disaster recovery, veterans' benefits, and housing. Federal funding for legal services is already at its lowest level in 40 years, with not even one legal aid attorney available for every 10,000 citizens living in poverty. In addition to providing access to justice for the clients directly served by LSC agencies, those agencies also provide training and client referrals for pro bono attorneys in the private bar.

Partnering with Comcast to Serve Homeless Clients

In June, we celebrated 20 years of operating a bimonthly legal clinic for the homeless at the Sunday Breakfast Association shelter. The firm's 2016 Alan J. Davis Award, a \$25,000 cash prize, was donated to the Homeless Advocacy Project (HAP) and the Sunday Breakfast Association. In December, Brian Pedrow and Comcast's Mike Eagles were honored at HAP's annual awards ceremony for their leadership in forging the Ballard Spahr-Comcast homeless legal partnership.

Picturing Justice

Last fall, the firm sponsored an art exhibition, presented by the Atlanta Legal Aid Society, titled "Picturing Justice." The exhibition featured five documentary photographers whose work focused on the vulnerable populations served by legal aid: the working poor, people with disabilities, those at risk for homelessness, and grandparents or other relatives caring for children.



Photo credit: Bryan Meltz, 2016

Pictured Left: Brian Pedrow, HAP's Marsha I. Cohen, Scott Towers, and Comcast's James M. Mumma. Right: Photo from Picturing Justice.

Constitutional & Election Advocacy

The 2016 Election

In July, Philadelphia hosted the Democratic National Convention and Ballard Spahr provided legal support for the host committee. As we did for the RNC in 2000, the firm represented the DNC host committee as it welcomed visitors from around the country, helping to navigate contracts, hiring, liquor licenses, and other legal issues. Political celebrities were spotted in the office throughout convention week as the firm hosted meetings of governors and other dignitaries.

As in every election cycle, we partnered with nonpartisan groups such as the Lawyers' Committee for Civil Rights and its affiliates, the Asian American Legal Defense & Education Fund, and others on election protection activities. More than 50 lawyers and staff were trained, participated in election protection hotlines, and volunteered at the polls to ensure that eligible voters could cast their ballots.

Electoral Reform

Maine became the first state in the country to adopt "ranked choice voting," a system that allows voters to rank their choices for office and eliminates the spoiler effect of untenable candidates. Mike Fabius and Gwen Friedman provided research assistance and advice to the election reform nonprofit FairVote, which spearheaded the Maine ballot initiative.

Protecting Freedom of Assembly and Expression

The inauguration of President Trump—and controversial executive orders that quickly followed—brought unprecedented numbers of protesters to the streets. In response, the National Lawyers Guild recruited pro bono attorneys to participate in its Legal Observer Program, which provides nonpartisan volunteers to protect the

right to peacefully assemble. Ballard Spahr volunteers in New York, Philadelphia, and Washington, D.C., were trained as legal observers for the massive Women's March on January 21, 2017.

Two weeks later, the firm represented five rabbis who were among 20 clerics arrested in New York City when they engaged in an act of civil disobedience outside Trump International Hotel. They were protesting the January 27 Executive Order that banned travel to the United States from seven majority-Muslim countries. Brad Gershel and Margie Peerce assisted the clerics through their legal proceedings.

Media Law and Support for NPR

David Bodney's long and successful relationship with pro bono work started on the side of the road in rural Virginia in 1977. Heading back to law school after a summer in Kansas City, David's 1970 Volkswagen got a flat tire. In his words, he "didn't have the means or skills" to fix it. Luckily, a local farmer hopped off his tractor and lent a hand. When David offered him cash as a thank you, the farmer stubbornly refused the money. Instead, he said, "when you become a lawyer and a poor farmer comes to your office in need of legal aid, help him free of charge."

"I've been paying back that farmer for almost 40 years," says David, a media and First Amendment partner.

Pro bono work has always been a staple of David's practice. His first pro bono matter came shortly after he earned his J.D. A young relative of a partner in his firm was having legal trouble and needed help. David jumped in and counseled the young man through the matter. While the matter didn't set precedent or draw headlines, David saw how much it meant to his client and never forgot.

Fast forward to now: David is a prominent authority on the First Amendment and Chair of the ABA's Forum on Communications Law. He is regularly asked to provide pro bono counsel in issues affecting the media. His recent projects have included working with Yale Law School's Media Freedom & Information Access Clinic; representing media outlets seeking greater transparency in the lethal execution process; representing a prison newspaper that was embargoed after it reported lawsuits alleging correctional officer abuse; and preparing

amicus briefs in a proceeding before appellate courts in Peru to articulate the media's right to investigate the participation of industry representatives in drafting regulations for the mining industry.

David's national reputation led National Public Radio (NPR) to call upon him after an award-winning NPR photojournalist and an Afghan reporter-translator were killed in June 2016 while traveling with an Afghan army unit when their convoy came under fire. They were the first journalists in NPR's history to be killed while on assignment. NPR asked David and veteran journalist Andrew Alexander to independently review the assignment and NPR's security protocols to assess what went right, what went wrong, and what more can be done to promote the safety and security of NPR journalists on future assignments in hostile environments. Facing no restrictions in their work, David and Mr. Alexander interviewed more than 35 people and reviewed relevant emails, text messages, calendar entries, and materials from the field. They found no causal link between NPR's existing security protocols and the journalists' deaths, but offered recommendations to promote safety on future assignments.

Religious Freedom & Local Regulations

Doug Christian is working with the American Civil Liberties Union (ACLU) to represent a group of Muslim professionals that tried to lease space for a prayer room. A local zoning board in central Pennsylvania denied the group's request. Doug is working on the appeal. Well-settled law requires an accommodation for the religious purpose proposed by the group.

Michael Sklaroff and Dan Liang won full exemption from Philadelphia real estate taxes for a Buddhist temple. They successfully appealed a decision that the temple property was only 50 percent tax-exempt.

Congratulations to University of Virginia School of Law student and incoming associate Conor Crawford who was honored by the Denver Anti-Defamation League for a research assignment he completed while a Ballard Spahr summer associate. Conor's memo on the question of freedom of conscience and discrimination was deemed superior by a team of ADL judges.



*Pictured left: David Bodney.
Above: Conor Crawford receives ADL award.*

HOUSING

While national politics dominate the news, little has changed for low-income families that need legal assistance to meet basic human needs, such as having a place to live.

Thwarting Wrongful Eviction

On days when intake is open for landlord-tenant help at Philadelphia Community Legal Services, a line forms at dawn. A whopping 24,000 eviction lawsuits are filed in the city each year, but only eight percent of the tenants sued have a lawyer. In the poorest major city in the country, there are only five legal aid attorneys to advise tenants. Without legal assistance, many are evicted and ordered to pay back rent, legal fees, and other costs. The cost of judgments creates barriers to obtaining replacement housing. But many of these evictions are illegal, filed in retaliation after a tenant escrows rent because of serious housing code violations, or by landlords claiming damages far in excess of those actually incurred.

Tenant representation keeps the landlords, and the small claims system, honest. Shaina Hicks, Daniel Fanaselle, Sharon Marshall, Ray Quaglia, and Matthew Vahey regularly take these cases and negotiate settlements that allow tenants to resolve rent disputes, force landlords to

make repairs, or give time to move out of a bad housing situation without incurring a ruinous judgment.

Shaina recently represented a woman and her son who escrowed rent after their landlord refused to repair broken windows, install fire alarms, or address a mice infestation. Instead, the landlord sued to evict them, claiming more than \$5,000 in back rent and attorney's fees. Shaina confronted the landlord with evidence of six outstanding housing code violations, receipts proving that the clients had paid some of the rent and given notice of their intent to escrow the remainder, and the landlord's failure to obtain an inspection certificate authorizing rental of the property. Shaina negotiated a settlement giving the clients 30 days to move with no further payments.

Jess Theodore, Quinton Stephens, Jeff Rasmussen, and Scott Wiseman provide similar services for clients referred through the West Jordan landlord tenant clinic in Utah.

Affordable and Special Needs Housing

With its strong national housing practice and extensive transactional experience, Ballard Spahr is well-positioned to help communities develop affordable and special needs housing.

Cancer patients from across the country travel to Philadelphia seeking treatment at nationally ranked cancer care facilities. Unfortunately, finding extended-stay housing in the area for their families can be challenging and expensive. Matthew McClure, Michael Skojec, and Ray Quaglia are representing the HEADStrong foundation as it plans to provide a short-term living residence for cancer patients and their families.

Before Cheryl Colleluori's son Nick died of acute lymphoma a decade ago, he made her promise that she would build the foundation that he envisioned: a place for cancer patients and their families to turn to for financial and emotional support when in a strange city for treatment. Last summer, the foundation identified a large home in the Philadelphia suburbs with easy access to many of the major cancer facilities. The house was zoned for single-family housing, but the local agency granted HEADStrong an accommodation under the Fair Housing Act to use the home as a temporary residence for cancer patients.



A few neighbors objected, raising concerns about parking and the effect of transient cancer patients and their families on the character of the neighborhood. They appealed when the local authority affirmed its decision in December. Ballard Spahr is representing the HEADStrong Foundation in the agency appeal.

Other recent housing pro bono efforts include:

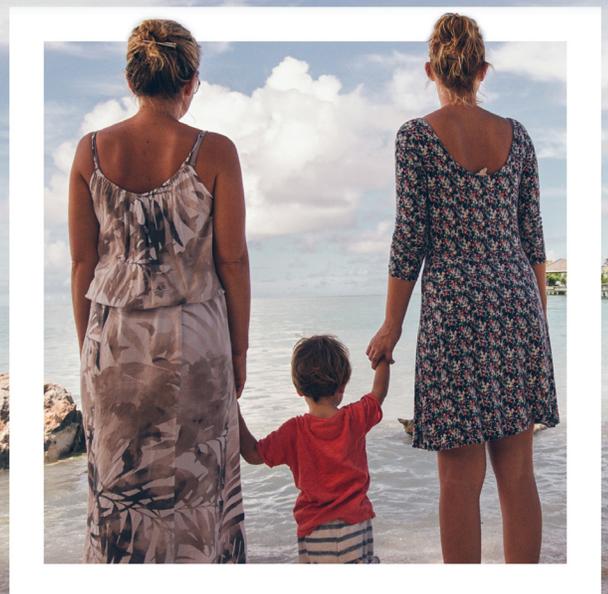
- The Drake House in Atlanta provides short-term crisis housing, education, and empowerment programs for homeless single mothers and their children. This winter, Laura Seidel and Parker Stephens represented The Drake House in the acquisition of two apartment buildings, and related mortgage financing, to provide additional housing. Last fall, they helped The Drake House negotiate a lease for a thrift store that funds its operations.
- SAFE, Inc. (Survivors & Advocates for Empowerment) is the only 24/7 crisis intervention and shelter for victims of domestic violence in D.C. Emily Vaias, Ashley Haun, Shanellah Verna, and Raquel Montenegro are assisting SAFE with zoning and issues related to the purchase of a shelter facility.
- For more than a decade, we have provided pro bono assistance to Project PLASE, a Baltimore nonprofit providing transitional and permanent housing and supportive services to homeless adults. Bill McDaniel and Chris Fritz are representing Project PLASE in a dispute with a landlord.
- Mary Croft continues to coordinate our longstanding pro bono support for Dawn's Place, a transitional residence in Philadelphia for women who have been affected by commercial sexual exploitation.
- Michael Pollack assisted Habitat for Humanity of Nassau County, New York, to negotiate a Memorandum of Understanding with a local land trust to combine their respective resources and contacts to identify and pursue affordable housing projects together.
- Amy McClain is assisting a nonprofit developer of affordable housing and community resources in Baltimore to apply for New Markets Tax Credit and Low-Income Housing Tax Credits.

FAMILY LAW

Protecting Parental Rights of Same-Sex Couples

Eugene Licker was the chief architect of an amicus brief filed on behalf of the American Academy of Adoption Attorneys in an important case affecting the parental rights of same-sex couples. In August, the New York State Court of Appeals held that non-biological, non-adoptive parents have standing to seek custody and visitation of children who were conceived and born into relationships in which both individuals had agreed to co-parent. The unanimous decision reversed a 1991 ruling, which denied parental rights to many people raising children in nontraditional families.

The court recognized that its former bright-line rule rejecting standing for non-biological, non-adoptive parents inflicted a disproportionate hardship on same-sex couples, many of whom are raising children related to only one partner by birth or adoption and who may otherwise have been unable to obtain standing through marriage before the recent legalization of gay marriage in New York. The court held that the fact that the unmarried parties had reached a preconception agreement to “conceive and raise a child” together was sufficient to establish standing for the non-biological parent to later assert custody or visitation rights.



FOSTERING CIVIC ENGAGEMENT

Our lawyers provide a range of pro bono support to nonprofit and governmental agencies making a difference in the community.

As a leading nonprofit tax attorney, Kendis Key Muscheid frequently assists our pro bono efforts. When asked to describe her pro bono contributions this year, she said:

Perhaps the highlight of my pro bono work has been the privilege of working on such a variety of projects with attorneys and clients from across our firm and offices, including Phoenix, Salt Lake City, Denver, Las Vegas, Baltimore, Delaware, and Philadelphia. The matters have included establishing a clinic to provide legal services for sex-trafficked victims, merging entities providing water wells in Ghana, creating template documents for a food co-op, assisting in governance issues, creating an organization for building officials to come together and share practices and knowledge, and transferring assets to an entity serving individuals with disabilities through therapeutic outdoor recreation programs.

Wills for Heroes

For over a decade, Ballard Spahr has partnered with the Wills for Heroes Foundation and our corporate clients to provide free estate planning documents to first responders and veterans at clinics throughout the country. This year, we inaugurated invitational clinics for Ballard Spahr alumni and started expansion of the clinics to our Western offices.

Baltimore Light City Festival

In April 2017, our Baltimore Office celebrated its 25th anniversary with a presentation by the Light City Festival. Light City is an annual public light festival featuring large-scale light installations, performances, music, and innovation. We have represented Light City pro bono since it was launched by the Baltimore Office of Promotion &



the Arts (BOPA) and the Baltimore Festival of the Arts (BFAI) in 2016. Jamie Bischoff coordinates our IP advice for Light City, bringing to bear the experience she gained with public art installations as an advocate for the Philadelphia Mural Arts Program. Others assisting Light City are Bill McDaniel, Erika Caesar, Mike Cianfichi, Steve Johnson, and Kim Buhrman.

Refinancing for Disability Services Agency

Joyce Gorman and Andrew Brod put their finance skills to work to help the suburban D.C. affiliate of Easter Seals to evaluate and complete a complicated refinancing of its headquarters. The organization runs adult day care for disabled individuals and a child development program, as well as providing job training and placement, respite services for family caregivers, and veteran services. Upon completion of the transaction, which involved letters of credit and tax-exempt bonds, the CFO thanked Joyce and Andrew, saying, “I spent the better part of 30 years



Photo Credit to the Baltimore Office of Promotion & The Arts

in corporate finance and have worked with more than my share of law firms on more transactions than I can count. I have never felt more capably represented by a team of dedicated, professional attorneys.”

Ballard Spahr Honored by Impact Thrift Stores

Impact Thrift Stores presented its first-ever “Making an Impact” award to the firm, in recognition of the hundreds of hours of pro bono legal service it has dedicated to the nonprofit since 2003. Gray Wirth, President and CEO of Impact Thrift Stores, presented the award to Mary Gay Scanlon. Impact Thrift is a nonprofit dedicated to financially supporting local charities that work to feed the hungry, house the homeless, and support children and families in need. It fulfills that mission by accepting donations of new and gently used clothing, household items, and more and selling them in thrift stores.



Mary Gay Scanlon accepts award from Impact Thrift Stores.

Health & Nutrition

No More Kids With Cancer; Supporting Pediatric Cancer Research

“No More Kids With Cancer,” also known as the Naya Foundation, is a nonprofit research accelerator focused on the discovery of safer, more effective and modern treatments for children with cancer. The foundation was launched in 2015, in honor of Naya Summy, who died of pediatric brain cancer at age 11. Although cancer is the leading cause of death by disease among children, only 4 percent of cancer research funding goes to pediatric cancer. In the last few decades, few new pediatric cancer drugs have been developed.

Ballard Spahr has represented the foundation with its trademark application and other governance issues. Lynn Rzonca knew Naya and her family and acts as the firm’s liaison. She reports: “Each time I needed another subject matter expert to help the foundation, I made a phone call to a Ballard colleague. I described the foundation and its mission. Every request for help was answered with an immediate ‘yes.’” Those colleagues include: Odia Kagan, Peter Hennessey, Roshni Patel, Meredith Swartz, Michael Shore, Andrea McKenna, Chris Jones, John Sharrar, and Jane Siegfried.

Addressing Health Care Needs of Girls in Detention

Charley Brown and Maha Khalaj represent The Girls Health Screen (GHS), a medical screening and assessment tool targeting the specific health issues of at-risk girls in the juvenile justice system. The screening tool was created in response to research revealing that girls in detention have different and more serious physical and mental health needs (including reproductive health) than their male counterparts, and that they are less likely to receive adequate assessment and treatment. We have assisted GHS with intellectual property matters.

Common Market Food Hub Launches First Affiliate in Atlanta

Since 2010, Ballard Spahr has represented The Common Market, an award-winning nonprofit food distributor serving the Mid-Atlantic region with a mission to connect urban communities with fresh local foods from sustainable farmers and food producers. We have helped The Common Market replicate its success with its first affiliate, Common Market Georgia, based in Atlanta. It opened last year in temporary quarters at an historic, city-owned market, but quickly outgrew that space. Jean Hemphill, Jamie Bischoff, and Chris Jones assisted with formation of the affiliate and related IP issues. Laura Seidel and Parker Stephens handled acquisition of a warehouse.

Ballard Spahr’s work with The Common Market was the genesis for our firm-wide social responsibility initiative on hunger and sustainable food, which includes, in addition to pro bono work, volunteer service with and donations to food-related organizations around the country.



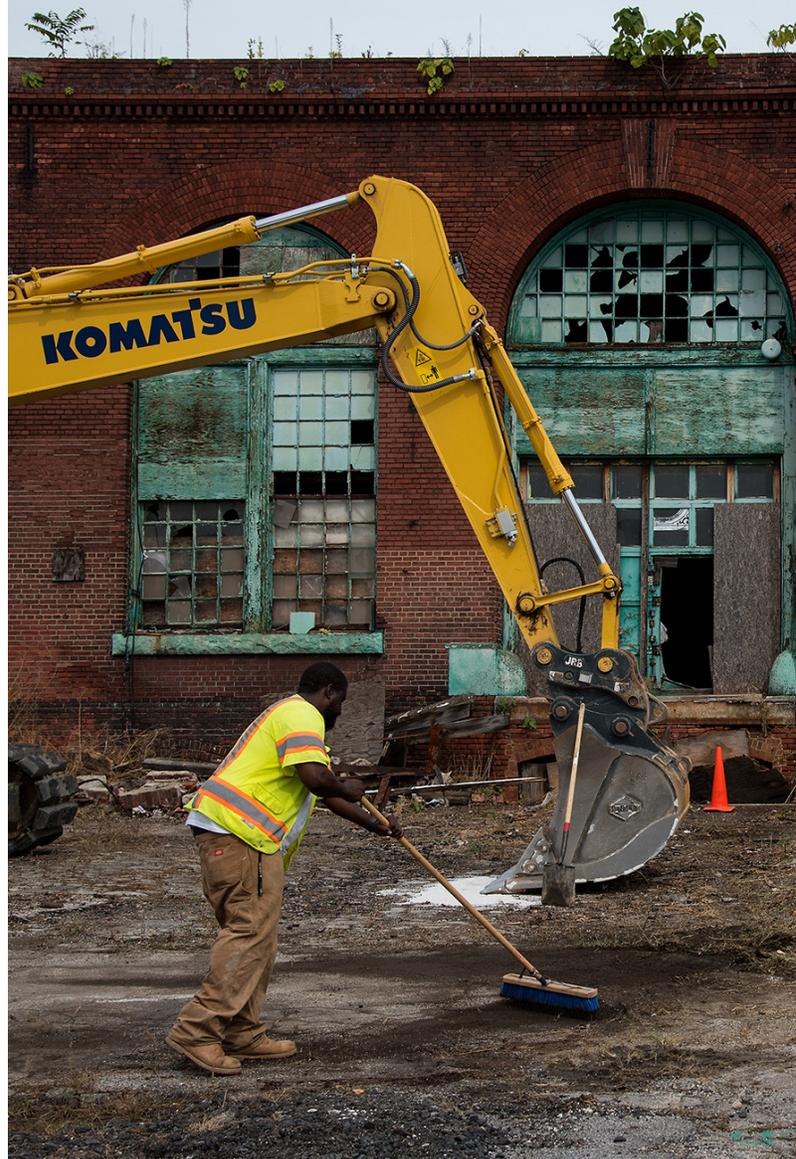
Ballard Spahr Helps Transform Neglected Urban Tract into Culinary Center

In September 2016, the Baltimore Food Hub broke ground on a \$23.5 million development project to transform 3.5 acres of dilapidated buildings and overgrown lots into a vibrant urban culinary center. The project will include teaching and commercial production kitchens, food manufacturing, job training, urban farming, and a market. Tom Hauser led Ballard Spahr lawyers who helped the nonprofit developer—American Communities Trust, a national community development organization that serves low-income communities—secure the land and negotiate leases and other agreements. The site was formerly a city water pumping station but has been in disuse for years. The Baltimore Food Hub will provide economic development, create jobs, and increase access to healthy food for low-income residents.

Athletic Adventures for Everyone

We have a track record of helping nonprofits that provide inclusive sports opportunities, including:

- In Salt Lake City, Office Managing Partner Mark Gaylord has coordinated our representation of National Ability Center (NAC) since 2005. Kerry E.S. O’Neil and Jeffrey S. Rasmussen assist with that work. We provide a range of legal services to help NAC further its mission of providing inclusive sport, recreation, and educational programs to individuals of all ages and abilities, including those with orthopedic, spinal cord, neuromuscular, visual and hearing impairments, and cognitive and developmental disabilities.
- In Colorado, Alicia Clark and Caroline Marfitano represent Assisted Cycling Tours, a nonprofit that offers day and overnight trips for people with physical and cognitive disabilities and their families. We have assisted with governance and real estate matters and now are helping the nonprofit open a bike shop and service center that will generate revenue for the tours and provide job training for disabled individuals.
- Shannon Farmer and Katherine Atkinson are helping the USA Deaf Soccer Association navigate governance and funding issues. The USA Deaf Soccer teams have competed in the Deaflympics since 1965.



Baltimore Food Hub groundbreaking in September 2016.



Small Businesses & Entrepreneurs

In 2016, our support for small businesses took three major forms: advice for entrepreneurs, small business clinics, and patent referrals from the U.S. Patent and Trademark Office.

USPTO Invents New Pro Bono Opportunities

In 2015, our IP professionals in Atlanta began taking referrals from the U.S. Patent and Trademark Office (USPTO) patent pro bono program, implemented regionally by the Georgia Lawyers for the Arts (GLA). We have been named GLA's Patent Pro Bono Law Firm of the Year for two years running.

Our Philadelphia lawyers joined the program when it came to Pennsylvania in 2016, and our Arizona patent team looks forward to participating with the University of Arizona's James E. Rogers College of Law patent clinic as it comes online this year.

We have accepted more than 30 referrals from the USPTO program, which helps new inventors launch their ideas. As one grateful client wrote, "without this program, I would still have this idea in my head and would have not been able to move forward with it due to financial restraints." In addition to providing a valuable service for creative individuals, the program offers wonderful opportunities for training new lawyers and cross-office collaboration. Wendy Choi, John Chionchio, and Charley Brown are leading our patent pro bono efforts.

Some of our clients' inventions are already hitting the market. Brian Shortell and Sommer Zimmerman wrote a patent application and advised a client on her invention of a new baby carrier, which fits inside a car safety seat and



Ballard Spahr client with Harry Connick Jr. and Barbara Corcoran.

makes it easier for a parent to remove a child from the car. She was discovered at a baby products convention last fall, and appeared on "Harry," Harry Connick Jr.'s daytime TV talk show with Barbara Corcoran, of "Shark Tank" fame.

Patent Protection

In January, we were appointed by a federal court to represent a small software company in a patent infringement matter. Patent trolls brought an action against the company's product and made an initial demand of \$125,000. The client could not afford patent litigation counsel and a settlement would have bankrupted the business. Chittam Thakore and Richard Miller from the Atlanta office represented the client and persuaded plaintiff to drop all of its claims.

Kudos for Ballard's Free Legal Services for Entrepreneurs

In November, *Forbes* profiled Ballard Spahr's BASE Program, a legal incubator for student entrepreneurs. Startups accepted in the year-long program are offered monthly classes on legal issues, mentorship from lawyers and business leaders, and the equivalent of up to \$10,000 in legal services focused on key startup issues, including entity formation and employment agreements. Now in its third year, BASE admits a new class of 12 student ventures each fall, and concludes with BASE Jump, a Shark Tank-style event in which participants pitch their businesses to potential investors.

Among our BASE graduates is Modernlend, an online lender that uses alternative metrics to identify and lend

to creditworthy domestic and international borrowers. Modernlend has since been accepted into prestigious incubators, raised rounds of capital, and taken home top prizes at the New York-based BBVA open talent competition.

In Phoenix, we embarked on a pro bono partnership with CO+HOOTS, a world-renowned co-working space for aspiring entrepreneurs and startups. Ballard Spahr provides free, monthly one-on-one consultation to CO+HOOTS members on legal topics such as intellectual property, non-compete contracts, and independent contractor agreements.

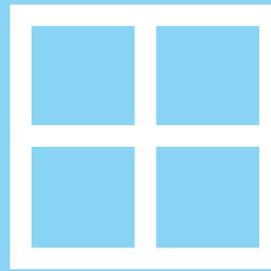
Travis Leach, Jonathon Talcott, Laura Brooks, Wesley Robinson, and Lauren McKeon conduct legal advisement and educational training sessions at CO+HOOTS. According to Travis, co-leader of the firm's Emerging Growth and Private Capital Group, the partnership was born from a shared commitment to helping Phoenix's entrepreneurial community.

“Ballard Spahr is focused on helping to grow and integrate the national start-up community,” he said. “The CO+HOOTS partnership has been a great fit for us to accomplish these goals.”

Teaming with CO+HOOTS also supports the goals of the firm's Project SING—seeding, incubating, nurturing, and growing young companies—so they can transform business concepts into thriving companies.



Our transactional lawyers go the extra mile for the small businesses they help – Brian Meadows appears in a patent client's pitch ad!



A VIEW FROM OUR WINDOW

Pick up a newspaper, turn on a TV, or listen to the radio and you're likely to discover a story about Ballard Spahr pro bono lawyers tackling injustice or helping the community. From assisting women athletes to secure equitable treatment to protecting the rights of immigrants, we are involved in the most newsworthy, precedent-setting matters of the day.

In addition to headline-grabbing cases, our lawyers continue to serve the needs of our most vulnerable neighbors. We represent low-income families in housing disputes, advise small businesses and nonprofit organizations, and offer estate planning services to emergency first responders and veterans. Our volunteers are quick to respond to those in need.

Today, the need for free legal services is unprecedented. For years, shrinking funding for legal services and growing income inequality have increased the demand for pro bono legal services. More recently, sweeping policy changes by the new administration have created a new wave of pro bono challenges, especially for immigrants, media organizations, and government watchdogs.

As the need for pro bono aid has increased, so too has the commitment of Ballard Spahr's lawyers. We contributed nearly 44,000 hours of pro bono work in 2016, an average of 73 hours per attorney. These record-breaking numbers were driven not by the heroic efforts of a few, but rather by broad-based participation across offices, practice areas, and public interests.

The great gift of our profession is that our legal skills give us the power to foster change and help those in need. I'm proud to say that our lawyers accept with enthusiasm the responsibility that comes with this gift, dedicating their best efforts to pro bono matters. And in the process, they truly change lives.

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:

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