

# The Portal

PRO BONO NEWS AT BALLARD SPAHR

2009-2010

## BALLARD SPAHR MEETS PRO BONO CHALLENGE FOR 8TH YEAR!



Arthur Makadon



Mary Gay Scanlon

In 2009, Ballard Spahr met the Law Firm Pro Bono Challenge for the eighth consecutive year, donating more than 38,000 hours of legal service to pro bono matters. Under the Challenge, the firm pledges to devote three percent of its billable time annually. That makes Ballard Spahr one of a small number of national law firms whose lawyers, on average, meet both the Challenge and the American Bar Association's goal of 50 hours of pro bono service per attorney each year.

While other law firms tout flashy signature projects, or their "new and improved" commitment to pro bono work, the Ballard Spahr program is known for the high performance and long-term dedication of its lawyers. The firm's early adoption of a pro bono policy, and continuing dedication of resources to support pro bono work, has established a firm culture where pro bono work is actively encouraged for all attorneys.

The support of firm leadership is crucial. In the words of **Mary Gay Scanlon**, Executive Director of the firm's Pro Bono Program, "It does not matter what a firm says about pro bono work on paper. What matters is how the leadership treats pro bono work, and here at Ballard, the leadership is visibly supportive." Examples of that support include the annual awards for outstanding pro bono work, including the \$25,000 Davis Award presented by the firm's Chair, **Arthur Makadon**, at the firm's annual meeting; the high level of participation by firm leadership, including governing board members, practice group leaders, and office managing partners, in pro bono work; and the leadership's public support for pro bono work.

## CELEBRATING NATIONAL PRO BONO WEEK

From October 25 through 31, 2009, the ABA and local bar associations spearheaded the first National Pro Bono Week to showcase the difference that pro bono lawyers make to the nation, its system of justice, its communities, and the clients they serve. Ballard Spahr attorneys across the country participated in pro bono training programs and open houses designed to enlist new pro bono volunteers to meet the ever-growing legal needs of the poor.



Of particular note was a roundtable discussion on access to justice hosted by **Stan Parry** and **Bill Curran** in our Las Vegas Office. The discussion featured members of the legal services community, then-Chief Justice of the Nevada Supreme Court James W. Hardesty, current Chief Justice Ron D. Parraguirre, and Justice Michael L. Douglas.



Stan Parry

Bill Curran

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## WILLS FOR HEROES UPDATE



On June 26, 2009, Ballard Spahr, client Exelon, and the Pennsylvania Bar Association sponsored a Wills for Heroes Clinic for members and families of the Philadelphia Fraternal Order of Police.

*Pictured above, Kevin Stepanuk (Associate General Counsel Exelon), David Trevaskis (PA Bar Association), Mike Trask (Vice President FOP), Daniel McKenna (Phila), Mary Gay Scanlon (Phila), Amy Tarr (Associate General Counsel Exelon).*



Daniel McKenna

Ballard Spahr attorneys and staff continue to participate in Wills for Heroes clinics across the country, providing hundreds of first responders with free estate planning services. Under the dedicated leadership of **Daniel McKenna** (Phila), the program is now active in 9 of the 11 states where Ballard

Spahr has offices and 25 states nationwide, up from only 8 states when Dan became involved just a few years ago. The program gives lawyers and staff the opportunity to provide a crucial service for first responders who, despite the risky nature of their profession, are historically disinclined to obtain wills, powers of attorney, or health care directives.

The Wills for Heroes Program also has become an opportunity for our attorneys to connect with clients, law schools, and community leaders. This summer, the firm will partner with the general counsel's office at Exelon for the third consecutive year to stage Wills for Heroes clinics in Philadelphia and Chicago as part of Exelon's "All Hands Day" community service project. Other clients are frequently invited to participate in clinics in their communities. Several clients with ties to local fire departments or other first responders have even requested assistance in scheduling Wills for Heroes events.

The first Wills for Heroes clinic in Delaware was held on April 17, 2010. We sponsored the event in partnership with Widener University School of Law.

Dan will help organize a clinic for United States Park Service Police at the Statue of Liberty on June 12. Law students from the University of Pennsylvania plan to participate.

## SO OTHERS MIGHT EAT

### Client Hosts First Family for 2010 Martin Luther King Day of Service

On January 18, 2010, President Barack Obama and his family served lunch to homeless clients at So Others Might Eat (SOME), a social services organization in Washington, DC. SOME has been a Ballard Spahr client since 2008, for both pro bono and non-pro bono work. **Margo Stern** and **Andrew Rogers** (DC) are the lead attorneys for SOME.



## PHILADELPHIA MURAL ARTS PROGRAM TO HONOR BALLARD SPAHR



Secret Book (1999)

The City of Philadelphia's Mural Arts Program (MAP) is the nation's largest mural arts program. On May 6, 2010, Ballard Spahr will be honored for its pro bono support by Philadelphia Mural Arts at its annual Mural Arts Wall Ball. Since 1984, Mural Arts has created more than 3,000 murals and works of public art, earning Philadelphia international recognition as the "City of Murals."

Mural Arts engages more than 100 communities each year in the transformation of neighborhoods through the mural-making process. Its award-winning, free art education programs serve nearly 2,000 youths at sites throughout the city. It also serves at-risk teens through education outreach programs. Nearly 400 artists from the Philadelphia region are employed by Mural Arts each year as muralists and instructors. The program also serves adult offenders in local prisons and rehabilitation centers, using the restorative power of art to break the cycle of crime and violence in our communities. Each year, nearly 10,000 residents and visitors tour Mural Arts' outdoor art gallery, which has become part of Philadelphia's civic landscape and a source of pride and inspiration.



Jamie Bischoff

Ballard Spahr's Mural Arts team is led by **Jamie Bischoff** (Phila). In the last year, more than a dozen attorneys have worked on a range of projects for the Mural Arts Advocates (MAA), the 501(c)(3) organization set up to support MAP. Those projects included:

- Performing a comprehensive overhaul of MAA's bylaws to more accurately reflect the recent growth of the organization
- Advising MAA/MAP on artist contracts and worker classification issues, representing them in an unemployment compensation hearing, and negotiating an employee severance agreement
- Preparing the documentation and providing the advice necessary to place murals at several facilities, including the city's largest-ever mural on the facade of parking garages at Philadelphia International Airport
- Negotiating a sublease and providing assistance with administration of a state grant for renovation of MAA/MAP's headquarters
- Negotiating contracts with software developers, photographers, and artists
- Advising MAP on assorted legal issues, including tax implications of a proposed charitable gift annuity program

Thanks to **Jamie Bischoff, Geoffrey Bruen, Mark DePillis, Peter Jaslow, Christopher Jones, Steve Kim, Aldie Jennings Loubier, Matt McClure, Corinne Militello, Mary Mullany, Brian Pedrow, Ben Sanchez, Rachel Taicher, Harry Weiss, Kia Wimmer, and Stephanie Wittenberg** for their efforts on behalf of the Mural Arts Program.

## HOUSING HELP FOR THOSE IN NEED



Mitzie Smith-Mack

Several years ago, the owner of a low-income housing development in the nation's capital let the units fall into disrepair and defaulted on its financial obligations, leaving just a handful of remaining tenants to fend for themselves. A government agency took over the property and set in motion plans to sell it to a for-profit developer with no obligation to ensure that the new development included affordable units and no requirement to accommodate the remaining residents. Because Washington has a severe shortage of low-income housing, the potential loss of these units created serious concerns for affordable housing advocates.

Working over the course of two years with the Washington Legal Clinic for the Homeless and two long-time former residents of the development, **Mitzie Smith-Mack** (DC) skillfully negotiated agreements with District government officials, private developers, and community activists. The agreements changed the original plans and led to a new plan for the development that includes affordable rental housing and homeownership opportunities. Mitzie convinced District officials that the residents deserved an opportunity to provide input on both the selection of the developer and plans for the property, which now include a provision allowing them to return to the newly developed community. Mitzie invested more than 200 hours in this project, much of which was spent attending community meetings and negotiating sessions during nights and weekends. While initially reluctant, District officials grew to value and respect the residents' input and are now pleased with the outcome. Mitzie's negotiation skills prevented time-consuming and costly litigation, allowing the affordable housing units to be developed sooner and creating new affordable housing for needy DC residents.

## BSA&I – BALLARD SPAHR ASYLUM & IMMIGRATION MATTERS

In recent years, asylum and immigration matters have been a fertile source of pro bono work. In 2009, dozens of Ballard Spahr attorneys, paralegals, and summer associates devoted more than 2,300 hours to assisting those fleeing persecution in other countries. A sampling of these matters follows:



- Last fall, **Joel Korin** (Voorhees), **Robert Kearbey** (DC), **Jacob Carlton** (SLC), **Andrea Leider** (Denver), and **Steve Park** (Phila) worked with the Polaris Project, a nonprofit organization dedicated to combating human trafficking, in researching and drafting amendments to model state laws to prevent trafficking. They were assisted by a professor and students from Rutgers Law School.
- **P. Andrew Spicknall** (DC), former Ballard Spahr attorney Cynthia Hajost, and summer associate Jeti Gibson (The University of Richmond), were honored in August 2009 by Human Rights First for representing a refugee from Eritrea who was granted asylum. The client's family members had a history of being kidnapped, and the client was at risk of execution if she returned to the country.
- **Ray Quaglia, Erin Kepplinger, and Sapna Anderson** (Phila.) are representing a Haitian national and ardent Aristide supporter who fled his homeland in 1992 after being tortured for his political beliefs. As a result of their efforts, the client was released from detention at the end of January 2010 and is living with relatives in Florida while awaiting a decision on his Third Circuit appeal seeking deferral of removal.
- **Sapna Anderson** (Phila) was featured in *Philadelphia Lawyer* magazine for her representation of a man from Mauritania who sought assistance when a coup in his homeland threatened him and his family. The assistant to Mauritania's ambassador to the United States, the client found himself targeted by his country's new government during its search for the ambassador, who had gone into hiding following the coup. In this matter of life and death, Sapna helped the client obtain asylum by the U.S. government. The client also plans to pursue asylum for his wife and three young children.
- **Kristin Ross** (Voorhees) obtained U-Visas for a young girl and her family after the girl was brutally assaulted. U-Visas provide immigration status to non-citizens who are assisting or are willing to assist authorities investigating crimes involving substantial physical or mental abuse. In 2007, the Philadelphia District Attorney's office asked Ballard Spahr to represent the young crime victim and her family when it became apparent that they had overstayed their visas. Kristin was able to prevent deportation of the girl's parents and, in 2009, obtained U-Visas for the girl, her parents, and two siblings.

## CORPORATE AND GOVERNMENT INVESTIGATIONS GROUP HELPS NONPROFITS PROBE FINANCIAL ISSUES



John Grugan

In the last 18 months, Ballard Spahr's Corporate and Government Investigations and White Collar Defense Group has provided five nonprofit organizations with valuable pro bono services, investigating allegations of financial impropriety that led to at least one conviction. According to group Vice-

Chair **John Grugan** (Phila), the practice has used its investigative skills to aid nonprofits dedicated to assisting children, immigrants, crime victims, and the poor in solving financial problems, whether missappropriated funds or unpaid payroll taxes. He notes many nonprofits operate on shoestring budgets and lack institutional memory and controls. A key component of our representation is educating board members and explaining their options regarding the pursuit of criminal complaints or the restructuring of policies and financial controls to prevent future problems. Ballard Spahr volunteers have helped the nonprofits investigate financial issues, arranged for forensic accounting, contacted criminal justice authorities and insurance agencies where appropriate, and negotiated restitution agreements with wrongdoers and payment plans with tax authorities. In addition to helping the nonprofits, these matters are an excellent training ground for associates new to this field. Participating attorneys include **Lisa Cuifolo, Kenya Mann Faulkner, John Grugan, Christopher Jones, Kurt Lunkenheimer, Jay MacDonald, Joshua Mooney, and Charles Rombeau** (Phila).

## REPRESENTING CHILDREN & FAMILIES

Helping children and families has long been at the heart of Ballard Spahr's pro bono program. Whether we are helping clients obtain guardianship of young relatives, as **Adrienne Wilhoit** (Phoenix) has done, or maintaining a docket of adoption cases, as **Nicole Evans** (SLC) does, our attorneys always seem to find a way to extend a helping hand to families in need. Representative pro bono matters in the last year include the following:

- **Aisha Barbour** (Phila) was recognized in the October 2009 *Philadelphia Lawyer* magazine for her work with the SeniorLAW Center. Aisha successfully represented a 67-year-old woman seeking to regain



Aisha Barbour

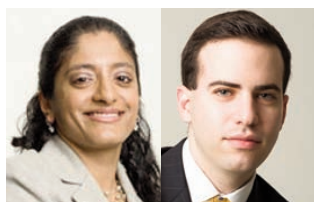
sole legal and primary physical custody of her 9-year-old great-grandson.

- **David Haworth** (Voorhees) helped a New Jersey family obtain Social Security benefits for their child after the family's claim had been denied twice by the Social Security Administration. After investigating and developing additional medical and academic evidence, David took the case to trial and obtained benefits enabling the family to afford appropriate medical care and educational remediation for the child, who has severe learning disabilities.



David Haworth

- **Sapna Anderson** and **Jonathan Satinsky** (Phila) responded to a request from a public school teacher to represent the mother of one of the teacher's students. The mother was trying to wrest custody of the boy from his father, who sought custody as a means to avoid making child support payments. Through extensive preparation and investigation, Sapna and Jonathan prevailed over an experienced family court lawyer whose familiarity with local court customs had threatened to derail the mother's case.



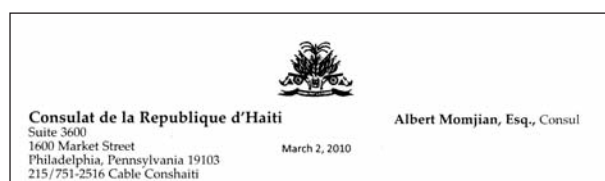
Sapna Anderson Jonathan Satinsky

## HAITIAN CONSULATE COMMENDS BALLARD SPAHR RELIEF EFFORTS

In the weeks following the devastating January earthquake, Ballard Spahr offices across the country took up collections and volunteered for relief efforts to assist the people of Haiti. **Kia Wimmer** (Phila) spearheaded a luncheon which raised more than \$15,000 for five clients and organizations engaged in relief efforts in Haiti that have strong ties to the firm: Friends of the Orphans, Healing Hands for Haiti, Charitable Foundation of the Energy Bar Association, American Red Cross, and the U.S. Fund for UNICEF. Literature and videos describing each of the organizations' efforts was available, and a Haitian student described her parents' experience during the earthquake as well as a clothing drive organized by her fellow classmates in Philadelphia to assist with relief efforts.

Ballard Spahr's Washington and Bethesda offices raised additional funds through "Jeans for Charity Days," in which participants made a donation to a Haitian charity in order to wear casual attire to the office. The Voorhees office worked with local Red Cross officials to publicize a fundraiser and organized a blood drive.

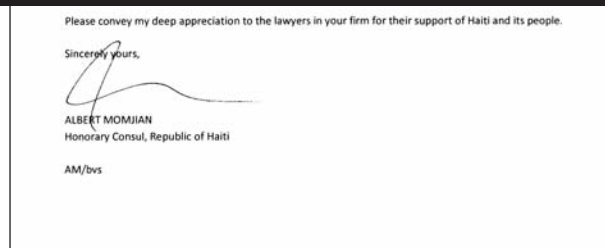
**Ginger Perry** (Phoenix), who represents Friends of the Orphans, sent regular updates on the devastation and relief efforts. Across all offices, lawyers and staff gave generously to relief organizations. Our combined efforts were commended in a letter from the Haitian consulate after a story ran in Philadelphia's legal newspaper.



Dear Ms. Scanlon:

As President of the Philadelphia Consular Corps and Consul to the Republic of Haiti, I want to express my sincere appreciation to the attorneys in your firm for their gracious contributions for the relief of Haiti. Haiti has been a poor country and the tremendous earthquake which occurred recently made bad things terrible.

Please convey my deep appreciation to the lawyers in your firm for their support of Haiti and its people.



More recently, law firms and legal and social service agencies in the Philadelphia area have formed a task force to address the local needs of Haitian children and their relatives. Pro Bono Director **Mary Gay Scanlon** participates on the task force, and **Carl Roberts**, **Joanne Phillips**, and **Damian DiNicola** are working with HIAS and Council Migration Services on a test case to assist area families in obtaining humanitarian parole for children whose relatives in the United States want to offer them shelter.

## SERVING OUR TROOPS

Ballard Spahr attorneys regularly assist active service members and veterans on a pro bono basis. In addition to an ongoing project with National Veterans Legal Services, in which Ballard Spahr attorneys advocate for wounded service members to obtain accurate and complete disability ratings and benefits upon separation from the service, Ballard Spahr lawyers have recently undertaken the following projects:

The National Military Family Association provides support and advocacy services on behalf of military families. **Justin Klein**



and **Frank Chernak** (Phila) provide organizational and labor and employment advice to this national nonprofit.

**Paul Scott** (Denver) was asked to assist a military family in a dispute over home repairs. The client was hospitalized after giving birth to a premature baby while her husband was deployed in Afghanistan. Paul has helped the family to resolve a dispute over home repairs that were not properly performed before closing.

**Rebecca McFadyen** and **Cecelia Andrews** (Atlanta) successfully represented a disabled veteran in an action to recoup repair costs and insurance fees when the veteran purchased a vehicle from a seller who then refused to convey the title. In the course of representing the veteran, the Ballard Spahr lawyers discovered that the seller had a prior arrest for similar conduct and are working with local authorities on that matter.

## SUMMER ASSOCIATES GET RESULTS FOR HOMELESS CLIENTS



On July 8, 2009, seven summer associates, lawyers, and paralegals joined an attorney from the Homeless Advocacy Project (HAP) at the Sunday

Breakfast Association, a homeless shelter in Center City Philadelphia where Ballard Spahr staffs a bimonthly legal clinic. Every year, summer associates participate in an intake session and then work with our attorneys on cases generated by the clinic. Last year, summer associate Paul J. Koob (Temple) helped interview a gentleman who had

prepaid rent to a short-term housing facility but was hospitalized a day later and was unable to occupy the room. He had sought and been promised a refund but months had passed without payment. After the clinic, Paul worked with the client's social worker to track down the manager of the housing facility and followed up with phone calls and letters. Just more than a month later, a check was issued to the client for \$434—a substantial and welcome sum for a homeless client. At the same clinic, Patricia Haines (Temple) interviewed a client who had paid into the city housing system almost a decade before but had no receipt. With HAP's help, Patricia was able to identify the appropriate administrator for the City's computerized housing payment system, and the client was able to recover more than \$500.

## HOLOCAUST SURVIVORS JUSTICE NETWORK RECEIVES ABA'S HIGHEST PRO BONO AWARD

### Ballard Spahr recognized for coordinating role

In August 2009, the Holocaust Survivors Justice Network (HSJN) received the American Bar Association's Pro Bono Publico Award, the profession's highest recognition for pro bono work, for its work in assisting Holocaust survivors seeking reparations from the German government. HSJN was established in 2007 after the German government created a program to compensate survivors who performed "voluntary" labor in Nazi-controlled ghettos during World War II. Under the German Ghetto Work Payment Program, survivors are eligible to file claims for a one-time payment of 2,000 euros (about \$2,800). The Network is being remobilized in 2010 to help survivors apply for additional pension benefits under a new program established by the German government.

Ballard Spahr was recognized for its work as a coordinating law firm for the Delaware Valley when HSJN expanded to the region in 2008. "We were honored to assist the survivors of this dark chapter in 20th century world history. And we were humbled by their gratitude," said **Mary Gay Scanlon**, Executive Director of Ballard Spahr's Pro Bono Program. Ballard Spahr attorneys assisting survivors included **Joel B. Korin** (Voorhees), **Arash Micaily** (Phila), and Mary Gay.



## ATLANTA OFFICE ASSISTS AIDS COMMUNITY



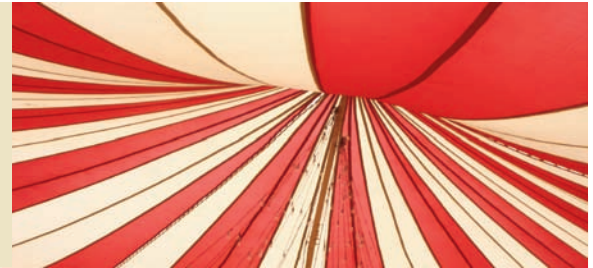
As HIV and AIDS exert growing pressure on low-income communities, the issue of affordable housing has become critical. In Atlanta, the nonprofit organization Living Room, Inc., helps those living with the disease to find and keep homes. It is a mission

that touched the professionals in Ballard Spahr's Atlanta office, who had been seeking a community need to tackle as a group. **Jennifer F. Miller** (Atlanta) led the charge,

coordinating efforts between the firm and Living Room. The Atlanta Legal Aid Society, which often receives referrals from Living Room, provided training in drafting the health care directives and related legal documents required for enrollment in the Living Room program. On June 18, 2009, more than a dozen Ballard Spahr attorneys, patent agents, and summer associates traveled to a clinic at the Living Room's office to prepare documents for clients. The Atlanta team expects to make additional visits as needed.

## UNDER THE BIG TOP

We like to say that the Ballard Spahr Pro Bono Program is like a big tent, with plenty of room to accommodate the diverse interests of the lawyers and staff, and the public interests of the communities where they work and live. The following is a sampling of recent pro bono matters under the tent.



- In the summer of 2009, President Obama called upon the nation's governors to create statewide public service programs. In Pennsylvania, Governor Edward G. Rendell created a network of clinics to assist residents with legal and financial issues. Ballard Spahr lawyers and paralegals staffed the Get Help Now clinic at the Earle Mack School of Law at Drexel University for a week in June, providing citizens with referral information for legal services in the areas of mortgage foreclosure, bankruptcy, unemployment issues, and small business advice.
- **Cristina Coronado** (SLC) assisted an organization dedicated to the observation and conservation of raptors to obtain zoning approval to house the raptors in the back yard of a residence leased by the organization. Cristina devised a novel argument to obtain a building permit to build the new raptor cages and helped the organization revise and strengthen certain policies to clarify volunteer duties and responsibilities.
- **Stan Parry** (Las Vegas) headed a team working with the State Bar of Nevada to draft a practice manual for use by low-income litigants filing actions in Clark County courts. The team is now updating that manual. Such self-help materials are critical when 80 percent of low-income persons in the United States are unable to find an attorney to represent them when they have civil legal needs.
- **Norman Parker** (Baltimore) is advising Mt. Auburn Cemetery concerning efforts to stabilize funding and preserve the facility. Mt. Auburn Cemetery is the oldest owned and operated African American cemetery in Baltimore City. It was designated a Historic Landmark in Baltimore City in 1986 and a Historic Site in 2001 on the National Register of Historic Places.
- **Erin Kepplinger** (Phila) represented an 80-year-old man who was living in his car after he was evicted from his home as a result of drug forfeiture procedures initiated against his son, who bears the same name. Erin assisted the elderly man in negotiating with prosecutors and clearing the title to his home.
- **Chris Anderson** (SLC) is representing the Utah MicroEnterprise Loan Fund, which was created to provide funding for underprivileged small business entrepreneurs who would not qualify for traditional bank lending. He also represents the University of Utah Tanner Dance, a program that features outreach dance experiences to underprivileged, handicapped minority and central city youth, and Spring City Arts, a nonprofit entity designed to promote art education and appreciation in Central Utah.

## NEVADA LAWYER RECOGNIZES CURRAN'S PRO BONO SERVICE



Bill Curran

**Bill Curran** (Las Vegas) was named to the State Bar of Nevada's Pro Bono Honor Roll in the March 2010 *Nevada Lawyer*. Bill volunteers regularly for Nevada Legal Services, assisting real estate walk-in clients and revising educational brochures. In Bill's professional profile, he is quoted as follows: "Pro bono work is a valuable service that benefits not only the disadvantaged but the legal system and the community at large. It is also very fulfilling to the individual attorneys who perform the service. Beyond the satisfaction of helping the disadvantaged, pro bono service enables big firm attorneys to have hands-on experience with real people, with problems that may be very different from those they deal with on behalf of corporate clients. I have represented organizations for the homeless in zoning matters, taught classes on small claims court, participated in Ask-A-Lawyer programs for senior citizens, helped low-income citizens claim earned income tax credits from the IRS, counseled clients in a landlord-tenant clinic, and performed legal work for the United Way. The needs of the disadvantaged are wide-ranging. There is a niche in which virtually every practitioner can make valuable contributions, regardless of how far an attorney's area of specialization is from what is typically thought of as poverty law."

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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