

2017

PRO BONO

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pro bono



Kirkland is committed to providing legal services without charge to those who cannot afford counsel, with the goals of improving clients' lives, bettering communities and deepening our own professional experience.

PRO BONO AT KIRKLAND: ELEVATING OTHERS

At Kirkland & Ellis, we aim to make a true impact through our pro bono work. Drawing on the strength of more than 2,000 attorneys across 13 global offices, we devoted more than 126,000 hours to pro bono work in 2017.

But it's not about the hours we commit — it's about the people and the communities that we help. In the past year, we provided free legal services to underserved and underrepresented communities, immigrants and refugees, individuals who were wrongfully convicted, military veterans, LGBTQ individuals, nonprofit organizations and many others. More importantly, we formed connections with our pro bono clients, empowered them and provided reassurance and support when they needed it most.

We will continue to harness our Firm's energy and reach to improve and enrich our pro bono clients' lives, and we invite you to join us in our commitment. Together, our collective efforts will allow us to make an even bigger difference.

On behalf of our Global Management Executive Committee, I would like to thank our attorneys and staff, clients and partnering legal services organizations for their pro bono contributions.

A handwritten signature in white ink, reading "Jeffrey C. Hammes". The signature is fluid and cursive, with a large, sweeping initial "J" and a stylized "H" and "M".

JEFFREY C. HAMMES, P.C.
Chairman, Global Management Executive Committee



WEATHERING THE STORM

By the time the rain stopped, one-third of Houston was underwater. Flooding from Hurricane Harvey had forced 39,000 residents from their homes and into shelters. And residents of Meyerland, a primarily Jewish community seven miles southwest of Houston's downtown, had watched the waters of Brays Bayou rise rapidly. By August 27, 2017, the water exceeded the river's banks and began to flow into surrounding streets, including Braeswood Boulevard, the home of Congregation Torah Vachesed.

As the rain and flooding abated, Torah Vachesed, a 400-member synagogue serving Meyerland and surrounding communities, had suffered at least \$75,000 in damages. Despite this, members of the synagogue sprang into action, keeping Torah Vachesed operational and assisting more than 30 families with nightly meals, food appliances, financial aid and other acts of service.

While Torah Vachesed was providing services to residents of Meyerland, all across

Houston the Federal Emergency Management Agency (FEMA) was quickly delivering aid to individuals, businesses and other organizations through its Public Assistance Program. It seemed logical that Torah Vachesed, which was providing relief to needy families and itself was significantly damaged by the storm, should have been in line for government assistance. But FEMA's policy stated that facilities used for a variety of community activities but "established or primarily used for ... religious activities are not eligible" for the program. Torah Vachesed, along with other synagogues, community centers, churches and organizations with religious affiliations, were unable to apply for this much-needed government aid.

While these institutions diligently continued their relief work without FEMA's assistance, Houston-based Kirkland litigation partner Jamie Aycock took notice.

"I read about the FEMA situation in the news one day, and it seemed like religious groups

were being singled out for discrimination precisely because they were religious," he said. "It seemed fundamentally unfair because they were just asking for the government to provide services without regard to the group's religion or lack of religion."

Eager to see what Kirkland could do to help, Aycock reached out to the Becket Fund for Religious Liberty, a nonprofit public interest legal and educational institute, which referred him to Jews for Religious Liberty. Jews for Religious Liberty is an unincorporated, cross-denominational group of lawyers, rabbis and communal professionals that aims to defend the religious liberty and First Amendment rights of adherents of minority religions. The plight of Torah Vachesed and other

Kirkland and its employees contributed **\$680,000+** to Hurricane Harvey relief efforts.

“We are grateful for Kirkland’s assistance in fighting for hurricane relief for synagogues in the Houston area.”

RABBI MITCHELL ROCKLIN, JEWS FOR RELIGIOUS LIBERTY

similar congregations during Hurricane Harvey caught their eye.

Jews for Religious Liberty was not the only organization that felt FEMA’s policy was discriminatory to religious institutions in Houston. In September 2017, three south Texas churches filed suit against FEMA, challenging the constitutionality of the agency’s policy. Like Torah Vachessed, these churches previously served the broader community in numerous ways, but in spite of sustained damage, they were told they were not eligible for FEMA’s assistance because they were religious.

Aycock and Kirkland litigation associate Kenneth Young filed an amicus brief on behalf of Torah Vachessed and Jews for Religious Liberty in support of the churches’ lawsuit. In the brief, Kirkland argued that FEMA’s policy of excluding religious organizations from disaster relief was unconstitutional. Citing the U.S. Supreme Court’s 2017 decision in *Trinity Lutheran Church of Columbia v. Comer*, in which the court ruled that the Missouri Department of Natural Resources’ policy denying grants to religious entities violated the First Amendment’s Free Exercise Clause, Kirkland argued that FEMA’s exclusionary policy could not stand because it unconstitutionally “require[d] that FEMA discriminate against any facility deemed too Jewish either in purpose or practice.”

Kirkland also argued that FEMA’s policy violated the Establishment Clause, which

prohibits the U.S. government from making any law “respecting an establishment of religion” because it requires the government to engage in “religious line-drawing [that] impermissibly entangles the government with religion.” Under FEMA’s policy, the organization would have to “make countless determinations” regarding whether aid programs such as providing kosher meals were “too Jewish.”

In response to the lawsuit and Kirkland’s amicus brief, FEMA changed its policy, stating that community centers and houses of worship are eligible for assistance “without regard to their secular or religious nature.” As a result of this change, Torah Vachessed and other religious institutions will be able to apply for FEMA aid.

“We are grateful for Kirkland’s assistance in fighting for hurricane relief for synagogues in the Houston area,” said Rabbi Mitchell Rocklin of Jews for Religious Liberty. “FEMA’s policy of discriminating against religious organizations in the provision of such relief was offensive to the First Amendment and the core American value of religious liberty.”

Aycock was thrilled with the outcome of the case. “If a church catches on fire, the fire department would help regardless of its religious affiliation,” he said. “We don’t see why FEMA assistance should be different.”

HELPING HOUSTON

As Kirkland lawyers and staff in Houston weathered Hurricane Harvey, the rainiest tropical storm in modern U.S. history, their colleagues across the Firm’s other 12 offices were ready and willing to help.

Created in 2012 in response to Superstorm Sandy, which devastated the United States’ East Coast, the Kirkland & Ellis Natural Disaster Relief Fund provides financial support to Firm employees and family members affected by any disaster declared by the federal government. Contributions to the fund help cover necessary personal, family or living expenses not covered by insurance. All contributions to the fund are matched by the Firm. Altogether, Kirkland and its employees contributed more than \$370,000 to the fund for Hurricane Harvey relief efforts.

Kirkland also matched employee contributions to two other relief organizations serving those affected by Hurricane Harvey: the American Red Cross and Team Rubicon, a nonprofit service organization for military veterans and first responders. Total contributions exceeded \$310,000.

In Houston, Kirkland employees volunteered at shelters and opened their homes to colleagues, friends and strangers who were in need of a place to stay. The Firm also offered up its office space to displaced local charities. And to show its support to Houston’s emergency crews, the Firm donated Astros tickets to the children of first responders.



PURSuing PARITY

A striking sight met the Kirkland team that arrived in court for summary judgment arguments on behalf of current and former students from Maryland's four Historically Black Colleges and Universities (HBCUs).

"The entire courtroom was jam-packed with HBCU students and alumni. They were lining the hallways from the time we got off the elevator," Kirkland litigation partner Karen Walker said. "That was when I truly appreciated the importance of the case."

The plaintiffs' dedicated presence was especially noteworthy considering that their case began more than a decade earlier, after alumni from Morgan State University contacted their alma mater hoping to establish an endowment. While discussing the best uses for the funds, the alumni learned that Morgan and Maryland's other HBCUs suffered from aging facilities and other disparities when compared with the state's Traditionally White Institutions (TWIs).

These inequalities motivated a group of alumni and students, led by Morgan alumnus David Burton, to form the independent Coalition for Equity and Excellence in Maryland Higher Education. The coalition sued the State of Maryland in 2006, arguing that it had not completely dismantled its formerly segregated system of public four-year colleges and universities.

Kirkland litigation partner Michael Jones — an HBCU alumnus — joined the case in 2009 while on the board of the Lawyers' Committee for Civil Rights Under Law, Kirkland's co-counsel in the matter. He assembled a Kirkland team that subsequently

shepherded the case through extensive discovery, two six-week trials, multiple rounds of mediation, and countless motions and post-trial fact findings, culminating in a permanent injunction victory in November 2017.

The case's lengthy, 12-year history reflects the complex and sensitive issues involved.

"It's not just about money," Jones said. "If it were, it would probably be easier to resolve. But because it involves the day-to-day and future operations of universities, that's more complicated."

The Kirkland team was committed to understanding decades of legal, political and educational history that have resulted in Maryland's present-day inequalities.

"You need lawyers who really listen to and grasp the underlying educational issues, and merge those with an understanding of how the case should be prosecuted," Burton said.

Of particular concern to the plaintiffs was Maryland's practice of duplicating HBCUs' academic programs at nearby TWIs. Specialty programs in high-demand fields are a selling point that attract diverse students to colleges and universities. Without the draw of these distinctive programs, Maryland's HBCUs have continued to be identified by their racial history, rather than their academic offerings.

Maryland began unnecessarily duplicating programs during segregation and continued to do so for decades, even after entering into a 2000 agreement

with the U.S. Department of Education to stop the practice. At the time of trial, Maryland's TWIs averaged 17 unique, high-demand, noncore programs each, while HBIs averaged just three. This duplication, the coalition alleged, contributed to the plunging percentage of white students attending HBCUs from nearly 20 percent in the 1970s to about 5 percent by 2009.

These stark statistics helped the Kirkland team effectively convey the adverse effects of program duplication to the court, as well as to citizens and the media.

"You start describing the legal theory of unnecessary program duplication and people's eyes glaze over," said Jones. "But if you frame it as a disparity in the number of specialty programs, that's something that people can latch onto."

In October 2013, after a six-week liability trial, U.S. District Judge Catherine Blake agreed with Kirkland and the plaintiffs, ruling that Maryland's long history of program duplication was a "traceable vestige of the *de jure* [segregation] era" that "continues to exacerbate the racial identifiability of Maryland's [HBCUs] by limiting their competitiveness in program offerings."

Blake ordered the parties to mediation to develop a plan for creating unique, high-demand programs at the HBCUs, including the "wide use of resources to enhance the quality of current and newly developed programs."

Last fall, Jones and Walker were back in the courtroom for a six-week remedies trial following prolonged attempts at mediation. In this phase, Judge Blake accepted Kirkland's argument that the proper remedy should involve the creation of specialty

programs at HBCUs, along with funding for scholarships, marketing, financial aid and facilities. The court appointed a special master at the state's expense to oversee the implementation of these remedies for 10 years. In doing so, the court permanently enjoined Maryland from unnecessarily duplicating HBCU programs at TWIs.

For Jones and Walker, the case has been professionally satisfying.

"The fact that this was so large and complex, with two rewarding trials against formidable opponents, made it unlike any other pro bono case I've worked on," Walker said.

It has also been a personal victory. Along with their coalition partners, the Kirkland team has brought Maryland one step closer to equality in higher education.

"You never go into a case like this looking for a quick fix," Burton said. "You know it's going to be a journey, and you need a partner in that journey who's willing to carry the legal torch for you."

"The fact that this was so large and complex, with two rewarding trials against formidable opponents, made it unlike any other pro bono case I've worked on."

**KAREN WALKER,
PARTNER**

PRO BONO TIME DEVOTED TO MARYLAND HBCU LITIGATION

33,277.5 hours since 2009

2,276 hours in 2017

RUNNING OUT OF ROOM

“It’s a privilege to try to help people find solutions to the stressful situations they’re facing through the city’s housing crisis.”

PAULA RIEDEL, PARTNER

London needs to build **66,000 homes a year** to keep up with the growing population and need for housing.

It’s a problem all too common for overcrowded cities — affordable housing is replaced by luxury condos, middle-class families are priced out, and tenants are forced to pay high rents for tiny, cramped living spaces. In London, the housing crisis numbers are staggering: The pace of construction needs to increase from 29,000 homes built a year to 66,000 to keep up with the growing population and need for housing. To make matters more challenging, only 38 percent of current new homes are considered affordable.

With this kind of stressed housing market comes many people with frustrations, questions and concerns. In an effort to address this growing need for legal advice pertaining to housing issues, Kirkland has partnered with the University House Legal Advice Centre, one of London’s oldest legal aid organizations, to provide a volunteer staff for its weekly housing clinic in the East End of London. More than 5,000 residents seek out the Legal Advice Centre’s help every year, and housing matters have become clients’ second most common concern.

“Through the Legal Advice Centre housing clinic, our attorneys have an opportunity to make a meaningful, hands-on impact on our neighboring communities in need,” said Kirkland litigation partner Harkiran Hothi.

Since the housing clinic’s inception in 2017, 37 Kirkland attorneys have dedicated more than 300 pro bono hours and assisted nearly 50 Legal Advice Centre clients in need. The clinic provides free legal support to vulnerable individuals facing housing

issues such as homelessness, evictions, poor living conditions and others. The two-hour clinic takes place every Thursday morning at the Legal Advice Centre’s headquarters in the Bethnal Green suburb of London. Volunteers attend a three-hour training session prior to their first clinic, and each volunteer can advise up to two clients per clinic.

“We are thrilled that Kirkland is supporting our housing clinic,” said director of the Legal Advice Centre Eddie Coppinger. “London is in the midst of a full-blown housing crisis, and so the support provided by Kirkland is absolutely vital.”

Kirkland antitrust associate Joel Gory has volunteered with the clinic a number of times since the program began last year. Gory was initially attracted to volunteering with the program because he has lived in East London since moving to the city four years ago. He has assisted several clients with different housing issues, from potential public housing applications to mortgage issues and dealing with property issues such as maintenance and repair. At one clinic, together with another Kirkland volunteer, Gory helped a man who was approaching the end of his interest-only mortgage loan with a significant amount of debt remaining and no plan to pay it off. He came to the clinic fearing he was about to face eviction because he was not able to pay the large remaining balance owed.

“We simply explored and explained a few of the very real alternatives open to the client, including remortgaging,” Gory said.

The man left the clinic feeling relieved and grateful for the guidance and resources.

“For a lot of these people, this is the first time someone has offered to listen to their housing problems in a nonjudgmental way,” Gory said. “In this case, it was rewarding to see the client’s relief and realization that there was a good chance he could keep his home.”

Although the clinic’s primary goal is to assist the homeless, oftentimes clients seek advice on other housing-related issues. In one instance, Kirkland antitrust partner Paula Riedel assisted a client whose wife witnessed a murder outside their apartment and, as a result, suffered from post-traumatic stress disorder. The housing management denied the couple’s application for rehousing, and Riedel assisted the client with legal documents to file an appeal.

“These communities are filled with people who are struggling with difficult issues,” Riedel said. “I often find that occasionally, people just really need someone to talk to and let out their frustrations.”

Kirkland attorneys look forward to helping more clients through the Legal Advice Centre’s housing clinic in the years to come.

“We have a real responsibility to contribute positively in the community, and as lawyers, we can use our skills to make a tangible impact on people’s lives,” Riedel said. “It’s a privilege to help people try to find solutions to the stressful situations they’re facing through the city’s housing crisis.”





Kirkland dedicated **24,423+ hours** to immigration pro bono work in 2017, more than a **121% increase** from 2016.

873 Kirkland attorneys and staff engaged in immigration pro bono work in 2017, up from 508 in 2016.

“We brought all the passion, problem solving and efficiency that we bring to work every day to an effort that affected people’s lives and our history.”

MICHELLE MIAO, ASSOCIATE

ASSISTING IMMIGRANTS

Emergency responders.

The phrase conjures images of flashing lights and blaring sirens, paramedics rushing to the scene, firefighters battling blazes.

Lawyers don’t exactly come to mind.

But in January 2017, Kirkland attorneys rose to the occasion, responding to an urgent call for legal help at international airports across the country.

The demand for emergency legal aid came on a Friday afternoon, after President Donald Trump issued an executive order that barred admission to the United States of nationals from seven Muslim-majority countries. The order affected hundreds of travelers who previously had been cleared to enter the United States and whose status changed while they were mid-flight. Customs and Border Protection agents, who hadn’t received advance warning about the order or details about how to enforce it, began detaining travelers, and in some cases sending them back, as international flights started trickling in on Saturday morning.

Legal aid organizations put out a call for help, and lawyers around the country — including from Kirkland and other corporate law firms, nonprofit organizations and individual practices — rallied, rushing to airports to provide volunteer legal services to affected travelers and their families and friends.

More than 50 Kirkland attorneys at all levels across the Firm began working shifts at John F. Kennedy (JFK) International Airport in New York, O’Hare International Airport in Chicago, Newark Liberty International Airport in New Jersey, George Bush Intercontinental Airport in Houston, and San Francisco International Airport, with dozens more attorneys and staff providing support from the Firm’s offices.

Kirkland corporate associate Michelle Miao was among the first lawyers to arrive at JFK. The Urban Justice Center’s International Refugee Assistance Project had tapped her to be the point person for the legal aid efforts at the airport. Miao organized volunteers and dispatched them to specific tasks — they made signs advertising their free help, and even took over the diner in Terminal 4, forming an impromptu legal clinic where lawyers worked with travelers’ families and friends to write habeas petitions.

“There were some really dire stories,” said Miao. “We learned that there was an Iraqi who had served for the U.S. military in an advisory capacity; he was being detained, and yet he was here with a valid special immigrant visa. To be sent back to Iraq would not only have been incredibly dangerous, but also shameful for our country.”

Litigation associate Amanda Elbogen, who speaks Arabic, was one of the Kirkland attorneys helping to write habeas petitions for detained travelers. It turned out that she had a close tie to one of the affected travelers at JFK.

“A friend from law school, who is from Iran and is a permanent resident here, was detained,” said Elbogen. “We had been in the same class, and we both work at international law firms. It cast into relief just how arbitrary the policy was.”

Elbogen began preparing her friend’s habeas petition, and after three hours of being detained, he was released.

“It was a true blessing to know that a group of lawyers from such a prestigious firm were stationed at JFK,” he later wrote in a thank-you letter. “It truly helped me and my wife to stay calm as I was going through the interrogation process.”

In Chicago, lawyers congregated outside the international arrivals gate at O’Hare to provide help. They relied on travelers’ families and friends to ascertain what was happening on the other side of security.

“Many travelers were able to text their loved ones before their phones were either confiscated or shut off,” said Kirkland corporate associate Jenn Betts. “That’s how we learned that officials were detaining green card holders, U.S. citizens, children and others needing assistance.”

As Betts and other Kirkland attorneys drafted habeas petitions, protests started erupting outside and within the airport.

“It was chaos, but the support for our work was incredible,” said Betts. “Not only did

the legal community answer the call for help, but the entire Chicago community came out to support us, encouraging us and fueling us with food and coffee.”

Kirkland litigation partner Emily Nicklin arrived to help at O’Hare with her son, a transactional lawyer at another law firm. She was immediately struck by her colleagues’ dedication, creativity and relentlessness.

“When I got to the airport, sitting at the table were all these incredibly smart, young, energetic, motivated people from our Firm,” said Nicklin. “I was so impressed with them. Having done other pro bono projects here and having been a lawyer for 40 years, I was eager to help them with interviews and help get everything organized.”

The demand for on-the-ground legal assistance waned as federal judges began blocking parts of the executive order and Customs and Border Protection stopped detaining travelers. The administration has since issued revised versions of the executive order, and in June 2018 the U.S. Supreme Court upheld the third version as valid under federal immigration law and the U.S. Constitution.

Kirkland attorneys who volunteered at the airports describe the experience as inspiring and transformative.

“It was really moving to be working alongside my colleagues in such a different, humanitarian capacity,” Miao said. “We brought all the passion, problem solving and efficiency that we bring to work every day to an effort that affected people’s lives and our history.”

The experience has driven many Kirkland attorneys to become more involved in

immigration work. For instance, Betts has worked on several citizenship and asylum cases, and Nicklin volunteered at a Deferred Action for Childhood Arrivals renewal clinic.

“This type of pro bono work that demonstrates our reach and commitment to the community is very important,” Nicklin said. “I was deeply gratified to have had a chance to do it.”

KIRKLAND’S DACA WORK

In September 2017, the Trump administration announced that it was ending the Deferred Action for Childhood Arrivals (DACA) program, effective immediately, with a deadline of October 5, 2017, for submission of all eligible renewal applications. Enacted in 2012, the DACA program was a vehicle for young immigrants who had been brought to the United States as children to be granted temporary legal status and work authorization and avoid deportation.

The National Immigrant Justice Center, a longtime Kirkland pro bono partner, called for volunteer attorneys to assist clients eligible to apply for renewal within this short window.

Attorneys from Chicago, Los Angeles, New York, and Washington, D.C., participated in DACA renewal clinics, screening many DACA clients and preparing renewal applications that helped clients maintain their legal status in the United States for another two years.



SERVING TRANSGENDER TROOPS

Thousands of transgender people are actively serving in the U.S. Armed Forces. But after a series of social media posts last summer, it was unclear whether those thousands of service members would still have their jobs.

In July 2017, President Donald Trump wrote on Twitter that “the United States Government will not accept or allow transgender individuals to serve in any capacity in the U.S. Military.” Shortly after, he signed a presidential memorandum that called for Secretary of Defense James Mattis to implement the president’s ban on transgender people serving in the armed services by March 2018. The memorandum stated that the U.S. Department of Defense would expel openly transgender people from the military, the Pentagon would be barred from recruiting transgender troops,

and payments would be halted for certain surgical procedures for those already serving.

Three days after the president signed the memorandum, Kirkland litigators teamed up with Lambda Legal to file a motion for preliminary injunction. The team argued that the ban denies transgender individuals equal protection by the federal government; discriminates against transgender individuals based on sex-related considerations; burdens a fundamental liberty interest to individual dignity, autonomy and privacy; and suppresses the gender expression and expressive conduct of transgender individuals. Litigation partner Jim Hurst, litigation of counsel Stephen Patton and IP litigation partner Jordan Heinz lead Kirkland’s efforts to challenge the ban.

“This is an important legal fight for transgender service members, and we are

proud to help these individuals who are dedicated to serving our country,” Hurst said.

Heinz, who has devoted time to pro bono work related to transgender rights for more than a decade, saw the memorandum as a call to action.

“A memorandum instructing that these individuals be purged from the military and from their careers is very serious,” Heinz said. “It affects these plaintiffs and their families in an incredibly significant way, and they deserve the best possible legal representation.”

The Kirkland-Lambda Legal team represents nine individual plaintiffs, including prospective recruits, openly transgender service members who have served more than 10 years and are facing

discharge, and one active service member who has not come out yet but wishes to transition. The team also represents three organizational plaintiffs — the Human Rights Campaign, the Gender Justice League and the American Military Partner Association — that joined the lawsuit on behalf of their transgender members who are affected by the new directive.

In December 2017, the team scored a victory when the U.S. District Court for the Western District of Washington granted the plaintiffs' motion for a preliminary injunction, blocking the implementation of the ban while it moved through the courts. In the ruling, the judge stated, "The Court finds that the policy of prohibiting openly transgender individuals from serving in the military is likely unconstitutional." The government appealed the ruling to the U.S. Court of Appeals for the Ninth Circuit, but voluntarily dismissed the appeal prior to briefing and argument.

The Kirkland-Lambda Legal team returned to the district court in January 2018 to ask the judge to permanently enjoin the ban, arguing "the ban is unconstitutional because it discriminates against an oppressed class without reason." Further, the team argued, barring service by transgender people would have "negative impacts including loss of qualified personnel, erosion of unit cohesion and erosion of trust in command."

On March 23, 2018, the White House released Secretary Mattis' implementation plan. The plan gave effect to President Trump's 2017 memo, stating that individuals who require or have undergone gender transition are disqualified from military service, openly transgender people can serve only if they are willing to associate

with their birth-assigned sex, and transition-related surgical care will no longer be provided. The plan allows a limited exception for currently serving individuals who were diagnosed with gender dysphoria — the medical condition of clinically significant distress caused by the misalignment between one's gender identity and assigned birth sex — after the effective date of the previous policy but before the March 23 memo.

Less than a month later, for the first time in any state or federal court, the U.S. District Court for the Western District of Washington endorsed Kirkland's argument that laws targeting transgender persons should be subject to strict scrutiny. The court found on April 13, 2018, that transgender persons have long faced systemic oppression on account of an immutable characteristic, and held that they should be afforded the most exacting standards of protection available under the Equal Protection Clause.

The case is ongoing, and the journey ahead is still uncertain. Nonetheless, Kirkland and Lambda Legal remain steadfast in their commitment to the plaintiffs.

"We're treating this case like we treat every case at Kirkland — we're devoting 100 percent of our effort and talent to aggressively litigating this case," Heinz said. "The team is devoted, they know these issues and they're committed to getting the best result for our clients."

As the case continues, the Kirkland team is honored to work alongside Lambda Legal, a longtime pro bono partner of the Firm.

"This impact case has demanded hard work, a substantial investment of time and

resources, and a keen understanding of myriad issues affecting transgender people," said Lambda Legal senior attorney Natalie Nardecchia. "Kirkland has stepped up time and again, delivering superb work product and exhibiting a true passion for the work that Lambda Legal does, and we could not be happier to be partnering with such a talented and dedicated team of colleagues."

In 2017, Kirkland devoted **9,700+ hours** to LGBT-focused pro bono work, including **750+ hours** to the case challenging the ban on transgender service members.

MOBILIZING FOR JUSTICE

On a hot June morning, Kirkland corporate associates Michael Santos and Michael Tubbs, along with 20 other volunteer attorneys, boarded a bus and traveled three hours down winding back roads to assist Californians in need of legal assistance in isolated areas. It's not a typical day in the office; this journey aims to address the deficit of available legal resources to millions of Californians in rural communities. Every year, California nonprofit legal organizations are forced to turn away roughly 66 percent of people seeking help because volunteers and resources are stretched so thin.

This lack in legal resources creates crippling barriers to basic life necessities, such as housing, medical care and food. In efforts to combat this justice gap, Kirkland has partnered with the nonprofit organization OneJustice on its Justice Bus project for nearly a decade.

The Justice Bus project mobilizes volunteer attorneys and law students to bring free legal help to low-income Californians in isolated and rural communities. Volunteers work at one- or two-day legal clinics that provide assistance on a wide variety of issues to survivors of domestic violence, low-income veterans, vulnerable seniors, children with disabilities, low-wage workers, immigrant youth and families, and others. The clinics are held in churches, community centers, middle schools, restaurants and other locations.

In 2017, nearly 70 Kirkland attorneys of all levels, including summer associates, traveled on Justice Bus trips to Napa, San

“To be able to interact one-on-one with the people you’re helping makes the whole experience really rewarding.”

MICHAEL SANTOS, ASSOCIATE

Joaquin and Santa Clara counties and provided legal services to more than 35 clients in need.

“The Justice Bus project is a fantastic opportunity for Kirkland attorneys to get out of the office and help our nearby communities,” said trusts and estates partner Patricia Ring. “It’s great to see so many of our summer associates who come back as full-time associates continue to volunteer long after their first Justice Bus clinic experience.”

Santos has participated in the Justice Bus project three times. During his trips, he assisted clients with immigration issues, veterans-related work and expunging criminal records. In April 2017, Santos joined a Justice Bus trip that focused on citizenship and immigration. He assisted two teenage sisters, who were born in Mexico and attending high school in California, with completing application forms for citizenship status.

“Transactional attorneys don’t get many opportunities to do work like this, so to be able to interact one-on-one with the people

you’re helping makes the whole experience really rewarding,” said Santos.

Although OneJustice prepares volunteers with materials and training sessions prior to Justice Bus trips, the issues that clients bring are often unpredictable. Tubbs has volunteered for four trips and has assisted several clients with criminal records. One of his clients, who was an immigrant, had a felony charge on his record from 15 years prior. Since then, he had turned his life around for the better through coaching his son’s baseball team, becoming involved with his church and pursuing a degree in electrical engineering. Tubbs worked with the client and prepared the necessary legal forms to file with the court to reduce his charge to a misdemeanor.

“The client mentioned numerous times that reducing his felony to a misdemeanor would give him the opportunity to pursue higher-paying jobs and provide a better life for his young son,” Tubbs said. “It means a lot to me that Kirkland engages in this kind of work that impacts people’s lives in such a significant way, and I’m proud that our Firm prioritizes helping our neighboring communities.”

This summer, OneJustice will honor Kirkland as a “Champion of Justice” at its annual Opening Doors to Justice event. The award celebrates the life-changing legal help that volunteers bring to survivors of domestic violence, seniors, families and veterans throughout California.

“We are tremendously appreciative of Kirkland’s contribution to OneJustice’s

pro bono programs, and by leveraging the skills, resources and enthusiasm of Kirkland volunteers, we are able to bring legal services to benefit low-income and underserved communities throughout California,” said OneJustice staff attorney Jess Temple.

THE NEED FOR LEGAL AID IN CALIFORNIA

California’s **100+** nonprofit legal organizations are forced to turn away roughly **66%** of people seeking help each year due to insufficient resources.

At least **8 million** low-income Californians experience 1 to 3 legal problems each year.

Source: OneJustice



CREATIVE LAWYERING

Few children's television shows have had the impact and influence of "Sesame Street," which for nearly 50 years has helped children to build a foundation for learning while introducing the world to an array of larger-than-life characters. Tony Geiss, who died in 2011 at age 86, was one of the show's most influential writers. Geiss adapted "Sesame Street" for the big screen, and he not only created the popular segment "Elmo's World," but also composed its well-known theme song, among many other contributions to the daytime Emmy Award-winning series.

payable to 10 separate charities for the next 64 years instead of being payable only to Geiss or his estate, some payors refused to issue separate checks. This created an issue for the charities, which did not want to be tethered to one another for the next 64 years simply to avoid being an administrative burden to the payors.

A Kirkland team led by trusts and estates partner Anna Salek and associate Kristen Curatolo was called on to represent the beneficiaries and, among other things, find an innovative way to streamline the process

payments and contacted peers to see if anyone had experience that could help provide a solution. However, they quickly realized that this situation was truly unique. With no precedent in place, they had to think outside the box. It was Curatolo's idea to look into a Denver-based startup called Royalty Exchange as a potential solution. Royalty Exchange operates an online platform for buying and selling royalty assets of any type, but had never before sold royalties owned by an estate.

Royalty Exchange was able to bundle the copyright royalty payments, vet the payment history, market them, auction them off online to the highest bidder, and pay each separate charity its share. Accordingly, the charities' interests were accelerated and any entanglement with the royalty payors or one another for the next 64 years was avoided.

"This was a totally new concept," said Curatolo.

After the charities got on board, Kirkland received approval to proceed with the auction process from the New York Attorney General's Charities Bureau, which recognized how beneficial this was to all of the charities.

The initial bid started at \$430,000, and within a week, the copyright royalty payments sold for a total of \$580,000 — more than five times the \$108,500 the collection earned in 2016. Each of the charities received its payment in one lump sum.

"I have an affinity for masterminding big projects and helping the underdog to succeed."

ANNA SALEK, PARTNER

To this day, Geiss' works, and in particular their related copyrights, continue to generate a steady stream of valuable royalties. Geiss was a strong advocate for charitable causes, and when he died, his will named 10 large charities as beneficiaries of his royalties, including the New York Public Library, the Central Park Conservancy, the American Cancer Society, the Wildlife Conservation Society and the National Parks Conservation Association.

However, because the royalties from Sesame Workshop, Google, Warner Brothers Pictures and others were now

and distribute the value of the royalty payments to the large, diverse group while ensuring all parties were satisfied with the outcome.

"This was an opportunity to use our trusts and estates experience and apply it to a unique situation where we could problem solve for not just one large charity, but for 10," said Salek. "We were tasked with doing something that, as far as we knew, nobody had ever done before."

Salek and Curatolo began to brainstorm potential ideas to simplify the royalty



The Kirkland team quarterbacked the entire process from start to finish.

“I have an affinity for masterminding big projects and helping the underdog to succeed,” said Salek. “In this case, all the charities were underdogs, and we were able to find a solution everyone was happy with.”

Curatolo noted that this matter underscored Kirkland’s nonprofit experience in the trusts and estates group and added another dimension to that work.

“This case allowed us to show that we always aim to be creative and agile when representing clients,” she said.

NONPROFIT M&A WORK

Kirkland represented the Center for the Pacific Asian Family (CPAF), a nonprofit organization that provides services to survivors of domestic and sexual violence within Los Angeles’ Asian and Pacific Islander community, in connection with its acquisition of Asian Pacific Women’s Center, a nonprofit organization in Los Angeles with a similar mission. The transaction, which took more than two years to complete, was announced in March 2017. The combined organization operates under the name of CPAF. CPAF honored Kirkland for its work on the transaction at its annual gala.



Kirkland devoted **22,150 hours** to wrongful conviction/ prisoners' rights pro bono work in 2017. The Firm dedicated **3,000+ hours** to Charles Johnson's case over a span of 10 years.

FINALLY FREE

Standing in front of a roomful of TV cameras and reporters, Charles Johnson thanked the people who never gave up on him — in particular, his mother, Theresa, and the lawyers she found after knocking on so many doors trying to find someone who would take her son's hopeless case.

Why was her son's case hopeless?

He and three other Chicago teenagers had signed confessions saying they committed a 1995 double murder and armed robbery at a used car lot. The four teens collectively spent more than 70 years in prison for a crime they consistently maintained they didn't commit. Johnson himself served 21 years of a mandatory life without parole sentence.

In 2007, the Center on Wrongful Convictions at Northwestern University Pritzker School of Law came to Kirkland seeking help representing Johnson.

After reviewing the extensive case file, Kirkland litigation partner Justin Barker, then a senior associate, was convinced it was possible that Johnson was innocent. He talked with experts in false confessions and learned about Chicago's history of police coercing youth like Johnson to admit to crimes they didn't commit.

Barker took the case pro bono and recruited litigation partner Tim Knapp, then a Kirkland summer associate, to help. Kirkland litigation partner Steve Hackney, who had represented Johnson previously in his direct appeal in the early 2000s as an associate at another law firm, affirmed that Johnson had experienced a "miscarriage of justice" and needed Kirkland's help.

Knapp continued working on the case in law school, committed to digging into the evidence and working on the briefing. He stuck with the case when he joined Kirkland as a first-year associate in 2009.

"We were always looking for new evidence and interviewing anybody who knew anything about the case," Barker said. "We were extremely fortunate to find critical fingerprint evidence that had been lost in the state's vault. Finding that evidence changed everything."

This previously missing evidence included fingerprints that were lifted from the sticky side of a sticker used to label a used car's price. These fingerprints were tested shortly after the crime occurred, but investigators didn't find any matches, and the evidence went into a vault and disappeared for years.

"We moved the court repeatedly for the right to test the fingerprints again against the federal fingerprint and Illinois fingerprint databases using technology that didn't exist all those years ago," Barker said. "This time, we found some matches to convicted felons now in the database."

One of those felons left multiple prints at different parts of the crime scene. He also left a thumbprint on the sticky side of the marketing sticker that had been torn from one of the stolen vehicles that had been hidden in an alley five miles from the crime scene. This print tied one man to both the used-car lot and the stolen cars.

“There was no question that this was the guy involved in the crime,” Barker said. “We hired a private investigator to learn everything we could about him. The private investigator discovered that this man’s driver’s license from the relevant time period proved that he lived less than a block from the alley where the stolen cars had been hidden.”

Based on this new evidence, the team of lawyers filed two extensive post-conviction petitions on behalf of Johnson, including an innocence petition in 2010. In 2013, the First District Appellate Court ordered an evidentiary hearing based on the new evidence, agreeing that it cast grave doubt on the reliability of the convictions.

In July 2016, prosecutors agreed to vacate the convictions of Johnson and two other men in light of the new fingerprint evidence, though they indicated they planned to go forward with a retrial.

“We knew Charles was innocent,” Barker said. “Following a particularly discouraging setback in this long battle, we told Charles unequivocally that our team believed in him and would never rest until he was free.”

After nearly 10 years of working on the case and devoting more than 3,000 pro bono hours to it, Barker and Knapp learned in February 2017 that Cook County State’s Attorney Kimberly Foxx decided to dismiss all charges

against all four men because the evidentiary record did not support the convictions.

Johnson was a free man — hope and persistence paid off.

Knapp and Barker said they wouldn’t have been able to do the work and Johnson would not have been exonerated if it weren’t for Kirkland’s unwavering support of their efforts.

“Pro bono work creates access to justice for individuals who otherwise wouldn’t have it,” Knapp said. “Post-conviction cases are extremely complex, and so people in Charles’ position need good lawyers, and the financial support of firms like Kirkland, to help them navigate the system.”

“The years and years of work on Charles’ case were all about helping a person who was otherwise hopeless at the time,” he continued.

Barker agrees. “The most rewarding part of this case was building a relationship with Charles, his mother and his family, and actually seeing how our work made a real difference in all their lives,” he said. “This is the single most rewarding legal experience of my career, and a truly life-changing experience.”

CLEMENCY PETITION WORK

On April 20, 2017, then Virginia Gov. Terry McAuliffe granted a petition for clemency filed by Kirkland lawyers on behalf of death-row petitioner Ivan Teleguz, who was to be executed just five days later. The decision marked the culmination of four years of pro bono efforts by a Kirkland team led by litigation partner Mike Williams. And, it resulted in the first clemency decision commuting a death sentence in Virginia since 2008.

Teleguz was convicted of hiring someone to kill his ex-girlfriend. The killer and his accomplice received lesser sentences for testifying that Teleguz paid them to commit the murder. During sentencing, the prosecutor convinced the jurors to impose the death penalty on the basis of claims that Teleguz was involved in an unrelated murder that demonstrated his future danger to society.

Kirkland began representing Teleguz in 2013 and conducted a massive investigation to compile evidence of his innocence. They presented the evidence at a federal hearing, but the judge denied federal habeas relief. This prompted two years of appellate proceedings, including a successful effort in 2016 to stay Teleguz’s execution.

The Firm also worked with the Virginia Capital Representation Resource Center to organize backing for a clemency petition, which received a groundswell of support. Ultimately, the Kirkland team met with the governor’s staff and successfully made the case that it would be unjust to execute Teleguz.



SEEKING SANCTUARY

Civil war, natural disasters and persecution have driven the global refugee population to heights not seen in decades — 22.5 million people, according to a 2017 report from the United Nations High Commissioner for Refugees. Of the developed countries that have taken in these refugees, none have accepted more than Germany. Attorneys in Kirkland’s Munich office have mobilized to meet the tremendous needs of the country’s growing refugee population.

Germany found itself at the epicenter of the European refugee crisis in September 2015, when Chancellor Angela Merkel announced the temporary suspension of a European Union protocol that required refugees to

seek asylum in the first EU country they entered. Instead, individuals would be allowed to enter Germany regardless of where they had first arrived in Europe. This “open door” migration policy resulted in soaring refugee arrivals: Nearly 1 million poured into Germany in 2015 alone, with the majority coming from Syria, Afghanistan and Iraq.

When the refugee influx first began, the new arrivals faced the immediate challenges of finding housing and food. Nearly three years later, the pace of refugee admissions has slowed, but refugees are grappling with different, complicated needs as they integrate into German society.

In partnership with the nongovernmental organization Helferkreis Pliening, Kirkland attorneys have volunteered to assist refugee clients with their legal needs, from filing asylum petitions to, as in two recent cases, defending against criminal accusations.

In one instance, Kirkland corporate associates Fritz Ludwig and Katharina Hohmann were deployed to represent a father and son who had arrived from Syria nearly two years earlier — just two of nearly 100 family members who sought sanctuary across Germany. The pair had been accused of a verbal and physical confrontation in an asylum shelter, where tensions can run high as refugees from varied national and

“These refugees have very limited resources, so when they are accused, they often don’t know what to do or who to turn to.”

THOMAS KRAWITZ, ASSOCIATE

religious backgrounds are housed in cramped quarters and often unable to work or attend school while their papers are processed.

Ludwig and Hohmann met with the clients in the shelter, where the pair welcomed them with coffee and cake despite the crowded space, to ascertain their version of events. Doing so involved some unique challenges.

“One of the clients didn’t have a great command of the German language,” Ludwig said, noting that five translators attended the court hearing. “And since they were both from Syria, we encountered some cultural differences.”

Despite these difficulties, the team successfully coordinated communications with the court, questioned the clients about their version of events and — based on those statements — submitted a lengthy counterstatement documenting what had happened during the incident. In court, several witnesses gave accounts that contradicted the prosecution’s version of events, leading the judge to dismiss the case on the condition that Kirkland’s clients perform community service.

“The clients were absolutely thrilled and grateful,” Ludwig said.

In another successful case, Kirkland corporate associate Thomas Krawitz and law student Sebastian Kaiser came to the aid of an Eritrean refugee with temporary

residency in Germany who had been accused of grievous bodily harm in a fight at a shelter.

The team faced difficulties explaining the intricacies of Germany’s legal system to a client who did not speak the language and who didn’t understand why he had been accused of a crime. Further complicating the case was the fact that more than six months had passed between the incident and when Kirkland’s client was summoned, making it difficult for him to remember the events on the evening of the fight.

Krawitz and Kaiser persevered, identifying a friend who had been with the client that night and credibly stated that the pair arrived at the scene only after the fight had ended. At the client’s hearing, the only witness who had accused him failed to appear. That, combined with the friend’s exonerating testimony, led even the prosecutor to push for acquittal, which the court granted.

Germany’s legal system does not guarantee a right to counsel for all defendants in criminal cases. Without Kirkland’s help, all three clients would likely have had to navigate an unfamiliar legal system alone.

“These refugees have very limited resources, so when they are accused, they often don’t know what to do or who to turn to,” Krawitz said. “All of our pro bono work is rewarding, but here we were able

to help a specific individual in need out of a situation he couldn’t deal with himself.”

Fortunately, Kirkland was able to provide life-changing representation to the clients, even without prior experience handling refugee issues.

“In my seven years of practice, I’d never handled a criminal case before a court,” Krawitz said. “Even though we’re not specialists in criminal law, it’s relatively easy to help [refugee clients] with basic legal knowledge.”

Now all three clients can build new lives in Germany without criminal records or legal bills — and instead with confidence in their new country’s justice system.

“In our case, the client didn’t understand why he had been accused,” Kaiser said. “We were happy to have the opportunity to strengthen his belief in Germany’s rule of law.”

The global refugee population is estimated at **22.5 million people**, including **669,000+ refugees** in Germany.



ENDING EXPLOITATION

Hoping to provide a brighter future for her children, Mary* left her home and family in Madagascar, boarded a plane and traveled 5,000 miles to Hong Kong. She was eager to begin working as a domestic worker, a position she had obtained through an employment agency. She would earn HK\$4,110 a month, the minimum salary for domestic workers at the time and less than half of Hong Kong's statutory minimum wage.

But Mary's dream job quickly turned into a nightmare.

She worked for 42 days straight without a day off, often in unbearable conditions. She became ill from the stressful working conditions and, on her first day off, sought medical help. But her employer refused to ease her work load or give her regular rest days. To make matters worse, Mary's passport was taken from her, and she was compensated with less than a quarter of her promised salary, earning just HK\$910 a month — equivalent to a little more than \$100 a month. Six months into her employment, Mary quit her job.

Unfortunately, the oppressive working conditions that Mary endured aren't completely uncommon among Hong Kong's domestic worker population. Hong Kong is home to more than 350,000 domestic workers — housekeepers and caretakers who, by law, are required to live with their employers. They make up roughly 5 percent of Hong Kong's population and 10 percent of the working population. The majority are migrant workers recruited from Indonesia and the Philippines, with a small percentage coming from other Southeast Asian

countries and, in the past five years, Madagascar. The requirement that domestic workers live with their employers, together with language, education and financial barriers, leaves them vulnerable to exploitation and abuse such as debt bondage, violence, isolation and human rights violations.

"It is difficult for mistreated foreign domestic workers to pursue legal remedies against their employers," explained Kirkland litigation partner Paul Quinn. "Not only is the language barrier an obstacle, but employers are likely to dismiss workers who take legal action, and visa restrictions prevent the workers from obtaining new employment until their case has concluded."

Financial scams targeting Hong Kong's domestic workers are also rampant. These workers typically find their positions through employment agencies, which legally cannot charge placement fees that exceed 10 percent of a worker's first month's wages. However, a recent study conducted by the University of Hong Kong found that more than 70 percent of these agencies charge excessive fees, withhold passports or engage in other illegal practices.

"Some of these agencies charge HK\$20,000 to HK\$30,000," said Quinn. "Domestic workers can spend the first year of their contract just trying to pay back employment agency fees."

Loan sharks often prey upon Hong Kong's domestic workers, setting them up with loans that have exorbitant interest rates. Deductions were made from Mary's

“Domestic workers can spend the first year of their contract just trying to pay back employment agency fees.”

PAUL QUINN, PARTNER

salary that employment agents later said were pursuant to a loan agreement Mary supposedly signed, which had a 32 percent annual interest rate. The purported loan was to be repaid through monthly salary deductions that amounted to approximately 78 percent of Mary’s monthly salary. By the time she had left her job, Mary had seen HK\$16,000 deducted from her salary, more than 39 times the amount an agency was legally permitted to charge in agency fees.

The Small Claims Tribunal had refused Mary’s claim for the repayment of the money that had been deducted from her salary. In February 2017, HELP for Domestic Workers, an organization that provides free legal assistance to Hong Kong’s domestic workers, approached Kirkland to represent Mary in her application for leave to appeal the decision.

“Few of the big, international firms here are willing to take on this type of pro bono litigation, but we were willing and eager to help,” said Kirkland litigation partner Kelly Naphtali.

Naphtali presented Mary’s case before the High Court, and the Deputy High Court Judge granted leave to pursue all grounds of appeal. Ultimately, the matter was settled out of court on terms that were very favorable to Mary. Mary swiftly returned to her home and family in Madagascar.

“The success of this case contributed to the curtailment of the exploiters’ illegal practices, thanks to Kelly and Paul’s help,” said Holly Allan, director of HELP for Domestic Workers.

Naphtali said she was proud to have assisted Mary in the case.

“This public decision can now be used in other similar cases in which domestic workers are seeking redress,” Naphtali said.

In February 2018, an ordinance went into effect that toughens penalties for Hong Kong employment agencies that overcharge fees to domestic workers. Key changes include a sevenfold increase in fines for agencies that violate the fee regulations.

“We’re cautiously optimistic about this new development,” said Quinn. “We’ll continue to work with HELP for Domestic Workers to ensure this population has access to justice.”

**Client name changed for privacy.*

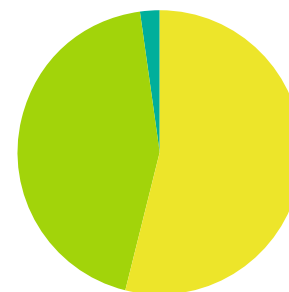
DOMESTIC WORKERS IN HONG KONG

350,000+ domestic workers live in Hong Kong

↳ **5%** of the territory’s population

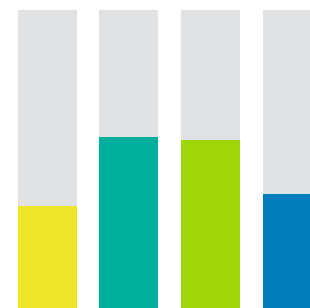
↳ **10%** of the working population

COUNTRIES OF ORIGIN



54% Philippines
44% Indonesia
2% Other (Thailand, Myanmar, Bangladesh, Nepal, Pakistan, Sri Lanka, Madagascar)

SNAPSHOT OF ABUSE



35% have excessive debt burdens
58% experience verbal abuse
57% receive less than the minimum food allowance
39% don't have personal sleeping space

Sources: Hong Kong Census and Statistics Department; HELP for Domestic Workers; Justice Centre Hong Kong

A note from the Pro Bono Management Committee

In 2017, Kirkland attorneys tied their all-time record for participation in the Firm's pro bono program and devoted more than 126,000 hours of free legal service to pro bono clients. This sixth edition of Pro Bono Achievements highlights some of the outstanding results Kirkland lawyers and staff members have achieved for pro bono clients. These stories illustrate how impactful this work can be.

Pro bono work is the professional responsibility of each and every attorney, in order to make legal representation available to all who need it, and not just those who can afford it. The Pro Bono Management Committee's goal is to engage ever-increasing numbers of Kirkland lawyers at all levels in meaningful pro bono work.

The Committee commends the Firm's lawyers and staff members for the time and energy that they dedicate to our pro bono clients.

Marjorie Lindblom and Thomas Yannucci, Co-chairs
Julie LaEace, Pro Bono Counsel and Firmwide Director of Pro Bono

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