

pro bono & community service NEWS

December 2010

Charlotte Attorneys Help African-American Family Save Ancestral Land

The Durham, North Carolina-based [Southern Coalition for Social Justice](#) has enlisted Katten's assistance with an heirs' property matter involving a very extended family with a complicated family tree. "Heirs' property" is the term used for land owned by numerous family members who received it as an inheritance, without the benefit of a will. Most common among African Americans living in the South, heirs' property results in descendants who inherit real property as tenants in common, with each owner having an undivided interest in the land. Charlotte real estate associates **David Dwyer** and **Brian Bokor** are helping two clients from a large African American family with a 90-acre land holding in a rural part of North Carolina to determine all of the heirs to the properties, tracking down missing and previously unknown heirs, conducting the title search and consolidating title in an LLC or trust for remaining family members. The largest piece of the land in question was handed down to the grandmother of the clients, who in turn left the property to her nine children, and was first acquired when the clients' great-great-great-grandfather was emancipated from slavery. Over the years some family members have lived on the land, which in the past has also been leased for commercial purposes, though it is mostly vacant. Eventually, David and Brian will work with the clients to develop a land-use plan to be implemented once the property is insurable, to ensure that the family retains its ancestral land and is able to maintain it as a sustainable asset for future generations.

Katten Team Wins Baha'i Publishing Appeal

Chicago intellectual property associate **Breighanne Eggert** and former Katten attorneys Brad Rochlen and Al Bower achieved victory for two small religious organizations in the U.S. Court of Appeals for the Seventh Circuit. Katten represented the Second International Baha'i Council (SIBC) and Baha'i Publishers Under the Provisions of the Covenant (BPUPC) regarding their ability to continue use of the trademarked word of the Baha'is of the United States of America Under the Hereditary Guardianship, attempted to hold our clients in contempt of an injunction issued in 1966 prohibiting use of the trademark "Baha'i." Because the merits of an underlying injunction may not be challenged in a contempt proceeding, our clients were unable to argue the First Amendment implications of the injunction, which declared that "there is only one Baha'i Faith," and that the plaintiff was "highest authority" and "entitled to exclusive use of the marks and symbols of the Faith," including exclusive use of the word "Baha'i." Our advocacy for our clients centered on the fact that they were not in legal privity with the enjoined party and thus were not subject to the injunction's proscriptions. After conducting an extensive evidentiary hearing in early 2008, the district court agreed, finding that neither SIBC nor BPUPC were bound by the 1966 injunction. On appeal, the Seventh Circuit affirmed the district court's ruling, based on the thorough record our team had established in the district court. Read more about the case [here](#).

Chicago Artist Prevails in Consignment Dispute

Chicago litigator **Bonnie Stone** knew the recession would be a difficult time for artists, and offered her legal expertise to [Lawyers for the Creative Arts](#). One artist in particular needed help selling a piece he had collected, and a major auction house planned to include it in an auction of South American works. After holding the piece for some time, however, the auctioneer asked to send it back, citing unanticipated restoration costs. Bonnie stepped in to enforce the terms of the consignment agreement, and the client accepted the return without waiving his rights. The dispute was resolved amicably, with the client receiving a significant sum in cash, plus additional funds for the restoration.



New York Attorneys Coach High School Students to Victory in Moot Court Competition

A group of attorneys in the New York office mentored a team of students from Townsend Harris High School, one of the top-ranked public schools in the city, who advanced to the quarterfinals of the Metropolitan High School Moot Court Competition. The students successfully argued complex First and Fourth Amendment issues raised in a hypothetical case concerning an incident of cyberbullying at a public high school. Litigation associate **Daniel Edelson**, litigation special counsel **Catherine Patsos** and bankruptcy associate **James Truitt**, together with help from litigation associates **Cameron Balahan**, **Vikas Khanna** and **Elizabeth Langdale**, worked with the students to prepare them for the competition.

Katten Helps Climate Cycle Give Students a Green Education

Over the past few months, the firm has assumed the role of outside counsel for [Climate Cycle](#), a nonprofit founded in 2008 to bring environmental education to the classroom and develop young leaders in sustainability. The organization partners with Chicago Public Schools, organizing bike rides to raise funds for clean energy technology. After its first two Solar Schools Bike Rides, nine schools with a total enrollment of 11,000 students (from elementary through high school age) have solar panels and environmental programs on-site. Although Climate Cycle focuses on educating children, its presence in schools and communities also spreads the environmental message to teachers and parents.

Climate Cycle has grown rapidly—the organization recently opened an office in San Francisco—and turned to Katten for assistance with a number of legal concerns ranging from 501(c)3 incorporation to trademark licensing, as well as a dispute with one of its vendors. Chicago partner **Nancy Rich** (Environmental) leads the firm’s multidisciplinary client team, which also includes Chicago partners **Karl Barnickol** (Litigation), **Derek Ladgenski** (Commercial Finance) and **Alex Vesselinovitch** (Litigation) and associates **Michael Melzer** (Public Finance), **Cathay Smith** (Intellectual Property) and **Charles Leen** (Corporate), and Los Angeles associate **Amy Dunphy** (Trusts and Estates).

Awards and Honors

The Theatre of Western Springs dedicated its September 24 performance of *Dinner with Friends* to Katten in appreciation of the *pro bono* work done by tax associate **Matthew Hinderman** and tax partner **Reid Mandel** in creating the theater’s supporting foundation. A reception was held following the performance and flyers honoring the firm were included in the evening’s programs. The Theatre of Western Springs is one of the oldest continuing community theaters in the nation.

The Highland Park, Illinois, [Community Family Center](#), for which corporate partner **Herb Wander** serves as president, received Family Network’s 2010 Community Service Award. The Community Family Center is a nonprofit organization dedicated to building a centralized and permanent home for five early childhood education and family support agencies (including Family Network) in Highland Park. Family Network’s mission is to promote the well-being of children from birth by supporting and strengthening their families in and with their communities.

Katten was recognized by New York Mayor Michael Bloomberg for the firm’s participation in the [New York City Law Department’s Public Service Program](#). Mayor Bloomberg cited Katten’s “tremendous” support for the City, hailing it as “in keeping with the great traditions of the Bar.” The program is a private/public partnership with the City’s prominent law firms, where firms either lend their attorneys to the Law Department for a finite period of time or agree to take on City cases in-house, as Katten did in the case of NYPD Sgt. Brian Connolly described below.

Chicago partner **Jonathan Baum**, the firm’s Director of *Pro Bono* Services, has been honored with the [Public Interest Law Initiative’s \(PILI\) 2010 Distinguished Public Service Award](#), which honors an individual whose commitment to public interest work has shaped a career dedicated to service. Previous recipients of the Distinguished Public Service Award include Illinois Supreme Court Chief Justice Mary Ann McMorrow and U.S. Appeals Court Judge Abner Mikva.



Attorney Wins Asylum for Zimbabwean National and His Family

Chicago public finance associate **Chad Doobay** recently set what an immigration judge called a “land speed record” in winning asylum for his client, a refugee from Zimbabwe. Chad’s documentation was so thorough, his pre-hearing brief so persuasive, and his client’s testimony so compelling that in just 63 minutes, the client testified, the government’s lawyer cursorily cross-examined him, the judge granted the application for asylum, and the government waived appeal. Chad’s client was a vocal opponent of the tyrannical Mugabe regime, who especially got in trouble for defending the right of white farmers to be fairly compensated for their land in the government’s land redistribution efforts. Based on the abuse the client suffered prior to leaving the country, the immigration judge found that he had a well-founded fear of future persecution if forced to return to Zimbabwe. The grant of asylum extends to the client’s wife and their daughter who was born in Zimbabwe, and allows them to remain in the United States with their two other children born here.

New York Team Wins Trial for Police Officer

Under the supervision of insurance and risk management partner **Michael Verde**, litigation associates **Brian Muldrew**, **Brian Schmidt** and **Elizabeth Langdale** achieved victory for their client after a two-day bench trial before the legendary Judge Sand in the Southern District of New York. The team successfully defended NYPD Sgt. Brian Connolly in a §1983 action brought by the estate of David Guzman. Judge Sand determined that Sgt. Connolly’s shooting of Mr. Guzman—after Mr. Guzman had led officers on a 45-minute pursuit, attacked a second officer, wrestled away his gun and fired a shot—was a reasonable response to protect his fellow officer and did not constitute excessive force. The Katten team began work on the case in January 2008, and during the course of the action successfully briefed and argued a summary judgment motion, convincing the judge to dismiss the plaintiff’s claims against the City of New York and one other police lieutenant. This case is one of a series that the firm originally agreed to take on a *pro bono* basis on behalf of the City of New York after the 9/11 attacks crippled the New York City Law Department, and was the first trial for both Brian Muldrew and Brian Schmidt.

Chicago Trusts and Estates Attorneys Participate in Wills for Heroes Program

Associates **Anthony Engel** and **Emily Litznerski** volunteered as “trusts and estates experts” at a Wills for Heroes event at Chicago police headquarters. The one-day program provided essential estate planning documents, free of charge, to 98 members of the Chicago Police Department. The event was sponsored by Exelon Corp., in cooperation with the Young Lawyers Section of the Chicago Bar Association and the Wills for Heroes Foundation. Tony and Emily assisted in answering questions from the clients and volunteers, and in reviewing the clients’ completed documents prior to signature. The nonprofit [Wills for Heroes Foundation](#) was started shortly after the September 11 terrorist attacks, and became a national initiative of the American Bar Association’s Young Lawyers Division in 2007. Since that time, hundreds of Chicagoland firefighters, police officers, EMTs and their families have benefited from the services of volunteer Chicago lawyers.

Chicago Associates Counsel Immigration Detainees

On December 3, Katten’s Chicago office welcomed a group of attorneys from several prominent firms for a training program on immigration law in preparation for a visit to the U.S. Immigration and Customs Enforcement (ICE) Detention Center in Kenosha, Wisconsin. Katten associates **Patrick Harrigan** (Litigation), **Jessica Price** (Litigation), **Kathleen Flannery**, **Chad Doobay** (Public Finance), **Benjamin Shanbaum** (Customs), **Christina Morrison** (Litigation) and **Cathay Smith** (Intellectual Property) joined the group in Kenosha on December 10 to offer legal counsel in multiple languages to people who are held by the U.S. government in immigration detention. This outreach is conducted through a program coordinated by the [National Immigrant Justice Center](#) (NIJC), which is affiliated with the humans rights nonprofit [Heartland Alliance](#). The firm has a strong relationship with NIJC, where several of our attorneys have held leadership roles and fellowships. Patrick, an NIJC



board member, says the Kenosha center in particular houses longer-term detainees than some of the other ICE facilities, and acknowledges that it is a rare privilege to even be allowed in. The attorneys listened to the immigrants' stories to determine whether any of them might be eligible for asylum in the United States.

Transitions

After more than 20 years of *pro bono* leadership, tax partner **Reid Mandel** has stepped down as National *Pro Bono* Committee Co-Chair and as Chicago Office *Pro Bono* Committee Chair. New York intellectual property partner **Karen Ash** continues in her role as National *Pro Bono* Committee Chair, and litigation partner **Jenny Johnson** has been named the Chicago Office *Pro Bono* Committee Chair.

Reid has also stepped down as the firm's representative on the Board of Directors of the Chicago Lawyers' Committee for Civil Rights Under Law, where he served for many years, including a term as chairman, and has been succeeded by litigation partner **Alex Vesselinovitch**.

Chicago litigation partner **Jennifer Ryan** has stepped down as the firm's representative on the Board of Directors of the Domestic Violence Legal Clinic, and has been succeeded by intellectual property associate **Sharyn Castle**.

Update: LIVESTRONG Charity Bike Ride a Success

Los Angeles Litigation Practice Chair **Zia Modabber** and his cycling club met their goal of raising \$100,000 for LIVESTRONG through their September charity bike ride, the Team Helen's 8th Wonder Cycling Challenge. Several attorneys and staff from the Los Angeles office attended the event and donated to the cause.

Please send comments, suggestions and news about interesting *pro bono* cases and matters you've been involved with, as well as any non-legal community service work you're doing, to jonathan.baum@kattenlaw.com.

