

# pro bono & community service NEWS

December 2011

## Katten Continues Strong Tradition of Holiday Giving

This holiday season, the firm reaffirmed its generosity by contributing to several charitable causes. Each office made efforts to help those in need and share the spirit of the season with their surrounding communities in a number of different ways. The firm also made a donation to the Toys for Tots Foundation as part of its annual holiday e-card for clients and friends of Katten.

The New York office once again participated in the annual [New York Cares Coat Drive](#) and the [Toys for Tots Program](#), collecting dozens of coats and toys for donation.

In Los Angeles, attorneys and staff purchased more than \$2,000 in gifts for the 80 children currently in residence at the [Westwood Transitional Village](#) and contributed to a monetary donation benefiting the [Bessie Pregerson Child Development Center](#) that supports the village. Staff members **Christine Morrison**, **Mia Wright**, **Victor Lima** and **Paula Phillips** also volunteered at the Los Angeles Regional Food Bank, separating and boxing up donated produce to send to families in the Los Angeles area.

The Charlotte office held its annual canned food drive benefiting the [Second Harvest Food Bank of Metrolina](#).

Attorneys and staff in Chicago purchased 851 books—one for each student—as part of its holiday book drive benefiting partner school [Jose de Diego Community Academy](#). Office members also participated in the Letters to Santa program organized by [Direct Effect Charities](#), purchasing gifts for 265 Chicago Public School students.

The Washington office “adopted” 57 children in need through the [Salvation Army’s Angel Tree](#) program, providing them with toys, clothes and other gifts. In addition, paralegal **Renee Lessner** has collected 58 cell phones from across the firm to donate to the [Cell Phones for Soldiers](#) campaign, and will continue to accept phones through January 3, 2012. If you have already donated your old phone(s) and need a receipt for your tax records, please contact Renee directly.

To celebrate the season, each year London makes a donation to a different charitable organization. This year’s recipient is [Help for Heroes](#), which supports wounded men and women of the British Armed Forces.

## Katten Team Defends Constitutionality of Assault Weapons Ban

A team of Chicago litigators has filed an *amicus curiae* brief in the Illinois Supreme Court defending the constitutionality of Cook County’s ban on assault weapons and large capacity ammunition magazines. The ban is being challenged as a violation of the Second Amendment’s guarantee of the right to “keep and bear arms.” The plaintiffs argue that the U.S. Supreme Court’s recent decisions invalidating bans on the possession of handguns in the home for self-defense extend even to these weapons of military origin that are designed to kill large numbers of people quickly and efficiently. Both the trial court and the Illinois Appellate Court rejected the plaintiffs’ position. The Katten team, consisting of partners **Jonathan Baum**, **Jonathan Feld** and **Bonnie Stone** and associates **Sharyn Castle**, **Jessica Price** and **Jonathan Sabol**, was retained by the [Legal Community Against Violence](#) (LCAV) on a *pro bono* basis to represent LCAV as *amicus curiae* in the Illinois Supreme Court. LCAV is a national law center that provides legal and technical assistance in the support of gun violence prevention. Once LCAV commissioned the



Katten brief, it was joined as *amici curiae* by the City of Chicago (which has an ordinance similar to the one being challenged), the Major Cities [Police] Chiefs Association and the Association of Prosecuting Attorneys. Briefing concluded earlier this month; oral argument has yet to be scheduled. The thrust of the amicus brief is that assault weapons and large capacity magazines fall within the category of “dangerous and unusual weapons” specifically recognized by the U.S. Supreme Court as falling outside the protection of the personal right to “keep and bear arms.”

## Gail Title Named New Chairperson of Public Counsel



Los Angeles partner **Gail Title** recently was installed as Chairperson of Public Counsel Law Center for 2012. Gail assumes the role after serving as Vice Chairperson of Public Counsel for 2011, and after more than 10 years of serving on the Public Counsel Board. Public Counsel is the nation’s largest public interest legal organization, with a 40-year track record of fighting for the rights of children and youth, persecuted immigrants, military veterans and nonprofit organizations and small businesses. Last year Public Counsel’s staff of nearly 100 and volunteer force of more than 5,000 attorneys, students and other experts assisted more than 32,000 clients in need.

“Every year Public Counsel helps thousands of people make meaningful, positive changes in their lives,” Gail says. “By assisting those among us struggling with poverty or injustice, Public Counsel and its volunteers make our entire community stronger. They are truly a force for good, and I am deeply honored to serve as Public Counsel’s Chairperson.” >>>[read more](#)

## Chicago Attorneys Obtain Restitution for Fraud Victim

Chicago litigation partners **David Benson** and **Wells Hutchison** recently obtained a \$160,000 judgment in favor of a *pro bono* client who was defrauded by his Social Security Administration-appointed fiduciary. David and Wells filed a four-count complaint against the fiduciary in the Circuit Court of Cook County seeking \$40,000 in compensatory damages for the SSA benefits that the fiduciary had stolen from our client, as well as punitive damages. After holding an evidentiary hearing on October 31, the court found that the fiduciary had, as alleged, defrauded our client out of \$40,000 in SSA benefits, and further concluded that the fiduciary’s conduct was so egregious as to support the request for punitive damages. The court awarded our client \$120,000 in punitive damages (three times compensatory damages) and entered a judgment against the fiduciary in the amount of \$160,000.

## Katten Involvement Vital to Ongoing Success of VOLS Microenterprise Project

In 2011, Katten continued to play an important role in the growth, development and success of the Volunteers of Legal Service (VOLS) Microenterprise Project, which provides *pro bono* legal assistance to low-income microentrepreneurs across New York City. During this past year, Katten attorneys have worked with VOLS and NYC Business Solutions to provide one-on-one representation on business-related issues including intellectual property, corporate and real estate matters to dozens of entrepreneurs and small businesses. Attorneys have helped project clients obtain federal trademark and copyright protection, secure intellectual property rights through work-for-hire agreements, form optimal corporate structures and review real estate leases—all free of charge. Earlier this year, New York intellectual property associate **David Sherman** developed courses on “Intellectual Property Basics” and “What Entrepreneurs Need to Know About Intellectual Property” to introduce the concept of intellectual property and provide practical information to help low-income microentrepreneurs and small business owners grow and build value in their businesses. David has presented these courses to nearly 200 entrepreneurs at NYC Business Solutions Centers located in Manhattan, Queens, Brooklyn and the



Bronx. In December, David was invited by VOLS Executive Director Bill Lienhard to serve on, and assist in the formation of, the Advisory Council for the Microenterprise Project. This latest partnership promises to further enhance Katten's long-standing relationship with VOLS. New York intellectual property partner **Karen Artz Ash**, chair of Katten's National *Pro Bono* Committee, currently serves on the Board of Directors and Executive Committee of VOLS, and has done so for several consecutive terms.



**CHICAGO LAWYERS' COMMITTEE**  
FOR CIVIL RIGHTS UNDER LAW, INC.

## **Katten Receives Chicago Lawyers' Committee for Civil Rights under Law's 2011 *Pro Bono* Award**

Katten was honored in September with the 2011 *Pro Bono* Award from the [Chicago Lawyers' Committee for Civil Rights under Law](#). The award recognizes the exemplary work and dedication of Katten attorneys on numerous civil rights cases and transactional matters that have been handled for the Committee. This is the second time in six years that Katten has been honored with this award. >>[read more](#)

## **Washington Attorneys Assist Victim of Pyramid Scheme**

Washington litigation associates **Kristine Rembach** and **Blake Daniels** and partner **Whit Ellerman** are representing one of the victims of a pyramid scheme in an adversary proceeding against a Chapter 7 debtor in the U.S. Bankruptcy Court for the Eastern District of Virginia. The debtor was engaged in a criminal enterprise targeting Northern Virginia's large Vietnamese community, bilking our client out of several hundred thousand dollars. The complaint also seeks to have the amounts owed to our client held non-dischargeable by the court.

## **Katten Launches Collaboration with JUF Community Legal Services Program**

On November 15, the Chicago office hosted a luncheon to introduce [JUF Community Legal Services](#) (JCLS) to Katten attorneys. JCLS is a program of the Chicago Jewish United Fund/Jewish Federation under which volunteer attorneys donate their time to provide essential *pro bono* legal assistance in a variety of civil matters to low-income individuals and families in the Chicago area. Volunteers meet their clients at clinic sessions hosted by JCLS at locations throughout Chicago and the surrounding suburbs.

The host committee for the luncheon included Chicago partners **Jonathan Baum**, **Renee Friedman**, **Mark Grossmann**, **Lawrence Levin**, **Terry Newman**, **Saul Rudo**, **Milton Wakschlag** and **Herbert Wander**. JUF General Chairman Bill Silverstein explained the role JCLS plays in JUF's overall social service mission, JCLS volunteer attorney Miles Cohen gave personal testimony to how rewarding his experiences with the clinic have been, and JUF Lawyers Division Director Lindsay Yaffa described additional volunteer opportunities available through JUF.

More than a dozen Katten lawyers left the luncheon having signed up to volunteer. If you are interested in volunteering, or just in learning more about JCLS, please contact Jonathan Baum at [jonathan.baum@kattenlaw.com](mailto:jonathan.baum@kattenlaw.com).



**Jewish United Fund/Jewish Federation  
of Metropolitan Chicago**





## Washington Attorneys Defend District Alliance for Safe Housing in Lawsuit

Washington litigation associates **Blake Daniels** and **Daniel Spurlock** and partner **Dave Rohrbach** are defending the [District Alliance for Safe Housing](#) (DASH), a longtime firm *pro bono* client, in a lawsuit brought against DASH by its general contractor in the rehabilitation of the organization’s headquarters. DASH provides emergency and short-term housing (in 40 apartments) to victims of domestic abuse at its headquarters. The original lawsuit contained two counts against DASH for breach of contract and *quantum meruit*. The Katten team successfully obtained dismissal of the *quantum meruit* claim by the court and filed counterclaims on behalf of DASH for incomplete and/or improper work done by the contractor/plaintiff.

## Trademark Work Helps Nonprofits Build and Protect Their Brands

Chicago intellectual property partner **Floyd Mandell** and associates **Breighanne Eggert** and **Christine Bestor** represented nonprofit organization [I Am That Girl](#), which empowers young women by building community through its online network of positive media, in two trademark-related matters. The team compelled both Nike, Inc. and another party to cease use of the client’s trademark in order to prevent confusion with I Am That Girl and its activities.

Breighanne also assisted Youth Organizations Umbrella, Inc. (Y.O.U.), an Evanston, Illinois-based youth development organization that provides services and leadership to meet the emerging needs of young people and their families, with its trademark application. The trademark application and design were approved by the United States Patent and Trademark Office for publication after Breighanne overcame the examining attorney’s initial rejection of Y.O.U.’s application in one class based on alleged confusing similarity with a self-help group in California.

## Team Katten Raises Funds for LIVESTRONG

Katten’s Los Angeles office helped raise over \$15,000 for the second annual charity bike ride organized by Los Angeles partner **Zia Modabber** to benefit firm *pro bono* client LIVESTRONG. More than 400 riders participated in the event, which raised over \$115,000 for LIVESTRONG. A team including staff members **Tanya Russell**, **Paula Phillips**, **Nicole Callanan**, **Nina Hughes**, **Christine Morrison**, **Victor Lima** and **Mark Gormley** volunteered at the Katten-sponsored rest stop at the event.



## Chicago Attorney Authors Article on *Pro Bono* Asylum Work for *Business Law Today*

Conventional wisdom holds that the work of representing asylum-seekers is best suited for litigators. In his article “Transactional Attorneys and *Pro Bono* Asylum Work—A Much Better Match Than You Might Think,” Chicago public finance associate **Chad Doobay** explains how the unique skills of transactional attorneys make them equally qualified for asylum work. >>[read more](#)



## Attorneys Assist Refugee Through Human Rights First



Washington litigation associates **Dan Spurlock** and **Joe Fiorill**, supervised by partner **Dave Rohrbach**, are representing a Rwandan man who suffered persecution in his home country because of certain political activities in which he engaged and is seeking political asylum in the United States. Dan and Joe expect to file an asylum application in the first week of the new year and to have a decision by March. The case was referred to Katten by [Human Rights First](#), a nonprofit advocacy and litigation organization based in New York and Washington, D.C., which screens asylum-seekers and refers viable claims to *pro bono* counsel, usually in large law firms. Attorneys interested in learning more about Human Rights First's [Asylum Legal Representation Program](#) can contact Dan or Joe for more information, or attend one of the organization's regular training sessions.



LEGAL ASSISTANCE FOUNDATION  
OF METROPOLITAN CHICAGO

## Jared Heck Profiled in LAF Newsletter

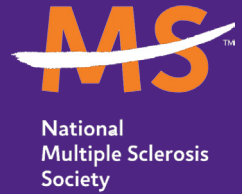
Chicago litigation associate **Jared Heck** is featured in the November 2011 Legal Assistance Foundation of Metropolitan Chicago (LAF) [eNews Update](#). LAF is the largest provider of free legal services to the poor in Illinois. Jared currently serves on the Executive Committee of the LAF Young Professionals Board and is working closely with LAF staff in the Special Education Project to develop a special *pro bono* initiative that links members of the YPB with cases representing special needs students.

## Retired New York Attorney Keeps Busy *Pro Bono* Schedule

Post-retirement, New York trusts and estates counsel **Mal Barasch** continues to maintain an active *pro bono* workload. Mal, who retired as a partner of the firm more than 11 years ago, has practiced law for more than 45 years, handling a broad range of estate and tax planning matters. He also founded the firm's Trusts and Estates Practice and served as its chair until 1995. Currently Mal sits on the boards of two nonprofit organizations—[Lenox Hill Neighborhood House](#), a 117-year-old settlement house that provides an extensive array of health and human services to people in need on the Upper East Side of Manhattan, and [VISIONS/Services for the Blind and Visually Impaired](#), a nonprofit rehabilitation and social service organization that assists low-income individuals in the greater New York area who are blind or visually impaired and runs a summer camp for the blind and visually impaired. As part of his board service, Mal reviews the wills and other court documents that give the organizations bequests, and assists them with other legal issues they may face. This year, Mal instituted a successful proceeding for LHNH against a trustee to get about \$300,000 to LHNH from the trust. He also volunteers regularly at the LHNH Senior Center, assisting clients in the preparation of their wills, living wills and health care proxies. In addition to his *pro bono* work, Mal remains active in the firm, serving as trustee for a number of his clients' trusts and mentoring younger attorneys in the Trusts and Estates Practice. He recently participated in the Columbia Law School-New York State Bar Association Trusts and Estates Law Section Symposium on "Revisiting the Prudent Investor Rule in 2011."



## From a Grateful Client



We received the following letter from John V. Blazek, president of the [National Multiple Sclerosis Society](#), Greater Illinois Chapter.

I would like to personally thank your firm for your serious dedication to *pro bono* legal work, and to let you know that this commitment is truly making a difference at the National Multiple Sclerosis Society. **Jonathan Baum** is superb at directing the program, and he consistently connects our organization with attorneys who can best address our legal issues.

Over the past few months, **Jim Gecker** and **Trish Holland** provided excellent legal counsel in order to create and execute a separation agreement with an employee. I am aware that time is one of an attorney's most valuable commodities. This makes Trish and Jim's accessibility and responsiveness even more impressive. Their expertise and attentiveness to our needs met the highest professional standards.

Katten's assistance saved our organization valuable resources, and allowed us to focus on the mission of the National Multiple Sclerosis Society. With your help, we are better able to effectively provide programs and services to those who are affected by MS, and to fund research for finding a cure.

Thank you again for your assistance with our legal matters.

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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](mailto:jonathan.baum@kattenlaw.com).

