

2009 Pro Bono Year in Review

At Fish, we are committed to making *pro bono* work an integral part of our professional culture, and we strongly encourage all our legal professionals to take on *pro bono* matters as an integral part of their professional lives. We back up this commitment by providing our attorneys with full hours of credit for approved *pro bono* matters and by assigning a principal-level attorney in each of our U.S. offices the task of seeking out and publicizing local *pro bono* opportunities. Each year, our attorneys contribute a significant number of *pro bono* hours to serve the legal needs of individuals and nonprofit organizations, benefiting the communities where we live and work.

In 2009, Fish attorneys demonstrated their commitment to their communities by donating an unprecedented number of hours to *pro bono* work. The firm's aggregate number of *pro bono* hours, as reported to *American Lawyer* magazine's annual survey of *pro bono* activities at the country's leading law firms, increased 52% over 2008. In addition, many more attorneys at Fish got involved in *pro bono* activities in a meaningful way; 165 Fish attorneys each performed more than 20 hours of *pro bono* work in 2009. In recognition of these efforts, *American Lawyer* magazine ranked our *pro bono* program in the top half of all AmLaw 200 firms – rising to 71st place in 2009, up from 110th place in 2008.

2009 Pro Bono Highlights

Political Asylum

In what is certainly the longest-running *pro bono* matter the firm has ever handled, we finally obtained legal residence for a client who first came to the firm in 1992 seeking political asylum from the civil war in Guatemala. The client had been attending an evening mass at his church in Guatemala when he and two friends were kidnapped at gunpoint by unidentified nonmilitary forces. One of the two friends was shot and killed. The client and the surviving friend escaped. Shortly thereafter, in 1992, the client was sent to the U.S. by his parents. The firm handled the asylum petition in the summer of 1992. After eight years of administrative hearings and court appeals, the client's claim for asylum was finally denied in 2000, on the grounds that conditions in Guatemala had improved enough for him to return. However, the Immigration and Naturalization Service never sent him a letter to report for deportation. The client continued to apply for renewal of his employment authorization, registered for the draft, and stayed employed and out of trouble.

In the mid-2000s, the two youngest daughters of the client were raped by a family member. The client reported it to the police. Because he provided testimony to assist the police, he became eligible for a U visa, which grants legal status to persons cooperating in the prosecution of certain violent crimes. The firm assisted the client in applying for the U visa, and in 2009 we received notice that it had been approved. We are now assisting him in applying for permanent resident status.

Domestic Violence

Attorneys in our New York office assisted a number of immigration cases involving victims of violent crimes or human trafficking. In one representative case, a client immigrated to the U.S. from Malaysia in 1997 with her boyfriend and their four children to escape threats on their lives as a result of gambling debts accumulated by the boyfriend. Shortly after arriving in the U.S., the boyfriend began to severely abuse the client on a regular basis. One day, the boyfriend showed up unexpectedly at the client's workplace, repeatedly hit her in front of her coworkers, cut off her hair with a pair of scissors and threatened to stab her. The boyfriend escaped after the client's coworkers called the police, but the client eventually helped authorities apprehend the boyfriend and send him to jail. Because the client assisted in apprehending and prosecuting the boyfriend, she was eligible under the Victims of Trafficking and Violence Prevention Act for a U visa, which would ultimately allow her and her children to obtain permanent

legal status to reside and work in the U.S. With the assistance of Sanctuary for Families, we were able to obtain a U visa for the client and her children in February 2010. The firm also worked with Sanctuary for Families on additional U visa cases.

Family Law

The Delaware Office of Child Advocacy relies on volunteer attorneys to represent the best interests of children who are involved in the state child welfare system. The cases often involve children in foster care. Fish attorneys handled three cases through the program, representing children ranging in age from two to seventeen years old.

Special Education

A group of Dallas lawyers worked with a local charity that seeks to preserve educational rights for the mentally disabled. The team handled litigation to allow a severely autistic child to remain in class with his peers.

"The *pro bono* program at Fish & Richardson saw tremendous growth last year, both in the number of *pro bono* matters that the firm handled and in the number of hours contributed by our legal staff. While we are proud of this improvement in our *pro bono* statistics, numbers alone do not adequately capture the myriad ways in which Fish attorneys are able to make a difference in the lives of their clients and their communities through *pro bono* work."



Lawrence K. Kolodney, Firmwide Pro Bono Chair

Areas of law in which Fish performed *pro bono* legal work

- Copyright
- Criminal Defense
- Criminal Prosecution
- Domestic Violence
- Election Protection
- Family Law
- First Amendment/Free Speech
- Government Benefits
- *Habeas Corpus*
- Landlord-Tenant
- Patent Law
- Political Asylum
- Predatory Lending
- Section 1983/Prisoners
- Special Education
- Trademark
- Veterans Benefits

2009 *Pro Bono* Highlights

Veterans Benefits Appeals

Fish continued its long-standing support of the Veterans Consortium *Pro Bono* Program, which helps veterans and their qualifying family members appeal denials of service-related benefits. We represent veterans at all stages of the appeal process, including appeals before the United States Court of Appeals for the Federal Circuit and the Court of Appeals for Veterans Claims.

The firm represented a quadriplegic Korean War veteran who had been denied benefits. The Department of Veteran's Affairs ("VA") relented after an appeal brief was submitted, resulting in a remand for the veteran.

The firm also represented a veteran who, for nearly ten years, has been claiming an entitlement to a service-connected disability for a gastrointestinal condition. In an error-ridden denial of his claim, the VA noted that there was no evidence that the veteran's condition was "chronic," despite 28 documented episodes of symptoms associated with gastrointestinal disorder in a ten-year period. After the firm conducted two rounds of settlement negotiations and submitted an appeal brief, the Court of Appeals for Veterans Claims ruled in favor of the veteran, dismissing the VA's denial and requiring a new determination that was in line with the veteran's record.

Fish & Richardson attorneys were recognized at a recent meeting of the Federal Circuit Bar Association for their ongoing efforts handling *pro bono* appeals (mostly from injured veterans), before the Federal Circuit Court of Appeals and the Court of Appeals for Veterans Claims.

Predatory Lending

Attorneys in our New York office represented a client in litigation against a mortgage broker (now defunct), a real estate agent, a real estate agency and a bank for their collective discriminatory and predatory lending practices. In 2005, our client, a Creole-speaking Haitian woman, was working as a babysitter and living in low-income housing with her husband, a taxi driver, and four children. She was targeted by a Creole-speaking Haitian real estate agent/mortgage broker to take out loans that she could not afford (totaling over \$500,000), with terms that were grossly unfair. Unbeknownst to our client, many of the mortgage documents were falsified. She sought help from Westchester Residential Opportunities ("WRO"), a nonprofit organization that promotes equal, affordable and accessible housing opportunities for all residents in Westchester County, New York. WRO brought the case to us, and we filed an action alleging various federal and state law causes of action in the Southern District of New York, where it is currently pending. For our work on this case, Fish & Richardson was selected to receive WRO's Harriet D. Goldberg 2009 Fair Housing Award for outstanding legal assistance in combating housing discrimination and predatory lending.

Criminal Prosecution

During 2009, we continued to grow our lawyer-on-loan program, which provides an opportunity for Fish attorneys to serve as temporary full-time prosecutors, for periods of up to six months, in local district attorney offices. Associates in our Boston, Dallas, Delaware and Twin Cities offices served as special prosecutors in 2009. In addition to receiving invaluable daily motion and trial experience, these attorneys contributed to the public good by relieving overburdened prosecutors and improving the administration of the criminal justice system.

Habeas Corpus

Atlanta attorneys continue to work with the Georgia Innocence Project, a nonprofit organization dedicated to helping individuals who have been wrongly convicted of crimes. The firm currently represents four

petitioners seeking *habeas corpus* relief in the Georgia state court system. All four petitions are based on ineffective assistance of trial or appellate counsel, with the following specific counts: (1) failure to advise the accused of a plea offer, (2) failure to investigate and develop facts and arguments at trial, and (3) failure to impeach witnesses at trial, as well as the court's failure to advise the accused of his constitutional rights before pleading. We have conducted depositions and hearings, and currently, each client's petition remains alive.

Section 1983/Prisoners

The firm represented an inmate in the custody of the California Department of Corrections in his Eighth Amendment/Section 1983 action against two correctional officers. The case was referred by the San Diego Volunteer Lawyer Program. The client's complaint alleged that the two officers used excessive and unnecessary force against him during a cell search in July 2004, including spraying him with two cans of pepper spray and beating him with their fists and batons. As a result of the incident, the client suffered a laceration requiring seven stitches above his eye, a broken nose and bruises on his body. Also, the client had received a corneal transplant a few months before the incident, and following the incident that corneal transplant was rejected, requiring another transplant. We tried the case in a six-day trial in federal court in San Diego in August 2009. Although it was a defense verdict, the inmate was grateful that he was able to tell his story to a jury.

Death Penalty Appeal Victory

The firm represented a client in a capital case in Virginia. Attorneys in our New York office handled an appeal to the Supreme Court of Virginia, challenging the unconstitutional nature of the verdict forms used in the client's case. Because of their work, the Supreme Court of Virginia on September 18, 2009, reversed the client's sentence of death. The decision is precedential. The firm is continuing to work with the client's trial attorneys in Virginia to represent the client in the resentencing phase of his case, which is scheduled to begin in September 2010. The firm is also seeking post-conviction relief for a death row inmate in California.

Access to Justice *Pro Bono* Law Firm Award

The Massachusetts Bar Association awarded Fish & Richardson its Access to Justice *Pro Bono* Law Firm award for 2009 in recognition of the firm's participation in the Northeast Housing Court's Lawyer for a Day program in Lynn, Massachusetts. One day a month, attorneys from Fish appear in the Northeast Housing Court to represent, on a short-term basis, low-income tenants and landlords involved in eviction and other housing-related matters. In 2009 alone, more than 20 Fish attorneys and summer associates collectively recorded in excess of 650 hours through this program. In nearly all cases, Fish achieved a positive outcome for its clients. Heidi Harvey (Of Counsel) conceived of and set up the program in 2005. Tom Brown (Associate) has, in more recent years, managed and publicized the program within the Boston office.



Heidi Harvey, Of Counsel



Tom Brown, Associate

For more information about Fish & Richardson's *pro bono* efforts, please visit www.fr.com.