



## Year in Review | 2012-2013

At Fish and Richardson, we are institutionally committed to making *pro bono* work an integral part of our professional culture, and we strongly encourage all of our legal professionals to take on *pro bono* matters as part of their professional lives. We back up this commitment by providing our attorneys with full hours 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.

In 2012, Fish attorneys donated over 10,000 *pro bono* hours representing clients in need of legal representation. On average, Fish lawyers spend 28 hours a year on *pro bono* matters. Our efforts have resulted in significant and meaningful gains for our clients, from securing asylum from a persecuted refugee, to obtaining citizenship for immigrant children fleeing abuse and violence in their home country, to preserving intellectual property rights for income-qualifying artists, inventors, and non profit organizations. At a time when funding for legal services and access to justice for low-income individuals are at an all-time low, the volunteer work done by Fish's attorneys is critically important in providing access to justice.

### Immigration

Fish & Richardson has a long-standing commitment to the representation of individuals seeking political asylum in the United States. Since 2008, the firm has represented over 50 clients seeking political asylum or special immigrant juvenile status in this country; our clients hail from Bhutan, Congo, Rwanda, Sierra Leone, Uganda, Cameroon, Armenia, Guatemala, Somalia, El Salvador, Peru, and Honduras. Fish works with immigration legal services providers around the country, including the Political Asylum/Immigrant Representation Project ("PAIR"), Kids in Need of Defense ("KIND"), Human Rights First, and many others.

### Asylum

Ten years ago, a young Peruvian man was forced to flee his native country because of repeated physical and emotional abuse based on his sexual orientation and at the hands of his family, classmates, police, and community members. Hospitalized after being severely beaten and left unprotected by police, and after receiving a death threat from his father, the young man fled to the United States, staying with a friend in Washington D.C. He subsequently learned that he was HIV positive, and began receiving treatment. Through a referral from Human Rights First, attorneys from our D.C. office represented this client on his asylum application, which was granted in late 2011. Our representation continued; after being arrested for a misdemeanor traffic violation, we represented him in court, negotiat-

"*Pro bono* can be an important and rewarding part of an attorney's professional life. In addition to making a difference in the lives of our clients and the communities we serve, *pro bono* also enriches the professional lives of the lawyers who practice it. At Fish & Richardson, we strongly encourage, and provide opportunities for, attorneys who wish to take on *pro bono* matters and to make *pro bono* an integral part of their practice."

Lawrence K. Kolodney, Firmwide Pro Bono Chair

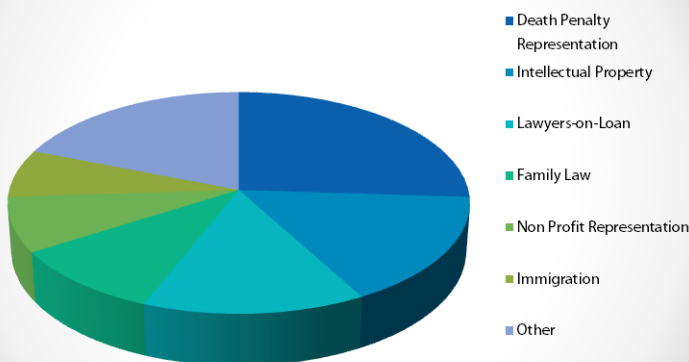


ing a plea deal that resulted in a suspended sentence and nine months' probation. The firm was able to work through the client's permanent resident application after this arrest. Fish assisted our client in a successful application for permanent residency, which was granted in November 2012.

### Death Penalty Representation

Since beginning its work on death penalty cases in 2008, Fish has developed an in-house expertise, contributing over 8,000 hours representing death row inmates. Death penalty representation accounted for 25% of the firm's total *pro bono* hours in 2012. Last year, Fish received the American Bar Association Death Penalty Representation Project's 2012 Exceptional Service Award, the project's highest honor. We currently represent a California inmate on his habeas appeal, which was filed in June 2013 after a Herculean effort by the Fish team. Fish is investigating facts pertaining to homicide charges with which our client was charged, but also to a separate, then-unadjudicated homicide introduced as aggravating evidence during the penalty phase. We represent a second inmate on his death penalty appeal to Mississippi. Execution was stayed pending the outcome of an Atkins hearing to evaluate psychological and IQ competence; the trial court found our client not mentally retarded, a decision we are appealing. Fish filed a Post-Conviction Relief motion based on DNA evidence, which was unanimously granted by the Mississippi Supreme Court at the end of 2012. The firm began work on its newest case at the end of 2011, representing an Arizona inmate on his state Post-Conviction Relief proceeding. Fish is focusing on ineffective assistance of counsel and is working with mitigation specialists in preparation for filing of the client's state habeas petition later this year.

### Pro Bono Areas of Concentration



## Intellectual Property

Fish is widely recognized as a premier intellectual property and litigation firm, and is consistently ranked as the leading patent firm in the United States. Our expertise benefits both our paying and *pro bono* clients, as demonstrated by our commitment to intellectual property-related *pro bono* work.

### Independent Inventors

In 2011, the U.S. Patent and Trademark Office launched the Inventors' Assistance Program to provide much needed legal representation to financially under-resourced independent inventors and small businesses. Fish has played a prominent role in the growth of this new program; in June of 2012, the first patent was filed on behalf of our *pro bono* client for his invention, a resistance exercise and physical therapy apparatus. Since then, Fish has partnered with several of the regional clearinghouses administering the program, representing *pro se* inventors nationwide. Our clients' inventions range from hybrid engines, to devices for quadriplegics to drive cars, to innovative beauty products. For solo inventors like our *pro bono* clients, the patent system can be very daunting. Utilizing intellectual property lawyers to help navigate these waters is crucial for our clients to exercise their intellectual property rights, and to gain a foothold in markets where without legal representation, it would otherwise not be possible or extremely difficult.

### Religious Institutions

Fish represented a Greek Orthodox Monastery in Brookline, MA in a copyright infringement suit involving the Monastery's copyrighted translation of seven ancient religious Greek texts. The suit was for both the infringement of the seven works and for breach of a settlement agreement that resolved a previous copyright infringement lawsuit between the two parties. In 2012, the First Circuit affirmed the District of Massachusetts' two grants of summary judgment to the Monastery from February and December of 2010, and reiterated what the 1998 Digital Millennium Copyright Act expressly provides: that translated literary texts are copyrightable works. This was a huge victory for our client, reconfirming that the art of translation is a creative process that involves artistic choices. The decision validates the copyrightability of religious works and protects them from infringement. The Archbishop filed a petition for certiorari with the Supreme Court, which Fish opposed in December 2012. The Supreme Court denied the Archbishop's petition on February 20, 2013.

### Not for Profit Organizations

Fish does extensive Trademark prosecution on behalf of non-profit organizations in the communities in which it has offices, as well as around the country and across the globe. Fish has also engaged in trademark litigation on behalf of non-profit organizations; earlier this year, Fish attorneys litigated on behalf of a Pro Bono Net, a national nonprofit organization whose mission is to leverage technology to increase access to justice for the millions of poor people who face legal problems each year without legal representation. A *pro bono* client of the firm since 2009, Fish has done extensive trademark work for Pro Bono Net, handling over 55 trademark enforcement and prosecution matters. In February of 2012, Fish filed an In Rem complaint in the Eastern District of Virginia on behalf a Pro Bono Net subsidiary program, an online resource that helps low and moderate-income people find free legal aid programs in their communities, answers to questions

about their legal rights, court information, links to social service agencies, and more. This particular subsidiary program, our complaint alleged, was a victim of cybersquatting. Fish *pro bono* attorneys filed a complaint in February, alleging a violation of the Anticybersquatting Consumer Protection Act. After negotiations with the cybersquatter, the parties negotiated a settlement favorable to our client, resulting in a dismissal of the action and a resolution to the matter.

### Habeas Corpus

A team of Fish attorneys from our Atlanta office took on the cause of representing a client on his state habeas appeal to the Georgia Supreme Court. Referred by the Georgia Innocence Project in 2008, the central issue in the appeal is ineffective assistance of counsel. Our client's appointed trial attorney had a troubled history with drug abuse, the Bar, and the law, and has since passed away. His appellate lawyer was also investigated as part of Fish's case, with allegations that she failed to develop any evidence. One of the Fish team's main argument is that the evidence shows that our client's trial attorney, never conveyed the State's plea offer to our client. A plea offer that our client would have accepted. Before Fish got involved, the case went up to the Georgia Supreme Court and was affirmed in May of 2005, entirely because his appellate counsel had proffered no factual record upon which to consider ruling in our client's favor. The Fish team conducted a new fact investigation, developed a new case strategy, engaged in discovery, and then conducted a mini-trial before the State Superior Court. After the petition was denied by the Superior Court, the Fish team appealed to the State Supreme Court, filing probable cause briefing to get an opportunity for full briefing and a hearing. In May 2012, our client's application for certificate of probable cause was granted by the Georgia Supreme Court, an exciting and rare occurrence in Georgia state habeas cases. A hearing was held before the Court in late 2012. After the State Supreme Court denied our petition, the Fish team, undaunted, filed a federal habeas petition on the client's behalf. In July 2013, the United States District Court for the Middle District of Georgia withheld ruling on the Respondent's motion to dismiss our petition, and has invited full briefing on the merits.

### PRO BONO PARTNERSHIPS

- ◆ Children's Law Center
- ◆ MFY Legal Services, Inc.
- ◆ Lawyers Alliance for New York
- ◆ California Lawyers for the Arts
- ◆ Western Center on Law and Poverty
- ◆ Volunteer Legal Services of Central Texas
- ◆ The YMCA of Greater Houston
- ◆ Georgia Lawyers for the Arts
- ◆ The American Bar Association Death Penalty Representation Project
- ◆ Human Rights First
- ◆ Kids in Need of Defense ("KIND")
- ◆ Political Asylum/Immigration Representation Project ("PAIR")
- ◆ Volunteer Lawyers for the Arts of Massachusetts
- ◆ The Innocence Project
- ◆ TrustLaw Connect
- ◆ Greater Boston Legal Services
- ◆ Catholic Legal Immigration Network
- ◆ Veterans Consortium Pro Bono Program
- ◆ Delaware Volunteer Legal Services

For more information about Fish & Richardson's *pro bono* efforts, please visit [www.fr.com](http://www.fr.com).