

## From the Co-Chairs: New Subcommittees Going Strong

*by: Donald Hilliker, Esther Lardent, James Rhoads and Steven Schulman, Co-Chairs, Pro Bono and Public Interest Practice Committee*

Members of the Pro Bono and Public Interest Practice Committee may recall receiving a letter from us last July updating you on the Committee's work, and asking you to help us by joining a subcommittee. Our Committee is fortunate to have so many members who are active in pro bono and public interest work, and who truly believe that this work furthers the highest and best ideals of our profession. By forming several subcommittees and seeking your participation, we expressed our faith that your commitment to pro bono and public service would translate into a willingness to enhance the work of the Committee by serving on one or more of these new subcommittees. We're pleased to report that you've answered the call, and that our new subcommittees are going strong.

First, we'd like to introduce you to the subcommittees and what they're working on:

**Screening Subcommittee:** The role of the Screening Subcommittee is to review and vote on case referrals for the Litigation Assistance Partnership Project (LAPP). Subcommittee members review materials prepared by the LAPP Director on potential cases, participate in conference calls to discuss potential cases, and vote to approve or reject cases in accordance with LAPP's Case Selection Guidelines. For approved cases, members of

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## LAPP Case Helps Protect Access to Health Care for the Poor

*by: J. Paterson Rae and Nina E. Vinik*

As health care costs rise and state and federal spending on health care declines, our poorest citizens are being caught in the squeeze. Advocates for the low-income population are litigating health care cases across the country, challenging the ever-present efforts to balance the budget at the expense of the health of the poor. While sometimes such efforts are transparent (e.g. reducing appropriations for certain programs or tightening duly promulgated eligibility rules), in other cases they are clandestine.

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the subcommittee also assist the LAPP Director in placing cases by reaching out to law firms in the member's geographic area.

**Communications Subcommittee:** The role of the Communications Subcommittee is to work with the LAPP Director (who also serves as Newsletter Editor) to produce our Committee newsletter, and to provide advice and direction for regular updates to the website. Members of the subcommittee develop ideas for newsletter articles, solicit authors, and review drafts of articles and other content. Members also work with the LAPP Director on updating and expanding the Committee's web content, and brainstorming other ideas for methods of publicizing the Committee's work.

**John Minor Wisdom Award Subcommittee:** The Wisdom Award Subcommittee reviews nomination materials received for the John Minor Wisdom Award, and makes recommendations of awardees to the Committee Co-Chairs.

We are grateful to those of you who have volunteered to serve on these subcommittees. Members of the Case Screening Subcommittee are: William F. Abrams of Pillsbury Winthrop in Palo Alto; James Dimos of Locke Reynolds in Indianapolis; Carol A. Mager of Mager White & Goldstein in Jenkintown, Pennsylvania; William J. Pohlman with Vorys, Sater, Seymour and Pease in Columbus; and Gregory Schell of the Migrant Farmworker Justice Project in Lake Worth, Florida. They've been working hard reviewing new cases and drafting a policy for addressing conflicts of interest.

The Communications Subcommittee consists of: Julia Mandeville Damasco of the Law Office of Julia Mandeville Damasco in San Francisco; Neil McBride with the Legal Aid Society of Middle Tennessee and the Cumberlands in Oak Ridge, Tennessee; Charles J. McKee with the Office of the County Counsel for the County of Monterey, California; and Nina Targovnik of Community Legal Services in Phoenix. We thank them for their help with this newsletter and their ideas for future communications.

Members of the John Minor Wisdom Award Subcommittee are: Dan Grunfeld of Public Counsel in Los Angeles; Bricker L. Lavik of Dorsey & Whitney in

Minneapolis; Kathi Pugh with Morrison & Foerster in San Francisco; Toby J. Rothschild of the Legal Aid Foundation of Long Beach, California; and Thornwell F. (Biff) Sowell of Columbia, South Carolina. The Wisdom Award Subcommittee members reviewed an outstanding field of nominees for this year's awards, which will be presented to Jerry Solovy of Jenner & Block in Chicago and the law firm Nelson Mullins Riley & Scarborough LLP in Columbia, South Carolina, at a luncheon to be held at the Section Annual Meeting in New York on April 21. We hope to see you there. (For more about the awardees, see page 10.)

In addition, two subcommittees are still in formation: the Programs Subcommittee and the Fundraising Subcommittee. The Programs Subcommittee is charged with developing programs for Section meetings. The Fundraising Subcommittee will work with the LAPP Director to develop and carry out a plan for securing future funding for LAPP.

It's never too late to get involved in a subcommittee. Please fill out the enrollment form on the last page of this newsletter and join us. ■

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## An Asylum Case as a Classroom

by Neel P. Parekh

As a young attorney, I was driven to take on *pro bono* work for a familiar reason: *pro bono* matters make lawyers feel and do good. Through this work, we can give to the community and help individuals in need. One likely needs no further motive to take on *pro bono* projects. For that reason, I agreed to assist an Indian citizen's attempt to obtain asylum in the United States. As expected, that representation satisfied the soul. But, as my case progressed, I became acutely aware of the other benefit of *pro bono* work — it provides phenomenal experiences and teaches young attorneys crucial lawyering skills.

Mr. P. S. arrived in the United States under peculiar circumstances. Unlike many Indian nationals who travel to the U.S. to study, for business, or to visit family, P. left his native Punjab and came to America in an attempt to escape those who kidnapped him and his father on multiple occasions. It is unclear why his kidnappers targeted P. or his father — P., then seventeen, knew only that they were demanding that he join an unidentified militant group or, in the alternative, pay a hefty ransom. Regardless of the harassers' motives, P. fled for safety to the United States on a bizarre journey that ended when local police apprehended him after he crossed the American border by foot in the dead of winter, having

In the spirit of the Firm's commitment to *pro bono*, I responded to an email in the spring of 2004, seeking an attorney to represent an applicant for asylum before the EOIR in New York. I quickly jumped at the opportunity.

tramped for four hours through inches of Canadian snow. P. already had spent several months in juvenile detention when I met him as his *pro bono* counsel in a conference room at the New York offices of Latham & Watkins LLP, far from the dangers of Punjab, but facing

removal proceedings before the Executive Office of Immigration Review ("EOIR").

The child of Indian immigrants myself, my "path" from India to the United States diverged dramatically from P.'s experience. My parents arrived in the country in the late 1960s, raised two children in suburban New York, and shepherded me through both college and law school. After my studies, I joined Latham and handled a series of engaging criminal and civil antitrust enforcement matters. During my first year, I gained substantial litigation experience, including challenging assignments, daily training from exceptional attorneys, and client contact. In the spirit of the Firm's commitment to *pro bono*, I responded to an email in the spring of 2004, seeking an attorney to represent an applicant for asylum before the EOIR in New York. I quickly jumped at the opportunity. It was a few weeks later that another Latham associate and I met P. and began working on his case. Now, nearly a year later, I can confidently convey that my experience as P.'s *pro bono* counsel has been and continues to be one of the most compelling experiences I have had at the firm.

*Rewarding your soul.* At the core, the most tangible benefit of representing P. in his asylum proceedings (which still continue today) has been the prospect of securing a safe life for P. in the United States. Like most *pro bono* matters, I am completely engaged and interested in P.'s case, during which I have the privilege to utilize my legal training and skills to help secure a better life for another person. Helping P. negotiate American law and grasp for a chance at a free life gives P. hope; it is precisely that hope which drives me in my work and paints a significant smile on my face even before the EOIR issues a final ruling on P.'s case. While we hope for a favorable outcome, my immediate reward is providing P. an opportunity he otherwise would not have had. (Of course, a victory is more than welcome!)

*Lost in translation?* Beyond the personal reward, there are significant practice benefits that I, as a young lawyer, have obtained from the asylum case and my work with P. The most obvious is the regular client contact. My colleagues and I met with our client a number of times to parse out his story and to dissect his case. In those

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### An Asylum Case as a Classroom (continued from page 3)

meetings, I learned valuable communication lessons. Most importantly, I learned to avoid providing false expectations, to insist on clarity and honesty, and to communicate and re-communicate to ensure that chatter becomes cogent ideas and mixed messages do not morph into missed opportunities. Although I know there is much more to learn, my representation of P. has certainly developed my client communication skills.

Becoming management. As a junior associate, it is sometimes difficult to direct an entire case from start to finish. Those management tasks are largely the purview of partners, counsel and senior associates. However, with my *pro bono* asylum case, I am completely responsible for an entire litigation matter. While there are supervisors available at all times to answer my questions and monitor my performance, I am ultimately accountable for my client's case. From drafting an intake memorandum and retaining letter to providing the client with routine updates and conferring with the Court and opposing counsel on scheduling, the case is my own. Any failure to manage the case rests solely on my shoulders. As such, I have had a crash course in case management—lessons I otherwise might not have had so early in my career.

Challenging the brain. My representation of P. also honed both my writing skills and my ability to think creatively. The drafting responsibilities in an asylum case, from submitting an I-589 application for asylum to authoring a trial memorandum, are substantial. That, in and of itself, continues to be a fantastic learning experience. But in P.'s case, where certain facts made his claims for asylum unique, the drafting opportunities also challenged my case team to think creatively, to analyze the limits of the relevant precedent and law, to craft novel arguments, and to present them to the court. As such, asylum proceedings provide precisely the written and intellectual experiences that drew many of us to law school and continue to drive us every day in our practices.

Standing up? Modern litigation often steams full speed toward settlement or dismissal, never seeing trial. Also, many hearings before judges are argued (quite appropriately) by senior attorneys whose own experiences before courts made them seasoned advocates. As a result, for many junior associates, stand-up experience before a judge is rare. *Pro bono* representation fills the void by providing valuable

opportunities to get associates into the courtroom. For P.'s asylum case, I appeared in court three times, including an individual merits hearing during which I examined witnesses on direct, defended witnesses on cross, and became more comfortable with asserting myself before a judge and opposing counsel.

This stand up experience was critical for another reason. It was my impression that the judges I encountered valued my willingness to extend myself beyond my typical practice area and appear on a *pro bono* basis before the court. Perhaps simply because I was a volunteer attorney, they provided me with cushion room to correct mistakes, in some instances going so far as to suggest how I might rephrase a question to overcome an objection or to elicit specific testimony. I can't think of a better on-the-job training for a rookie attorney. While these were very real and serious proceedings, my stand up time before the court was at the same time a fantastic training ground before a judge, the ideal teacher for the future appearances I will make in federal, state or administrative courts.

Asylum proceedings provide precisely the written and intellectual experiences that drew many of us to law school and continue to drive us every day in our practices.

Training for the future of the firm. While I grew as an attorney by representing P., my experience in P.'s case also serves the Firm at large. Most firms focus extensively on attorney training. After all, helping associates become better lawyers ensures a strong future for any firm. But while many institutions have formal educational programs and review processes geared for training, a strong *pro bono* program can buttress the firm's traditional training efforts by providing another pedagogical tool to educate attorneys.

\* \* \*

P.'s application for asylum is still pending before the EOIR. In a few months, I will return with my client to immigration court to hear the judge's ruling. If all goes well, P. will be able to live in the United States without the threat of deportation, thousands of miles from the dangers that faced him in Punjab. Alternatively, if the court rules against him, P. will no doubt pursue a strong

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## An Asylum Case as a Classroom (continued from page 4)

appeal, perhaps with *pro bono* counsel. Despite the possible outcomes, I take comfort in knowing that my asylum team and I acquired a personal stake in P.'s case and offered our best efforts to assist his claim. We hope for the best for P., but regardless of the final ruling, I will be sure to thank him for the valuable lessons I learned managing his case, and to let him know that, by taking me on as his *pro bono* counsel, he helped me become a better attorney. ■

*Neel P. Parekh is an associate at Latham & Watkins LLP in New York.*

### Young Lawyers:

The Litigation Section has a site dedicated to you that includes articles, networking opportunities, CLE, web resources, and more! Go to:

<http://www.abanet.org/litigation/younglawyers/>

## LAPP Case Helps Protect Access to Health Care for the Poor (continued from page 1)

*Mendez v. Brown*, currently pending in the District of Massachusetts, involves a challenge to the policy and practice of denying medically necessary breast reduction surgery to woman who are obese. Western Massachusetts Legal Services (WMLS) decided to undertake this litigation after receiving a flurry of calls from women denied Medicaid coverage for reduction mammoplasty (breast reduction surgery) to alleviate pain in their back, neck, and/or shoulders, and other medical symptoms. In each case the woman had been referred by her primary care physician to a plastic surgeon for this surgery and the surgeon concurred in the conclusion that reduction mammoplasty was medically necessary and appropriate. In each case the Massachusetts Division of Medical Assistance refused to approve the surgery because it claimed that there was a less costly, more conservative treatment available to wit, weight loss and indicated that the Division would be willing to reconsider only if the client lost a specified amount of weight.

Medical experts confirmed that this policy was medically unsound. After an administrative appeal on behalf of one patient, in which WMLS attorneys provided the medical review examiner with documentation from the treating physicians regarding the patient's need for this procedure, as well as articles and studies from the medical literature establishing that there is no medical justification for denying this surgery to obese women, the defendant persisted in its categorical denial of coverage based upon obesity.

As a result, WMLS filed a class action lawsuit in June 2003, claiming that that the policy violates the Medicaid Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act, by discriminating against the plaintiffs based upon their actual or perceived disability.

The defendant moved to dismiss the case on several grounds, including that the Court lacked jurisdiction of the Medicaid Act claims because of the Eleventh Amendment and sovereign immunity, and that Section 1983 did not provide a cause of action for those claims. On March 26, 2004, the district court issued its decision denying the defendant's motion in all respects in an important opinion establishing the availability of Section

LAPP saw the case as an important part of the struggle to protect access to health care for low income persons across the country.

1983 as a vehicle to assert Medicaid Act claims. *Mendez v. Brown*, 311 F. Supp 2d 134 (D. Mass. 2004).

Following the decision on the motion to dismiss, WMLS sought LAPP's assistance in finding a law firm to assist in representing the plaintiffs. LAPP saw the case as an important part of the struggle to protect access to health care for low income persons across the country. LAPP enlisted the help of Mary Jo Johnson, Richard Johnston, Elizabeth Mone and Miranda Hooker at Wilmer, Cutler, Pickering, Hale and Dorr, who agreed to join WMLS in representing the plaintiffs. The resources of WilmerHale have been invaluable to the plaintiffs in managing and analyzing the approximately 16,000 pages of documents

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**LAPP Case Helps Protect Access to Health Care for the Poor (continued from page 5)**

thus far produced, and WilmerHale’s experience and expertise will be critically important as the case proceeds towards trial.

The litigation is significant for a variety of reasons. It addresses the persistent problem of discrimination in the provision of health care to obese women. With the increasing focus in the United States on the “epidemic” of obesity, the long standing societal prejudice against overweight individuals is only increasing. When that prejudice manifests itself in medical insurers denying needed care to individuals based solely on their weight, thereby condemning such individuals to a life of pain and discomfort, it is surely time to challenge such action.

Ironically, by refusing to provide this medical service to these women, the Division virtually ensures that they will be unable to lose the weight that the Division asserts is their ticket to salvation. This is because, without the surgery, the pain and discomfort they experience stands as an almost insurmountable barrier to significant exercise. Without regular exercise, the likelihood of losing weight is slim. To add insult to injury, the Division of Medical Assistance also explicitly excludes from coverage weight reduction drugs or other weight loss therapies. The defendant has placed these women in a veritable Catch-22 in which the victims are blamed for their inability to do the impossible.

The resources of WilmerHale have been invaluable to the plaintiffs in managing and analyzing the approximately 16,000 pages of documents thus far produced, and WilmerHale’s experience and expertise will be critically important as the case proceeds towards trial.

The case also raises a disability discrimination claim. The plaintiffs contend that the denial of breast reduction surgery to overweight women is based upon stereotypical perceptions and misconceptions about obesity in violation of the ADA and Section 504. Discrimination against the disabled and discrimination against women are quintessential civil rights violations. This case directly confronts such discrimination.

Finally, the case seeks to unmask the states’ growing practice of using the Medicaid prior approval process as a cost-containment measure to address enormous budget deficits. Balancing the budget by denying access to

adequate health care isn’t sound fiscal management, its just arbitrary, discriminatory, and medically unsound. ■

*J. Paterson Rae is Litigation Director of Western Massachusetts Legal Services, Inc., and co-counsel for the plaintiffs in Mendez v. Brown. Nina E. Vinik is the Director of LAPP.*

**LAPP Case Acceptance Guidelines:**

LAPP accepts cases that:

(a) satisfy ABA Model Rule 6.1, “Voluntary Pro Bono Publico Service”

and

(b) involve broad, systemic issues, rather than individual claims. However, LAPP clients may be individuals where the claims raised impact a large population.

LAPP accepts cases only on behalf of identified clients, which may include existing clients of the referring organization and/or clients to be identified by the referring organization.

LAPP does not seek out clients, nor does LAPP accept cases in which it is contemplated that the ABA, the Section of Litigation, or any related entity, will be a party. Requests for amicus curiae briefs on behalf of the ABA should be directed to the ABA Standing Committee on Amicus Curiae Briefs.

A LAPP screening committee reviews all referrals to assess whether cases are meritorious and comport with the LAPP Case Acceptance Guidelines. Decisions of the LAPP screening committee are final.

*Adopted March 2004*

## LAPP Docket Spring 2005

Case No. 04-001: Colton Non-Profit Senior Housing, Inc.: This case challenges the City of Colton's plans to shut down Colton Palms, a senior housing development providing low-cost housing to low and moderate income seniors in Colton, California. David Bolstad and Jerome Jauffret of the Los Angeles office of Mayer Brown Rowe & Maw are handling the case with Bob Roddick of Inland County Legal Services.

Case No. 04-002: *Santillan v. Ashcroft (N.D. Cal.)*: This nationwide class action challenges the Dept. of Homeland Security's failure to issue documentation to persons granted lawful permanent resident status in deportation proceedings. John Dwyer, Maureen Alger, Michelle Rhyu and Reuben Chen of Cooley Godward are co-counsel for the plaintiffs, along with Javier Maldonado and David Armendariz of the Lawyers' Committee for Civil Rights Under Law of Texas.

Case No. 04-003: *Allegria v. District of Columbia (D.C. Cir.)*: Amicus brief on behalf of the Council of Parent Attorneys and Advocates (COPAA) and other amici in D.C. Circuit appeal challenging the right to attorney's fees in settled cases brought under the Individuals with Disabilities in Education Act (IDEA). The brief was written by Ankur Goel and Francine Hochberg of the Washington, D.C. office of McDermott Will & Emery, along with Alice Nelson of COPAA. The D.C. Circuit held that the case was governed by the Supreme Court's decision in *Buckhannon Bd. & Care Home, Inc. v. W. Va. Dep't of Health & Human Res.*, 532 U.S. 598 (2000), and that therefore plaintiffs could not recover attorney's fees for cases settled under the IDEA.

Case No. 04-004: *Harris v. Board of Supervisors of Los Angeles County (C.D. Cal.)*: The case challenges the County's plans to shut down Rancho Los Amigos National Rehabilitation Center and reduce the number of beds at LAC/USC Medical Center, the County's major trauma center, both of which serve indigent and working poor LA County residents who are uninsured; many are

disabled. The case is placed with Mark Neubauer and Meredith Moss of Alschuler Grossman Stein & Kahan, who are co-counsel with attorneys from the Legal Aid Foundation of Los Angeles, the ACLU and the Center for Medicare Advocacy.

Case No. 04-005: *Lopez v. Ashcroft (M.D. Texas)*: This immigration class action challenges a practice in the San Antonio District of U.S. Immigration and Custom Enforcement of obtaining coerced stipulated orders of removal (which result in summary deportation) from non-citizens in custody, and the failure of immigration judges to hold hearings to determine whether the orders of removal are voluntary, knowing and intelligent. In July 2004, the district court granted a motion to dismiss on the narrow ground that the Constitution and Department of Homeland Security regulations do not require an unrepresented alien who has signed a waiver to be presented to an immigration judge for a voluntariness determination. Meanwhile, Mr. Lopez's individual case, seeking to reopen his removal proceedings, is on appeal to the 5<sup>th</sup> Circuit, which is considering the issue of whether the Constitution and DHS regulations require an unrepresented alien who has signed a waiver to be presented to an immigration judge for a voluntariness determination. Jenner & Block is handling both cases (Dan Hurtado and Matt Basil), along with the Lawyers' Committee for Civil Rights Under Law of Texas.

Case No. 04-007: *Doe v. Children of the World (Super. Ct. Essex County)*: This case challenges the policy of Children of the World, a private adoption agency in New Jersey, of denying adoptions to persons who are HIV+. Lowenstein Sandler (Jeffrey Wild, Jenny Kramer and Samantha Friedman) is representing the plaintiffs, in cooperation with the Legal Action Center in New Jersey.

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Check out the Committee's website at:

<http://www.abanet.org/litigation/committee/probono/home.html>

Visit LAPP's website at:

<http://www.abanet.org/litigation/lapp/>

## LAPP Docket *(continued from page 7)*

Case No. 04-009: *Mendez v. Brown (D. Mass.)*: This is a Medicaid benefits class action involving access to health care by low-income women in Massachusetts. The case challenges Medicaid's policy of denying medically necessary breast reduction surgery to poor women who are obese, asserting claims under the Medicaid Act, the Americans with Disabilities Act, and § 504 of the Rehabilitation Act. (See article on page 1 of this issue.) Attorneys from Wilmer Cutler Pickering Hale & Dorr (Mary Jo Johnson, Richard Johnston, Elizabeth Mone and Miranda Hooker) are representing the plaintiffs, along with Pat Rae of Legal Aid of Western Massachusetts.

Case No. 04-010: *Freedom of Information Act request for Florida Legal Services*: Florida Legal Services is seeking information about private negotiations being conducted by the State of Florida and the U.S. Department of Health & Human Services regarding waivers for Florida's Medicaid program, in the hopes of learning about Florida's plans for providing access to health care for low income residents. Attorneys from McDermott Will & Emery (Guy Collier, Amy Hancock, Steven Siff and Kathy Tayon) submitted a FOIA request

for information about the negotiations, and are awaiting a response.

Case No. 05-001: *Dean v. Martinez (D. Md.)*: This case challenges plans by HUD and the City of Baltimore to redevelop Baltimore's Uplands Apartments, a 1,000-unit subsidized housing complex in west Baltimore. For many years, the project received federal housing subsidies to provide affordable housing to low income Baltimore families. The majority of its residents were African American. After the project's owner failed to maintain the property, HUD foreclosed, and the property was ultimately sold to the City of Baltimore for redevelopment. Meanwhile, HUD relocated the residents, mostly to highly segregated neighborhoods with large minority concentrations. By contrast, the Uplands property abuts diverse, stable, and affluent areas of Baltimore, which offer better schools, services, transportation and employment opportunities. Redevelopment plans call for "affordability restrictions" which will preclude the former residents from returning to the neighborhood. John Isbister, Bill Sammons and Toyja Kelley of Tydings & Rosenberg are representing the plaintiffs, with Hannah Lieberman of the Legal Aid Bureau. ■

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***LAPP needs your help!***  
***Please consider taking on one of***  
***these LAPP cases:***

**Public Housing/Baltimore**

*Thompson v. HUD (D. Md.):* This landmark case challenges the segregation of Baltimore's public housing. The case involves the legacy of Baltimore's construction of public housing units and placement of Baltimore's 14,000 public housing residents, in overwhelmingly poor, African American neighborhoods. In a sweeping decision issued in January 2005, Judge Marvin Garbis held that HUD failed to meet its obligations under the Fair Housing Act, and called on HUD to consider regional approaches to promoting fair housing opportunities for African American public housing residents in Baltimore. The ACLU of Maryland is seeking a firm to act as trial counsel in the remedy phase of this case. (Case No. 04-006)

**Education/Chicago**

*Salazar v. Edwards (Cir. Ct. Cook County):* This case challenges plans by the Chicago Public Schools to shut down up to 35 existing schools, most of which are in gentrifying neighborhoods with large existing low-income, African American populations. In large part, these neighborhoods are also the site of public housing projects that are slated for demolition and/or redevelopment. The Chicago Coalition for the Homeless is seeking a firm to protect the rights of children who are currently homeless, and those who may become homeless when their families are forced to move from

public housing slated for demolition. These "highly mobile" children face serious learning deficits when their schools are changed. (Case No. 04-008)

**Consumer Lending/Ohio**

*In re Student Finance Corp.:* This case involves a class of victims of a student loan scam carried out by several truck driving schools in the Midwest and Florida and Student Finance Corporation. The clients are low-income consumers who were enticed to enroll in the trucking schools by promises of easy access to student loans and high-paying jobs with employers that would reimburse students for their tuition payments. The training received by the students was inadequate; some instructors were unlicensed, and equipment was faulty, leaving students ill-equipped to pass required tests to obtain a commercial driver's license. Despite the poor education received, the students now face large loan payments and a lender that has filed for bankruptcy. Advocates for Basic Legal Equality in Dayton, Ohio is looking for a firm to assist in representing the victims of this scam. (Case No. 05-002)

***To accept a case, or for more information about LAPP, contact:***

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**Call for Submissions**

We are looking for articles and suggestions for *Spreading Justice*. If you are interested in writing an article, or simply have a topic request, please contact:

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**2005 John Minor Wisdom Award  
to be Presented to  
Jerold S. Solovy and  
Nelson Mullins Riley &  
Scarborough LLP**

On Thursday, April 21, 2005, at the Section of Litigation Annual Meeting, the 2005 John Minor Wisdom Award will be presented to two outstanding recipients, Jerold S. Solovy and the law firm Nelson Mullins Riley & Scarborough LLP.

The John Minor Wisdom Public Service and Professionalism Award was established by the ABA Section of Litigation in 1990. It is named for Judge John Minor Wisdom, a scholar and jurist of the highest integrity whose tenure on the United States Court of Appeals for the Fifth Circuit is best known for its recognition of constitutional rights of all citizens.

The Wisdom Awards recognize service by career public interest lawyers and lawyers from all areas of practice, including large firms, solo practitioners and corporate counsel. The Awards also recognize firms that have made a substantial commitment to public service through their accomplishments in significant public interest litigation.

This year's awardees exceed the standards set by Judge Wisdom and truly serve the highest ideals of the profession. **Jerold S. Solovy** of Chicago is Chairman of Jenner & Block LLP. This year Solovy celebrates 50 years in the practice of law as an exemplary lawyer, champion of the poor and advocate for improving the justice system. He has inspired scores of lawyers to answer the call to contribute to the quality of the justice system for the poor and disenfranchised and, indeed, for everyone.

Throughout his career, Solovy has handled hundreds of *pro bono* cases as well as precedent-setting appeals for indigent individuals. Several of these cases have gone before the U.S. Supreme Court, including *Witherspoon v. State of Illinois*, one of Jenner & Block's most significant *pro bono* efforts in which a planned state execution was stopped just weeks before the sentence was scheduled to be carried out. After the U.S. Supreme Court's landmark 1968 ruling, an estimated 350 people on Death Row across the country were re-sentenced.

Solovy also has been a great leader in the movement for judicial reform. Among the numerous examples of Solovy's influence is his appointment as head of the commission that investigated ways to protect against another Greylord judicial corruption scandal in Cook County, Illinois. The "Special Commission on the Administration of Justice," also known as the "Solovy Commission," made some 200 reform proposals and issued numerous reports addressing the judicial selection process, the financial interests of judges, and the Circuit Court's anti-solicitation rule.

**Nelson Mullins Riley & Scarborough LLP** is a national law firm with 350 lawyers in 9 cities in the Southeast and Washington, D.C. Nelson Mullins is a leader in providing pro bono representation to clients throughout the Southeast in complex pro bono litigation, corporate matters and legislative advocacy, as well as individual pro bono representation.

In one of the firm's most significant pro bono efforts, Nelson Mullins represents poor, rural, mostly minority school districts across South Carolina in *Abbeville County School District, et al. v. State of South Carolina, et al.* This case challenges the state's failure to provide an equal education opportunity to the children in these districts. The student population in the representative school districts is over 88 percent minority and overwhelmingly poor. Large numbers of these students, often exceeding 50 percent of the student population, cannot read or write at a basic level. Twenty-five Nelson Mullins lawyers and paralegals helped try the case last year; they expect a decision in 2005.

Nelson Mullins attorneys also provide thousands of hours of free legal assistance annually to poor and disabled children, victims of domestic violence, and mentally ill inmates, among many others. On the transactional side, Nelson Mullins created a program to draft wills for emergency medical technicians, firefighters and police officers, and the firm was instrumental in forming the Entrepreneurs Foundation of the Southeast, Inc., a nonprofit organization that promotes venture philanthropy.

The Pro Bono and Public Interest Practice Committee congratulates Jerold S. Solovy and Nelson Mullins Riley & Scarborough LLP and commends them for their outstanding leadership in public service. ■

**Pro Bono and Public Interest Practice Committee  
and  
Sub-Committee Membership Enrollment Form**

**American Bar Association Section of Litigation**

Committee membership is free to all members of the Section of Litigation\* and includes a subscription to the Pro Bono & Public Interest Practice Committee newsletter.

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\_\_\_\_\_ Case Screening: reviews and votes on LAPP case referrals

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