

Wiley Rein Recognizes 20 Individuals in First Annual Pro Bono Program Celebration

November 14, 2013

Wiley Rein is pleased to highlight the outstanding contributions of 20 individuals to firm pro bono work over the past year. The firm honored these deserving lawyers and legal support staff, selected by a joint subcommittee of the firm's Pro Bono and Associates Committees, during the firm's first annual Pro Bono Program Celebration, held on Monday, November 4.

"Wiley Rein's pro bono program provides over 14,000 hours of legal services annually. We are proud of that ongoing commitment, and of the exceptional efforts in 2013 of these 20 inaugural award recipients, who distinguished themselves in a rich variety of matters," said Paul F. Khoury, chair of the firm's Pro Bono Committee. "Their work embodies the firm's desire to give back to the community and provide legal representation to those who might otherwise not have access to those services."

Overall Individual Contributions:

In the category of Overall Individual Contributions, Theodore A. Howard, a partner in the Insurance and Litigation practices, and Matthew J. Dowd, an associate in the Litigation, Appellate, and Intellectual Property groups, were honored.

Mr. Howard continues to be a stalwart of the firm's pro bono program, often handling key impact litigation matters. This year he led the Wiley Rein team along with the Washington Lawyers' Committee for Civil Rights and Urban Affairs litigating a class action lawsuit on behalf of women prisoners incarcerated in the Fluvanna Correctional Center for Women (FCCW). The complaint seeks significant improvements in basic medical care and correctional

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services for nearly 1,200 women serving sentences in this Virginia state prison. Substandard treatment and conditions have led to numerous life-threatening complications for the clients, significant pain and suffering, and even death.

The number, diversity, and importance of Mr. Dowd's pro bono efforts this past year made him a clear choice for this award as well. Mr. Dowd's pro bono accomplishments included filing an *amicus* brief in a landmark human gene patenting case before the Supreme Court of the United States on behalf of Nobel Prize winner James D. Watson, a co-discoverer of the double helix structure of DNA. In August 2012, the U.S. Court of Appeals for the Federal Circuit upheld patents on certain mutated genes linked to a higher risk of breast and ovarian cancer. Dr. Watson's brief argued that human genes should not be patented because they convey information about "the essence of being human" and restrictions on gene use would have "important social consequences." On June 13, 2013, the Supreme Court ruled unanimously that naturally occurring human genes cannot be patented. In addition, among other pro bono activities this year, Mr. Dowd also successfully represented a Roman Catholic priest who was sued along with others in connection with the installation of the World Trade Center Cross at the National September 11 Memorial & Museum; won an appeal at the Federal Circuit for a widow of a federal employee from whom the U.S. Office of Personnel Management (OPM) sought repayment of federal survivor benefits; and represented an individual in his appeal of a final judgment at trial on his claim of copyright infringement against the Federal Emergency Management Agency (FEMA).

Team Contribution:

The winning Team was a group of Wiley Rein attorneys and staff members who, along with the American Civil Liberties Union (ACLU) of Maryland, filed a First Amendment civil rights case in federal court against the Baltimore Police Department (BPD) on behalf of Christopher Sharp for confiscating his mobile phone and deleting personal videos. Mr. Sharp had filmed BPD officers forcibly arresting an individual at the 2010 Preakness Stakes. Although the case is ongoing, the team already has defeated a motion to dismiss and won monetary sanctions against the BPD for its abusive discovery practices. The team also is engaged in negotiations with the BPD and discussions with other local law enforcement agencies throughout Maryland to establish clear policies and training for police departments that respect the rights of citizen journalists. Wiley Rein partners Richard A. Simpson and Mary E. Borja and associates Benjamin Kohr, Craig Smith, and Laura E. Sherman represent Mr. Sharp. The team also includes legal support staff members Nathan Lovett and Robert Shields, and was previously assisted by former employee Bryon Pike.

Appellate Advocacy:

The Appellate Advocacy work of partner Brian H. Pandya and associates Adrienne Johnson and Bryan Weir received special recognition. Mr. Pandya and Ms. Johnson were honored for their filing of a Ninth Circuit habeas corpus petition on behalf of a legal immigrant detained by U.S. Immigration and Customs Enforcement since 2006 pending possible deportation for a criminal offense 20 years ago. The Wiley team argued that the unreasonable length of the client's civil detention by itself, along with his failure to receive a proper bond hearing establishing the need for detention, violated his due process rights. The case is fully briefed and awaits an oral argument date.

The Pro Bono Committee recognized Mr. Weir for his work in the Supreme Court on behalf of the state in *Boyer v. Louisiana*. The Court had granted certiorari on the question of whether the state's failure to fund counsel for an indigent defendant for five years should be weighed against the state in determining whether the defendant had received a speedy trial. Mr. Weir combed the record and found evidence demonstrating that defense counsel had been the primary reason for the delayed trial, having sought at least 10 continuances in the trial court. The Court dismissed the petition as improvidently granted.

Representation of Individuals:

In the category of Individual Representations, associates Lauren Friend McKelvey, Brian Walsh, and W. Barron A. Avery were recognized, along with Wiley Rein alumnus Na'im Moses.

Ms. McKelvey was honored for successfully defending a college student in bankruptcy court who had been defrauded by a used-car dealership into signing two notes for cars never delivered to her. As a result of Lauren's efforts—in particular her illuminating fact-finding during discovery—the creditors agreed to dismiss the suit with prejudice, and the client received her discharge of debt.

Messrs. Walsh, Avery, and Moses were honored for their family law work on behalf of a DC resident mother embroiled in a contentious child custody and property suit that moved to trial when settlement negotiations broke down at the last minute. Messrs. Walsh and Avery quickly mobilized the firm's resources to develop and authenticate critical evidence and support Mr. Moses in putting on their client's case and cross-examining the father and his witnesses. The resulting judgment was favorable to our client.

Non-Litigation Representation:

For Non-Litigation Representation work, the firm honored associate Umair Javed. Many of the firm's non-litigation matters involve assisting organizations in obtaining non-profit 501(c)(3) status from the Internal Revenue Service, which allows organizations to accept tax deductible donations. Mr. Javed's case is an example of this kind of work, with a twist: he started his own 501(c)(3) organization, the Red Truck Foundation. Mr. Javed, a former firefighter, was successful in gaining 501(c)(3) status for the Foundation, whose mission is to develop a low-cost, motorcycle-based ambulance service for use in developing countries.

Legal Support Staff Pro Bono Contributions:

Four current members of Wiley Rein's legal support staff, along with one former employee, also were recognized for the breadth and importance of their pro bono contributions:

- Nathan Lovett worked in support of the Maryland ACLU team, supported multiple teams handling landlord tenant and family law matters for the D.C. Bar Advocacy & Justice clinic, assisted in the writing of a debt management handbook for Whitman-Walker Health's Legal Services Program, and then taught a related class for individuals served by Whitman-Walker.
- Jessica Barrera contributed substantially in cases involving Social Security benefits, landlord tenant issues, and copyright infringement, in addition to regularly participating in the Consumer Law Resource

Center at D.C. Superior Court, which the firm staffs once every four weeks and provides free legal information to consumers related to debt collection, home improvement disputes, independent contractor disputes, security deposit refunds, small claims cases, used car or car repair disputes, utility disputes, and violations of the Consumer Protection Procedures Act.

- Robert Shields also regularly staffed the Consumer Law Resource Center, supported numerous teams handling D.C. Bar Advocacy and Justice clinic matters, and offered tireless analysis of discovery evidence in the Maryland ACLU matter.
- Walter Abruzzese worked for two years on a Social Security benefits appeal that was recently heard by an administrative law judge in a hearing that went well for our client, thanks in large measure to Mr. Abruzzese's hard work.
- Former legal support staff member Bryon Pike played an important role on the Maryland ACLU team.

Wiley Rein and its lawyers have been recognized numerous times over the firm's 30-year history for their pro bono contributions, and the firm prides itself on a strong tradition of pro bono service to both local and global communities. Wiley Rein's representations over the past decade include noteworthy cases with sweeping potential ramifications, as well as matters handled on behalf of individuals referred through legal service providers with whom the firm has developed close relationships. In addition, Wiley Rein has handled a diverse range of other matters appealing to the individual interests, strengths, and ideals of the firm's pro bono participants.