

2013



for the public good

The publication highlighting
select pro bono work of
K&L Gates LLP.

K&L GATES



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Standing Up for Individual Rights



Daunting economic challenges around the globe have greatly increased the need for legal assistance to many individuals who often have limited access to such services, and as a result, pro bono work is now more important than ever.

In this edition of “for the public good,” we reflect on the critical need for individuals to stand up for their rights. We recognize the challenges people face in their daily lives, and we acknowledge that the vulnerable and disadvantaged frequently require assistance to ensure that their voices are heard. The stories that follow highlight our firm’s ongoing commitment to provide pro bono legal services to individuals in their quest for justice.

We spotlight our lawyers’ efforts to protect women and children, to defend the victims of scams, and to promote the interests of all people. These efforts include assisting Hispanic homeowners caught in a foreclosure rescue racket, helping a mother advocate for her rights in an international custody battle for her son, and working with native Australian title holders to conduct a heritage survey.

In the 48 cities around the world in which we operate, and beyond those communities as well, K&L Gates is grateful for the opportunity to serve individuals in need.

I hope you find these endeavors inspiring.

By Peter Kalis, Chairman and
Global Managing Partner



Providing Corporate Assistance



Environmental Education Organization Seeking Tax-exempt Status



A Research Triangle Park (RTP) team is assisting Living Well Community Earth Stewards, Inc. The organization hosts seminars and events related to sustainable environmental practices and runs the Small Home Institute, a think tank for the design and development of minimum-footprint homes.

The RTP team advised Living Well with its corporate formation in 2011 and is now working with the organization in preparing its IRS Form 1023 filing so that the organization can achieve federal tax-exempt status.

Partner Richard Church and associate Leah D'Aurora Richardson are the team working with the environmental education organization.

Anglo-American School of Moscow

New York partner Robert Langer and Moscow senior associate Svetlana Vorobyeva assist with a variety of ongoing legal matters relating to the operations of the Anglo-American School of Moscow, an independent nonprofit, co-educational day school for English-speaking children of American, British, and Canadian diplomats. Langer has advised the school for 20 years, including through the financing and construction of its new school in 2000. He continues in that capacity today with Vorobyeva.



Offering an international educational program for prekindergarten through grade 12, the school is fully accredited by the New England Association of Schools and Colleges, the Council of International Schools, and the International Baccalaureate Organization.

Partners in Kind

Lawyers in K&L Gates' New York and Chicago offices are representing Partners in Kind LLC, an online matching service that connects nonprofits with businesses and individuals who wish to give in-kind and reduced-cost contributions specifically for fundraising events. The website solves the problem of nonprofits spending valuable time and money on procur-

ing event venue, food, beverage, and auction items, while at the same time enabling potential donors to search in a more active, convenient, and informed way for partnership opportunities.

Partners in Kind was launched at the end of 2012 by Jennifer Novack, who by day is a managing partner of an executive search firm in New York City with responsibility for the firm's business in the Americas. Partners in Kind has already signed up an impressive roster of nonprofits, including the New York City Ballet, Dress For Success, the Inner City Scholarship Fund, the LGBT Community Center, The HOPE Program, and Uniting Against Lung Cancer. The firm is assisting in a variety of organizational matters, including user and privacy agreements, trademark and copyright clearance, and software development agreements.

Firm Helping to Develop Charlotte as an “Energy Hub”

Lawyers in the firm's energy practice have been instrumental in the Charlotte region's initiative to further develop, and be recognized as, a robust economic cluster community for energy industry companies. More than 200 energy-related businesses are present in Charlotte, including household names such as Siemens, Areva, Westinghouse, Duke Energy, Piedmont Natural Gas, and Shaw Power, as well as many entrepreneurial support enterprises.

The effort began three years ago with the support and encouragement of Jim Rogers of Duke Energy and the *Charlotte Business Journal* and culminated in the formation this past summer of an entity that will drive that development and recognition: E4 Carolinas, Inc. (E4).

K&L Gates agreed to represent E4 from the outset on a pro bono basis. The firm structured, formed, and organized the new entity and worked with a high-profile group of local energy industry executives on issues including intellectual property protection, tax structuring, membership design, finance matters, employee arrangements, employee benefits, multistate operations, insurance coverages, customized bylaws, and conflict-of-interest policies.

The board of E4 includes prominent energy industry representatives and educational and economic development leaders in the region. This representation permits K&L Gates to make a positive contribution to an important community effort.

Christison Provides Legal Counsel to CED

Raleigh partner Kent Christison provides pro bono legal advice and consultation to the Council of Entrepreneurial Development (CED) related to its tax-exempt status, commercial contracts, leases, and compensation. Christison also serves as an executive committee member and board member for the CED. He is involved with the organization's planning and the facilitation of board, executive committee, and HR committee meetings.

The CED is a nonprofit organization formed in support of the Raleigh and Research Triangle Park entrepreneurial community. The organization provides educational programs for startup and emerging companies, hosts conferences to assist with company funding through venture capital funds and "angel investors," and facilitates funding by NC IDEA, a supporting exempt organization.

Real Estate Assistance for Arts Incubator

North Carolina Arts Incubator (NCAI) is a nonprofit arts incubator located in downtown Siler City, N.C. Its mission is to foster an arts and artisan economy to revitalize the local economy in downtown Siler City.

NCAI does this through providing space and start-up resources to emerging artists and artisans, as well as marketing their work through a gallery and other means.

NCAI had acquired a number of properties through debt financing in order to revitalize the downtown and fill otherwise vacant store fronts. With the economic downturn and decline in real estate values, it has faced the need to restructure and release some of these properties. Research Triangle Park (RTP) partner Richard Church, RTP associate Michael Ovsievsky, and Charlotte associate Anna O'Neal have been assisting NCAI with this process as well as an overall review of NCAI's real estate and leasing arrangements.

Church, who resides outside of Siler City, also serves on the organization's board.

Girl Scouts of Alaska

Anchorage partner Jennifer Coughlin and Seattle partner Doug Love assist the Girl Scouts of Alaska with personnel policy and employment matters. Their work includes advice regarding Girl Scouts of Alaska's \$125 "cafeteria" benefits plan revision of personnel policies for year-round employees and seasonal camp staff, and revision of volunteer guidelines. They also provide legal assistance related to personnel issues as needed.

Cross-office Team Helps YALDA Obtain Tax-exempt Status

New York associate Calvina Bostick, Pittsburgh partner Susan Schwartz, and New York partner Whitney Smith assisted the Youth Alliance for Leadership and Development in Africa (YALDA) with organizational and incorporation matters.

YALDA is an international nonprofit organization that provides a networking database and resources for students and professionals interested in the social and economic development of Africa. It encourages youth leadership and provides a forum for youth to communicate their innovative ideas for Africa.

The firm's legal team is currently assisting YALDA in obtaining tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

Matlin Assists Consumer and Merchant Foundation

New York partner Robert Matlin provides pro bono legal services for the Consumer and Merchant Foundation, an organization that advises consumers on the safe use of credit cards and provides general financial education for consumers. Matlin assists by advising on corporate governance matters and providing financial regulation research.

Firm Advises RuGBC on Russian Green Building Initiatives

The Russian Green Building Council (RuGBC) is a nonprofit industry organization dedicated to accelerating the development and adoption of market-based green building practices. RuGBC is a member of the World Green Building Council, the world's largest green-building movement.

A K&L Gates team provides legal advice to RuGBC in connection with its day-to-day activities, including drafting and reviewing contracts and dealing with various corporate, commercial, and labor issues. They have also assisted RuGBC with primary activities related to the development of green buildings in Russia, including joint activities with state bodies and other non-commercial organizations, resolution of intellectual property issues, and preparation of green building and sustainable-development recommendations to state bodies.

New York Team Provides Counsel to The Hudson Valley Writers' Center, Inc.

New York partner Donald Stever, with associate support, is counsel to The Hudson Valley Writers' Center, Inc., a literary organization in Westchester County, N.Y.

The pro bono project involves maintaining the Center's IP portfolio and assisting the organization in negotiating contracts, advising on corporate governance issues, and providing general legal advice.

Stever is a member of the Center's board of directors.



Cross-office Team Works with Fundación Vicente Ferrer

New York partner Xavier Ruiz, New York foreign lawyer Laura Guemes Cambras, and Newark associate Christina Burke are assisting Fundación Vicente Ferrer (FVF) to set up a subsidiary in the United States. Pittsburgh partner Susan Schwartz is helping FVF obtain tax-exempt status under section 501(3)(c) of the Internal Revenue Code.

FVF is a nongovernmental development organization (NGDO) committed to transforming the poorest and most needy areas of Andhra Pradesh in southeast India. With an annual budget of more than €30 million, it works from Spain and India to improve the living conditions of some of the most discriminated-against communities in India, including the Dalits, also sometimes known as the untouchables, the tribal groups, and the backward castes.

FVF was created in India in 1969 with the aim of finding solutions to problems of the rural community of Anantapur in Andhra Pradesh state. A team of more than 2,200 people, including natives of Anantapur, are responsible for implementing the development program that the organization carries out. The program covers 2,604 villages and benefits more than 2.5 million people.

Melbourne Team Obtains Tax Refund for Nonprofit Client

Melbourne partner Philip Diviny and senior associate Tamara Cardan successfully represented a client in obtaining an exemption from payroll tax that resulted in an AUD\$425,000 tax refund.

The client is a nonprofit organization that provides support services and programs in Sydney's southern suburbs. It runs a weekly Get Together Group for young adults with disabilities, which aims to reduce social isolation and enhance the self-confidence of participants. Programs are also conducted to assist seniors in maintaining their health, well-being, and connectedness as valued members of the local community.

Diviny and Cardan obtained the refund following negotiations with the NSW Office of State Revenue. This will have a huge impact on expanding the client's services to meet community demand for its programs.



Compliance Assistance for Human Rights Organization

Paris associate Julie Bouchard assisted Amnesty International, a nongovernmental organization protecting human rights worldwide. Together with former partner Judith Beckhard Cardoso, Bouchard reviewed and provided amendments to the global health and safety policies for compliance with French laws and regulations. They also drafted a memorandum summarizing the main rules and regulations applicable to French employees for the organization's use.

Hong Kong Team Advises Independent Schools Foundation Academy

Hong Kong partner Vincent Tso, associate Jack Kwong, and of counsel Roger Wong continue to provide pro bono legal advice to the Independent Schools Foundation Academy (ISF Academy) on general legal matters, including agreement drafting and review, contracts matters, and capital notes. The firm also is advising on the incorporation and registration of another charitable organization to be established by the ISF Academy.

The Hong Kong-based ISF Academy is a nonprofit, private, independent, K-12 school catering to the increasing demand for the highest caliber of bilingual (Putonghua and English) education.

Blood Brother, LLC Honored at 2013 Sundance Film Festival

Blood Brother, LLC was honored with the "U.S. Grand Jury Prize: Documentary" award and the "Audience Award: Documentary" at the 2013 Sundance Film Festival. This is the first time in nearly 20 years that the same film won both awards in the documentary category.

The film features Rocky Braat, an American traveling in India who decides to stay after meeting a group of orphaned children infected with HIV. The film documents Braat's efforts to support the orphanage and improve the lives of the children living there.

The documentary was supported solely through donations, and nearly all of the participants worked on the project for free. As a result, all of the film's proceeds are used to help the orphanage and the children, as well as to support Braat in his continuing efforts.

Fundraising efforts through Kickstarter, a crowd-sourcing platform for funding creative projects, began in 2010. Shortly thereafter, director Steve Hoover and producer Danny Yourd received a cease-and-desist letter from someone claiming to own a registered trademark for the film's working title. Hoover and Yourd retained K&L Gates to provide advice and assistance in responding to the cease-and-desist letter. The firm has provided additional trademark services, general corporate advice, entity formation services, and copyright services.

Since the Sundance Film Festival, the film has been shown at several other festivals in the United States and as far away as Istanbul, and it has been nominated for numerous additional awards. Blood Brother is currently seeking a distribution partner for the award-winning film.

Seattle Team Provides Guidance for Law Students Helping the Community

Seattle associate Patrick Loney and partner Charlie Carter are currently working with the University of Washington School of Law Entrepreneurial Law Clinic (ELC) to provide much needed corporate legal services to low-income and otherwise less fortunate clients in the greater Seattle area.

The ELC serves individuals who own, or aspire to own, both for-profit and nonprofit businesses. The program partners second- and third-year law students with lawyers in the community to provide free assistance to these clients.

Loney and Carter are currently working with two ELC law students serving clients on a wide range of issues, including drafting and amending formation documents and shareholder agreements, converting one company from a sole-proprietor structure to a limited-liability-company structure, providing general guidance regarding corporate law and governance, and providing guidance related to viable capital structures and funding options.

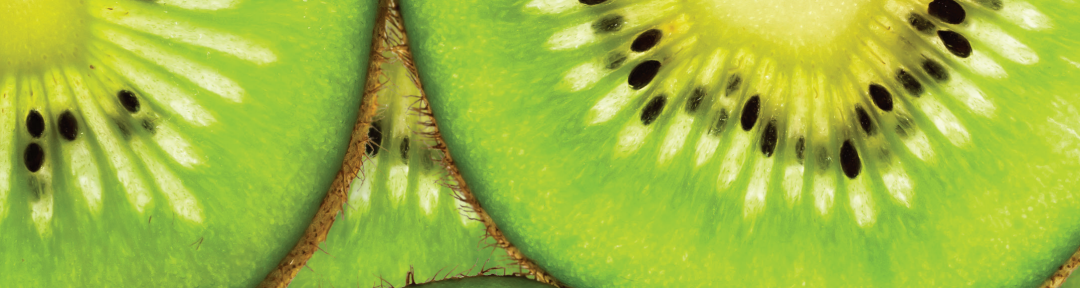
Loney and Carter encourage the students to take ownership of the work product and to take control of the attorney-client relationship. They provide assistance with these tasks where necessary.

Taking their dual role seriously, both as an informal source of legal guidance to the client and as professional mentors to the ELC students, Loney and Carter continue to be impressed and inspired by the personal drive and professional maturity of both the clients and the students.

Serving the Community



Estate Planning for New York's First Responders



For the fourth time, a K&L Gates team helped MetLife prepare simple wills and other estate-planning documents free of charge to more than 30 volunteer first responders.

Working to Instill Life-Long Security (W.I.L.L.S.) is a program coordinated by MetLife's Legal Affairs' Group Initiative for Volunteer Efforts (GIVES), which started with the department's diversity committee.

W.I.L.L.S. grew out of the tragedy of 9/11, following the realization that many of the firefighters and other first responders who perished did not leave wills or other essential documents to help protect their families.

The December 2012 W.I.L.L.S. event, held in Tarrytown, N.Y. at the Washington Engine Company, included both MetLife and K&L Gates volunteers. They helped members of the Fireman's Association of the State of New York and other volunteer first responders to prepare their documentation. The next W.I.L.L.S. is event is scheduled for Spring 2013.

Monthly Clinic Assistance at ALSC

For the past two years, Anchorage partner Jennifer Coughlin has provided pro bono legal assistance to the Alaska Legal Service Corporation (ALSC) by teaching at monthly clinics offered to *pro se* litigants who are litigating their own divorces.

ALSC is a private, nonprofit firm that provides free civil legal counsel to low-income Alaskan residents.



Boston Team Coaches Sixth Grade Students in Legal Apprenticeship Program Mock Trial

After ten weeks of coaching, the Legal Apprenticeship Program held its mock trial at the John Joseph Moakley U.S. Courthouse in Boston. For most of the Boston public school sixth graders who participated in the program, the trial was an opportunity to experience the legal system, Boston's financial district, and an interaction with a lawyer for the first time.

As part of a program organized by Discovering Justice, K&L Gates, along with other major firms in the city, worked with these underserved students to help them write arguments, examine witnesses, and ultimately prepare their cases for trial, which the K&L Gates team tried before Magistrate Judge (and K&L Gates alum) Judith Dein of the United States District Court for the District of Massachusetts.

The students performed beautifully and gained a sense of pride and satisfaction from their participation in the trial and classroom sessions leading up to it. They completed the program with a new perspective of the legal system and of the role lawyers play in ensuring justice in our society.

The K&L Gates mock trial team was coached by Chris Valente, Matt Lowe, Laura Prieston, Kelly McLaughlin, Kathleen Dyer, Dan Hoffman, Walid Sharara, Redi Kasollja, and Brian Kennedy. Ali Kinchla, Roger Smerage, Matt Rich, and Michael Rohr participated as witnesses at the mock trial, and Jill Smerage, Tracy Penn, Paul Shaw, Barney Morrissey, Lana Lopez, Susan Fried, Aynel Alvarez Guerra, and Stacy Gorman participated as jurors.

Charlotte Office Continues Partnership with Habitat for Humanity

In 2012, the Charlotte office real estate team worked on 18 home closings for Habitat for Humanity of Charlotte. For more than 10 years, the Charlotte office has partnered with Habitat Charlotte. The office has been recognized in years past with a Large Law Firm Annual Pro Bono Award from the Mecklenburg County Bar Association in recognition of the partnership.

Associate Anna O'Neal serves as the firm's liaison with Habitat Charlotte, and partner Lee Cory works with O'Neal to ensure that the program runs smoothly and that the necessary resources are in place to handle the closings. Each year, the Charlotte team handles between 15 and 30 home closings.

The team structures the staffing of Habitat Charlotte matters so that at all times a partner and an associate are handling the matters together. The team rotates the closing duties so that all of the office's real estate lawyers can participate.

Volunteer Lawyers for the Arts

Pittsburgh associate Ryan DeMotte, working through the pro bono program Volunteer Lawyers for the Arts, helped the Industrial Arts Cooperative reach an agreement with the city of Pittsburgh to place a sculpture in a city riverfront park.

DeMotte assisted the sculptor and the Industrial Arts Cooperative by negotiating a new contract with the city that helped facilitate final approval for the project, clarified ownership rights, and streamlined the process of locating a final site for the work. The sculpture, titled "The Workers," commemorates the city's labor and industrial heritage and consists of two large steel figures standing over a melting ladle.

Volunteer Lawyers for the Arts provides pro bono assistance to low-income artists and small arts organizations for arts-related legal needs. The program is affiliated with the Allegheny County Bar Association through the Pro Bono Center of the Allegheny County Bar Foundation.

Safeguarding Individual Rights



PAIR



Through the Boston-based PAIR project, Boston partner Andrew Glass and associate Kelly McLaughlin represented a client who had been detained by U.S. Immigration and Customs Enforcement.

The team's client, an educated woman from Uganda, is seeking asylum based on the domestic abuse she suffered in Uganda at the hands of her husband, who threatened to force her to undergo female genital mutilation. The team sought to reduce the \$20,000 bond set for the client, filing a motion to re-determine the bond.

After McLaughlin argued the motion at the bond re-determination hearing, the administrative law judge reduced the bond to \$1,500, allowing the team's client to prepare for her asylum hearing in a residential setting instead of the county house of correction.

RTP Team is Advising Student with Deferred Action Program

Research Triangle Park partner Richard Church and paralegal Sheri Covington have been assisting a high school student who is eligible for the Deferred Action for Childhood Arrivals program through the U.S. Citizenship and Immigration Services.



Church and Covington are working with the student to prepare her application. If approved, the student would be granted legal status in the United States for two years.

Veteran Seeking Retroactive Medical Benefits for PTSD

Pittsburgh associate Ryan Harding has been helping a Vietnam combat veteran establish retroactive medical-service benefits for Post Traumatic Stress Disorder (PTSD) to the early 1980s.

When the veteran initially filed his claim 30 years ago, the Pittsburgh Regional Office of Veterans Affairs denied the benefits, determining the client failed to display evidence of treatment for PTSD even though the client provided a personal statement detailing such treatment at a Veterans Affairs Vietnam Veteran Outreach Center located in Pittsburgh.

In early 2012, K&L Gates obtained a remand from the Court of Appeals for Veterans Claims for the client after locating a Veterans Affairs treatment handbook that allowed lawyers to decode the client's original treatment forms. After deciphering the initial treatment reports, K&L Gates lawyers determined the client did, in fact, receive treatment for PTSD in the early 1980s. Prior to the lawyers decoding the forms, the client's medical records had been decoded using a code book specific to a different Veterans Affairs form, which yielded inaccuracies in his records.

In April 2012, the firm submitted a brief, and the newly and accurately decoded forms, to the Pittsburgh Regional Office. Unsatisfied with the progress of the review process, the team requested and received support from Senators Pat Toomey and Bob Casey to encourage the office to expedite its review.

The K&L Gates team is currently waiting for the decision.

Immigration

Somalia

A Seattle team assisted a Somalian teenager seeking asylum after she escaped detainment by the Al-Shabab militia in Mogadishu, Somalia.

Their client entered the United States as an "unaccompanied alien child" when she was 16 years old. She fled Somalia without her family after being robbed and kidnapped by the Al-Shabab militia.

After being detained with little food or drink and no ability to bathe for two days, she was befriended by one of her captors. After informing her that he had been forced to join the militia and did not support its activities, he told her that the chief of the militia planned to rape and kill her, and he helped devise a plan to assist with her escape.

After escaping, the girl and her family believed that their lives were in danger and they fled from Mogadishu; unfortunately, members of her family were separated in the process. Believing that she may still be pursued by the Al-Shabab militia, she fled Somalia. She traveled through Africa to South Africa, then took a ship to Colombia and traveled through Central America until she eventually presented herself to immigration officials at the U.S. border in Tijuana.

Seattle associate Nicola Templeton and former associate Bradley Bowen received the case through Volunteer Advocates for Immigrant Justice (VAIJ). The team represented the girl before the Immigration Court and United States Citizenship and Immigration Services (USCIS). They applied for asylum for their client on the grounds of female genital mutilation, persecution for her political opinions, and persecution on account of her identity as a member of the Geledi tribe.

The team represented her at immigration court hearings and in three interviews with USCIS during the asylum process. They also pushed to receive a determination from USCIS prior to her 18th birthday, as this would allow her to retain her foster care benefits as an unaccompanied minor through the Office of Refugee Resettlement. The client's asylum was approved a few days before her 18th birthday.

Seattle partner Tom Wolfendale supported the team as a supervisor, and they were assisted by associate Ryan Groshong.

Zimbabwe

Chicago associates Sangmee Konicek and Jessica Baer recently obtained a grant of asylum for a refugee in a matter obtained through the National Immigrant Justice Center.

Their client is a politically active Zimbabwean man who was previously harassed by the Zimbabwean government, militia, and police for his involvement in the main political party opposing the current dictatorial regime. During the most recent elections in 2008, the client fled to the United States and sought asylum. While here, he continued to actively and openly support his political party. He feared for his life if he were to be sent back to Zimbabwe. Many of the political activists that remained in Zimbabwe during the elections were killed or subjected to extreme forms of torture.

The Chicago team successfully petitioned for the client's right to work after his merits hearing was pushed back numerous times throughout several years. They also successfully petitioned to prevent the client's merits hearing from being pushed to late 2013, which would have cumulatively amounted to a delay of almost five years.

The immigration judge concluded after the merits hearing that the client had a well-founded fear of future persecution based on his political opinion if he returned to Zimbabwe and granted the client asylum.

Mauritania

New York associate Samantha Katze, with assistance from partner Joanna Diakos and associate Elise Gabriel, successfully obtained asylum for a pro bono client, arguing that the man faced political and religious persecution if he returned to his homeland of Mauritania.

K&L Gates represented the client for several years, dating back to the denial of his first petition for asylum by the Board of Immigration Appeals (BIA). Though K&L Gates' appeal of that denial to the Second Circuit was unsuccessful, then-New York associates Catherine LaRose (now an associate in the Washington, D.C. office) and Lindsay Plotnick persuaded the BIA to reopen the case based upon changed country conditions in Mauritania.

They are currently assisting the client's wife with her application for asylum.

Ethiopia

Washington, D.C. partner Rick Valentine and associates Amy Eldridge and Stephen Roberts brought to a close a multi-year struggle to assist a young Ethiopian immigrant who wished to return to his home country.

The man, after arriving in the United States and beginning his quest for asylum, began to suffer from mental illness, ultimately resulting in his dropping out of school and becoming homeless. Valentine, Eldridge, and Roberts spent more than two years fighting for their client's future by, among other things, participating in asylum hearings, contacting mental health professionals, working with law enforcement officials, and negotiating with homeless shelters.

Following the client's decision that he wished to return to his home country, the team worked to secure funding for the man's flight to Ethiopia, even driving him to Dulles International Airport for his flight back home.



Continued Support for Kids in Need of Defense

Kids in Need of Defense (KIND) was launched in collaboration with Microsoft in 2008. K&L Gates was one of the founding firms to sign on to KIND. The KIND project involves providing representation to unaccompanied minors in proceedings before the U.S. Citizenship and Immigration Service. The following stories illustrate the legal problems confronting unaccompanied minors who arrive in the United States and are entangled in the immigration process.

Ecuador

New York associates Nicole Kozin and Tara Pehush are assisting a minor from Ecuador to obtain legal residence status in the United States. The client came to the United States illegally when he was 16 years old and was immediately detained upon crossing the border.

While living with his mother in Ecuador, the client was physically and mentally abused. Kozin and Pehush are in the process of gathering the necessary information to file a petition for guardianship on behalf of their client's godmother. Once guardianship is granted, they will seek an order from the family court granting the client Special Immigration Juvenile Status (SIJS) due to the physical and emotional abuse he suffered and the likelihood of continued abuse if deported.

The team plans to file the guardianship petition and motion papers seeking an order granting the client SIJS in early 2013.

Guatemala

A cross-office team from the San Francisco and Los Angeles offices recently achieved a significant victory for a client when the U.S. Citizenship and Immigration Service approved her application for permanent residency.

The client, a Guatemalan immigrant, was detained in Arizona as a teenager after crossing the border illegally to escape abuse in her home country. Los Angeles associates Melissa Brown and Bradley Gunning were able to secure Special Immigrant Juvenile Status while the case was pending, even as San Francisco associate Leanne Hartmann and senior paralegal Lesbia Duarte worked diligently on green card efforts. Duarte also played an important role in translating and making the client feel comfortable throughout the process.

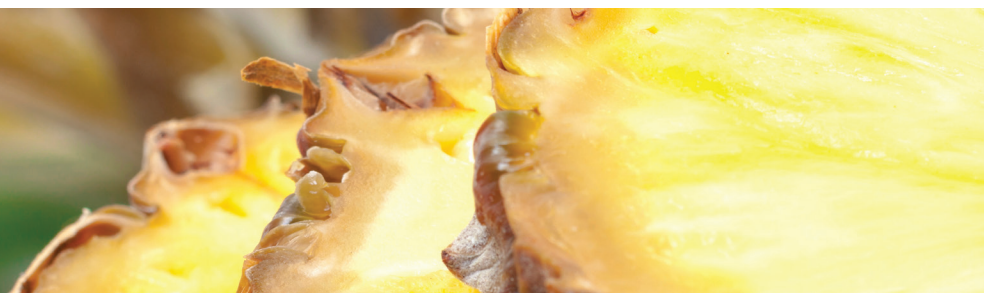
Ecuador

New York associates Brian Koosed, Elise Gabriel, and Carla Greenberg are currently representing a 15-year-old girl from Ecuador as she seeks asylum in the United States.

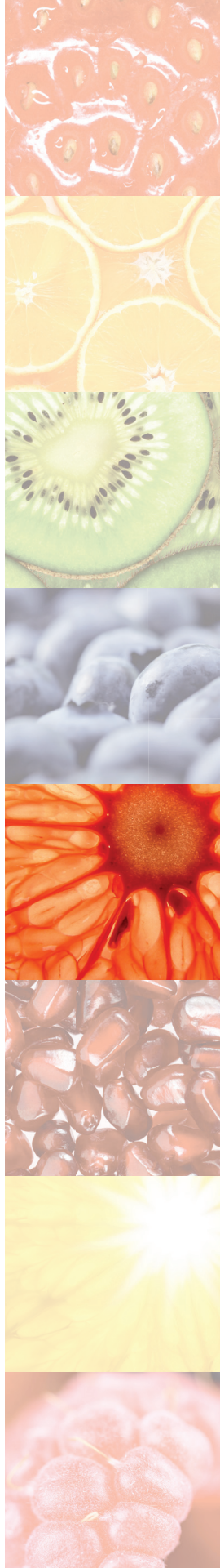
When the client was two years old, her parents moved to the United States and she was left in Ecuador to live with her aunt, uncle, and older cousin. During this time, the client was subjected to acts of verbal and physical abuse by her extended family and sexually abused by her older male cousin. At the age of 13, her parents had saved enough money to pay for her journey to the United States. She attempted entry through Arizona, but was caught and detained by the Border Patrol.

The New York legal team continues to work on the client's behalf to bar her removal to Ecuador and ensure her ability to stay in the United States with her parents and younger siblings. She is now in removal proceedings and is seeking asylum in the United States. In July 2012, the team filed a petition for asylum and is currently building a case for trial. The client's next hearing in Immigration Court is scheduled for June 2013.

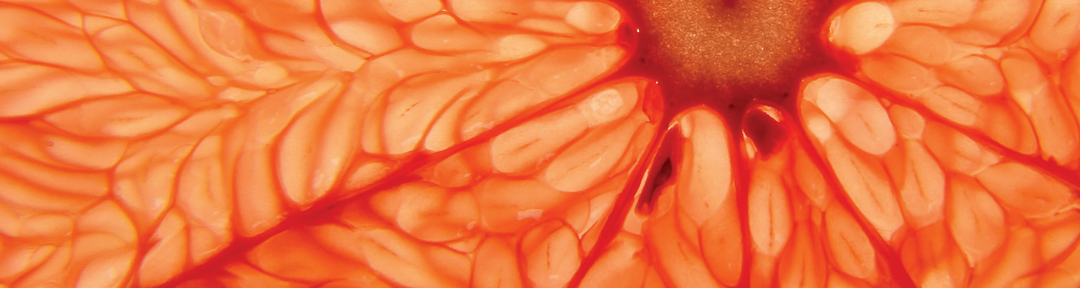




Protecting Women and Children



New York Team Represents Client in International Custody Battle



New York associate Alyssa Cohen, with help from associates Avital Malina and Molly Nixon-Graf, is representing a woman whose ex-husband, currently living in Romania, continues to try to gain custody of their six-year-old son.

The team persuaded the Second Circuit to affirm a ruling by the District Court in favor of their client that denied the ex-husband's request under the Hague Convention and the International Child Remedies Act for an order compelling the return of their son to Romania from New York, where the client resides.

The team is currently representing the client in connection with her ex-husband's continuing efforts to regain custody of their son.

Seattle Team Works to Obtain Permanent Residence

A Seattle team led by partner Kari Vander Stoep recently achieved a significant victory when the U.S. Citizenship and Immigration Services (USCIS) granted a client's Violence Against Women Act (VAWA) petition.

The client, a Mexican immigrant, was brought to the United States illegally by her parents when she was 13 years old, and discovered by the USCIS when she was 29 years old. By that time, the client had graduated from high school, married a U.S. citizen, had three U.S. citizen children, and worked as a maid at the Stratosphere Casino in Las Vegas.

The Board of Immigration Appeals (BIA) denied the client's request for cancellation of removal, claiming that her family would not suffer the requisite level of hardship if she were sent back to Mexico. There were serious errors in the BIA's decision, and the client appealed to the Ninth Circuit. The Ninth Circuit pro bono panel referred the case to K&L Gates. After careful briefing, the K&L Gates team managed to defeat the government's motion to dismiss and proceeded to briefing on the merits.

A few months before oral argument was scheduled in the Ninth Circuit, the client informed Vander Stoep that her husband had been physically and mentally abusing her and their children. The client initially refused to pursue the protection she needed, fearing that it would ruin her chance of obtaining permanent residence. The team connected the client with immigration lawyers in Las Vegas. They helped her file an immigration petition under VAWA, which would allow her to obtain permanent residence even if she divorced her husband.

The Ninth Circuit appeal was removed from the oral argument calendar and assigned to mediation. The legal team kept the case alive in mediation for a year, until the client's VAWA petition was finally approved. She can now pursue permanent resident status.

The team included Seattle partner Theo Angelis and associates Taly Bialostocki, Erica Franklin, Mariah Kennedy, Marie Quasius, Eric Taylor, Nicola Templeton, and John Wilson.

Breach of Loan Case

Seattle associate Peter Talevich obtained dismissal of a suit alleging breach of loan agreement, fraud, defamation, and violation of the Washington Consumer Protection Act on behalf of a pro bono client.

The client, a single mother, was sued by a former acquaintance who alleged that he had loaned her funds. Although the client believed the claim had no basis and was, instead, brought to pursue a personal vendetta, she was outgunned by the plaintiff's counsel.

K&L Gates accepted the matter on a pro bono referral from the local bar association. Talevich, with assistance and advice from partner David Bateman, joined the case well into the litigation process. The client already had answered the complaint, produced discovery, and sat for deposition without legal representation. Talevich helped her take affirmative discovery to investigate the plaintiff's claims and negotiated with plaintiff's counsel to obtain voluntary dismissal.



Upholding
Prisoner Rights



Cross-office Team Advises Death Row Inmate



Dallas associates Megan Whisler and Casey Kaplan, along with Washington, D.C. partner David Case, won a significant victory for a man who was convicted of murder and sentenced to death in 2003.

The firm has represented the man since 2007 in efforts to win him a new trial for significant constitutional errors that occurred during his trial. Recently, after persuasive briefing by the team, the court ruled that the state proffered false and misleading testimony of an expert witness during the punishment phase of the trial.

During the punishment phase of the trial, the jury was asked to decide whether the client was intellectually disabled and, thus, ineligible for the death penalty. During the proceeding, the state's expert on intellectual disability issues testified that the man was not intellectually challenged. This testimony, it turns out, was based on unreliable conclusions and false assumptions.

Since the client's trial, the expert witness has been censured by the Texas State Board of Examiners of Psychologists, and he was barred from performing forensic psychological services in the evaluation of subjects for intellectual disabilities in criminal proceedings.

During habeas proceedings, the state asked the court to order new testing of the man because of the previous expert's misleading testimony. The K&L Gates team argued in response that the state, in making such representations, had admitted that false and unreliable testimony had been introduced before the jury during the punishment phase of their client's trial. This alone warranted a new punishment phase of the trial for the man.

The court agreed, and on Nov. 15, 2012, more than seven years after the client's conviction, directed that the client be granted a new punishment phase of his trial.

During this new proceeding, the man will have the opportunity to introduce evidence that he is a person with intellectual disabilities along with additional mitigation evidence warranting a life sentence rather than the death penalty.



Harrisburg Team Urges Federal Court to Apply *Miller v. Alabama* Retroactively

At the request of the U.S. Court of Appeals for the Third Circuit, Harrisburg partner David Fine and associate George Bibikos accepted a pro bono habeas appeal for a Pennsylvania inmate, Franklin Baines.

Their client pleaded guilty in 1978 to second-degree murder when he was 17 years old. He was sentenced to life imprisonment without the possibility of parole. In 2012, the U.S. Supreme Court's decision in *Miller v. Alabama* determined that the Eighth Amendment bars imposition of mandatory life sentences without the possibility of a new sentence on persons who were juveniles when they offended. In the wake of *Miller*, courts are trying to determine if the new rule of law should apply retroactively.

The case that K&L Gates is handling raises the issue of retroactivity for the first time in the Third Circuit. With more than 2,000 inmates now serving such mandatory sentences, nearly 500 of them in Pennsylvania, the opinions of state and federal courts on retroactivity vary widely. Whereas courts in Michigan and Florida have said the decision is not retroactive, the Illinois Court of Appeals has held otherwise.

Holtzman Achieves Success for Client Seeking Habeas Relief

Harrisburg associate Tony Holtzman recently achieved success in a pro bono appeal for a client seeking habeas relief.

The client was found guilty of voluntary manslaughter and faced a prison term of up to 20 years. However, a state trial judge increased the client's sentence based on Pennsylvania's "three strikes" law, which requires judges to impose longer prison sentences on defendants who have previously been convicted of two or more violent crimes.

The client claimed that, although he had several prior convictions, he had only one prior "strike" against him. He filed a petition for writ of habeas corpus, which was denied by the U.S. District Court for the Eastern District of Pennsylvania. On appeal, Holtzman convinced the en banc Third Circuit Court of Appeals to reverse the district court's decision on Sixth and Fourteenth Amendment-related grounds. The case was remanded with instructions to grant a writ of habeas corpus to resentence the client or release him from custody within 120 days unless, beforehand, the government establishes that the enhanced sentence should be upheld under state-law principles.

Pittsburgh Team Tries Civil Rights Claim in Federal Court

Pittsburgh partner Nicholas Ranjan, along with associate Magua Benson and former associate Jonathan Christman, represented a prisoner who had alleged that a male prison guard violated his Eighth Amendment right against cruel and unusual punishment. The prisoner alleged that the prison guard touched him in a sexually inappropriate manner on numerous occasions while performing pat-down searches.

Ranjan served as lead counsel when the case went to trial in the Western District of Pennsylvania in mid-2012. After a three-day jury trial and considerable deliberation by the jury, the jury returned a verdict against the client. Both the client and the trial judge, however, commended the trial team on their performance, and the judge noted that she would seek to appoint K&L Gates as trial counsel in similar cases in the future.

Federal Prisoner Seeks to Appeal Dismissal from Witness Protection Program

New York associate Philip Rodgers is representing a federal prisoner who was terminated from the Department of Justice's (DOJ) witness protection program.

The District Court dismissed the client's *pro se* complaint alleging that prison officials and members of the Office of Enforcement Operations (OEO) violated his Fifth and Eighth Amendment rights when they terminated him from the witness protection program. He was then placed in solitary confinement for more than six months without a hearing.

The appeal has been briefed and argued and is now awaiting decision.

Preserving the
Environment



Working with The Summit Conservancy to Construct Environmental Educational Center

New York partner David Naidu and associate Sylwia Wewiora are advising The Summit Conservancy, an organization that plans to construct an environmental educational center for students and adults to learn about the ecosystem in Summit, N.J. Naidu and Wewiora are assisting the Conservancy to become incorporated as a New Jersey nonprofit corporation as well as to obtain 501(c)(3) tax-exempt status.

The Conservancy is dedicated to promoting local environmental education. It also plans to partner with the city of Summit to create walking trails and a boat launch so visitors can use the adjacent river.

Naidu is vice president and secretary of the Conservancy.

Continued Support of Conservation Projects for the North Carolina Conservancy

The Charlotte office's real estate and environmental teams continued their dedicated work in 2012 on conservation projects for the Catawba Lands Conservancy.



The Charlotte office's pro bono work for the Conservancy was a true team effort, relying on contributions from 15 lawyers and paralegals and numerous staff members, who donated nearly 320 hours in legal services and helped develop innovative solutions to maximize protected acreages and the conservation values of those lands.

Charlotte partner Walter Fisher serves on the Conservancy's board of directors and chairs the board's Land Acquisition Committee, while associate Chris Walker is a member of the Land Acquisition Committee and advises the Conservancy on environmental matters. Other lawyers and paralegals who contributed in 2012 include Leslee Daugherty, Brian Evans, Kristy Foster, David Franchina, William Harris, Stephen McCrae, Peter McLean, Ruth Ann Meredith, Anna O'Neal, Elizabeth Thomas,

Maynard Tipps, Margaret Weeks, and Jenny Worthy.

The Conservancy, a nonprofit land trust that works with landowners to preserve property in North Carolina's Southern Piedmont area, has a goal of protecting 50,000 acres of land by 2030. It also serves as the lead agency for the Carolina Thread Trail, an ambitious effort to create and connect a 15-county network of trails and greenways in the Carolinas.



Defending Tenants and Homeowners



Seattle Team Assisting Elderly Man to Resist IRS Foreclosure Action



In an ongoing case, Seattle associates Tim Hobbs and Matt Doden, under the supervision of partner Mike Ryan, are defending an elderly man against the Internal Revenue Service's (IRS) attempt to auction off his home, his only asset, in satisfaction of alleged income tax deficiencies dating as far back as 1987.

In earlier proceedings, the IRS obtained summary judgment against the man, who at the time was proceeding *pro se*, based on a misrepresentation of the amount of proof necessary for the IRS to win its case. The IRS later confessed error, and the judgment in the IRS's favor was vacated on appeal. At that time, the man was represented by another firm through the Ninth Circuit's pro bono program.

It was at this stage that K&L Gates took over the man's case. Upon remand to the district court, the IRS attempted to prevail by offering supporting documentary evidence and declarations from IRS officers that were missing the first time around. On most claims the court found that the IRS had now offered sufficient proof of its tax assessments. It agreed, however, with the K&L Gates team that certain portions of the tax assessments lacked any evidentiary foundation and could not be sustained. For one of the tax years in question, the court held that there was a genuine dispute of material fact and set that issue for trial. Rather than go to trial on that issue, the government voluntarily dismissed certain claims on that particular assessment.

Despite these partial victories for the client, the IRS is likely to seek foreclosure of its tax liens against the client's home to satisfy its reduced judgment. The K&L Gates team may seek to stay the judicial order of sale, pending appeal of discrete but important issues addressed by the district court.

Housing Justice Project

Five lawyers in the Seattle office currently volunteer with the Housing Justice Project (HJP), a pro bono program sponsored by the King County Bar Association that assists low-income tenants. In November 2012, a disabled HJP client received a letter advising him that his monthly rent would rise from \$755 to \$1,150, an increase of 52.3 percent, on Jan. 1, 2013. The new rent nearly equaled the disabled client's monthly income. Seeking immediate help, the client presented the letter to the HJP.



HJP advised the client that a rent increase of 10 percent or more requires a notice of 60 days, which won him brief reprieve from the rent increase. An investigation by Seattle partner Rob Mitchell revealed that rent restrictions on units in the client's apartment building had recently expired. Those restrictions were imposed by the city of Seattle as a condition of public financing. Seattle's Tenant Relocation Assistance Ordinance defines "displacement" to include a rent increase of 20 percent or more following the removal of use restrictions from an assisted housing development, and it requires the landlord, in the event of such displacement, to obtain a tenant relocation license.

Under pressure from the city, the landlord applied for a license and agreed to notify 16 tenants, in addition to the initial client, of their right to seek relocation assistance. The client is expected to receive assistance sufficient to cover his costs of moving to a new rent-assisted apartment.

In cooperation with the Tenants Union of Washington State, and with K&L Gates' assistance, the HJP is now compiling a database of properties receiving public funding and the dates when their rent restrictions will expire. This will enable the HJP to ensure that future tenants entitled to relocation assistance receive it as a matter of course when rent restrictions expire and, as a result, rents increase by 20 percent or more.

K&L Gates lawyers working with HJP include, in addition to Mitchell, partner Todd Nunn and associates Scott McJannet, Lauren Sancken, and Pete Talevich.

Cross-office Team Challenges Mortgage Rescue Scam

A K&L Gates team successfully represented clients in a foreclosure rescue scam targeting Hispanic homeowners in northern Virginia. The Lawyers' Committee for Civil Rights Under Law and the Washington Lawyers' Committees for Civil Rights and Urban Affairs were co-counsel in this pro bono effort.

The team filed a lawsuit against Bella Homes, LLC (Bella) and its principals and agents after the clients alleged that they were victims of Bella's scheme to target Hispanic homeowners who were having difficulty making their mortgage payments. The clients claimed that Bella and its agents targeted Hispanic homeowners and convinced them that foreclosure could be avoided by transferring title to the property to Bella and continuing to live in the home as renters.

Bella's mortgage scam also drew the attention of the U.S. attorney and the state attorney general for Colorado, both of whom brought an enforcement action against Bella and its management, which helped to shutter the nation-wide scam. In that case, the company and its officials agreed to a preliminary injunction ceasing further operations and transferring approximately \$500,000 to the government pending final resolution of the case. The complaint in that action states that Bella derived more than \$3 million in "rent" payments as part of its scheme, the vast majority of which was used to pay the personal expenses of the individual defendants.

At the end of July 2012, the K&L Gates team reached a confidential and favorable settlement for the clients, which resolved all claims presented in the lawsuit, and the clients remained in their home.

The team included Washington, D.C. partner Carol Elder Bruce, Miami partner Paul Hancock, Washington, D.C. partner John Longstreth, and associates Amy J. Eldridge and Eric Mitzenmacher.



Promoting the Interests of Indigenous People



Duwamish Tribe Seeks Reversal of Department of Interior Decision Denying Federal Acknowledgement



Since 2010, a team of lawyers from K&L Gates Seattle has represented the Duwamish Tribe in efforts to obtain acknowledgment as a federally recognized Indian tribe. Long before non-Indian settlers came to Washington, the Duwamish tribe lived along the coasts, rivers, and lakes that now bound the city of Seattle and city of Renton.

The members of the modern Duwamish Tribe descend from Chief Seattle (after whom the city of Seattle is named) and his family. Via Chief Seattle, the historic Duwamish tribe was the first Indian signatory to the 1855 Treaty of Point Elliott with the United States government. Unlike other western Washington tribes, however, the treaty did not provide the Duwamish with a reservation or other land rights in their traditional homeland. As a result, the Duwamish had no effective recourse when, to cite just one example, their longhouses were burned to force them out of their homes in the growing city of Seattle.

Nonetheless, although forced to move and live where they could find land or work, the Duwamish tribe maintained social, political, and economic ties with one another. In the 1910s, 1920s, and early 1930s, the Duwamish Tribe and its leaders, including traditional leader Chief Satiacum and modern leader Peter James, were leading advocates for Western Washington Indian tribes who had been denied their treaty rights. Today, the Duwamish Tribe's continuing social and political ties are reflected in the Duwamish Tribe's successful acquisition of land in their traditional homeland and construction of the Duwamish Tribe's Longhouse in Renton.

In early 2001, the Department of the Interior issued a decision acknowledging the Duwamish Tribe, but the decision was not published and was subsequently withdrawn. In a later decision, the Department of the Interior denied acknowledgment to the Duwamish Tribe, holding (among other grounds) that the Duwamish Tribe that exists today is a voluntary claims organization that formed in 1925, not the historic tribe.

After beginning its representation of the Duwamish Tribe, the Seattle team took over an existing petition to the U.S. District Court for the Western District of Washington seeking to reverse and remand the Department's decision. The District Court is currently considering the Duwamish Tribe and Department of the Interior's summary judgment briefs. In its briefing, the Seattle team argued that the Department of the Interior violated the APA by treating the Duwamish Tribe differently from similarly situated petitioners without any explanation and that the Department's decision violated the Department's own precedent. The Seattle team was also able to show that the Department's factual assertion that the "Duwamish Tribe" came into existence in 1925 was incorrect by submitting transcripts of 1924 congressional testimony, on behalf of the Duwamish Tribe, from individuals who served as leaders of the Duwamish Tribe from the 1910s through (in one case) the 1940s. The Seattle team also argued that the Court of Claims in 1934 found that the Duwamish Tribe that existed at that time was the historic Duwamish tribe that signed the Treaty of Point Elliott in 1855.



The Seattle team worked on the case for more than 800 hours in 2012. It included Bart Freedman, Jonathan Harrison, Theo Angelis, Heidi Garcia, Amber Penn-Roco, Michael Ryan, and Lauren Sancken, as well as summer associates Maria Hassett, Francois Jean-Baptiste, and Alanna Peterson. Invaluable assistance was also provided by Kathy Schwarz, Lisa Werner, Dennis Tessier, Natalia Valdesuso, Chris Kuffel, and the firm's library staff, including Ellen Bowman, Dianne George, Kristine Lloyd, and Warner Miller.

Linking Aboriginal Knowledge of Savanna Burning with Carbon Credits

The Melbourne office provides pro bono advice to Aboriginal and Torres Strait Islander organizations in northern Australia. One project is to link Aboriginal traditional knowledge of savanna burning with 21st Century financial products, specifically carbon credits for trading in the carbon market. This initiative will engage remotely located Aboriginal (indigenous) people in economically productive and ecologically significant activity.

Partner Andrew Mansour and lawyers Catherine Wilson and Kimberley Wilson established a subsidiary company for North Australian Indigenous Land Sea Management Alliance Limited (NAILSMA). The subsidiary, Northern Indigenous Environmental Services Limited (NIES), is a nonprofit entity that will act as a vehicle to facilitate indigenous access to the emerging national and international carbon markets.

The team prepared a bespoke constitution for NIES, which provided a solution to complex producer group and traditional stakeholder issues and provided advice in relation to ongoing governance and succession planning issues.

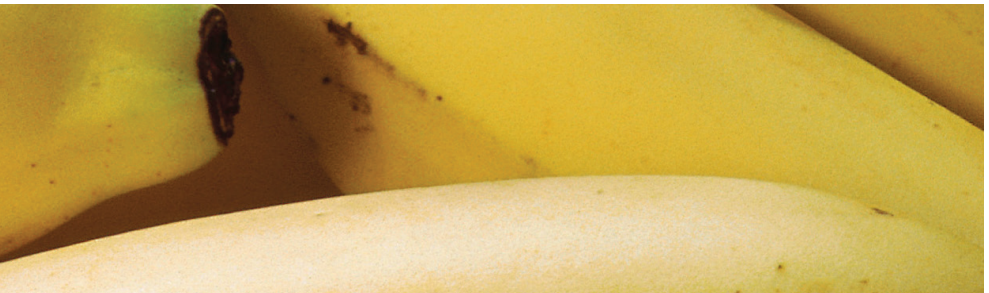
The team also assisted the development of NAILSMA's carbon farming strategy. They advised NAILSMA membership on the regulatory framework for the registration of carbon abatement projects, aggregation of carbon credits, and marketing and sale into the Kyoto and non-Kyoto carbon markets under the Australian Carbon Credits (Carbon Farming Initiative) Act of 2011.

The establishment of NIES is a significant first step in the realization of NAILSMA's goal to facilitate the generation by indigenous Australians of income by undertaking ecologically sustainable and culturally consistent practices on their ancestral lands, as well as to engage more broadly in the wider economy.

Mining, Tax, and Real Estate Advice for Yawuru Native Title Holders

Melbourne lawyer Catherine Wilson undertook an eight-week pro bono secondment with Nyamba Buru Yawuru Ltd (NBY), the operational and business arm of the Yawuru Corporate Group. Following one of the largest native title settlements in Australian history, the Yawuru Corporate Group was established to hold native title rights and interests in trust for the Yawuru community and to preserve Yawuru customs and traditions for future generations, while promoting sustainable economic development. NBY is responsible for the development and management of the Yawuru native title estate in and around Broome.

Wilson provided legal assistance to NBY on a range of matters, including in respect to the management of NBY's property portfolio and the Conservation Estate, and its ongoing relationship with mining and exploration companies and local government authorities. She investigated and provided advice on tax and regulatory issues, assisted in contractual arrangements for proposed low-cost housing programs for the Yawuru community in Broome, and attended governance, management, and strategy meetings in relation to the organization's broader operations.



Extending Our Reach



Ministry of Justice of the Government of Liberia



New York partner Pat Loughlin advises the Ministry of Justice of the Government of Liberia on ways to strengthen its ability to investigate and prosecute official corruption cases. Loughlin was asked by the Ministry of Justice to assist in building linkages between departments and government agencies that are responsible for anticorruption initiatives.

Loughlin's pro bono work is being sponsored by the International Senior Lawyers Project (ISLP), which provides legal services to both governments and nongovernmental organizations around the world. The mission of ISLP is to support projects that seek to advance human rights and economic development.

Support for the National Geographic Society's Search for Tamerlane's Palace

New York partner Robert Langer worked with the National Geographic Society to develop a research collaboration agreement with the National Academy of Sciences of the Republic of Kyrgyzstan to support National Geographic's search for Tamerlane's Palace in and around Lake Issyk-kul, Kyrgyzstan.

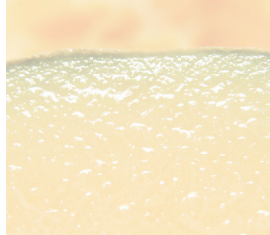


According to medieval accounts and other historical observations, Tamerlane, a legendary Western Mongol conqueror and a descendent of Genghis Khan, built a significant palace near the lake's edge in his lifetime (b.1336 - d.1405). Researchers believe the structure has since sunk into the lake.

The research agreement allowed National Geographic to survey the area and recover evidence that will hopefully uncover information about the palace, which would be an important addition to Islamic architectural history.



Awards and
Recognitions



Recognition for Medical-Legal Partnership for Children



Seattle lawyers Kari Vander Stoep, Jennifer Addis, Sarah Bowman, Jessica Pearlman, and Theo Angelis were publicly congratulated for the 203 hours they dedicated to the Children's Hospital Medical-Legal Partnership for Children.

The lawyers provided pro bono assistance for low-income families that need guardianships established for their children nearing the age of 18. They also developed template letters for social workers, doctors, and nurses to use to advocate for their patients.

The hospital's advisory board highlighted the group's work during a 2012 quarterly meeting.

Melbourne Office Awarded 2012

“Swags for Homeless – Australia Day Hero”

The Melbourne office was awarded a “2012 Swags for Homeless – Australia Day Hero” award for its pro bono assistance and “inspirational contribution” to Swags for Homeless, a nonprofit organization that designed the world’s first waterproof and easily transportable backpack bed to be used by homeless people.



This honor, awarded annually, recognizes those who have made significant contributions toward the organization’s cause.

Swags for Homeless approached K&L Gates for its particular expertise in registering Australian designs. Partner Chris Round and lawyer Caroline Cossio have been specifically involved in filing numerous Australian design applications on behalf of Swags for Homeless for a variety of its backpack beds. The work then expanded to assisting Swags for Homeless with the prosecution of its Backpack Bed trademark in Australia and now its Litetrex trademark around the world.

Firm Receives UHU Chairman’s Award

K&L Gates was the recipient of the 2012 Chairman’s Award for outstanding philanthropy from the Washington, D.C.-based Us Helping Us – People into Living, Inc. (UHU), a nonprofit group whose goal is to improve the health and well being of African-American gay men through innovative programs and services and to reduce the impact of HIV/AIDS in the community.

For the past few years, K&L Gates and Washington, D.C, partners Larry Lanpher and Edward Bloom have provided UHU with pro bono legal services focused on employment and real estate matters.

The award was given at UHU’s annual reception at Arena State on Oct. 13, 2012, which also helped raise funds and awareness for UHU prevention programs and services.

In the 48 cities around the world in which we operate, and beyond those communities as well, K&L Gates is grateful for the opportunity to serve individuals in need.



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