

DyKEMA

# Pro Bono Matters

The Dykema Difference







## Inside this Issue

Thanks to Our Attorneys. . . . .	1
Saving the Children . . . . .	3
Helping Women in Need. . . . .	6
Supporting Gay Rights . . . . .	8
Aiding Political Asylum . . . . .	9
Assisting Nonprofits. . . . .	10

# Welcome

# Pro Bono Services and Community Support

The practice of law, especially in a large firm such as ours, is a privilege that carries profound societal responsibilities. Accordingly, it is both our privilege and our obligation to act as the guardians of the justice system to ensure all people have equal access to justice.

## Thanks to Our Attorneys

### National Immigrant Justice Center Thanks Six Dykema Attorneys

The National Immigrant Justice Center (NIJC), a program of the Heartland Alliance for Human Needs & Human Rights, thanked six Dykema lawyers for their recent pro bono efforts providing legal counsel to a number of their immigrant clients. Working with outside lawyers, NIJC provides legal services to more than 10,000 individuals each year and has achieved a success rate of more than 90 percent in obtaining asylum for those fleeing persecution in their home countries.

The Dykema lawyers singled out for recognition include:

- Maria A. Diakoumakis (Associate-Chicago) for her success in obtaining a U visa for a woman and her daughter from Mexico. A U visa gives victims of certain crimes temporary legal status and work eligibility in the U.S. for up to four years.
- Zafreen Husain (Associate-then Chicago, now Washington, D.C.) and Molly Thompson (Associate-Chicago)—for securing temporary protection for two young immigrants from Mexico.
- Derek Payette (Staff Attorney-Chicago) also for obtaining temporary protection for a young immigrant from Mexico.
- Jeffrey Pine (then Senior Counsel, now Member-Chicago), Greg Wright (Senior Attorney-Chicago) and Molly Thompson (again!), for their successful efforts in obtaining temporary protection for four young immigrants from Mexico.

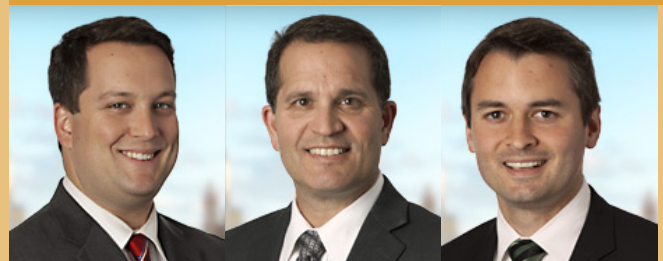
In its letter of appreciation, the NIJC observed that—since immigrants do not have access to appointed counsel—the pro bono commitment by these six Dykema lawyers not only enabled these immigrant clients to be professionally represented in the U.S. justice system, but to have a life-changing moment that “truly makes a difference.”



*Maria A. Diakoumakis*

*Zafreen Husain*

*Molly Thompson*



*Derek Payette*

*Jeffrey Pine*

*Greg Wright*



## Melanie Chico and Heather Kramer Respond to Prisoner's Mistreatment

When a prisoner's requests for medical help were repeatedly ignored, Melanie Chico (Associate-Chicago) and Heather Kramer (Member-Chicago) stepped in to get him the help he needed.

Mr. Martinez had complained repeatedly to the prison doctor about his persistent and painful lower back pain. In response, the doctor not only failed to treat Mr. Martinez' pain, he also directed prison officials to ignore the inmate's sick-call requests because the prison system "had already spent enough money on his care." With Melanie and Heather's help, Mr. Martinez brought his plight to the attention of the justice system.

Prison officials and grievance officers filed a motion for summary judgment seeking dismissal of Mr. Martinez' claims against them. But the judge—in large measure in response to Melanie and Heather's work—denied this request, calling the doctor's behavior "callous conduct" and his repeated refusals to acknowledge the inmate's repeated requests for care "unthinking and robotic."

With Melanie and Heather's help, Mr. Martinez now has access to proper medical treatment and a message has been sent to the penal system not just in Illinois, but in other states, that prisons are to be provided access to proper and respectful medical attention and treatment. The case settled favorably of which the terms are confidential.

This case is the essence of pro bono: a willingness to represent the unpopular, those whom society least values, and the commitment to apply one's talents and energies to fight for fair treatment and justice. In this instance, a prisoner—disdained by most, shunned by nearly all—needed access to justice. And together, Melanie and Heather championed his rights and achieved a favorable and just outcome.



Melanie Chico

Heather Kramer

## Patrick Hickey Saves Life—Wins Death Row Inmate a New Trial

Although every pro bono assignment our Firm takes on is important, few resonate as powerfully as Pat Hickey's (Member-Detroit) nearly 13-year pro bono representation of David Perkins, an inmate on Georgia's Death Row, whose life Pat has quite literally saved.

The Perkins case was originally referred to Dykema by the ABA Death Penalty Representation Project in 1999, after Mr. Perkins' conviction and death sentence. Pat has led the Firm's efforts to overturn the sentence and, ultimately, the conviction itself. This effort has involved hundreds of hours of time and multiple trips to Georgia and elsewhere for interviews, depositions, hearings, trial and, ultimately, argument before the Georgia Supreme Court.

This case raised several important constitutional issues, including the defendant's competency to stand trial, ineffective assistance of Perkins' counsel at the penalty phase of the trial and the right of Perkins to be present at all stages of the trial (specifically, the right to know of all communications between the Court and the jury). After years of investigation and discovery, the team uncovered an overwhelming amount of previously unknown evidence that Perkins had prior traumatic brain injuries, was the victim of severe and repeated physical and sexual abuse by family members, and was forced, as a young child, to consume alcohol and drugs as entertainment for his father. Finally, Pat's team learned that there were a series of notes from the jurors asking critical questions that were not disclosed to either the defense or prosecution at the time of trial.

Despite the overwhelming evidence that Perkins did not receive effective assistance of counsel at the penalty phase of his trial and may have been mentally incompetent to stand trial, the petition for a Writ of Habeas Corpus was denied by the state court in 2009. Pat and his team immediately filed an appeal to the Georgia Supreme Court. Pat argued the case to the Georgia Supreme Court and, in late 2012—in a decision that was as unexpected as it was welcomed—the Court overturned Perkins' death sentence, remanded with instructions for an evidentiary hearing opening the door to the possibility of a new trial on the issue of guilt.

In June 2013, after a hearing on remand, the Butts County Superior Court issued an Order reversing Perkins' guilt conviction based on habeas counsel's discovery of a juror note that revealed the jury suffered from fear and prejudice during its guilty/innocence deliberations.

To fully appreciate Pat's contributions to this significant effort, consider the following praise from Jeff Ertel, the Atlanta federal public defender who has assisted Pat on this case:

"Pat's empathetic, hands-on representation and his ability to relate on a personal level to David has given him confidence in his lawyers and thus allowed us to plead sensitive issues that, in the past, would have led David to act out and actively sabotage his case. I can say without hesitation that I would welcome the opportunity to work with the lawyers of Dykema Gossett again. Their dedication, commitment, unwavering loyalty to the client and willingness to work together with the lawyers in Georgia are truly extraordinary and deserve to be commended."



## Saving Children

### Human Trafficking: Helping Slow Slave Trade

It's hard to believe, but human trafficking—modern-day slave trade—has never been more widespread. It's estimated that more than 27 million people are slaves today, more than during the entirety of 400 years of transatlantic slave trade. More distressingly, the victims of human trafficking tend to be the most vulnerable: roughly half the victims are children, and nearly 80 percent are female.

For years, Dykema and its attorneys have been deeply committed to fighting the scourge of human trafficking. Two vivid examples: one, the story of a 17-year-old girl from Mali whose story is horrific, but all too common. Brought to Virginia with promises of work and hopeful ambitions, the girl was instead forced to braid hair for up to 20 hours a day and give all her earnings to her trafficker. About a year later, a Good Samaritan arranged for her to escape. Freed from her captor, she took a train to New York City—with the hope of meeting an immigration lawyer to

assist her. Immigration authorities discovered her and brought her to Michigan for housing, legal assistance and other needs. It was here that Heidi Naasko (Pro Bono and Diversity Counsel-Ann Arbor) successfully obtained a visa for the girl because she agreed to assist law enforcement authorities in investigating or prosecuting their perpetrators.

A second illustration: Ms. Y, abandoned by her mother in El Salvador at age 3, was brought to the U.S. as a 13-year-old by her caregiver. Forced into hard labor, as a housekeeper, babysitter and eventually as a worker in a hair salon, Ms. Y's "owners" took away her passport and threatened to have her sent back to El Salvador. On her own, Ms. Y discovered an organization—Coalition Against Slavery and Trafficking (CAST)—that referred her to Dykema. Tamara Bush (Member-Los Angeles) represented the young woman and successfully arranged for her to obtain a T-visa application.



Heidi Naasko



Tamara Bush

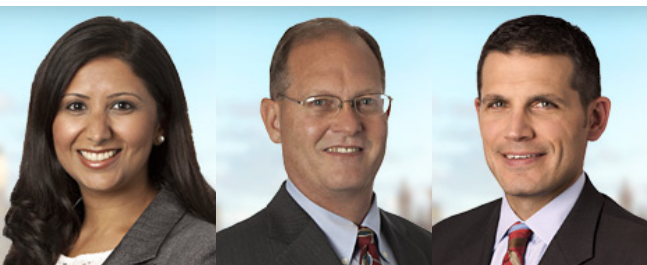


## GALs Who Protect a Child's Best Interests

Dykema's Summer Associates, exceptionally talented law school students, also give of themselves to pro bono projects that help those whom the legal system overlooks or neglects.

One of the more successful programs is an initiative in which Summer Associates—paired with and mentored by seasoned Dykema attorneys—serve as Guardian Ad Litem (or GALs), a court-appointed legal representative to ensure that the best interests of a child are maintained and protected through legal proceedings in guardianship cases. The work, prompted by adult family members who challenge the status quo, required the Summer Associate (and his/her mentor) to assess the validity of the family member's claims, develop an opinion, deliver it to the court and provide a written recommendation whether the guardianship should be continued or ended. Judges place high confidence in GALs, prizing their character and discernment as much as their understanding of the law.

Among the Dykema attorneys who have helped counsel and lead our Summer Associates in this program: Zafreen Husain (Associate-then Chicago, now Washington, D.C.), Daniel Zollner (Member-Chicago), Chuck Baum (Member-Chicago), Dawn Williams (Associate-Chicago), Molly Thompson (Associate-Chicago) Jonathan Giroux (Associate-Chicago).



Zafreen Husain

Daniel Zollner

Chuck Baum



Dawn Williams

Molly Thompson

Jonathan Giroux

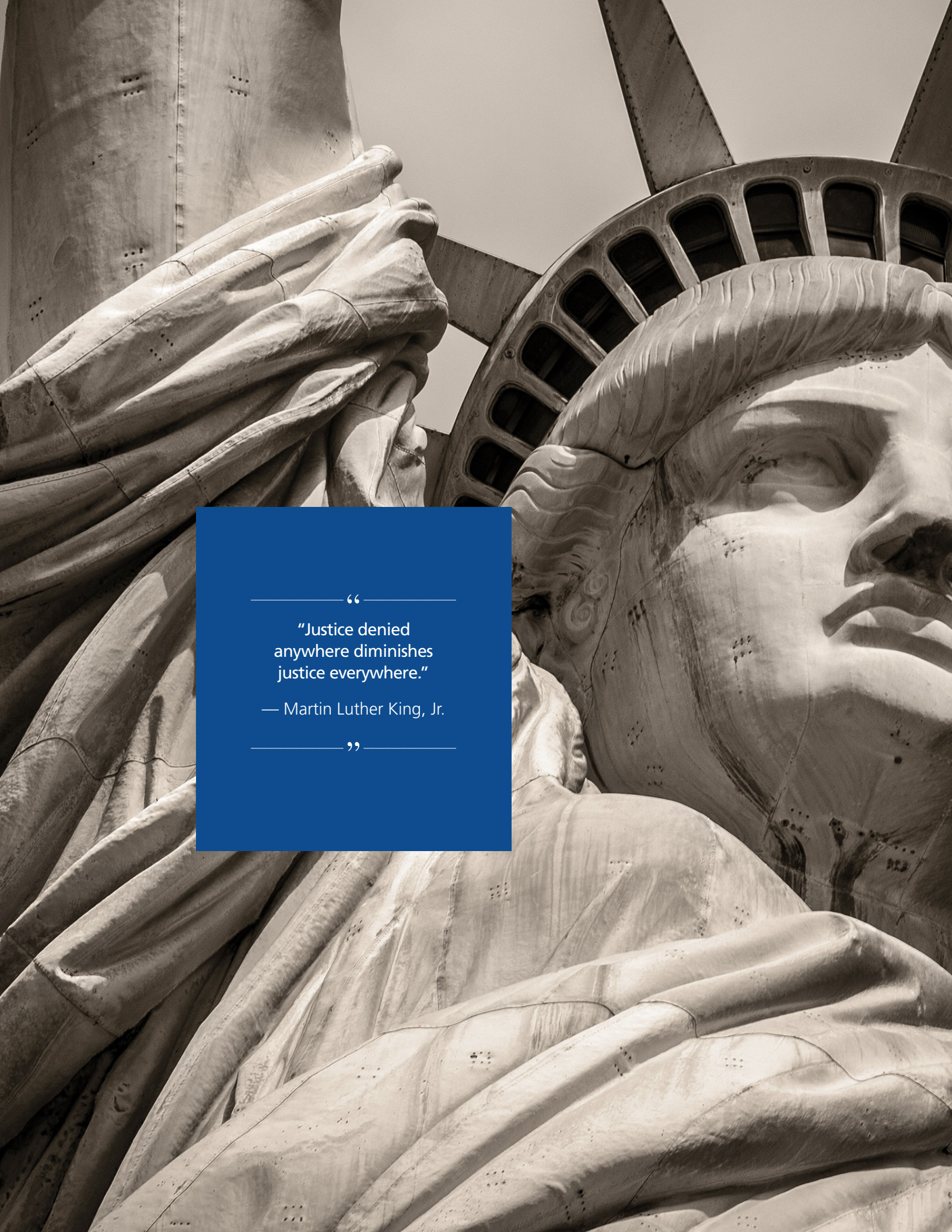
## Special Visas for Special Children

The Special Immigrant Juvenile Status (SIJ) visa is designed to help abused, abandoned, or neglected foreign children who cross the border without a guardian or parent stay in the United States. Under this program, youths who cannot be reunited with a parent can get a green card, which allows them to live and work permanently in the United States. Unaccompanied refugee children, alone, need help to reap the benefits of this compassionate program.

Eric Klein (Associate Bloomfield Hills) handled one particularly challenging SIJ matter. Eric had handled numerous immigration matters, but this was his first run-in with the SIJ visa program. To help a teenaged Central American boy, Eric was required to recover juvenile records from California to prove the child/youth was SIJ-eligible. Obtaining a child's criminal records is extremely difficult under the law, due to heightened confidentiality requirements. Through extreme perseverance, Eric obtained the necessary records and the child/youth received his green card among other things, where he is likely to be shielded from the abuse he escaped.





A black and white, close-up photograph of the Statue of Liberty. The image focuses on the right side of the statue's face, showing the eye, nose, and mouth. The crown's lattice structure is visible above the head. The texture of the copper and the folds of the robe are clearly defined. A blue rectangular box is overlaid on the left side of the image, containing a quote.

“  
“Justice denied  
anywhere diminishes  
justice everywhere.”

— Martin Luther King, Jr.

”



# Helping Women in Need

## Eliminating Immigration Status as a Tactic of Abuse: The VAWA Self-Petitioner

Our 2012 Summer Associates, paired with Dykema attorneys, delivered quality legal help in a challenging realm of the law: helping female immigrants—married to U.S. citizens who have physically and mentally abused them—complete the legal process to self-petition for legal immigration status. Among the provisions of the 1994 Violence Against Women Act (VAWA), is a gateway to abused immigrant women, whose U.S. citizen spouses frequently use the wife’s immigration status as a tactic of abuse. Often, the abusive spouse will threaten to call immigration authorities, which the woman reasonably believes would result in the loss of her children.



*Karen Feldman*

The VAWA application requires that she both meet the traditional requirements for entry plus submit proof of “extreme battery or cruelty.” Karen Feldman (Associate-Bloomfield Hills) took on several of these difficult cases and helped mentor some of our Summer Associates along the way.

## Easing the Trauma of Divorce

For most Americans, a divorce is the first and only time they will be in court. The experience—an unpleasant one in the best of circumstances—can be downright intimidating for those many who, alone and indigent, try to navigate the strange world that is the court system. In response to the growing crisis presented by this scenario, a Dallas volunteer attorney program (DVAP) sent out a cry for help and Dykema answered.



*William Cramer*

*Darrell Jordan*

William Cramer (Senior Counsel-Dallas) and Darrell Jordan (Senior Counsel-Dallas) were two of our own answering the call and lending a hand in family law cases.



## Personal Protection Order for Domestic Violence Victim Stays in Place

Finally ready to leave an abusive domestic violent situation, one indigent woman, B., started her own divorce and even managed to obtain a PPO against her abusive husband. In response, B's husband hired counsel who was prepared argue to the court—falsely—that B sought the PPO merely as a child custody tactic and therefore, the PPO should be vacated. Enter Brian Smith (Member-Bloomfield Hills), who helped B. keep the order of protection against her abusive husband in full force and effect.



*Brian Smith*

## Stopping Domestic Violence

Recognizing the epidemic levels of domestic violence, Chicago opened a free-standing Domestic Violence Courthouse in 2005. The courtroom is designed with special safety features such as victim-only elevators and secure victim waiting rooms.

Our Chicago Office joined with many large Chicago law firms to staff two shifts monthly at the Chicago Domestic Violence Court, which exclusively deals with filing and obtaining protective orders for survivors of domestic violence. Our attorneys prepared the required motions and other documents, argued the protective order motions and attended follow-up hearings to finalize the terms of the temporary protective orders.

Dykema lawyers who helped, include: Charles LeMoine (Member and Pro Bono Chair-Chicago), Charles Baum (Member-Chicago), Courtney Ofosu (Associate-Chicago), Stephen Mahieu (Associate-Chicago), Peggy Rhiew (Staff Attorney-Chicago), Orly Henry (Associate-Chicago), Jonathan Giroux (Associate-Chicago), Molly Thompson (Associate-Chicago), Michelle Schindler (Associate-Chicago), Zafreen Husain (Associate-Washington D.C.).



*Charles LeMoine*

*Charles Baum*

*Courtney Ofosu*

*Stephen Mahieu*



*Peggy Rhiew*

*Orly Henry*

*Jonathan Giroux*



*Molly Thompson*

*Michelle Schindler*

*Zafreen Husain*



# Supporting Gay Rights

## Fighting for Asylum for Gay Man from Russia

Over the past year, under President Putin's leadership, Russia has adopted anti-gay legislation as well as supporting homophobic attitudes among its police, courts and other government professionals. When L., a gay man living in Russia was date raped, he was too afraid to go to the police, because of the widespread reputation of the Russian police—L. was more likely to be assaulted by them than aided. After that horrific event, L. fled to the United States on a tourist visa and applied for asylum on his own before finding Immigration Equality when Kit Winters (Member-Los Angeles) stepped in to help L. and filed an amended asylum petition on his behalf. He recently learned that his claim was approved.



*Kit Winters*

## It's a Crime

In some foreign countries, it is not only stigmatic to be gay, it is a crime. Cameroon is one of those countries. Its anti-gay law criminalizes same-sex sexual relations and calls for imposition of up to five years imprisonment and a fine. The United Nations Human Rights office has sharply criticized Cameroon's anti-gay laws and has expressed deep concern over reports of harassment, intimidation, arrest and imprisonment on suspicion of being lesbian or gay.

Dykema's Buck O'Leary (Of Counsel-Washington,D.C.) helped a victim of these unconscionable laws obtain asylum in the United States. Our client, J., fled to the United States from Cameroon where he had been jailed and beaten because he had been identified as being gay. J. was able to escape only because his family bribed officials to release him from jail. J. fled to the United States on a student visa, and Buck helped him to obtain asylum so that he never has to return to Cameroon.



*Buck O'Leary*





## Aiding Political Asylum

Dykema, through Laura Weingartner (Member-Detroit), also helped one man's fight for political asylum. Our client was a Congolese man who had been persecuted in his home country after he used his radio show to criticize the government for failing to prevent warlords from

entering the country and molesting his countrymen with impunity. Our client had encouraged his listeners to protest the government. The next day, the government soldiers entered his home, beat him, raped his wife and took him to a notoriously dangerous prison. During a sick visit to the hospital, he

was able to escape to the United States. Despite multiple hearings and obstacles, Laura successfully persuaded the immigration judge in Detroit that he was entitled to asylum. Now this asylee will be reunited with his children.



Laura Weingartner

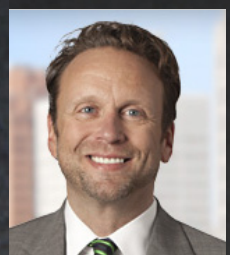




## Assisting Nonprofits

### Drumming Up Success

To a music-loving teenager from rural Ohio, few youth organizations could match the allure and prestige of the Phantom Regiment Drum & Bugle Corps from Rockford, Illinois: a world renowned and world champion drum-and-bugle corps that has participated in the Drum Corps International World Championships every year since 1974. Joe Hickey (Member-Bloomfield Hills) was that teenager, a proud member of the Phantom Regiment for three years. Joe has served on the Phantom Regiment board of directors and as its legal counsel since 1998. In this capacity, he donates his time, energy and understanding of sophisticated business strategies—and freely provides legal counsel on a pro bono basis—to help the organization operate in a smooth, professional manner, enabling it to achieve its business objectives and remain one of the most admired drum-and-bugle corps in the nation. Dykema is also proud to serve as pro bono legal counsel to the Phantom Regiment.



*Joe Hickey*







*Courtney Kissel*

## Helping Vets Reel 'em In

Founded by an Army veteran and former Chief (or Ogema) of the Little River Band of Ottawa Indians—“Tight Lines for Troops” is a charity fishing tournament held each May in Manistee County, Michigan. Proceeds from this event benefit three nonprofit organizations: the Brain Injury Association of Michigan, Paralyzed Veterans of America and the Manistee County Veterans Endowment Fund. As this tournament steadily grew, attracting an ever-larger number of participants and donors, “Tight Lines” leaders knew they needed organizational documents, corporate records and by-laws that would not only provide structure, but would

help settle any contractual issues and/or disputes that nonprofit enterprises naturally encounter. Enter Dykema’s Courtney Kissel (Associate-Lansing), whose practice focuses on administrative law and—not unimportantly—Indian law. Courtney volunteered her time and her legal savvy to help “Tight Lines for Troops” establish the necessary legal documentation that will help this organization continue to land “the big ones” that benefit deserving veterans.



## Food for Thought

Common Threads is a nationally-known initiative that teaches children who live in underserved communities how to prepare wholesome and healthy meals in after-school programs. Kids learn to make healthy choices about what they eat—helping to address the problems of child obesity and malnutrition. Bryan Anderson (Member-Chicago) learned of this program, which got its start ten years ago in Chicago when Art Smith, Oprah Winfrey’s personal chef and contributing editor to her “O” magazine, decided he wanted to use the kitchen as a catalyst for change.

Anderson served as member of the Common Threads board of directors until 2012. Led by Bryan’s commitment, Dykema has supported Common Threads with volunteer legal services in a variety of areas, including negotiating license agreements, clearing trademarks and assisting with a wide variety of employment matters. Proof of Common Threads’ growth and impact: the organization has launched a nationwide effort to get one million kids cooking in the next five years.



*Bryan Anderson*

## Environmentally Friendly

One of the most satisfying aspects of Dykema’s pro bono work is when the Firm can provide legal assistance to nonprofits in the communities in which we live and work. A prime example of this is Dykema’s long-standing commitment to the Leslie Science & Nature Center (LSNC) in Ann Arbor, Michigan. On its 50-acre site, LSNC provides environmental education and experiences so that children, families and others can develop appreciation and respect for the natural world.

Marie Deveney (Member-Ann Arbor) started her professional relationship with LSNC in 2006, when—as consulting attorney to the organization—she donated her legal talents to help it separate from the City of Ann Arbor to be become a 501(c)(3) nonprofit entity that operates in partnership with the City. Deveney has served on the LSNC Board since 2007, including a two-year term as Board chair. Under Deveney’s guidance, Dykema continues to provide a broad range of pro bono legal services to LSNC—including preparing and helping evaluate contracts, providing advice on employment issues, crafting a benefits plan for employees, assisting with governance matters, volunteering time and lending financial assistance.



*Marie Deveney*







## True COLORS

COLORS-Detroit is a downtown Detroit restaurant with a social mission: a nonprofit enterprise that not only draws upon local ingredients but provides community residents (most of them unemployed) with job training, life skills, and work experiences that enable them to pursue careers in the hospitality and food service industries. Created by Restaurant Opportunities Center-Michigan, an organization that promotes workplace justice for restaurant workers in Southeast Michigan, COLORS-Detroit provides students a 10-week training program that features both classroom and in-restaurant learning experiences. The restaurant provides catering and special event hosting and is open for lunch Tuesdays through Fridays from 11:00 a.m. until 3:00 p.m. It focuses on sourcing locally from safe, ethical and humane producers, and provides its students with a unique learning environment.

Two Dykema lawyers—Sandra Cotter (Member-Lansing) and Courtney Kissel (Associate-Lansing)—provided COLORS-Detroit a variety of pro bono services, not the least of which was helping the restaurant secure a liquor license, a requirement for a full-service dining establishment seeking to train staff in proper serving techniques. The result? One local newspaper calls COLORS the “best place to eat your way to social justice.”



Sandra Cotter

Courtney Kissel



Exceptional service. Dykema delivers.

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