

# Wiley Rein Recognizes 21 Individuals in Sixth Annual Pro Bono Program Celebration

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Washington, DC – On October 25, Wiley Rein honored 21 individuals for their outstanding contributions to pro bono matters in the past year. These deserving lawyers and professional staff, recognized during the firm's sixth annual Pro Bono Program Celebration, were selected by the firm's Pro Bono Committee, after nominations were solicited from attorneys throughout the firm.

"We're proud to celebrate the extraordinary and heartwarming contributions of individuals who have significantly changed people's lives in the community," said Managing Partner Peter D. Shields. "Public service is integral to our firm's core values, but more importantly, it's the right thing to do. We're honored to be a leader in DC's vibrant pro bono community and continually challenge ourselves to do better each year."

Awards were given to the following individuals and teams for their work with nonprofit partners:

### Capital Area Immigrants' Rights (CAIR) Coalition

Wiley Rein has a long-standing relationship with the Capital Area Immigrants' Rights (CAIR) Coalition, which serves as a primary source of legal assistance for detained immigrants in the DC metropolitan area. The CAIR Coalition honored Wiley Rein with a prestigious 2018 "Justice for All" Award, recognizing the firm in the "Detained Adult

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This year’s CAIR matters and individual honorees are:

- **Obtaining Relief in Unlawful Deportation Case** – Associate **Madeline J. Cohen** and of counsel **Nicholas Peterson**

Ms. Cohen and Mr. Peterson have been working since 2016 to keep the firm’s client, a detained adult green-card holder, from being unlawfully deported. After making its way through the immigration court system, this case went to appeal at the U.S. Court of Appeals for the Fourth Circuit. Ms. Cohen drafted a petition for review, an opening brief on appeal, a reply brief on appeal, 28(j) letters to the court, and a memorandum on civil confinement for the client’s separate habeas corpus appeal. Ms. Cohen also drafted an emergency motion to stay removal pending appeal when it was learned that the client was being deported to Peru. The motion was successful, with the Fourth Circuit granting relief within hours.

- **Representing Immigrant in Asylum Matter** – Associate **Daniel P. Brooks**

Mr. Brooks represented a young mother from Honduras who was physically abused by her former partner, had fled her native country for the United States, and was facing deportation. She had been incarcerated at Virginia Peninsula Regional Jail since early 2018 for missing an immigration appointment and was separated from her son. Mr. Brooks worked tirelessly to help his client seek asylum, which was adjudicated in a half-day trial in front of an immigration judge. Mr. Brooks won the asylum case for both the client and her son, and she was able to return home just in time for Mother’s Day 2018.

- **Termination of Removal Proceedings for Lawful Permanent Resident** – Associate **Samantha S. Lee** and of counsel **Tara L. Ward**

Ms. Lee and Ms. Ward defended a Lawful Permanent Resident, originally from Mexico, who has a two-year-old special needs child (who is a U.S. citizen), from removal proceedings after he was detained and charged by the U.S. Department of Homeland Security (DHS) with falsely representing to be a U.S. citizen for the purpose of registering to vote in Maryland. The client had inadvertently registered to vote when using an electronic kiosk to request a

duplicate driver's license at the Maryland Motor Vehicle Registration. Under settled case law, DHS has the burden of proving with clear and convincing evidence that the client falsely represented himself to be a citizen with the "subjective intent" of gaining a purpose or benefit. Ms. Lee and Ms. Ward argued that DHS did not satisfy its burden and that the client did not intend to register to vote. In a recent decision, Judge Kessler of the Baltimore Immigration Court terminated removal proceedings.

### **First Amendment Cases**

- **Dismissal of Felony Charges Against Protestor** – Partner **Mark B. Sweet**, associate **Michelle B. Bradshaw**, and legal assistants **Rachel Tuteur** and **Josie Gibbens**

The firm defended a client in a criminal prosecution by the U.S. Attorney's Office in D.C. Superior Court. The client was protesting at the Presidential inauguration on January 20, 2017 and was arrested along with 234 other people. Although the client did not personally commit any acts of violence or destruction, he was charged, along with the other 234 people, with rioting, conspiracy, and property destruction, totaling 10 charges. The Wiley Rein joint defense team discovered that the government failed to produce substantial evidence and misrepresented to both the court and defense the extent of evidence that it had in its possession. Chief Judge Robert Morin found that the government had violated its duties under *Brady v. Maryland* and sanctioned the government by dismissing with prejudice six of the 10 counts, including five felonies. In the wake of the sanctions, the government announced that it was dismissing the remaining charges against

Wiley Rein's client and nine other defendants scheduled for trial around the same time.

### **Disability Rights**

- **Regaining Health Coverage for Disabled Minor** – Associate **Moshe B. Broder**

In November 2017, Wiley Rein obtained a significant pro bono victory on behalf of an 11-year-old client who suffers from a rare genetic disorder, persuading the Maryland Department of Health to restore his coverage for critical, sustained, home-based medical care. The Department, reacting to budgetary pressures, had reduced the client's home-based nursing hours by half despite his doctors explaining that the reduction would lead to increased hospitalization and possibly even death. After extensive efforts by Mr. Broder, the Department – in a very unusual move – completely reversed its decision and affirmed that the client would continue to receive the same level of nursing care he had previously received.

### **Appellate Efforts**

- **Drafting *Amicus* Brief on Behalf of Former State and Federal Prosecutors** – Associates **Madeline J. Cohen** and **Saverio S. Romeo**

Ms. Cohen and Mr. Romeo drafted an *amicus* brief that was filed in the Supreme Court of North Carolina on behalf of a group of former state and federal prosecutors in *North Carolina v. Robinson* and three companion cases. The case was brought by four criminal defendants who previously had their death sentences commuted

to life in prison under a short-lived North Carolina statute that permitted defendants to challenge their sentences on the basis of race discrimination in jury selection. The brief argues that the defendants should not have their death sentences reinstated after repeal of the statute.

- **Gaining Asylum for Immigrant Family** – Associate **Wesley E. Weeks**

Mr. Weeks won an uphill federal appeals court battle, leading to asylum for an entire family of immigrants who had suffered persecution in Austria on account of their Romanian ethnicity. Representing a couple and their eight children, Mr. Weeks argued the case before the Ninth Circuit, persuading a three-judge panel to reverse an earlier denial of the family's asylum application by a U.S. Immigration Judge (IJ) and the Board of Immigration Appeals. The Ninth Circuit then remanded the case back to the IJ, who granted the family's asylum application – meaning all 10 family members could remain in the United States.

### **Federal Public Defender – Pro Bono Counsel Program**

- **Securing Below-Guidelines Sentencing for Immigrant** – Partner **Brian H. Pandya** and project assistant **Atifah Safi**

Mr. Pandya, along with the assistance of Ms. Safi, handled a case in which the client entered a guilty plea to the felony offense of illegally reentering the United States with a maximum possible sentence of 20 years. His sentencing guidelines range – 37 to 46 months of imprisonment – was high, principally because of his prior drug offenses. Mr. Pandya was able to persuade the judge to impose a below-guidelines sentence of 15 months and no period of supervised release. The Pro Bono Counsel Program is a partnership between the Federal Public Defender's Office (FPDO) and private law firms, through which attorneys in private practice act as pro bono co-counsel under the supervision of one or more assistant federal public defenders (AFPDS) in pending FPDO cases in the Eastern District of Virginia. This program is open to all private law firms regardless of size or specialty, from solo practitioners to large law firms.

### **Legal Counsel for the Elderly/Landlord-Tenant**

- **Defending Client from Eviction** – Partner **Kenneth E. Ryan** and associate **Colin J. Cloherty**

Mr. Cloherty took the lead on a case before both the Landlord-Tenant Court and D.C. Superior Court, and Mr. Ryan stepped in as supervisor a month before the trial of an elderly resident facing eviction from a boarding house in Southeast DC. Through the efforts of the Wiley Rein team, the 62-year-old client, who suffers from chronic obstructive pulmonary disease and has suffered a stroke, avoided eviction from his unit at the boarding house, which would have likely left him homeless.

### **Individual Contributions**

Five individuals were recognized for their extraordinary commitment and achievement in the pro bono field:

- **Keith A. Matthews**, of counsel, is an active member of the Pro Bono Committee and in the pro bono legal community, most notably representing the best interests of children in Guardian Ad Litem cases

from the Children's Law Center.

- **Kay Tatum**, partner, helps form relationships for and provides ongoing support to a number of pro bono clients, most notably Malta Conferences, a group of scientists promoting international cooperation through academic discussion. Ms. Tatum spends many hours a year ensuring these scientists can continue their important work and navigate the legal challenges of a small international organization.
- **Tatiana Sainati** and **Krystal B. Swendsboe**, associates, provided valuable contributions on a host of appellate pro bono matters including *amicus* briefs and two merits matters before the U.S. Courts of Appeals for the Fifth and Ninth Circuits.
- **Whknown Jasper-Booker**, senior legal assistant, who is a perennial pro bono stalwart, contributed her time and talents to seven different pro bono matters over the past year and spent almost 600 hours devoted to those matters.