

PRO BONO NEWSLETTER

SUMMER
2010

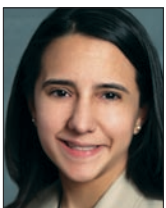
SCHNADER SUCCESSFULLY OBTAINS COMPLETE ACQUITTAL ON MURDER CHARGES AGAINST PRO BONO CLIENT STEMMING FROM 1966 SHOOTING AND 2007 DEATH



After a week-long trial, a 15-member team of Schnader lawyers and support staff obtained a full acquittal on May 24, 2010 on murder charges brought against the Firm's pro bono client, William J. Barnes. Barnes was charged with causing the death of Philadelphia Police Officer Walter T. Barclay in 2007, 41 years after Barnes had shot and partially paralyzed Barclay. The prosecution alleged that the 1966 shooting that left Barclay partially paralyzed could be directly linked to the urinary tract infection and subsequent sepsis that ultimately caused his death 41 years later.



Schnader took the matter on a pro bono basis in the spring of 2009 and committed significant resources to fighting the charges and ensuring that Barnes mounted the best defense possible. Led by Philadelphia partners **Samuel W. Silver** and **Bruce P. Merenstein** and Philadelphia associate **Nilam A. Sanghvi**, the Schnader team also included Philadelphia associates **Joseph J. Ancien**, **Leah Snyder Batchis**, **Chris W. Haaf**, **Jeremy L. Hekhuis**, **Kate A. Kleba**, **Julie E. Randolph**, **Paul Safier**, and **Emily J. Tetzlaff**, paralegals **Adrienne Horn** and **Barbara Schramm**, and librarians **Kathy Cater** and **Annemarie Lorenzen**. Sam, Bruce, and Nilam handled the examination of witnesses and presentation of evidence at trial, but the entire team contributed in substantial ways, researching difficult legal issues and preparing numerous pre-trial motions and briefs, reviewing and analyzing complicated medical documents, working closely with medical experts, tracking down witnesses and documents, and regularly participating in strategy sessions at which the entire team debated and determined the appropriate course of action on dozens of pre-trial and trial issues.



The unusual case involved numerous complex medical issues and required the Schnader team to investigate, locate, and review thousands of medical records from dozens of health care providers. The Schnader lawyers were able to track down medical providers who had treated Barclay decades earlier and key medical records that the prosecution had failed to uncover. The team spent thousands of hours preparing for trial during the year after taking on the case and worked virtually around the clock during the trial in order to ensure that every factual and legal issue was adequately analyzed, addressed and presented to the court.

Schnader attorneys never disputed that Barnes shot and seriously injured Barclay. However, in the time since the shooting, Barclay had been involved in three auto accidents and two wheelchair accidents, which had a significant impact on his overall physical condition, including his urologic functioning. Barclay also experienced significant neglect and abuse from 2001 to 2003 at the hands of his live-in caregivers. During that time, the caregivers kept Barclay confined to his room, underfed him to the point that he developed scurvy, and left him unwashed and sitting in his own waste. As a result of that treatment, Barclay contracted numerous bedsores and experienced a substantial downturn in his overall health. Because of the passage of 41 years and the significant events that occurred between the time of the shooting and Barclay's death, the Schnader lawyers argued that there was no "unbroken chain" of causation linking the gunshot to the fatal infection that took Barclay's life.

The jury was charged with determining whether the gunshot could be linked to Barclay's death. Although Barnes had already served a lengthy sentence for the Barclay shooting following his conviction in 1968, the judge in the murder case ruled that the jury could not be informed of this fact. If found guilty of first or second degree murder, Barnes would have faced an automatic life sentence. After six hours of deliberations over two days, the jury acquitted Barnes of all charges. ♦

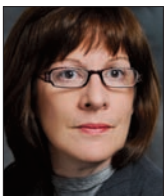
AWARDS AND ACCOLADES



Many Schnader lawyers have been recognized in recent months for their commitment to pro bono and public service. **Judge Timothy K. Lewis**, counsel in the Washington, D.C. office and co-chair of the Firm's Appellate Practice Group, was honored in June 2010 by *The National Law Journal* as one of its "Champions and Visionaries," a group of lawyers who "have upheld the profession's core values of public duty and client service, taking on community causes and fighting to expand civil liberties and protect civil rights." Tim was honored for his work co-chairing the National Right to Counsel Committee, sponsored by the Constitution Project, as well as for his work on the Constitution Project's report recommending that the Guantánamo Bay, Cuba detention facility be closed and the detainees being held there receive federal trials. ◆



Jon C. Hughes, a partner in the Pittsburgh office and **Jennifer A. Gallery**, an associate in the Pittsburgh office also were honored in June 2010, by *The Legal Intelligencer*, as two of its "Unsung Heroes," lawyers working throughout Pennsylvania on important pro bono matters and identified by the Philadelphia-based legal newspaper as deserving special recognition for their work. Dozens of candidates were nominated for the awards, with just 20 statewide ultimately being selected for the honor. Jon and Jennifer were selected for their successful representation of an 86-year-old retired sheet metal mechanic from New Orleans, who was forced to leave his 12-year-old poodle behind when he was evacuated following Hurricane Katrina's devastation of his hometown. Jon and Jennifer spent a year working to reunite the dog with its owner after the dog was adopted by a Pittsburgh-area family, eventually filing a lawsuit to force the adoption agency and adopting owner to acknowledge the original owner's right to the dog. ◆



At the April 14, 2010, Annual Benefit Reception of the Support Center for Child Advocates, **Nicole Reimann**, a partner in the Philadelphia office, received a 2010 Distinguished Advocates for Children Award. Nicole was honored for her more than 16 years as a volunteer attorney for the Support Center. The Support Center specifically noted that Nicole "has demonstrated extraordinary devotion and care to her child clients." It also noted that Nicole's "commitment to at-risk kids has created safer homes, brighter futures and healthier children in our city." ◆



In July 2010, Schnader honored two of its own lawyers for distinguished records of pro bono and community service. Every year, the Firm presents the Earl G. Harrison Pro Bono Award and Community Service Award to current Firm attorneys or employees who have demonstrated a distinguished record of pro bono service or commitment to community service. **Nilam A. Sanghvi**, an associate in the Philadelphia office, was honored with this year's Pro Bono Award for her leadership role and unwavering commitment to the defense of William J. Barnes in his homicide trial. Nilam not only had a substantial hands-on role in the pre-trial preparation and the trial itself, but also was responsible for organizing and supervising a team of eight other lawyers and two paralegals who spent hundreds of hours investigating facts, reviewing complex medical documents, and preparing numerous legal motions and briefs. Nilam's tremendous work on the Barnes case was only the latest in a series of important pro bono matters to which Nilam has devoted countless hours. This year's Community Service Award went to longtime Schnader real estate lawyer **Marilyn Z. Kutler**, a partner in the Philadelphia office. Marilyn has been an active leader in the Committee of Seventy, a government watchdog group that advocates for effective government and fair elections in Philadelphia and its region. Marilyn has served as a member of the group's board and executive committee, and on other important committees. She has also been actively involved with other community groups, including Barrack Hebrew Academy, for which she is a past President and board member; the Auerbach Central Agency for Jewish Education, on whose board she serves; and the Jewish Federation of Greater Philadelphia. ◆

SCHNADER CONTINUES ITS BROAD-BASED PRO BONO IMMIGRATION PRACTICE



For many years now, Schnader has handled a wide variety of immigration matters on a pro bono basis. Firm lawyers have represented asylum seekers in hearings before immigration officers, Immigration Judges, the Board of Immigration Appeals, federal trial courts (in habeas and mandamus proceedings), and federal courts of appeals. In many of these cases, the Firm has been successful in obtaining relief for its pro bono clients and ensuring that the clients and their families are not returned to dangerous and potentially lethal situations in their countries of origin.



Most recently, former Firm Chairman **Ralph G. Wellington** and Philadelphia associate **Jeremy L. Hekhuis** successfully represented a Pakistani Christian family in seeking asylum in the United States. The client faced regular persecution in Pakistan on account of his faith, including numerous evictions from his rental homes and being fired from his job as a physics teacher at an elite preparatory school where he had won a number of teaching awards. The client's extended family also suffered considerable persecution, including beatings, jailings without charges, and even murder. Eventually, the client, his wife, and three children fled Pakistan because of the on-going persecution. Ralph and Jeremy assisted the client with preparation and submission of his asylum application and represented him at his asylum officer interview. On July 8, 2010, the client received notice that his asylum application was granted.



Earlier this year, **Eric T. Smith**, a partner in the Pittsburgh office, and **Emily M. Ayoub**, an associate in the Pittsburgh office, successfully represented a Coptic Christian woman and her 11-year-old daughter in seeking asylum after they fled religious persecution in Egypt. Eric and Emily's client came to the United States in August 2007 after suffering two violent attacks by Muslims, stemming from her work as a mentor to young Christian girls in Egypt. Eric and Emily prepared and submitted the woman's asylum application in January 2008 and represented their client at her asylum officer interview. After the officer denied the client's application, Eric and Emily continued to represent her at several hearings before an Immigration Judge. Eventually, on January 8, 2010, Immigration Judge Charles Honeyman granted asylum to their client and her daughter. ♦



PHILADELPHIA VIP HONORS SCHNADER WITH CHANCELLOR'S AWARD

In March 2010, Schnader was recognized by Philadelphia VIP at the organization's annual awards ceremony honoring its volunteers. Schnader was honored with a Chancellor's Award, which is presented to firms with at least 10 percent of the attorneys in their Philadelphia office participating in Philadelphia VIP programs. This was the third year in a row in which the Firm was recognized with a VIP Chancellor's Award. Philadelphia VIP provides indigent individuals equal access to the legal system in civil matters by referring them to volunteer lawyers, paralegals, and others who provide legal services free of charge. VIP cases cover such matters as child support, taxes, disability, landlord/tenant issues, probate, education, and immigration. ♦

SCHNADER CORPORATE LAWYER ASSISTS IN FINALIZING ADOPTION



H. Lee Schwartzberg, Jr., a partner in the Philadelphia office and co-chair of the Business Services Department, recently concluded his representation of E.A., a 6-year-old girl, as a volunteer attorney for the Support Center for Child Advocates. The adoption of the child by the family friend who had been caring for her for some time marks the formal end of a long period of uncertainty. Lee and other Schnader lawyers have handled numerous cases for the Support Center, which advocates for abused and neglected children in Philadelphia with the goal of securing a permanent, nurturing environment for every child.

The Philadelphia Department of Human Services (DHS) became involved with E.A. and her younger brother a number of years ago as a result of “deplorable housing conditions” and their mother’s drug overdose. The child’s birth mother and father were teenagers, both with histories of drug abuse and involvement in criminal activity. E.A. was taken in by a family friend who became her foster mother and ultimately adopted her.

The Support Center was appointed the guardian *ad litem* for E.A. and began handling her case in early 2008. As the Support Center’s volunteer lawyer on the case, Lee’s involvement included attending regular meetings with DHS and E.A.’s foster mother to ensure that E.A. received appropriate care and services, as well as advocating for her during hearings in Philadelphia’s Family Court.

When it became apparent that E.A.’s birth parents would not satisfy the goals necessary for reunification with E.A., a decision was made to seek a termination of their parental rights in Family Court, in order to clear the way for E.A.’s adoption. Lee worked with DHS lawyers and social workers and DHS’s contract agency to prepare for the contested termination hearing. Although the proceedings were protracted, the termination of parental rights was ultimately granted. Lee then worked with DHS and the Support Center to accomplish the adoption of E.A. by the family friend who had been caring for her.

With E.A.’s adoption complete, Lee already has started his next case for the Support Center. ◆

PRO BONO COMMITTEE

Bruce P. Merenstein, Chair	215.751.2249	bmerenstein@schnader.com
Kevin S. Blanton	215.751.2419	kblanton@schnader.com
Marla K. Conley	215.751.2561	mconley@schnader.com
Cynthia G. Fischer	212.973.8175	cfischer@schnader.com
Nicholas J. LePore III	215.751.2286	nlepore@schnader.com
H. Lee Schwartzberg, Jr.	215.751.2283	lschwartzberg@schnader.com
Margaret Lucy Sell	415.364.6721	msell@schnader.com
Samuel W. Silver	215.751.2309	ssilver@schnader.com
Paul H. Titus	412.577.5224	ptitus@schnader.com
Ralph G. Wellington	215.751.2488	rwellington@schnader.com
Keith E. Whitson	415.577.5220	kwhitson@schnader.com
Nancy Winkelman	215.751.2342	nwinkelman@schnader.com
Gordon S. Woodward	202.419.4215	gwoodward@schnader.com
Colleen France, Dir. of Recruitment and Development	215.751.2552	cfrance@schnader.com