

# Venable Cares



## Marking Our Accomplishments

As the firm continues to grow in size and reach, this newly named newsletter is intended to keep you informed of some of the outstanding pro bono work being performed by our colleagues. We will attempt to highlight some of the projects and those responsible for their success.

The scope of the pro bono service is remarkable—ranging from rendering legal service to the disadvantaged at four different walk-in clinics to advising those with dreams of a better life through several community development projects. Venable attorneys and paralegals are presently assisting those in need from many walks of life—AIDS sufferers, abused children, the homeless, undocumented aliens, veterans, prisoners. The list goes on and on. In addition, we contribute our talents and dedication to many educational, professional and cultural causes throughout our region. The service of Venable to society's needy continues to increase and remains a hallmark of our culture as a firm.

Recognition of noteworthy service to our program occurred in June at the firm's first Pro Bono Recognition Reception. In addition to applauding those who contributed over 50 hours of pro bono work during the previous year, we presented the Benjamin R. Civiletti Pro Bono Lawyer of the Year Awards to Mary Brown, Jeff Pankratz, Scott Hommer and Mitch Mirviss. Each received a suitably-inscribed wall clock and was asked to nominate a charity to which the Venable Foundation contributed \$1,000. The accomplishments of Mary, Jeff, Scott and Mitch, while terrific, are emblematic of the efforts of many of our colleagues.

Gerry Treanor  
*Pro Bono Coordinator*

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## Venable Hosts First Annual Pro Bono Recognition Reception

On June 10, 2003, the Pro Bono Committee hosted the first Annual Pro Bono Recognition Reception. The reception celebrated Venable's longstanding commitment to pro bono representation and public service, and recognized the community of Venable legal personnel who devote time and energy to pro bono work. All legal personnel who provided 50 or more hours of pro bono legal services during the past year were recognized by having their name listed in the evening's program. This 50-hour mark is based on goals established by the American Bar Association and the Pro Bono Initiative.

The highlight of the reception was the presentation of the "Benjamin R. Civiletti Pro Bono Lawyer of the Year" award. The award recognizes and honors the spirit of public service as demonstrated by Venable's Chair and former U.S. Attorney General Benjamin R. Civiletti throughout his career. The award was presented to four firm lawyers—**Mary Brown, Scott Hommer, Jeff Pankratz and Mitch Mirviss**.

**Mary Brown** is an associate in the firm's Washington-based Labor and Employment Practice



TOP: A proud moment as Ben Civiletti presents the 2003 Lawyer of the Year Award to Mitch Mirviss.

RIGHT: Jeff Pankratz accepts his 2003 Lawyer of the Year Award from Ben Civiletti with pride.

BELOW: Scott Hommer is recognized as a 2003 Lawyer of the Year Award winner by Ben Civiletti.



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Mary Brown proudly receives her 2003 Lawyer of the Year award from Ben Civiletti.



Group. She represented Yematawork Techane in her successful effort to obtain political asylum.

Ms. Techane had fled Ethiopia after receiving death threats and having been jailed for her opposition to the abuses of the ruling authorities in Ethiopia. After arriving in the United States, she was detained by the INS and her deportation back to Ethiopia was ordered.

Working with Venable colleagues Rosemary Dailey, Julia Kiraly and Jania Otey, the team drafted and filed an extraordinarily thorough 75-page brief with the Court of Immigration Appeals, and Mary argued with passion and conviction on behalf of the client. After due deliberation, the court not only granted the client's appeal, but ordered admission to this country of her husband and children. In so ordering, the court singled out for praise the advocacy of Mary and her colleagues.

**Scott Hommer** is a resident in the Virginia office and a partner in the Government Contracts Group. Scott was honored for his thousands of hours of pro bono work over the past 12 years on behalf of the Northern Virginia Technology Council. Truly one of the council's prime movers, Scott has seen it grow from a concept to a thriving organization of over 1,700 members. With Scott's considerable leadership skills, it has become the "voice of technology" in this region.

**Jeff Pankratz** is an associate in the Affordable Housing Practice Group in the Washington office. Working with the International Justice Mission, an international human rights organization, Jeff is addressing the issue of "bonded child labor" in India, where there are an estimated 115 million children in the work force. Many of these children work as virtual slaves in order to attempt to pay off debts incurred by their parents from dealing with unscrupulous creditors/employers. While indentured servitude has been illegal in India for decades, the practice is still prevalent.

Jeff is addressing this heart-breaking situation by providing pro bono assistance in developing a pilot micro-finance program to offer an alternative. Such programs provide small, collateral-free loans to the poor on reasonable terms to enable them to access capital when an emergency arises and to build small businesses and other economic assets. Millions of poor around the world have improved their lives through micro-finance programs.

Jeff has traveled to India on behalf of the poor of the Indian state of Tamil Nadu to explore opportunities and has already received a \$50,000 grant from the World Bank.

**Mitch Mirviss** is a partner in the Litigation Division in the Baltimore Office. Mitch has tirelessly represented the abused and neglected children of Maryland. Starting with his landmark U.S. Supreme Court victory in *Boucknight v. City of Baltimore Department of Social Services*, and through his skillful advocacy and his persistence, the alarming failure of the state to insure the safety and well-being of some 12,000 children has been revealed. Through his negotiating skills and still more persistence, steps to address the failure are at long last underway.

When the Office of Legislative Audits reported in its extensive study of how the Social Services Administration did its job in protecting and caring for the state's orphaned and abused children, the shocking results made successive front page stories in both the *Baltimore Sun* and *Washington Post*. Credit for these revelations and for subsequent improvements in the system goes in large measure to Mitch Mirviss.

The Pro Bono Committee salutes these four leaders as well as all legal personnel who aid the community through their pro bono work. We look forward to next year's reception at Terrell Place!



Amanda Wait (left), Keisha Garner and Kavita Lepping enjoy themselves at the first annual Pro Bono Recognition Reception.

## Update on Venable's Alabama Death Row Case

Currently, there are approximately 190 inmates on Alabama's death row. Over the past five years, Alabama has sentenced more defendants to death, per capita, than any other state in the nation. There are dozens of death row prisoners in Alabama currently without legal representation who are unable to challenge their convictions and death sentences in state and federal collateral proceedings.

Alabama is one of a few states in the country that has no mechanism or state-funded agency to provide post-conviction counsel for a person sentenced to death. In other words, indigent death row prisoners in Alabama are not provided counsel after the conclusion of their direct appeals to challenge constitutional errors that infected their trials or to establish innocence in post-conviction proceedings. Alabama's unparalleled increase in the number of death-row sentenced prisoners has heightened the need for post-conviction counsel.

In November 2001, Venable was asked to take one of these cases on a pro bono basis. Without hesitation, Venable made the commitment to provide representation for a death row inmate. Working with the Equal Justice Initiative, a small not-for-profit legal organization based in Montgomery, Alabama that has represented many death row sentenced prisoners, we took on the case of Fredrick D. Woods. The Venable team, led by **Jerry Block**, along with **Brian Flack, Damon Wright, David Springer, Ron Jacobs, Kerri Congdon** and others, quickly set out to learn the old facts, and discover new facts that would be needed to overcome the prejudicial errors that occurred at both the guilt phase and penalty phase of Mr. Woods's trial.

The Freddie Woods case is not unlike those of so many other death row inmates. He is a young African-American man (20 years old at the time of trial) convicted and sentenced to death for the robbery murder of Doc Smith, a 69-year old white businessman, chiropractor and former state representative. His capital trial and sentencing, which lasted only a few days, was fraught with errors. An all-white jury recommended that Mr. Woods receive the death penalty by a 10 – 2 vote. The judge, who knew the victim, accepted the jury's recommendation and imposed a death sentence.

Winning post-conviction relief requires an intensive factual reinvestigation of the capital case and a thorough investigation of the client (*i.e.*, his psychological, sociological, and physiological impairments). With the clock ticking on when we had to file our Rule 32 petition (a state habeas petition), we hit the ground running. The team immediately set out to reinvestigate the case, which included a review of the trial transcript, witness interviews, interviews of the jurors, and review of trial counsel's files. Interviews of key witnesses and jurors took us to some of the most rural areas of Alabama (and for some of us, in one instance provided a first glimpse of a goat auction) as well as some dangerous drug houses.

We filed our Rule 32 petition on July 26, 2002, alleging that defense counsel was constitutionally ineffective at both the guilt and penalty phase of the trial, as well as in their pretrial investigation into the alleged involvement of Mr. Woods or others in the homicide of Doc

Smith. We also allege claims of juror misconduct, *Brady* violations, that the state's expert testimony on DNA testing and blood spatter was seriously flawed, and provide new evidence which compels the conclusion that Mr. Woods's statement was not voluntarily given.

One of the gravest deficiencies of trial counsel occurred during the sentencing phase of Mr. Woods's trial. The importance of introducing mitigating evidence at sentencing cannot be overstated – especially when your client's life rests in your hands. However, during the sentencing phase of Mr. Woods's trial, the jury heard almost no evidence whatsoever regarding his life and childhood. This included his mother's drug and alcohol abuse while he was *in utero*, witnessing the sexual abuse of his family members, beatings from his mother, aunt and grandparents, a traumatic head injury, his dependency by age eleven on drugs and alcohol as self-medication, and his depression and teenage suicide attempt.

Additionally, the jury heard no evidence regarding how Mr. Woods had, at times, fought through these barriers. Away from his violent and drug-infested home, he found solace and stability in school, was the first African-American student selected to his school's math team, and was well-liked by his teachers. He impressed his employers (including the owners of a Dairy Queen who would hire him back today), with his honest, hardworking and dependable nature. Further, the jury heard no evidence regarding why, following the death of his grandfather (his only somewhat positive adult male role model) and his leaving school in the tenth grade, this teenager descended into hopelessness and his self-medication developed into a profound addiction to crack cocaine. Mr. Woods was abandoned by his father and abused by his family; he suffered from cognitive and emotional deficiencies; and his story was neither investigated nor told.

After filing our petition, the state responded that our petition should be dismissed because we failed to plead a meritorious petition for relief. The state's objections were that the allegations failed to comply with the specificity requirements under Alabama's post-conviction rules, the allegations could have been but were not raised at trial and that they could have been but were not raised on appeal.

In December 2002, the Venable team went down to Pell City, Alabama to argue against the state's motion to dismiss the petition. While the judge and assistant attorney general were both congenial, we quickly realized we were in an uphill battle. After the hearing, both the petitioner and the state filed proposed orders on the motion to dismiss the petition. However, on July 2, 2003, the judge issued an Order summarily dismissing Mr. Woods's Amended Rule 32 Petition. The judge adopted the State's proposed order in its entirety and without modification, except for the opening paragraph of the judge's Order. We immediately filed a Motion to Reconsider and an Objection to the judge adopting the State's proposed final order. Knowing that the judge will not reconsider its Order dismissing the Amended Rule 32 Petition, we filed a Notice of Appeal to the Court of Criminal Appeals. We remain optimistic that we will be able to present our case at an evidentiary hearing in the near future.

## SPOTLIGHT ON Most Valuable Kids, Inc.



Attending a live sports or entertainment event – seeing your heroes in person, and hearing the roar of the crowd – has been shown to be a positive, life changing experience. Unfortunately, with ticket costs high and on the rise, professional athletic and entertainment events are too often a luxury only middle- and upper-class families can afford. While youth from low-income communities may be marketing targets for compact discs from their favorite musicians and sporting equipment sponsored by professional athletes whom they emulate, they are often shut out from the inspirational experience of seeing these role models in person due to the prohibitive cost of attending such events in person. As in so many cases, these disadvantaged youth are disenfranchised from rich resources and experiences just miles from their home that are reserved for more privileged audiences. For youth living in poverty, this can reinforce a message that even simple pleasures are designed to be beyond their reach.



Most Valuable Kids, Inc., a District of Columbia nonprofit corporation, was created to provide tickets for entertainment and sporting events to children who would not otherwise have access to these costly activities. In addition, it has designed an unparalleled reward system that recognizes a child's hard work, positive attitude, consistent attendance and exemplary behavior to enable local children's organizations to offer tickets for such events to high

achievement children. Through an Internet-based ticket donation program, corporate and individual ticket holders are able to transfer unused tickets to nonprofit organizations serving children in need. More than just exposing youth to an afternoon or evening of fun, the experience of attending a live performance or competition opens their world to new experiences and helps them to see the opportunities that are available to them as important members of our community.

To date, Most Valuable Kids has rewarded children from multiple area organizations with over \$105,000 worth of tickets to local professional sports and entertainment events. These children come from all walks of life and participate in organizations such as Boys and Girls Club of Greater Washington, Catholic Charities, For Love of Children, and Fair Chance. Each of these groups has been able to reward their member children for positive achievements with the help of tickets from Most Valuable Kids.

Approximately one year ago, Most Valuable Kids retained Venable to provide corporate and nonprofit counsel as it expands its reach and establishes roots in the Washington, DC Metropolitan Community. Venable attorneys **David Rutstein, Jason Goldblatt, Jacqueline Levasseur Patt** and **George Constantine** have assisted Most Valuable Kids with strategy, corporate formation, trademark counsel, nonprofit counsel and contract review, all of which have been necessary to make Most Valuable Kids a success. In addition, Venable has, itself, already distributed dozens of tickets to children in need through Most Valuable Kids's unique and philanthropic service. If anyone has individual season tickets to local events they cannot use, please visit [www.mostvaluablekids.org](http://www.mostvaluablekids.org) to offer your tickets as a donation. Most Valuable Kids will issue you a tax-deductible receipt for all donations.

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### Venable "Guts" Out a Victory for a Pro Bono Client Defending Title to Her Property

In June, Venable attorneys successfully defended an equitable partition claim on behalf of a pro bono client, Jessica Tillman, who was referred by the D.C. nonprofit Bread for the City. Our client was named as a defendant in D.C. Superior Court by a man with whom she had lived at the residence for many years before his abusive conduct prompted our client to ask him to vacate the premises. Plaintiff sought to compel the equitable partition and sale of the residence that he and Ms. Tillman and her children had lived in for many years, because they had split the mortgage and utility payments throughout the time they lived together at the house and our client allegedly represented to plaintiff and his family members (when Ms. Tillman purchased the property in her own name) that they owned the property jointly. In essence, plaintiff alleged that he and our client had entered into an oral agreement to jointly own the property located in northeast Washington, D.C., provided they split their monthly expenses, though only our client's name appeared on the deed. Plaintiff asked the D.C. Superior Court to order the sale of the home, where our client currently resides with her school-age children, and to divide the net proceeds of such sale between the parties.

Venable litigators **Wes Alexander** and **David Goewey** argued that Ms. Tillman owned the home outright, and that D.C.'s statute of frauds prohibited agreements of the type claimed by plaintiff (and that there had been no such oral agreement and partial performance by plaintiff that would obviate such statute). After a "gut wrenching" one-day trial (immediately followed by removal of an overripe appendix from Goewey's right lower quadrant) the court ruled in favor of our client. The court determined that plaintiff failed to prove there was ever an enforceable agreement between the parties to share ownership of the property. The court further found that the property belongs solely to Ms. Tillman.

**Jennifer Bruton**, of Venable's Real Estate Group, also worked extensively on the case.



*Wes Alexander, Jennifer Bruton, and David Goewey are all smiles following a big win for a pro bono client.*



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## Venable Volunteers Help Clear Historic Washington Park

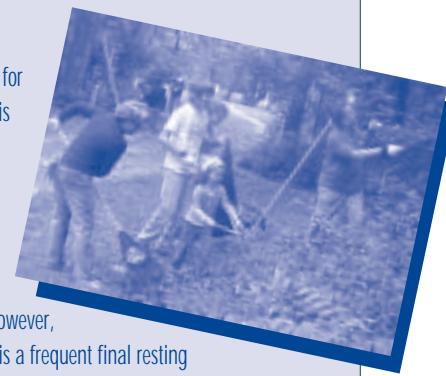
We chopped, clipped, tugged, pulled, dodged a few rain drops and tiptoed around poison ivy on Saturday, May 31, 2003 as Team Venable participated in D.C. Cares Annual Servathon at Watts Branch Park in Northeast Washington.

Watts Branch Park and the surrounding area are quite historical for many reasons, not the least of which is that it was the former stomping grounds of recording artist Marvin Gaye. He wrote many of his songs at the small store front which was used for the registration and check-in area for this event. Over the years, however, the Park has become overgrown and is a frequent final resting spot for stolen cars.

Over the past two years, there have been more than 10,000 volunteers working on this project from every major continent. And there's still work to be done!

Team Venable, made up this year by **Jeanette Corley, Jackie Bottash, Meg Watkins** and her fiancée, **Stratton Strand, Keith Haddaway**, Keith's wife, **Colleen**, and their three incredible kids, **Sam, Courtney, and Caroline**, started at 9:30 by choosing sharp tools, work gloves, and heading into the wooded area with one goal in mind—**STAY AWAY FROM THE POISON IVY!** Actually, the goal was to clear the growth to create site lines into the park.

Thanks to everyone for coming out and spending the day making this corner of our nation's capital a little brighter. It was certainly worth a few sore muscles, a blister here and there, and a surprise thorn-through-the-glove! Hope you'll consider joining us on our next project!



*Top: Keith Haddaway and family clear out brush, creating a view of the brook below.*

*Bottom: Caroline, Colleen, and Keith Haddaway, and Stratton Strand and Meg Watkins prepare to take on Watts Branch Park.*

### Members of Venable's Pro Bono Committee:

Gerard Treanor, Lars Anderson, Jennifer Blackwell, Shannon Bloodworth, Mary Brown, Jacqueline Bottash, Rosemary Dailey, Kathleen Dolan, Jana Gibson, Sarah Gudsnu, Patricia McGowan, Mitchell Mirviss, Kali Murray, Vasilios Peros, David Richardson, Otho Thompson, Courtney Warner, Meg Watkins, and Brian Zemil.