

# Venable Cares



Dear Friends,

Among the highlights of the year at Venable is the recognition of those of our colleagues who have contributed pro bono services to our communities. Our Recognition Reception was held on June 6 in the Washington office. Singled out for particular praise by Ben Civiletti and managing partner Karl Racine were the 112 attorneys, paralegals and summer associates who performed over 50 hours of pro bono service during the year in areas of the law ranging from landlord and tenant disputes to biomedical issues in developing countries.

There were four attorneys whose pro bono accomplishments earned them Benjamin R. Civiletti Pro Bono Lawyer of the Year Awards in recognition of their truly remarkable efforts. The Awards consisted of a handsome wall clock, as well as a contribution by the Venable Foundation of \$1,000 to the charity of each recipient's choice. This year's winners are:

**Paulette Parker**

Paulette Parker is Of Counsel in the Real Estate Group in Washington. She spends most of her time advising clients in connection with affordable housing and community development projects. She is a graduate of the University of Richmond and the University of Iowa Law School.

Paulette was honored for sustained and highly-effective work on behalf of the Frederick Douglass Gardens and Memorial. Over the past four years, she has spent hundreds of hours working with the citizens of Anacostia in implementing their dream of a permanent site to honor the memory and accomplishments of the great leader and statesman, whose last 20 years of life were spent in Anacostia. In large measure due to Paulette's untiring efforts, the goal is in sight.



Dianne Dale, Frederick Douglass Gardens & Memorial, with Paulette Parker

**Chris La Testa**

Honored was Chris La Testa an associate in the Baltimore Office. A member of the Technology Division, Chris' practice involves assisting clients in a wide range of patent litigation issues, focusing primarily on pharmaceutical and electronic device patent disputes. A *summa cum laude* graduate of the University of Baltimore School of Law, as well as the University of Virginia, Chris has been an active participant in the many aspects of the American, Maryland, and Baltimore Bar Associations.

He was recognized for his effective and tireless efforts on behalf of the disadvantaged in the Baltimore area. Chris has spent over 350 hours in the past year representing pro bono clients in a wide array of areas, ranging from negotiating tax disputes with the IRS to the formation of non-profit corporations.



Presentation of the Benjamin R. Civiletti Award to Chris La Testa.

**Amy McMaster**

Amy McMaster has surely established herself among the leaders of the next generation of Venable lawyers. An associate in the Environmental Group, she has distinguished herself in both the Virginia and Washington Offices. A fine writer, Amy is an occasional columnist with the National Law Journal. After earning her

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Amy McMaster receives her Lawyer of the Year Award from Ben Civiletti.

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undergraduate degree, with distinction, from the University of Victoria, Amy managed to slip across the border and wound up at William & Mary, where she received her J.D. and was a member of the Order of the Coif.

Amy's contributions to the firm's pro bono program have earned her the Civiletti Award. An enthusiastic member of the firm's Pro Bono Committee, Amy performed over 300 hours of outstanding work on behalf of her impoverished clients this past year. In cases ranging from a guardian ad litem assignment to a landlord-tenant dispute to our clients at Guantanamo Bay, Amy has met each challenge with diligence and imagination.



Varda Hussain receives her Lawyer of the Year Award from Ben Civiletti.

### Varda Hussain

The last, but not least, honoree was Varda Hussain, who is an associate in the Commercial South Group of the Litigation Division in the Virginia office. It's probably inevitable that Varda would be honored, as it seems her whole adult life has been spent aiding others--no matter where they are. Between earning her undergraduate and law degrees from the University of Virginia, Varda spent a year in South Africa and Sierra Leone working on human rights issues. Following her time as a summer associate at Venable, she went to Mongolia to assist in the training of Mongolian lawyers in human rights litigation.

Since arriving at Venable, Varda has continued her work on behalf of others. She has toiled on behalf of several disadvantaged clients at our clinic at the Cedar Ridge Community Center. But what stands out in her history of giving is the remarkable work she's done on behalf of our three Egyptian clients who are being held at Guantanamo Bay. As an essential member of Carol Bruce's team of volunteers, Varda has spent over 500 hours in the past year fighting to bring due process to our clients.

The pride we feel in associating with these four remarkable lawyers is an important benefit of our pro bono program. We should also acknowledge the hundreds of our number who devoted over 23,000 hours in the last year in an effort to ease the burdens of our less-fortunate clients.

*We salute each of them and delight in their accomplishments.*

*Gerry*



Ben Civiletti chats with Heather Curlee.



Brian Zemil, 2005 Pro Bono Lawyer of the Year Award recipient with Chris La Testa.



Everyone enjoyed the evening.



**ABOVE:** Erik Huey chats with summer associates Linda Oramasionwu and Allison Foley.

**LEFT:** Ben Civiletti with Lawyer of Year Award Winner Paulette Parker.



Esther Lardent, Executive Director of the Pro Bono Institute chats with Karl Racine.

## A Few Hours of My Time

By Kavita Lepping

I recently took over a social security appeal that had been pending since July 14, 2003. The client is struggling to raise two kids while suffering from multiple sclerosis, which has left her with impaired vision and partial paralysis. Needless to say, she could no longer work due the physical ailments caused by her disease.

The Social Security appeal had gone from agent to agent, from the regional to the state agency and back, and no one was willing to take any responsibility for the case. Phone calls were never returned - until we used a Venable contact to make a call for us. I was finally contacted by the regional location manager who added some documentation to the file and forwarded the case back to the state agency.

The state required the completion of a Function Report Form, asking our client to provide information regarding what her daily struggle is like. With assistance from **Shirley Ballard**, **Mary Ellen Himes**, and **Robert Harmala**, we prepared a thorough report. About 6 weeks later, our client was awarded \$20,526 in past-due benefits and is now receiving a monthly sum.

Just a few hours of my time changed the lives of four people. Our client will now be able to afford treatment to hopefully slow down the progression of her disease, and should be eligible for Medicare. The additional monthly income will also make a huge difference in her mental health, as the stresses of paying the bills will be eased.

I didn't have to move a mountain. I just had to care enough to pick up a phone a few times and to complete some paperwork. As attorneys we have an obligation to our community to assist those less fortunate. When I told a colleague the good news, he summed it up brilliantly; "This is what you went to law school for."

### PRO BONO COMMITTEE MEMBERS

Gerry Treanor - Chair, Lars Anderson, Jackie Bottash, Jana Gibson, Sarah Gudsnuk, Rick Joyce, Patsy McGowan, Amy McMaster, Mitch Mirviss, Michael Robinson, Otho Thompson, Daniel Toomey, Brian Zemil

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### PRO BONO AWARDS

#### Venable LLP Receives Pacesetter Award

For the second consecutive year, Venable has received the annual "Pacesetter Award" from the Legal Aid Bureau, Inc. and the Equal Justice Council for its support and leadership in providing legal services to Maryland's indigent.

"Venable exemplifies the best of the legal profession by consistently contributing substantial financial and pro bono resources to assist low-income Marylanders," said Wilhelm H. Joseph Jr., Legal Aid's executive director. "If more law firms stepped up to the plate like Venable, we would be able to help the more than 80 percent of low-income Marylanders who currently are left without civil legal assistance because of insufficient available resources."

Now celebrating its 95th year, Legal Aid is a private, nonprofit, multi-funded law firm providing free legal services to low-income persons in Baltimore City and across Maryland. The Equal Justice Council promotes equal justice by increasing and diversifying the Legal Aid Bureau's resources, serving as its advocates and ambassadors, and educating the public about Legal Aid's programs.

"Venable works with the Legal Aid Bureau because it gives our firm the opportunity to practice law in the truest form by helping individuals and entities with legal services they could never afford," said **Chuck Morton**, who accepted the award on behalf of the firm at the 9th annual Equal Justice Council Awards Breakfast at Camden Yards.



PRO  
BONO

#### Mitch Mirviss Continues His Work to Improve Foster Care in Maryland

As the result of skillful representation by **Mitch Mirviss**, a foster family in Anne Arundel County, Maryland recently received a significant award (insurance policy limits) from the State of Maryland compensating their seven-year-old daughter for sexual abuse committed by a child placed in their care by the local department of social services. The agency had known that the foster child had been sexually abused herself and required therapy, but it placed the child in a foster home without telling the foster parents of her difficulties and risks – even though those issues had just been discussed at an internal staffing meeting that day, prior to the placement. When the foster parents had asked the agency about the child prior to accepting her for placement, the caseworker had described her as "a good kid" with no problems except "a little ADD." Federal and state statutes and regulations require that foster parents be provided with the necessary information about children placed in their homes to ensure that the placements are safe and appropriate.

The foster parents are outstanding foster parents, having volunteered as military foster parents for several years when the family was stationed in Germany. In bringing these claims, their principal objective was to change the system to protect other foster families in the future. They threatened a class action lawsuit seeking a preliminary injunction, and in response, the local department of social services developed a comprehensive three-page form containing extensive information that must be provided to foster families prior to or at placement. Efforts are now underway to convince the State of Maryland to use it statewide.

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### Venable LLP Receives Green Apple Award

Venable was honored with the Green Apple Award at the Higher Achievement Program's 30th Anniversary Awards Ceremony. Venable was recognized for its assistance in helping HAP acquire a new headquarters building. **Phil Horowitz** and **Sarah Smith** accepted the award on behalf of the firm.

Higher Achievement, founded in 1975, is the only four-year, after-school academic program in Washington, DC. The Higher Achievement Program provides accelerated and structured academic training that rewards disadvantaged children with improved academic skills, behaviors, attitudes, and opportunities to attend top high schools. With its opportunity-based model, Higher Achievement has impacted the lives of more than 10,000 youth. Ninety-five percent of Higher Achievement graduates go on to college, graduate, and experience lives filled with increased promise, hope, and economic prosperity.



### Jessica Sartorius Helps Family Navigate Virginia Judicial Process

**Jessica Sartorius** accepted a client referred to her through the Cedar Ridge Community Center Pro Bono Program. The client, who is an immigrant from Africa, speaks no English. She has two sons and an older daughter, who is currently a student at Northern Virginia Community College. The daughter (then a high school senior) made a dental appointment for the two sons, after being repeatedly told that the office took her mother's welfare-related insurance. Once they arrived, the daughter filled out the paperwork for over an hour before the sons were seen. The sons were then taken into the examination room, told their teeth looked terrible, and informed that the dentist did not in fact accept their insurance. The dentist's office told the daughter that she had to pay a \$300+ bill related to the initial examination and a possible x-ray. When the daughter and mother refused to pay, the dentist assigned the debt to a debt collection agency, which then sued the mother (as the named insured) in Fairfax County General District Court.

Jessica is drafting a counterclaim for fraud which is being filed at the end of June. The trial has been scheduled for July 19, 2006. As the case progresses, Jessica is obtaining valuable experience and first-hand knowledge of what it takes to bring a case to trial.



### Tom Madden and Patrick Doherty Successfully Represent Client in Social Security Appeal

Venable partner **Tom Madden** and associate **Patrick Doherty** represented a worthy individual in his appeal of a denial of Social Security Disability benefits. Despite chronic pain and very limited mobility after multiple surgeries on his shoulder and knee, our client was initially denied disability benefits on the basis that the Social Security Administration ("SSA") expected him to make a full recovery within one year. His request for reconsideration was similarly denied.

After losing our client's records, the SSA repeatedly attempted to get him to start the disability benefits process over by filing a new initial request. Instead of taking this route, Venable represented him in his successful appeal before the administrative law judge, arguing that the SSA had erred in its denials because both prior and subsequent surgeries as well as the medical record made it very apparent that our client was precluded from sustaining any gainful employment. After two hearings, one of which dealt with the SSA's mishandling of his records, a grateful client was awarded \$23,320 in past-due benefits as well as \$775.50 per month in ongoing disability benefits.

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MAKING RIGHTS A REALITY:

## My Experience with the DC Bar's Pro Bono Program

*By Jackson T. Reams*

Over the course of the past seven months, Paul Debolt and I spent seemingly hundreds of hours representing an Ethiopian tenant in a landlord-tenant dispute. Our client had lived in his apartment north of Columbia Heights for fifteen years, and had established a fairly comfortable life for himself there – the neighborhood was convenient and much improved, and our client was popular and well-regarded among the local residents. However, in spring of 2005, the landlord had given our client a notice to quit, on the grounds that she desired to occupy his apartment as her personal dwelling – one of the few legitimate reasons to evict a tenant in the District of Columbia. This put our client in a difficult position because he was paying about \$300 per month in rent and couldn't find other housing for under \$800 per month, an unaffordable price given the health issues which restricted his ability to work.

We believed, however, that the landlord's reason for wanting the apartment was bogus. In the District, there are certain rights afforded to tenants' groups that can seriously complicate sales of apartment buildings. We believed that the landlord was attempting to circumvent these protections by evicting our client, thereby destroying the viability of a tenants' group. We discovered that the landlord had tried to sell the building in the very recent past, and built up enough facts so that there was considerable doubt about whether the landlord would succeed at trial. On that basis, we entered into mediation pursuant to the District's Multi-Door Dispute Resolution procedures and achieved a favorable settlement for our client.

Personally, I learned a great deal from representing our client. First, I gained a lot of valuable litigation experience. I was able to engage in mediation, conduct two depositions and was in constant communication with our client and opposing counsel. More importantly, I realized just how crucial it is for people to have representation of counsel. Opposing counsel was the kind of lawyer who makes a living out of taking advantage of the poor and uneducated. I have no doubt that our client would have been bullied out onto the street this past winter, were it not for the DC Bar's Pro Bono Program. Sometimes we forget that a lot of people don't have the resources or the time to sit down and do legal research, conduct depositions, prepare for trial, etc. And the sad fact is that if you can't do this, your rights are fiction. I am proud to be part of a firm that is aware of this problem and has demonstrated a high level of commitment to the service of the DC community. I look forward to my next chance to make somebody's rights a reality.

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## Homeless Persons Representation Project

It has been about a year since the Product Liability Litigation Group began its partnership with the Homeless Persons Representation Project (HPRP) and "adopted" a YWCA in Baltimore. HPRP's mission is to eliminate, ameliorate, and prevent homelessness in Maryland. It does this by sending lawyers to those places where the poor congregate—shelters, day labor pools, welfare offices—and providing direct representation in legal disputes. Broader based, systemic advocacy is derived from this outreach, which is accomplished through the work of a small group of full-time attorneys on staff and a larger panel of volunteer, pro bono attorneys. HPRP concentrates its activities on the areas that cause and exacerbate homelessness: the lack of affordable housing; the lack of employment opportunities; the lack of access to public assistance; and the barrier that criminal histories pose to housing, employment, and public assistance. Direct legal representation is targeted to potential clients in these areas.

The types of matters our attorneys work on, or could work on, include criminal record expungement cases, housing cases (primarily landlord and tenant and access to subsidized housing); family law cases (primarily uncontested custody and child support matters); public benefits (primarily TANE, food stamps, Medicaid or Medicare); disability cases (primarily SSI or SSDI – reconsiderations and hearings); bankruptcy and consumer cases (primarily bankruptcy or unfair debt collection).

Our partnership with HPRP, which is led by **Chip Hill** and **Brian Zemil**, began with a training session for approximately 20 Venable attorneys on housing/public benefits, criminal records expungement, and family law matters. Trained and ready to begin, initially our attorneys encountered a lack of referrals from our adopted YWCA on Franklin Street. Undaunted, associates **Jennifer Larrabee** and **William Piermattei** met with Amelia Lazarus (HPRP) and representatives from the YWCA Franklin Street. This meeting led to a change in the referral system whereby new matters are referred to Venable from a number of different shelters. In addition, the HPRP has also begun to notify all participating law firms of incoming matters to assign on a volunteer basis.

The new system has led to a huge influx of referrals, more than our currently trained attorneys can manage alone. Attempting to represent or even contact many of the people referred to us has presented unique challenges due to the inability to contact those referred, the transient nature of our prospective clients, and mental health issues. Nevertheless, with experience comes understanding and an increased ability to maximize our time and efforts, and the rewards are great. Just ask **Liz Piner** or **Meghan Maloney** who worked to successfully overturn a decision removing a client's Section 8 housing and benefits. As a result, the client kept her housing benefits and her home. Check in with **Kieran Fox**, **Jim Fraser**, **Christina Gaarder**, **Gregory Galli**, **Jennifer Larrabee**, **Dan Moylan**, **William Piermattei**, **Scott Richmond**, **Brien Penn**, **Jayson Sayers**, **Heather Seitz**, and **Gregory Wasylak** to hear about their experiences working with HPRP clients first hand. Our impact in the last year has been significant, and with your help even more individuals can be assisted in the year to come. Please contact either **Brian Zemil** or **William Piermattei** to learn about available referrals.