



GIBSON DUNN
2018
PRO BONO
REPORT



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Dear Clients, Alumni, and Friends of the Firm:

Our strong tradition of pro bono reflects Gibson Dunn's commitment to defend the rule of law and fundamental human rights – core principles that define who we are both as individual attorneys and as a firm. Today it is more important than ever for Gibson Dunn to stand for what is right – to be on the right side of history. In the current climate, we face a nearly constant onslaught of troubling and often tragic news, as well as unprecedented challenges to fundamental principles of equality and justice. As lawyers, we have a special ability, and indeed duty, to influence and impact society. By engaging in meaningful pro bono work, whether in the courts or in support of institutions fighting to make the world a better place, we can uphold that duty and, we hope, help justice triumph and equality prevail.

In 2018, Gibson Dunn lawyers performed more than 145,000 pro bono hours, for an average of 101 hours per attorney worldwide. More than 1,200 individuals worked on a pro bono matter and more than 400 new pro bono matters were opened. As always, our pro bono program reflected our firm's diversity and the varied passions of our individual attorneys. We engaged in cases ranging from defending the First Amendment, to advocating on behalf of the immigrant community and veterans, to advising laudable nonprofits working across a variety of sectors.

We are also honored to have joined forces in many of these efforts with our commercial clients who share our values and commitment to the community. We look forward to similar partnerships in years to come and we are grateful for their shared dedication to these causes.

I am honored to present this look into our firm's most recent pro bono efforts. I would like to extend my heartfelt thanks to the many lawyers who worked on these important matters – you make us all very proud.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken", written in a cursive style.

Kenneth M. Doran





While reflecting on 2018, we were struck by both the breadth of our pro bono program and the depth of commitment demonstrated by our attorneys. In a year that saw extreme turmoil both in the United States and abroad, we are especially proud that Gibson Dunn has stood firm in its commitment to principles of justice, fundamental decency, and equality before the law.

We struggled to narrow down the topics to feature in this year's annual report given the variety of impressive work completed by our colleagues. We hope our selection offers a comprehensive overview of the type of work our firm has engaged in over the past year. Our transactional lawyers provided critical pro bono counsel to dozens of beloved nonprofits, including the Boys & Girls Club of America as it seeks to restructure its organization to better serve young men and women around the United States. Our litigators charged into court defending First Amendment values such as freedom of the press, freedom of speech, and freedom of religion. An attorney in our London office helped spearhead a movement to criminalize the abhorrent practice of upskirting. And our New York office provided much-needed pro bono counsel to the LGBTQ immigrant community on a truly unprecedented scale.

The firm also continued its zealous advocacy on behalf of the immigrant community throughout the United States. Gibson Dunn sprang into action when the announcement was made that the Deferred Action for Childhood Arrivals (DACA) program was going to be terminated. We promptly filed suit on behalf of six young "Dreamers" and succeeded in obtaining a nationwide preliminary injunction halting the program's termination. We have been honored to stand up for these brave young people as they work hard to build fulfilling, productive, and inspirational lives in the country they call home.

The firm again stepped up to help this past summer in the wake of the implementation of a "zero tolerance policy" that resulted in the separation and detention of thousands of families fleeing their countries to seek asylum in the United States. During this tumultuous time, teams of Gibson Dunn attorneys worked on the ground at several detention centers in Texas, as well as from their offices around the country to help children and families with reunification efforts and beyond.

In 2018, we watched our program pivot to address the particular needs of the day, while continuing to reflect the values and diversity of the firm. We look forward to what is to come. Thank you for your hard work and continued support!



Scott Edelman
Pro Bono Committee Chair



Katie Marquart
Pro Bono Counsel & Director



\$924,810,554

VALUE OF PRO BONO SERVICE
PROVIDED SINCE 2008

\$110,005,771

VALUE OF PRO BONO SERVICE
PROVIDED IN 2018



145,093

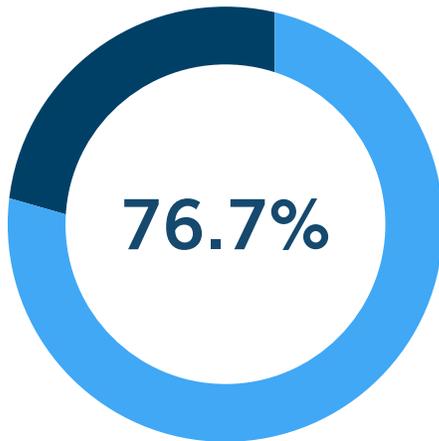
PRO BONO HOURS IN 2018

1,499,787

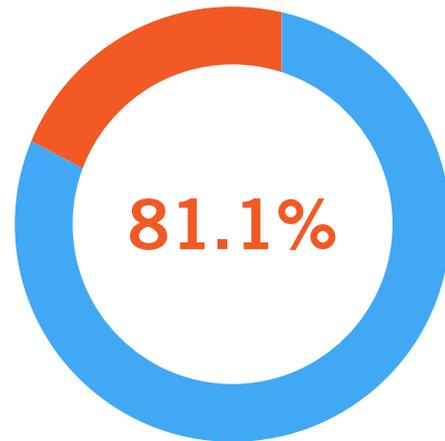
PRO BONO HOURS SINCE 2008

PERCENTAGE OF LAWYERS WHO PARTICIPATED IN PRO BONO EFFORTS IN 2018

FIRMWIDE*



U.S.*



AVERAGE PRO BONO HOURS
PER LAWYER



PARTICIPATING LAWYERS,
SUMMER ASSOCIATES,
TRAINEES (LONDON),
AND STAFF IN 2018

1,454



**Participation rates calculated based on active lawyers as of 12/31/18*

A low-angle photograph of the Statue of Liberty against a clear blue sky. The statue's right arm is raised, holding a torch. Instead of a flame, a pig is perched on the torch's base. The statue's face and crown are visible on the right side of the frame. The lighting is bright, casting shadows on the statue's face and arm.

*“Give us your tired,
your poor , your
huddled masses
yearning to breathe
free. . .”*

IMMIGRATION

Over the last several years, the firm's pro bono work on behalf of immigrants and refugees has been unprecedented in its scale and scope. In 2018, Gibson Dunn dedicated more than 45,000 pro bono hours to immigration-related matters, including asylum applications, Special Immigrant Juvenile Status petitions, U Visas, T Visas, impact litigation, and appellate work on behalf of immigrant rights.

Gibson Dunn has always believed in the importance of dedicating pro bono resources to helping men, women, and children from around the world seeking sanctuary and a better, safer life in the United States. Many of our clients risked their lives to come to the United States, fleeing religious persecution, unchecked gang violence, or pervasive gender-based attacks in their countries of origin. Other clients have lived in the United States nearly their whole lives, and want only to continue to build productive lives and contribute to their American communities. Regardless of the precise circumstance, the firm has taken a stand to ensure that policy changes and new rules impacting the immigrant community are applied fairly and consistent with the U.S. Constitution and the values enshrined therein.



Defending the Dreamers

Since 2012, the Deferred Action for Childhood Arrivals (DACA) program has allowed nearly 800,000 undocumented individuals, who were brought to the United States as children, to come out from the shadows and live normal, productive lives without fear of deportation from the only country most of them have ever called home. The program has been an unqualified success, and these young “Dreamers” – the name often used to refer to recipients of DACA’s protection – have captured the attention and the hearts of millions of Americans.

Nevertheless, on September 5, 2017, the Trump administration announced that it was ending the DACA program. This threw the lives of these hundreds of thousands of people and their loved ones into chaos, destroying the foundation they had been building their lives upon and casting their futures into doubt.

Shortly after the announcement, lawyers around the country stepped up to challenge DACA’s rescission and protect those affected by it. Gibson Dunn is very proud to represent, along with our partners at Public Counsel, six individual Dreamers in a lawsuit in the Northern District of California seeking to vacate the government’s decision to end DACA. It was challenged as both arbitrary and capricious under the Administrative Procedure Act, and unconstitutional under the Due Process and Equal Protection clauses of the U.S. Constitution.

Our clients include a lawyer, a law student, a medical student, a special education teacher, a teacher, and a graduate student. All of them have grown up in the United States and have worked hard to better themselves, build full and productive lives, and support their families. They all also dedicate substantial amounts of time to giving back

to their communities. As the Ninth Circuit observed, our clients truly embody the “American Dream.” They are fantastic representatives of the hundreds of thousands of other young people around the country who have built similarly fulfilling, impressive, and impactful lives in the United States.

On January 9, 2018, Gibson Dunn – working with plaintiffs in related cases – secured a nationwide preliminary injunction temporarily halting the termination of DACA. In a 49-page order, Judge William Alsup of the Northern District of California rejected the government’s threshold “reviewability” arguments and found that a preliminary injunction was appropriate. Accordingly, Judge Alsup enjoined the rescission and ordered the government, with limited exceptions, “to maintain the DACA program on a nationwide basis on the same terms and conditions as were in effect before the rescission on September 5, 2017, including allowing DACA enrollees to renew their enrollments...” In November 2018, a three-judge panel of the Ninth Circuit upheld Judge Alsup’s injunction.

The government has petitioned the U.S. Supreme Court to review the Ninth Circuit’s decision. Still this ruling represents a crucial victory in an ongoing fight on behalf of the six individual DACA recipients in our case, as well as Dreamers across the country who face the loss of work authorization and the prospect of deportation and separation from their families following the administration’s sudden decision to terminate this program.

*“America is open to receive not only the
Opulent and respected Stranger, but the
oppressed and persecuted of all Nations
and Religions; whom we shall welcome
to a participation of all our rights and
privileges...”*

George Washington



Gibson Dunn Tackles the Family Separation Crisis

On May 7, 2018, the Trump administration implemented a “zero tolerance policy,” pursuant to which all adults found to be entering the United States illegally would be subject to criminal prosecution. Furthermore, all adults who crossed the border accompanied by a minor child would be separated from that child. Many of the individuals affected by this policy were asylum-seekers forced to flee their homes due to violence and persecution.

By June, more than 2,300 children had been separated from their parents under this policy, leading to national and international outrage. On June 20, 2018, under

intense public and political pressure, President Trump signed an Executive Order meant to end the separation of families crossing the border by requiring preservation of the “family unit” wherever possible, while still maintaining enforcement of immigration laws. However, the order did nothing to address reunification of the families already separated, and the crisis caused by tearing them apart and scattering them across the country, often without adequate methods to ensure they could later be reunited.

In this time of crisis, lawyers throughout the country volunteered their services to protect the rights of these families. Gibson Dunn was privileged to have been a big part of that effort.



The Parents . . .

Upon crossing the border, pursuant to the zero tolerance policy, the parents were arrested and taken to a detention center. Their children were almost immediately removed from their custody and taken to a different shelter. In many cases, our clients told us that their children were taken away from them without even an opportunity to say goodbye, sometimes in the middle of the night. Often the parents were not told where their children were taken. Many parents waited weeks before being able to even speak to their children again, and when they were permitted to talk by phone, the calls were understandably emotional and heart-wrenching.

While enduring this trauma, these parents were simultaneously expected to navigate the morass of the U.S. immigration system from within the walls of the detention center, usually without assistance of any kind. Often they were forced to balance their desire for immediate reunification with a child with their desire to preserve the family's chance to stay here more permanently: Many were faced with an unprecedented option of remaining separately detained or being reunified and then immediately deported.

To ensure legal representation for these parents, Gibson Dunn attorneys traveled to and worked at several of the Texas detention centers throughout June and July. They spent their days providing counsel and support to the detained parents in preparation for, during, and after their credible fear interviews, as well as helping facilitate communication and reunification with their children.

The Children . . .

As the detention centers reserved for children in South Texas began to reach capacity, many of the children were relocated to facilities around the country while



still remaining in the custody of the federal government and separated from their parents. Several hundred children were brought to New York and placed in foster care facilities throughout the greater New York City area. Catholic Charities was given purview over many of these children and worked hard to coordinate legal and social services for them, including psychological services to help deal with the trauma they had endured.

It quickly came to light that of the approximately 600 children initially relocated to New York City, the government was unable to provide the whereabouts of the parents of at least one-third of them. Without any system in place to track the family separations, the government had managed to “lose” the parents of at least 200 children. Catholic Charities reached out to several law firms, including Gibson Dunn, to help tackle this problem. About a dozen of our lawyers jumped into action, taking ownership of one or more of the children and working hard to locate their parents. Within a week, through all our combined efforts, we were able to find nearly all the missing parents.

The Ms. Q. Case

Today, most of the families impacted by the family separation crisis (though not all) have been released from detention and reunified. Those that will be remaining in the United States and pursuing asylum or another form of relief have settled in cities throughout the country, many living with relatives or friends. Gibson Dunn has taken on a number of these families' cases and plans to represent them through the conclusion of their asylum matters. Unfortunately, not all the families were reunified, at least not without considerable effort. One such family was a young mother from El Salvador we refer to as "Ms. Q." and her 4-year-old son, referred to as "J."

Ms. Q. and J. were detained in March 2018 when they entered the United States to seek asylum. Ms. Q., fleeing rampant gang violence in her hometown, was desperate to raise her child in a country where he would be safe. She could never have predicted the level of hardship she would face upon arrival.

U.S. Customs and Border Protection forcibly separated Ms. Q. and J. a few days after they were detained at the border. Ultimately the two spent more than eight months apart with very little contact. Ms. Q. was sent to an ICE detention center in Texas, while her young son was sent to a facility in Chicago. The pair wasn't permitted to even speak by phone for approximately one month, and then their first call lasted only 10 minutes.

Over the course of the next eight months, Ms. Q. was only permitted to speak to J. five times. The continued separation inflicted severe physical, emotional and psychological trauma on both mother and son. J. became despondent, refusing to eat and reverting to needing diapers. When he was permitted to speak to his mother

on the phone, he changed from an animated, talkative child to one who was nonresponsive and silent.

Despite the *Ms. L* order requiring immediate reunification, the U.S. Department of Homeland Security (DHS) had found Ms. Q. "ineligible." This finding was based on an unsubstantiated arrest warrant from El Salvador alleging that Ms. Q. was a gang member, even though U.S. immigration judge had determined that she was not a danger to the community and that she had credibly testified that she had no gang affiliation.

Gibson Dunn, the National Immigrant Justice Center, and the Center for Constitutional Rights filed suit against ICE and DHS in the U.S. District Court for the District of Columbia, alleging that the government's separation of Ms. Q. from J. violated their substantive due process rights and the Administrative Procedure Act.

On November 27, 2018, Judge Paul Friedman found that the government had failed to meet its reunification burden by keeping Ms. Q. separated from J. He ordered their immediate reunification, emphasizing the strong evidence presented by Gibson Dunn and co-counsel. A few days later, the pair was reunited in Texas and released from DHS custody soon after. While this family still has a long path to recovery ahead, mother and son were overjoyed to finally be reunited with one another and grateful for our assistance.



Ms. Q. and her son J. were overjoyed to be reunited with one another after over eight months of traumatic and unwarranted separation.



Challenges to Retroactive Application of New Immigration Rule

In a trio of cases, Gibson Dunn achieved consensus among the U.S. Courts of Appeals hearing the matters that the government cannot invent a new, harsher immigration rule and then apply that rule retroactively.

Under U.S. federal law, a foreign national is removable (i.e. deportable) if he or she has been “convicted of a crime involving moral turpitude.” The United States has long considered theft convictions to be such moral turpitude crimes if and only if they were committed with the intent to permanently deprive an owner of property. If the theft statute under which the alien was convicted defines “theft” to include non-permanent takings, then it was categorically not a crime involving moral turpitude.

In 2016, after 70 years of this applying this definition consistently, the government reversed its position. It acknowledged what had long been the rule: that “theft” cannot include non-permanent takings to qualify as a crime involving moral turpitude. However, it then jettisoned that narrow rule and adopted a far more capacious standard, thus reclassifying many theft convictions to involve moral turpitude. The Department of Homeland Security (DHS) then began attempting to enforce its new rule retroactively against foreign nationals, most of whom had pleaded to theft convictions with the understanding that those convictions would not affect their immigration status.

Gibson Dunn filed three cases challenging this new practice. They successfully argued that it violated “Rule of Law 101,” basic principles of administrative law, and the U.S. Constitution’s guarantee of Due Process itself for the government to promulgate new rules and seek to apply them retroactively. They persuaded all three of the federal courts of appeals hearing the matters – the Second, Fifth, and Ninth Circuits – to reject the government’s lawless behavior.

These decisions had an immediate and widespread impact on the many individuals around the country who were in the midst of removal proceedings based on theft convictions that had suddenly been held to constitute crimes of moral turpitude. Soon after these decisions issued, members of the immigration bar described the decisions as “game changers” and wrote to Gibson Dunn attorneys about the “tons of individuals out there whose lives will be dramatically affected” by these decisions. Further, the government has informed our attorneys that other removal cases would be terminated as a result of these decisions.

Protecting Domestic Violence Victims Seeking Asylum

A group of former immigration judges and members of the Board of Immigration Appeals (BIA) turned to Gibson Dunn in April 2018, for help in preventing the erosion of the nation’s asylum protections for victims of domestic violence. The Attorney General had certified to himself a decision of the BIA granting asylum to a Salvadoran woman



abused for years by her husband. Commentators worried that the Attorney General would use the certified decision, *Matter of A-B- (AB)*, to announce sweeping new restrictions on the availability of asylum to victims of violent crime.

The former judges, initially numbering 16, sought to prepare an amicus brief explaining why the Immigration and Nationality Act (INA) should not be read to categorically bar asylum claims from victims of violent crimes perpetrated by non-governmental actors. A Gibson Dunn team swiftly prepared a brief urging the Attorney General to refrain from announcing a categorical prohibition on the types of persecution or abuse that might qualify for asylum.

In June 2018, the Attorney General issued an opinion in *AB* overruling prior BIA precedent endorsing asylum claims from victims of domestic violence, and stating that “victims of private criminal activity” could define cognizable “social groups” only in “exceptional circumstances.” His decision threatened asylum claims premised not only on domestic violence, but also on gang activity and other private criminal behavior. Although the *AB* ruling did not go as far as some had feared, the former judges recognized the importance of constraining the interpretation and application of *AB*, to counteract its potentially dangerous results for the law of asylum. To champion their views, they have returned to Gibson Dunn time and again.

The first occasion for limiting *AB*'s reach came just one month later, when the BIA summarily rejected the asylum claim of a Guatemalan woman who had been beaten and

abused by her domestic partner. The former judges asked Gibson Dunn to prepare an amicus brief urging the BIA to reconsider its ruling. The brief argued that the INA prohibits categorical bars to “social group” asylum claims, and that the BIA is instead required to analyze such claims on a case-by-case basis. The brief also argued that *AB* did not and could not change well-established law, and that it is wrong to construe *AB* to categorically deny entire batches of “social group” claims without independent analysis of case-specific facts. The BIA formally accepted the amicus brief, and the case remains pending. Former New York-based Immigration Judge Jeffrey S. Chase noted “how proud” the former judges were “to have our names attached to such an outstanding brief on such an important issue. Bravo and a thousand thanks!”

There were two subsequent opportunities to similarly limit *AB*'s application, first in the Fourth Circuit and most recently in the First Circuit. In both cases, the former judges group — now numbering 27 in total — again turned to Gibson Dunn to draft amicus briefs. The former judges have commended Gibson Dunn for the clarity of the amicus brief in each case. It is our sincere hope that our work on this important issue will preserve the availability of asylum to victims of domestic violence, gang violence, and other violent crimes.



A person is shown from behind, holding a large, illuminated sign. The sign is divided into three horizontal sections. The middle section contains the text "#METOO" in a bold, black, sans-serif font. The top and bottom sections are empty. The person's hair is long and dark, and they are wearing a dark top. The background is a soft, warm light.

#METOO

WOMEN'S RIGHTS

Over the past several years we have witnessed the resurgence of the #MeToo movement, bringing with it countless reports of sexual harassment or assault – from our political leaders, powerful executives, celebrities, news reporters, and others. We hope that the heightened scrutiny brought about by this movement will lead to a positive, permanent change in our society. And, thankfully, we have begun to see some of that positive change already, including in legislation passed that provides sexual assault victims with more meaningful forms of redress against the perpetrators. Gibson Dunn has been proud to represent several brave women over the last year in their battles to vindicate their rights. They are fighting not only to vindicate their own violations but also to make the world a safer, better place for women and girls everywhere. We have selected just one of these stories to feature herein.

#StopSkirtingTheIssue

Upskirting is the odious act of taking photographs up women's skirts without their consent. Upskirters often strike in public places, such as on the subway, in a nightclub, or at other crowded venues.

Until recently, the act of upskirting was not a specific criminal offense in England and Wales. Instead, it could only be prosecuted in certain circumstances, and only as a public order offense. The police and authorities were effectively unable to bring perpetrators to justice. That all changed this year, thanks to the tireless efforts of one brave and impressive young woman and her determined and creative lawyer, Gibson Dunn London associate **Ryan Whelan**.

In 2017, Ryan began his representation of activist Gina Martin, a victim of upskirting. The first step in the crusade to criminalize the practice was to craft a solid

legal opinion, corroborated by the country's leading authorities on criminal law. The opinion detailed the inadequacy of the existing laws in England and Wales and why the practice of upskirting should be recognized as a specific criminal offense, with serious penalties attached. With this legal opinion in hand, Ryan and Ms. Martin fought for access to the highest levels of government and secured support for a bill criminalizing the act from Members of Parliament in every single political party. The media campaign to tackle the issue, on which Ryan advised, included the hashtag #StopSkirtingTheIssue, which quickly started to trend on social media. The campaign garnered widespread support, including celebrity endorsement, and a petition for the government to take action was signed by over 100,000 people.

As a result of these efforts, a bill recognizing the act of upskirting as a criminal offense passed the House of Commons and the House of Lords, receiving Royal Assent on February 12, 2019. The bill includes tough sentencing

guidelines for committing the crime, including up to two years in jail and registration as a sex offender.

Ryan's impressive dedication to this pro bono matter has earned him recognition in the media and from across the Houses of Parliament. House of Commons Minister Lucy Frazer QC MP called the campaign "incredible," while House of Lords Baroness Chakrabarti said: "I pay

tribute to the campaigner Gina Martin, whose original indignity was converted into a powerful campaign to do something important that we can all agree on. I also pay tribute to her lawyer, Ryan Whelan, for that campaigning partnership and to parliamentarians on all sides of both Houses who made it possible – even at the expense of rivalries and through self-censoring – to allow a speedy and successful passage of this Bill."

In recognition of his incredible work on behalf of Ms. Martin and the upskirting issue, Ryan received the Gibson Dunn Frank Wheat Award for 2018. He has been named *The Times* "Lawyer of the Week" (2018) and featured in *The Law Society Gazette's* "Lawyer in the News" (2019).

"Ryan is, I think, the ultimate example of how to do pro bono effectively. He does it for the right reasons and is a brilliant male ally. He intuitively understood that as a victim of sexual harassment it was important for me to be centrally involved. Together we were such a formidable team."

*Gina Martin,
Client and Activist*



Gina Martin and Ryan Whelan celebrating the passage of the bill criminalizing the act of upskirting.

VETERANS ADVOCACY

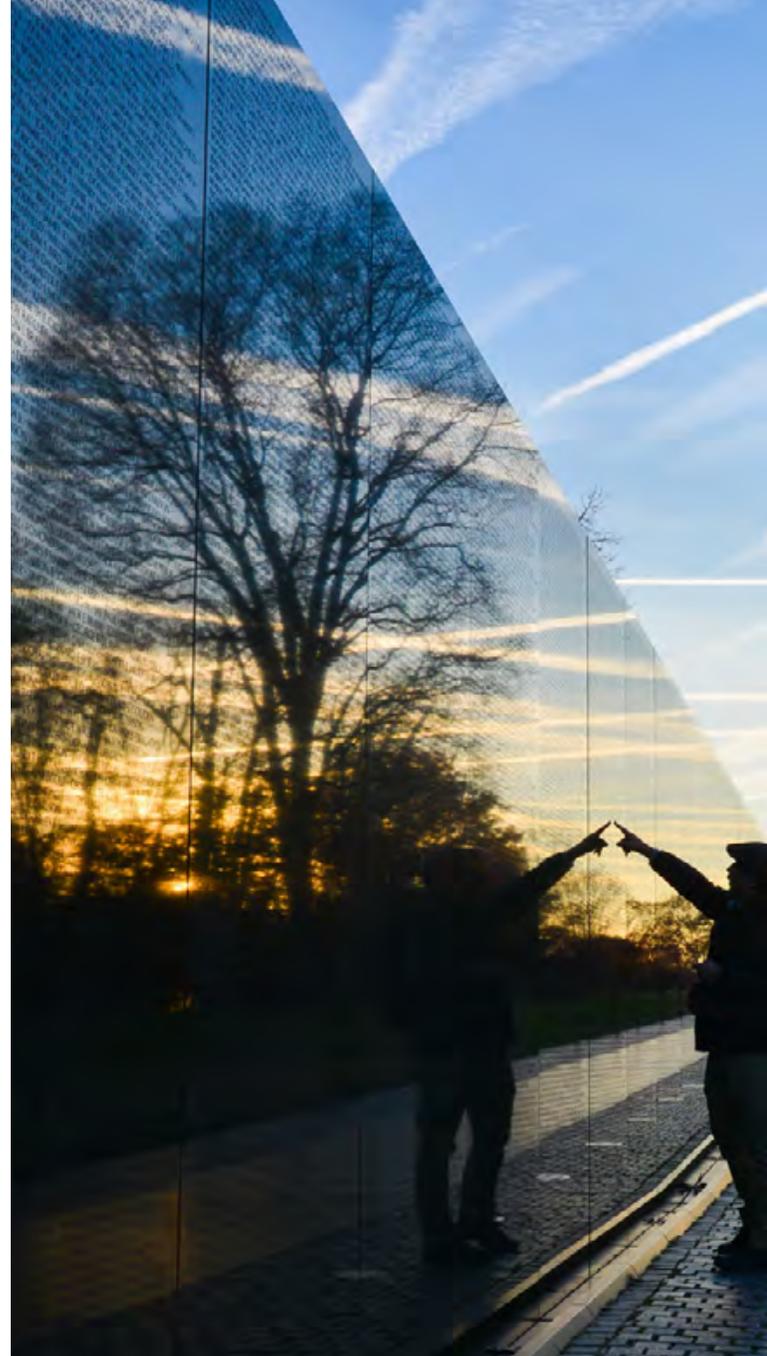
Gibson Dunn is honored to provide much-needed pro bono legal services to the brave women and men who make incredible sacrifices for the United States as members of the armed forces. Many of our clients suffered severe physical and mental trauma while serving, only to then be turned away from the help they needed to heal. We are proud to facilitate access to justice for these true heroes.

Upon returning home from service, many veterans file claims for benefits with the U.S. Department for Veterans Affairs (VA) for service-connected conditions. Unfortunately, due to backlogs, their claims often languish unresolved for years on end. This is when our attorneys can make a difference.

One of our client's claims had been pending for nearly 20 years before Gibson Dunn took his case. A Vietnam War veteran, he had been exposed to Agent Orange while serving in the Air Force in Thailand and Vietnam in the 1970s. Our team was finally able to secure benefits to address multiple conditions from which he suffers, persuading the VA that they were caused by his exposure to herbicides in service. We hope these benefits will significantly improve his way of life.

The firm achieved another victory for a veteran injured during his military service as a flight officer in Vietnam. His request had been pending for nearly 10 years when Gibson Dunn took on the case. After winning an appeal on his behalf, we helped him finally obtain a grant of benefits.

Our work on behalf of veterans often involves appealing the denial of service-related benefits claims up to the U.S. Court of Appeals for Veterans Claims. One such recent and successful appeal was for a U.S. Marine Corps veteran suffering from post-traumatic stress disorder



(PTSD) as a result of combat experience during the Vietnam War. Gibson Dunn's briefing identified multiple errors in the decision below from the Board of Veterans' Appeals, including the failure to account for substantial evidence of the severity and extent of the client's PTSD symptoms, which entitled him to a higher rating for his condition. After reviewing our briefing, the Department of Veterans Affairs' Office of General Counsel conceded that the Board had erred, leading the Court of Appeals to vacate the Board's decision in full and remand the claim for re-adjudication.



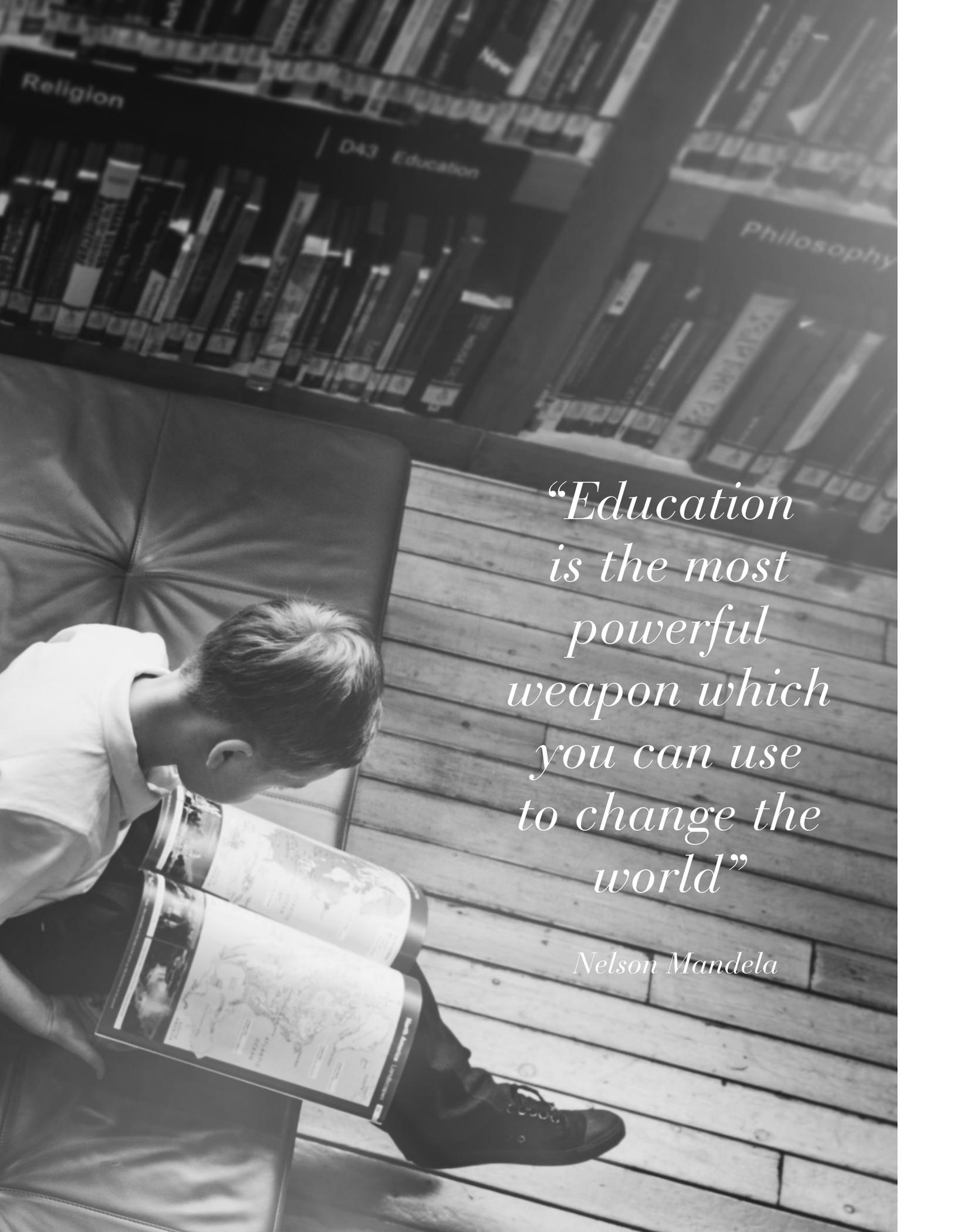
On October 31, 2018, The Veterans Consortium Pro Bono Program recognized Gibson Dunn Los Angeles associate Sean Twomey with its Volunteer Inspiring ProBono Award. Courtney Smith, Director of Outreach and Education for the Veterans Consortium, described him this way: “Sean is the ultimate team player. The work that Sean has done over the years is inspiring. He turned his law school initiative into an opportunity for so many UC Irvine students, who may go on to take pro bono cases themselves one day. We truly appreciate Sean’s dedication to our program and commitment to spread our work on behalf of veterans and their families, who are always sacrificing for our nation.”



identified multiple errors in the Board’s decision, including the failure to consider material evidence provided by a fellow service member who served with the veteran in Iraq, and the Board’s improper effort to incorporate by reference aspects of a prior ruling vacated by the Court of Appeals in 2016. The Department of Veterans Affairs’ Office of General Counsel conceded the argument in our briefing rather than filing an opposition brief, leading the Court of Appeals to vacate the Board’s decision in full and remand for Board re-adjudication.

The firm has also helped provide access to other types of pro bono legal services for the veteran community. In October 2018 we hosted a “Wills for Veterans Clinic” in collaboration with the Neighborhood Legal Services Program in Washington, D.C. More than a dozen Gibson Dunn lawyers participated in the clinic, alongside more than 30 law students.

Another successful appeal involved a decision denying service-connected benefits to a U.S. Marine Corps veteran for a traumatic brain injury suffered during military service in Iraq in 2006. He had served two tours of duty with the Marines: one during Operation Desert Storm in the Persian Gulf war in the 1980s and one during Operation Iraqi Freedom in 2006. During his 2006 service our client suffered several head injuries, including from enemy mortar fire and improvised explosive devices, and during combat training. And yet the Board denied his claim for a service-related injury. Gibson Dunn’s opening brief



*“Education
is the most
powerful
weapon which
you can use
to change the
world”*

Nelson Mandela

ACCESS TO EDUCATION

Ensuring meaningful access to education is critical to providing opportunities for young people to grow, learn, and succeed. Unfortunately, not every child is afforded the same chance to benefit from a robust, challenging education. Some children lack a permanent, stable home and family life that would facilitate and encourage their taking full advantage of available options. Others are denied equal access to education because of racial and socioeconomic disadvantages. Gibson Dunn dedicates time and resources to fight for children around the world, helping ensure they receive every opportunity to unlock their potential and achieve their dreams.

Empowering Foster Care Youth

First Star was founded in the United States in 1999. It works to improve the lives of vulnerable youth in foster care by ensuring that they are provided with the necessary academic and life skills to succeed. One way the organization pursues this mission is through its innovative college preparatory programs known as “Academies.”

The First Star Academies are the country’s only long-term college readiness programs for high school foster youth. They include four annual immersive residential summers on a university campus, as well as monthly sessions for participants. During the residential sessions, Academy participants are supported by highly qualified professionals and peer mentors who are former foster youth attending the host university. Throughout all four years, Academy staff provide holistic, long-term education case management to the participants and their families, in order to sustain the progress the participants make during the university immersion sessions.

First Star currently serves approximately 350 youth across 12 campuses in the United States, including in Los

Angeles where Gibson Dunn’s pro bono relationship with First Star began. The Academies have a proven record of improving the academic outcomes for participants. More than 90% of foster youth who attend First Star Academies go on to study at a university, compared to the national average of approximately 10%.

Following First Star’s rise to success in the United States, its board decided to expand operations to the United Kingdom. Because of the strong relationship Gibson Dunn had built with First Star over the years, the organization turned to the firm to assist with this endeavour. Our London lawyers provided invaluable assistance to the First Star team, including advising on legal entity structures in the UK and educating the board in its duties under both UK companies and charities law. Thanks to the continuous support of the Gibson Dunn team, First Star Academies UK was successfully established in 2017.

St Mary’s University in Twickenham, London, was chosen as the inaugural First Star Academy in the UK, with the first cohort starting the program in the summer of 2017. As with the format of its U.S. counterparts, the St Mary’s Academy consists of a four-week residential session taking

place on the campus, with monthly Saturday Academies hosted throughout the remainder of the year. The Gibson Dunn team is very excited to visit the Academy in 2019, and to meet the students currently enrolled in the program.

First Star Academies UK achieved a significant milestone when it was awarded charitable status on November 19, 2018 following significant support from the Gibson Dunn London team with preparation of its Charity Commission application. This status will greatly assist First Star in securing funding to continue to expand operations in the UK, and discussions are ongoing with potential future Academies. We look forward to continuing this relationship and assisting the First Star team as it grows.

*Dr. Lorna Goodwin
Executive
Director,
First Star
Academies UK*



“First Star Academies UK is deeply grateful to Gibson Dunn for their unstinting support and advice. The expertise and commitment of the attorneys at Gibson Dunn has been instrumental in making First Star UK a reality for the many looked-after young people our academies guide, educate and support.”

Landmark Settlement to End Discriminatory School Practices

In May 2018, Gibson Dunn, our co-counsel and clients reached a settlement with the Modesto City Schools District (District) designed to end its discriminatory discipline practices against African-American, Latino, and English Learner students. California Rural Legal Assistance and the Lawyers’ Committee for Civil Rights of the San Francisco Bay Area were co-counsel, and our clients were students and graduates of color in Modesto, California schools, as well as Modesto area community advocacy groups.

The District had a long history of discrimination against students of color and English learners, as documented in a 2002 Time magazine article about racially discriminatory expulsions. Further, a 2007 ACLU report showed that students of color were disproportionately transferred to the District’s continuation high school and thus denied an equal opportunity to learn in regular classrooms.

Similar data revealed that students of color and English learners were disciplined at a grossly disproportionate rate. Indeed, English learners were more than two and a half times as likely to be suspended as English-proficient White students, and African-American students were more than three times as likely to be suspended.

We also reviewed information indicating that Modesto City Schools began reclassifying in-school suspensions as “intervention center referrals” in 2014. The only apparent distinction between “intervention center referrals” and “in-school suspensions” was that the latter were subject to public scrutiny while the former were not. The District is required to publicly report the number and race of students it suspends, but is not required to disclose

any information about the students it “refers” to the center. Like suspensions, these “intervention centers” did not involve academic instruction or positive behavior intervention, and, like suspensions, the referrals were disproportionately given to students of color.

In May 2017, Gibson Dunn joined with our co-counsel and clients to end these practices and ensure that all Modesto students receive an equal education, free from racially biased discipline. Initially, the District dismissed our clients’ suggestions for comprehensive relief, and we were forced to prepare for litigation. Facing an impending lawsuit, the District asked to explore a settlement and we began formal mediation in January 2018.

As a result of the settlement, which runs through June 30, 2021, Modesto City Schools will bring in a nationally recognized expert, U.C. Berkeley Professor Dr. Jason Okonofua, to review the District’s disciplinary policies, survey staff and students, and make comprehensive policy and training recommendations designed to end racially biased discipline. Dr. Okonofua will also provide regular reports to the community regarding his findings, and discuss what changes will be implemented.

Racially discriminatory discipline is a national issue that affects millions of students of color – but we are hopeful that our work in Modesto can help start to make this pervasive problem a thing of the past.



PROTECTING THE FIRST AMENDMENT

Gibson Dunn is well known for its strong appellate and constitutional law practice, and we are proud to flex these skills for our pro bono clients as well. Over the last year, the firm has taken on representations that helped ensure that the important right to a free press guaranteed under the U.S. Constitution was not abridged or destroyed. Similarly, we stood up for pro bono clients who sought to exercise the right to practice their religion, as enshrined in the Constitution's First Amendment.

Freedom of the Press

On January 20, 2017, journalist Aaron Miguel Cantú was covering an Inauguration Day protest in Washington, D.C. when he and hundreds of other people, including many journalists, legal observers and medics, were corralled by police and arrested. He was eventually charged with several felonies, including inciting a riot and multiple counts of destruction of property, based solely on the indictment's allegations that he was present at the demonstration and wore dark clothing. He faced up to 75 years in prison.

Gibson Dunn filed a motion to dismiss his indictment, arguing that the charges against him infringed his First Amendment rights as a journalist and that the indictment was unconstitutionally vague as applied to his newsgathering activities. The motion highlighted his years as a freelance journalist, during which he published more than 120 articles with 28 publications, including numerous articles covering social activism and political protests through in-depth, first-person investigation.

Trials proceeded against some of Mr. Cantú's co-defendants and the government failed to secure a single conviction. While Mr. Cantú's motion to dismiss was still pending, and as the Gibson Dunn team prepared for his trial, the government voluntarily dismissed all charges against him on July 6, 2018.

Freedom of Religion

Mary Anne Sause, a retired nurse, was in her Louisburg, Kansas home one evening when two officers approached and, without identifying themselves, demanded she allow them inside. Ms. Sause is a rape survivor and never opens the door to anyone she cannot identify, and, as such, she did not initially comply.

The officers left but later returned, demanding again to be let inside and questioning why she had not done so earlier. As they had still not explained the reason for their appearance, Ms. Sause showed her pocket Constitution to the officers, who laughed in response and said: "That's just a piece of paper [that] doesn't work here." Once inside, they told her to

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

- First Amendment to the Constitution



prepare to go to jail, although they indicated they did not know the reason why she would be arrested. It was later revealed that they had come to her home because of a minor noise complaint.

Frightened while the officers were in her home, Ms. Sause requested permission to pray and, upon being granted permission by one of them, she began praying silently while kneeling. The second officer mocked her and ordered her to get up and stop praying. Thereafter, Ms. Sause filed a §1983 suit *pro se*, alleging that the officers violated her First and Fourth Amendment rights.

The district court dismissed the complaint with prejudice, ruling that the officer's order to stop praying "may have offended her," but did not "constitute a burden on her

ability to exercise her religion." Gibson Dunn stepped in to handle her appeal to the Tenth Circuit.

The firm persuaded the Tenth Circuit that the officers violated Ms. Sause's First Amendment rights by forcing her to stop praying without any legitimate law enforcement interest. However, despite recognizing the officers' "obviously unprofessional" conduct, the court nevertheless ruled for them on qualified immunity grounds. The Gibson Dunn team then sought review in the U.S. Supreme Court, asking it to summarily reverse the Tenth Circuit.

The petition for review explained that the Tenth Circuit's decision sharply conflicted with the Supreme Court's own earlier decision in *Hope v. Pelzer*, in which the Court expressly rejected a requirement that defeating qualified immunity requires "that previous cases be 'fundamentally similar'" or involve "'materially similar' facts." The Tenth Circuit, however, had ruled in Ms. Sause's case that the officers were entitled to qualified immunity precisely because she could not identify a single factually similar case.

The Gibson Dunn team then persuaded the State of Texas to file an amicus brief on Ms. Sause's behalf in only the second time a government entity has ever filed a brief arguing against qualified immunity. We also secured an amicus brief by a group of former federal prosecutors. The Supreme Court ultimately agreed to review the case and, in June 2018, summarily reversed the Tenth Circuit and remanded for further proceedings.

For the first time in history, the Court summarily reversed a decision granting qualified immunity on the pleadings. A unanimous Court explained that "[t]here can be no doubt that the First Amendment protects the right to pray" and that "[p]rayer unquestionably constitutes the 'exercise' of religion."





RIGHT HAND
L. Mid. Finger

RIGHT HAND

Rt. Thumb

2.—Rt. Finger

3.—Rt. Mid. Finger

4.—Rt. Ring Finger

5.—Rt. Little

CRIMINAL JUSTICE

Effective pro bono counsel can make all the difference in ensuring meaningful access to the justice system for prisoners who face unique challenges bringing cases to redress wrongs committed against them while incarcerated. Gibson Dunn takes on civil rights claims on behalf of prisoners whose rights have been violated, whether through medical neglect or acts of violence. Through our pro bono efforts we also work to clear some of the numerous legal barriers that exist when an individual attempts to re-enter society after serving time in the criminal justice system, so that these individuals can move forward with their lives with dignity, opportunity, and confidence.

Vindication for Prisoner Brutally Assaulted While Incarcerated

Mr. Cavness, an inmate at San Francisco County Jail, was savagely attacked and beaten by a cellmate on October 13, 2011. Saunders' barrage of punches and kicks broke Mr. Cavness' ribs, face, and ankle; severed a muscle tendon in his leg; and left him covered in bruises and welts. Mr. Cavness ended up with a metal rod fused to his leg bone and severe emotional and psychological scars.

This brutal assault was far from inevitable. In the days before, Mr. Cavness tried his best to alert jail deputies to the danger he faced. He informed multiple deputies that his cellmate – a figure with an infamous penchant for violence against cellmates and guards alike – was threatening him. Yet they did nothing. As a result, Mr. Cavness now lives with irreparable injuries. He brought a civil rights action because the deputies utterly and inexplicably failed to protect him – in violation of both their constitutional obligations and jail policy.

But the road to the courthouse steps was a long and difficult one for Mr. Cavness. He first attempted to proceed *pro se*, but his case was dismissed. When he appealed the decision against him, the Ninth Circuit appointed Gibson Dunn to serve as his pro bono counsel. Our team then reviewed the record and discovered a dispositive error. Mr. Cavness' opponents, represented by the City Attorney of the City and County of San Francisco, had failed to comply with key procedural protections that Ninth Circuit law had established nearly two decades earlier – and that the court in this very case had ordered the City to comply with. Our attorneys applied to reopen discovery and, faced with the City's misconduct, the court agreed.

Following three more successful motions to compel additional document productions (through which the City produced more than 5,000 pages of documents), as well as rounds of depositions of the defendant deputies, Gibson Dunn marshalled an opposition that defeated the City's second motion for summary judgment. With the case set for trial, the City finally became willing to discuss settlement, and at long last extended an offer that all parties and our settlement judge agreed was fair. This led to a settlement only weeks before the case was set to go to trial, obtaining much needed compensation for Mr. Cavness.

On a more systemic level, Gibson Dunn showed the City that it would not be free to run roughshod over *pro se* inmates. Further, we demonstrated that the protections federal courts establish to ensure that inmates, too, can achieve justice must be respected. We are proud to say that inmates in the future will be able to cite our numerous victories in this case in their quests for justice.

Facilitating Re-entry Into the Community

In January 2014, attorneys from Gibson Dunn's New York office launched a groundbreaking pro bono program serving clients in the Eastern District of New York's "Alternatives to Incarceration" programs. As the name suggests, these programs are designed to offer alternatives to incarceration for certain criminal defendants. Two involve pre-sentence supervision focusing on criminal defendants who have pleaded guilty to a crime and are awaiting sentence: the Pretrial Opportunity Program (POP), a drug court, and the Special Options Services (SOS) program, providing intensive supervision for certain youthful offenders. Another program involves post-sentence drug courts, known as the Supervision to Aid Re-Entry (STAR) courts, which focus on supervisees with documented histories of substance abuse who are attempting to re-enter their communities at the conclusion of their prison terms.

In January 2019, Gibson Dunn began partnering with the Southern District of New York's "Re-entry through Intensive Supervision and Employment (RISE)" program, the first of its kind in this court. The purpose is to help reduce recidivism for individuals on supervised release by encouraging employment and assisting in the successful re-entry of certain at-risk individuals. In connection with this program, Gibson Dunn has also partnered with Columbia Law School to help participants with civil legal issues that may arise. Our attorneys recently presented at the school's Challenging the Consequences of Mass Incarceration Clinic to discuss Gibson Dunn's experiences in the Eastern District re-entry programs, and how the two groups can work together to address some of the participants' recurring issues.

Participants in these programs often face legal challenges that are separate from their criminal cases and that create additional barriers to their successful rehabilitation. Gibson Dunn's pro bono program seeks to address these hurdles by providing representation on a wide range of civil collateral issues, including housing, public assistance benefits, immigration, professional licensing, employment, transactional matters, and family law. Our lawyers regularly attend each "Alternatives to Incarceration" program's monthly court dates, and when a program participant needs help in connection with a collateral civil matter, the Federal Defenders refers it to our attorneys. They are then retained by the program participant. Gibson Dunn has also collaborated with the New York City Department of Probation and the Federal Defenders to educate participants on successfully dealing with some of the obstacles they may face.



*Matt Benjamin,
Gibson Dunn
New York
Partner*

"Formerly incarcerated persons face steep barriers to successful reentry: restrictions on housing and employment, accrued fines and penalties, and pervasive stigma. Through the ATI Program, Gibson Dunn lawyers are fortunate to support these clients and serve the District Court's innovative criminal justice programs."

Successes over the past few years include preventing the eviction of a client and her family from public housing, and obtaining significant rental assistance for them. We have also helped clients with legal issues surrounding ex-offender employment by obtaining Certificates of Relief from Disabilities to help expand the range of available professional licenses and job opportunities. Our lawyers have represented clients in immigration-related matters, including a federal denaturalization proceeding, and presented to participants on topics such as navigating a job search with a criminal record.

The nature and scope of our firm's commitment to these programs have been unprecedented. We look forward to continuing and expanding our work to help these individuals become productive, participating members of the New York community.



ENVIRONMENTAL CONSERVATION EFFORTS

We believe that working to protect and sustain our communities includes ensuring that we are taking care of the world around us. We dedicate pro bono time to organizations committed to protecting and preserving our planet, which we hope will help guarantee a better future for generations to come. Our clients tackle various problems facing the earth today in unique and creative ways, and we are pleased to support them in their efforts.

A Fight to Preserve the Yampa River Valley

For over two decades, The Nature Conservancy (TNC) has owned and managed Carpenter Ranch. This 900-acre working cattle ranch is dedicated to safeguarding a critically important floodplain and nearby wetlands along the Yampa River in Hayden, Colorado, 20 miles west of Steamboat Springs.

In July 2016, TNC's mission at Carpenter Ranch came under threat when the owner of a private neighboring ranch to the north sued, claiming ownership of a portion of TNC's property. Faced with the possibility of losing ownership rights over portions of this ecologically important floodplain, as well as its ability to carry out its environmental mission in the area without undue interference, TNC enlisted the aid of Gibson Dunn attorneys to defend it in a quiet title lawsuit.

For the next two and a half years, Gibson Dunn lawyers from Denver successfully defended TNC at every turn. They defeated the neighboring ranch owner's central theory of the case – that it retained ownership rights to portions of TNC's property through deeds dating back some 60 years. Then plaintiff's theory of the case shifted: It claimed ownership based on past rapid movements (known as "avulsions") of the Yampa River that divides

the parties' properties, and argued that the river's former streambed at Carpenter Ranch remained an active river channel, owned jointly by the parties. Gibson Dunn once again successfully defended TNC.

Narrowing the scope of the case to just three disputed areas along the river, we subsequently prevailed in a two-day bench trial before Judge Shelley Ann Hill of the District Court for Routt County, Colorado in late July 2018.

With its ownership rights at Carpenter Ranch affirmed, TNC can continue its environmental stewardship in the Yampa River Valley in the years to come.

The Flowering Tree Group: Environmental Conservation in Indonesia

Gibson Dunn represents the Flowering Tree Group in a joint venture with the Arizona-based Biosphere Foundation to develop an environmental conservation and stewardship center on the island of Bali, Indonesia. The facility will be one of the largest of its kind in Asia.

The facility is unique in being a permanent structure that will operate in conjunction with Biosphere's existing mobile center, located on a purpose-built ship. The new Bali center will include meeting and conference facilities, a library, computer room, service buildings and design and landscaping, all intended to promote and exhibit the latest environmentally friendly conservation and waste management practices. The firm is also advising on the development of environmental education programs for local and international schools to be conducted in the center, as well as scientific research programs with international universities.

NONPROFIT ADVICE

Gibson Dunn provides extensive and wide-ranging advice to nonprofits and nongovernmental organizations to ensure that they are able to effectively pursue their core missions. Our nonprofit clients work in a variety of spaces on behalf of important causes and vulnerable communities across the globe. It is our sincere privilege to engage with them to help make our societies stronger.

The Humane Society

In February 2018, the chief executive officer of The Humane Society of the United States (HSUS), which provides direct care to more than 100,000 animals each year, resigned in the wake of allegations of sexual harassment. Prior to that, HSUS' Board of Directors had voted to immediately end the ongoing investigation into the allegations, resulting in seven board members resigning in protest. Subsequently, various HSUS stakeholders and members of the public voiced their concerns about the Board's conduct and effectiveness.

To ensure an independent and thorough review of its governance policies and procedures in order to find ways to regain the public's trust, the Board turned to Gibson Dunn. On a pro bono basis, the firm engaged in a board governance review comprised of three phases: (1) a comprehensive review of HSUS governance and procedures, including interviews with key HSUS stakeholders; (2) the formulation of recommendations regarding board governance practices and policies and the development of a Board Governance Action Plan; and (3) implementation of that plan. Gibson Dunn lawyers worked closely with HSUS directors and its general counsel, in addition to a team of communication experts and a team from a Delaware law firm, to help review HSUS' Certificate of Incorporation and Bylaws.



Over a period of about six months, Gibson Dunn developed a Board Governance Action Plan setting forth more than 45 specific action items for the Board to consider and undertake. The firm's recommendations included that the Board issue a prompt and explicit statement that harassment will not be tolerated, and that the Board update and clarify its process for receiving and responding to harassment claims. The Board voted unanimously to endorse Gibson Dunn's recommendations. The organization acknowledged in a press release: "By implementing these important and necessary changes, we will not only make the Board's oversight of HSUS more effective and better aligned with best practices, but also ultimately foster a stronger and kinder organization."

The firm continues to provide HSUS with guidance and assistance as it responds to outreach from stakeholders and begins implementation of the plan.



The Boys & Girls Club of America

Boys & Girls Clubs of America (BGCA) is a national nonprofit dedicated to providing safe, affordable places for kids and teens to meet, play, and learn. It provides life-changing programs and services to more than four million young men and women across the country and on U.S. military bases abroad.

BGCA recently launched its “Great Futures 2025” initiative, which focuses on strengthening local organizations, improving program quality, advocating for youth development, and increasing the number of youth served. As part of this effort, BGCA targets local organizations to strengthen and improve. A key element of the assistance BGCA provides is exploration of organizational combination and restructuring, especially in areas where there are many clubs in close geographic

proximity, where clubs are underperforming, or where clubs have limited resources.

In furtherance of BGCA's efforts to strengthen local organizations, Gibson Dunn has provided significant pro bono counsel and resources to both the national organization and local clubs considering and executing organizational restructuring. Because BGCA wanted to ensure that every club was represented by solid legal counsel, Gibson Dunn reached out to other law firms to help form what came to be known as the BGCA Legal Advisory Workforce. Together, the cohort of firms has helped effectuate a great number of transactions over the last several years.

Much of Gibson Dunn's work has taken place throughout the states of California and Texas, including for the Boys & Girls Club of Anaheim, the Boys & Girls Club of North San Luis Obispo, the Boys & Girls Club of Farmington, the Boys & Girls Club of Fort Worth, and the Boys & Girls Club of Stanislaus. In total over the last several years, the firm has donated more than \$8 million in free legal services to the Great Futures 2025 Initiative.

*Kristine Berry
Morain,
Senior Vice
President,
General
Counsel of Boys
& Girls Clubs
of America*



“For years, Gibson Dunn has been an indispensable partner to local Boys & Girls Clubs and to Boys & Girls Clubs of America. Gibson Dunn’s expertise, innovation, and unparalleled professionalism have been vital to our mission and our movement, and we look forward to our continued partnership in the years to come.”

CYBER DIGNITY

In 2012, tragedy struck in the city of Saratoga, California, when 15-year-old Audrie Pott committed suicide. Eight days earlier, Audrie had been sexually assaulted at a party by three 16-year-old boys she knew. In addition to the assault, nude photographs were taken of her while she was unconscious, and distributed via social media to students at her school and others in the San Francisco Bay Area.



When Palo Alto partner **Carrie LeRoy** heard about Audrie and considered similar incidents she knew of, she was moved by the need to educate young people about their legal rights and responsibilities around

the use of social media, among other digital mediums. She recognized that there was a disconnect between the practice of victim-blaming, which appeared to be rampant on social media, and the reality that the law strives to protect survivors and punish perpetrators.

After further reflection, Carrie developed the program now known as “**Cyber Rights & Responsibilities: Dignity in the Social Media Era**” or “**Cyber Dignity.**” It would empower teenagers and young adults to make informed decisions about how to engage in the digital realm, based on a more sophisticated understanding of their rights and responsibilities.

Carrie’s program trains pro bono attorneys to educate young people, with a focus on teaching teenagers their rights and responsibilities in the areas of social media, cell phone use, and other technology. Its primary goals are deterrence of





Dan Li,
Gibson Dunn
Palo Alto
Associate

“Teaching today’s teens about the benefits and legal pitfalls surrounding using the Internet is deeply important. These are issues that are interwoven into young adults’ daily lives, and yet without programs like this, I believe most students would not be aware of their rights and vulnerabilities online. Not only is it important to understand these technology-related concepts in their own right, but our discussions often touch upon the larger themes of privacy and consent. It’s a program I wish had been around when I was a student in the area, and I have found teaching these classes to be a highly gratifying experience.”



sexual assault and cyber-bullying, empowerment of survivors, and engagement of bystanders. Topics include consent, stalking, sexting, distributing child pornography, documenting sexual assault online, and other forms of cyber-bullying and harassment. The presentations address questions including:

- “Can you be charged with a crime if you receive unlawful content, even if you don’t distribute it?”
- “Why is the age of consent different in every state?”
- “What should I do if my friend was date-raped, but does not wish to report it?”
- “If I witness a cyber-hate crime, where can I report it?”

The curriculum addresses both civil and criminal consequences for engaging in unlawful behavior in the digital space. The program is dynamic, shifting to address new issues that arise in the social media space, including how to understand First Amendment rights in that context, accomplice liability via texting in the case of a suicide, and other issues. In general, the program seeks to reframe the rhetoric about sexual assault and cyber-bullying – to challenge the victim-blaming and shaming that often arise in the cultural narrative about these issues.

Since the program’s inception it has reached more than 13,000 Bay Area students. Gibson Dunn reached approximately 1,000 students in 2018 alone. The firm has also partnered with several Bay Area corporate clients on these efforts. We look forward to expanding the program throughout the country under Carrie’s leadership.



COUNTERTERRORISM TRAINING

Like many countries throughout the world, Kenya has suffered numerous devastating terrorist attacks in recent years. In September 2013, the terrorist organization al-Shabaab attacked Nairobi's Westgate mall in a siege that lasted roughly 80 hours. The assailants threw grenades and shot wildly at innocent shoppers, killing at least 67 people. In April 2015, that same group murdered nearly 150 students at a university.

Most recently, on January 16, 2019, a bloody, day-long terrorist attack left at least 14 people dead and numerous others severely injured. In response, the Kenyan government has been working on developing strong counterterrorism measures, including effective techniques for investigating and prosecuting terrorists.

In early 2018, Gibson Dunn's longtime pro bono partner, Lawyers Without Borders (LWOB), was awarded a significant grant from the U.S. State Department to develop and run counterterrorism prosecution training programs in Kenya. To fulfill this mandate, LWOB partnered with Kenya's Department of Public Prosecutions to establish an institute in Kenya that could deliver ongoing training to Kenyan prosecutors, judges and others. The goal was to help increase the rate of successful prosecutions of terrorists and those who provide them with material support. LWOB turned to Gibson Dunn to assist with the project.



New York partner Joel Cohen presenting at the July 2018 training program in Kenya.

Working with LWOB, a team of 14 Gibson Dunn attorneys from offices around the globe developed and rolled out the counterterrorism prosecution training programs, the first of which launched in July 2018. They are based on a mock case file containing a common set of facts, witness statements, records, and other pieces of evidence trainees can use to practice basic and advanced trial advocacy skills. Presentations on the underlying laws at issue and on key skill areas such as cross-examination are also central components of the trainings. The Gibson Dunn team was responsible for developing the case file as well as the substantive law and trial skills presentations.

Several of our attorneys also attended and helped lead the first program. Many of the Kenyan lawyers who participated in the July 2018 session had never before received specific training on trial advocacy skills or on Kenya's terrorism and related laws. All expressed sincere gratitude for the considerable investment by our lawyers in the program.



*Julie Inglese,
Gibson Dunn
New York
Associate*

“I was honored to be selected to help Lawyers Without Borders fulfill its mission, but after the trip I had a much better understanding of what a blessing it was. Both trainees and trainers were engaged and embraced the case file we had drafted. The knowledge of the trainers was incomprehensible and although I was there to teach, I took so much back in return. The experience reminded me of how blessed I truly am to live in a place like the United States, and how small steps to advocate for others can make a huge difference.”



SIGNATURE PROJECT: REPRESENTING LGBTQ ASYLUM SEEKERS

Coming Together for the LGBTQ Community

It is still a crime to be LGBTQ in many places around the world. Even where not expressly criminalized, numerous countries fail to provide protections against persecution. Many LGBTQ individuals living in those places make the brave choice to leave the homes they grew up in and their friends and family, to embark upon the often difficult journey to the United States in search of a safer place to build a meaningful life.

Legal representation for these individuals as they seek to navigate the asylum process can mean the difference between life and death. The asylum process is complicated and individuals who are represented by counsel are far more likely to succeed in their claim. Asylum means permanent legal status in this country, a path to citizenship, access to benefits, and – importantly – safety, security, and peace of mind. Thankfully there are many fantastic organizations in cities like New York with the capability of helping them through this process, as well as eager pro bono attorneys who want to get involved.

Legal Services NYC (LSNYC) is the largest provider of civil legal aid in the United States. It helps more than 100,000 low-income New Yorkers annually, who present a whole host of different issues. LSNYC has an LGBTQ & HIV unit that helps close to 1,500 LGBTQ clients each year. In order to address the challenge of finding pro bono counsel for the hundreds of LGBTQ asylum seekers reaching out to it for assistance, LSNYC decided to pilot a new model aimed at increasing the number of private attorneys – like the lawyers at Gibson Dunn – who were available to represent this particular community.

The project was a natural fit for Gibson Dunn's New York office, which had already developed a robust LGBTQ asylum practice. Since 2013, more than 150 Gibson Dunn lawyers in the New York office alone have worked on a case for one of more than 70 LGBTQ asylum clients.

Building off of this clear interest and growing expertise, and in collaboration with LSNYC, the Gibson Dunn New York office began hosting a series of Pro Bono LGBTQ Asylum Clinics, many in partnership with corporate clients and friends of the firm, including, for example, attorneys from **AIG** who joined us for a clinic in October 2018. These clinics have become a signature project for the office, with dozens of attorneys across all practice groups participating.

Our clients are from countries like Dominica, where a man can be arrested and punished under the law for engaging in public displays of affection with another man, and Jamaica, where a homosexual act is punishable by prison and a sentence of hard labor for up to 10 years. Some clients are HIV+, some are transgender, and some came to the United States with a partner whom they have since married. Many have been physically assaulted based on mere rumors of being gay, and most fear telling family members about their sexual identity or orientation. All are afraid of the persecution and potentially life-threatening violence they would face in their home countries just for being themselves.

We are thrilled that many of these cases have already resulted in grants of asylum. In the first few months of 2019 alone, New York attorneys secured asylum for nine individuals from countries including Russia, Colombia, Dominica, Jamaica, and Kazakhstan. Seeing the difference we have made in our clients' lives has been an inspiration for all lawyers involved.

Jair's Story

On October 25, 2018, Gibson Dunn hosted an LGBTQ Asylum Clinic in partnership with LSNYC. One of the pro bono clients that day was Jair, a 51-year old gay man who fled Colombia in July 2018 after receiving a series of homophobic death threats. Jair overcame a difficult childhood and young adulthood in which he was sexually abused, harassed by family members for acting “effeminate,” and taunted by colleagues in the national police who suspected him of being gay.

By the time he was in his early 30s, however, Jair had come to terms with his sexuality, entered into his first long-term relationship with another man, and begun a new career as a hair stylist. He eventually went on to open two hair salons of his own. That period of calm came to an end in February 2017, when an unidentified, homophobic, and armed group began calling him, declaring the group’s hatred of gays and threatening to kill him if he did not leave. That day Jair went into hiding, moving out of his apartment to live with his sister. He was also forced to close the salon where he had been working.

When Jair attempted to return to work in a new salon a year later, the threatening phone calls resumed. Next, the window



Jair working at a hair salon in New York City after learning that he had been granted asylum to live and work in the United States.

of his salon was smashed, leaving behind shattered glass and a menacing flyer. The final straw came when Jair and his boyfriend at the time were walking hand in hand after leaving the gay pride parade. They were violently attacked by three men yelling homophobic slurs. He quickly booked a flight to New York, leaving behind his family, his business, and his life in Colombia.

New York associate **Alexandra Perloff-Giles** took on Jair’s case at the clinic. She worked over the next several months to develop the facts of his asylum affidavit, compile evidence, and collect corroborating affidavits from Jair’s friends and family mem-

bers. Alexandra researched the conditions in Colombia and drafted a brief. On February 12, 2019, Jair had his asylum interview at the Bethpage, New York asylum office. When he arrived – at 7 a.m., in the midst of the winter’s heaviest snowstorm – he was understandably nervous, but relaxed once the interview began, having been prepared for all the questions he was asked. Less than two weeks later, on February 25, 2019, Jair learned he had won asylum!

Jair is now managing a hair salon in Queens and taking English lessons. He is very grateful to be rebuilding his life safely in New York City.

Adam Heintz,
Director of
Pro Bono
Services,
Legal Services
NYC



“Our asylum work with Gibson Dunn has been transformative. In many cases legal representation will make the difference between gaining asylum and being deported – which for some clients is a death sentence. Gibson Dunn is by far our leading partner on LGBTQ asylum cases, having taken approximately 45 since late 2017. The Gibson Dunn teams have been thoughtful, zealous advocates who have obtained asylum in almost every instance. Our work with Gibson Dunn is pro bono at its best – leveraging our limited resources so that together we can obtain life-changing results for scores of low-income LGBTQ clients.”

Leonardo's Story

Another client who came to the October 2018 clinic was Leonardo. A Jamaican citizen, Leonardo was only 19 years old when he entered the United States in late December 2017, on a six-month travel visa. He escaped a life of repeated taunting, verbal harassment, and severe physical abuse at the hands of his father, local gangs, and other members of his community, all because of his sexuality. Leonardo had a rough childhood and suffered one of his deadliest attacks at the age of 12, when his father beat him repeatedly and threatened to shoot him with a gun.



Leonardo in New York City, shortly after learning the news that he had been granted asylum.

The years in between leaving his family home and moving to the United States were filled with similarly traumatic, life-threatening experiences. For example, on several occasions Leonardo was forcibly removed from his apartment in Jamaica when his landlords and neighbors found out he was gay.

Leonardo had his asylum interview in Bethpage, New York on February 6, 2019 and was visibly anxious about it. However, once he began sharing his traumatic life experiences, the U.S. Citizenship and Immigration Services officer charged with hearing his claim for asylum could not hold back his compassion. Leonardo explained that he was certain he would face death if he returned to Jamaica. He stated that he was even certain that some of his own family members would prefer him dead, rather than living as a gay man.

As a result of snowstorms in the New York area, Leonardo was not able to pick up his asylum determination through the normal process. It took nearly two additional weeks for him to receive the USCIS decision by mail. Late one evening, Leonardo checked the mail as he did every day following the date he was supposed to receive his determination. On that special day, Leonardo learned that he had been granted asylum and could legally stay in the United States. He wept when he

read the letter and called his Gibson Dunn attorney, New York of counsel

Carl Kennedy, to share the news.

Leonardo finally feels safe and settled living in Queens, New York, with his great-aunt and a number of cousins. Here, he has the support of extended family and new friends. He no longer feels he must suffer daily threats and actual physical violence solely because of whom he loves or how he presents himself to the world. Leonardo plans to earn his high school equivalency diploma in the fall of 2019.

And for now, he also plans to apply for administrative jobs, so that he can give back to his great-aunt, to help repay her for taking him in during his time of need.

*Chelsea
Sahai,
Immigration
Pro Bono
Coordinating
Attorney,
Legal Services
NYC*



“Asylum seekers face significant challenges navigating the process. Many clients fall prey to immigration scams, or spend months on a wait list for an intake at a nonprofit. With the help of Gibson Dunn, we’re able to accelerate the process, bringing life-changing benefits and security to our clients’ lives in a fraction of the typical time. Gibson Dunn attorneys not only secure life-changing results for their clients, but approach their representation in a way that brings dignity and strength to the client.”



OFFICE SPOTLIGHT: PARIS

Gibson Dunn's Paris office opened in 1967. It was the firm's first office outside of the United States. Since then, we have formed deep roots within the Paris community and beyond, strengthened by our attorneys' pro bono and community service efforts. In 2018, our Paris lawyers, whose practices range from complex corporate and technology-based transactions to private and public law dispute resolutions, contributed significantly to the firm's pro bono efforts.

The office performed more than 1,150 pro bono hours, with more than 60% of the Paris attorneys participating. This was the equivalent of approximately \$592,000. (€517,000) in pro bono services donated by the Paris office in 2018. The work involved a variety of matters, including advocating on behalf of terrorism victims, advising nonprofits, and reaching out directly to vulnerable communities on the streets of the city.

Please enjoy this glimpse into our Paris 2018 pro bono work. *Merci beaucoup!*

Bastille Day Terrorism Victims

On Bastille Day 2016, the city of Nice, France experienced a brutal terrorist attack in which 86 people were tragically killed and an additional 458 injured. Among the victims were a Texas father and son on vacation, 11-year-old Brodie Copeland and his dad, Sean Copeland. Mr. Copeland died protecting his other two children, then-27-year-old Maegan and then-22-year-old Austin. Maegan and Austin Copeland have since sought



compensation from the French Guarantee Fund for Victims of Terrorist and Other Criminal Acts (FGTI), established by the French government in 1986. The FGTI is meant to help compensate victims of acts of terrorism for damages suffered.

Nicolas Autet, of counsel in the regulatory practice, represents the siblings in their ongoing dispute with the FGTI to secure appropriate compensation, with assistance from Dallas partner **Rob Walters** and Houston associate **Eric Thomas Haitz**. At issue is whether the siblings (rather than just Sean's wife, their stepmother) are entitled to compensation from the fund as Mr. Copeland's heirs and, if so, in what amount, given that they were no longer minors at the time of his heartbreaking death. The firm is advocating on behalf of Maegan and Austin to demonstrate that they still had financial expectations of their father, and, as such, should be compensated. The Paris office is also collaborating with a local French boutique law firm on a pro bono basis to address the criminal procedure aspects of FGTI compensation. Gibson Dunn hopes to alleviate some of the suffering and loss these young people have experienced as survivors of this terrible event.

African Parks

African Parks is a nonprofit conservation organization directly responsible for the rehabilitation and long-term management of 15 national parks and protected areas in nine countries in Africa. Founded in 2000, in response to a dramatic decline of these areas due to poor management



and lack of funding, the organization uses a clear business approach to conserving wildlife and remaining wild areas. African Parks maintains a strong focus on economic development and poverty alleviation in surrounding communities to ensure that each park is ecologically, socially and financially sustainable.

In May 2018, the EU Regulation known as the General Data Protection Regulation (GDPR) came into effect as data protection legislation. GDPR requirements affect all organizations – including nonprofits – that collect personal data or behavioral information from individuals in an EU country. **Ahmed Baladi**, partner in the privacy practice, and associate **Clémence Pugnet** have assisted African Parks in reviewing its privacy policy to ensure compliance with the GDPR.

B Lab

B Corporations are businesses that meet specified, verifiable standards of social and environmental performance, public transparency, and legal accountability.

B Corps seek to use profits to achieve greater ends for their employees, their communities, and the environment. In sum, they build a global movement of people using business as a force for good.

This past year, **Bertrand Delaunay**, partner in the corporate practice, and associate **Séverine Gallet** have provided pro bono counsel to B Lab, an organization that



provides “B Corp” certification to companies meeting the relevant standards. In particular, the firm is advising on the effects of “PACTE” reform – the French government’s “Action Plan for Business Growth and Transformation” – on the bylaws of B Lab’s member companies.

Bus De La Solidarité



Eager to make a difference for the most vulnerable members of the community, the Gibson Dunn Paris office established a partnership with the Paris Bar’s Solidarity Funds to form an initiative now known as the “Solidarity Bus.” It was created in 2003 in cooperation with Droits d’Urgence,

an association that fights against exclusion and poverty. Attorneys participating in the project provide pro bono legal advice to people in need throughout Paris, often with other volunteer lawyers of various backgrounds and levels of experience.

In order to effectuate the program’s mission of reaching directly into the community, a bus parks near one of the Paris city entrance gates (Porte de Choisy, Porte de Clignancourt, Porte de Vanves, Porte de Clichy, or Porte de Montreuil) every weekday (including holidays) from 5 to 8 pm. The unique structure of the program allows legal experts to meet directly with individuals and address some of the issues they face, including in the areas of immigration, employment, criminal and family law.

Jérôme Delaurière, partner in the tax practice, and associates **Audrey Paul**, **Julia-Barbara Michalon**, **Julie Cazalet**, **Claire Aristide**, **François Wyon**, **Inès Catoire**,

Clémence Pugnet and **Manon Top** are among the enthusiastic volunteers who have been active in the initiative.

Caritas

According to the World Health Organization, approximately 800,000 people die by suicide each year. That is one person every 40 seconds. To help address this global problem, Caritas Hong Kong set up an online suicide prevention and counseling service through social media in collaboration with three other nongovernmental organizations. In order to ensure that it was operating in compliance with the EU GDPR, Caritas HK turned to Gibson Dunn’s Paris office for advice.



Vera Lukic, of counsel in the privacy practice, and associate **Clémence Pugnet** have advised pro bono on these issues, which we hope will help further the organization’s laudable and important mission as it reaches residents in the European Union and beyond.

Montessori Institute



The Montessori Method of Education is a child-centered educational philosophy based on scientific observations of children. In this approach, the child is considered naturally

eager for knowledge and capable of initiating learning in a specific environment. Montessori schools aim to develop all aspects of children: the physical, social, emotional, and cognitive.

Eric Bouffard, partner in the litigation practice, and associate **François Wyon** have provided pro bono services to the Paris-based Institut Supérieur Maria Montessori (Institute), which works to provide access to Montessori programs for all children in the Paris community. Gibson Dunn represents the Institute in its discussions with its current lessor. Given the importance of the physical environment in the Montessori Method of Education, including in its training centers, these negotiations are key to the Institute's future success.

The GIIN

The Global Impact Investing Network (GIIN) seeks to increase impact investing's scale and effectiveness around the world. It is a nonprofit that focuses on reducing barriers to impact investing, so that investors can more easily allocate capital to fund solutions to the world's most intractable challenges. In 2018, Paris of counsel **Vera Lukic** and associate **Clémence Pugnet** assisted GIIN with compliance issues in the context of the EU GDPR that took effect in May of that year.



*Jerome
Delauriere,
Paris
Pro Bono
Partner*

“I am very impressed by the commitment of the Paris lawyers, from the most juniors to partner levels, to a diversity of good causes - whether environmental, social, or youth-related. Small or big, all of these projects have been shining a positive light on the Gibson Dunn culture of the human values that we are all proud of.”

GIBSON DUNN IN THE COMMUNITY

As with our pro bono work, our community service reflects the varying interests of our lawyers throughout the firm. By pledging their time to serve, they forge deep relationships with their communities, connecting with and impacting the world around them in a profound and meaningful way. With the help of vibrant Community Affairs Committees and dedicated partners and associates in each office, Gibson Dunn supports hundreds of nonprofit organizations through board service, invaluable pro bono work, and meaningful financial contributions.

Both international and U.S. offices have contributed to the **Wilson Global Initiative** (WGI), founded in Louisiana in 2014 by a high school student determined to improve literacy among young people throughout the world. WGI now operates in seven countries, providing free reading classes to students, building digital libraries to increase access, and connecting volunteers in the community to students in need of mentorship.

Gibson Dunn's **Hong Kong** office continues to provide pro bono support to WGI as it expands its footprint in Asia. Additionally, a group of our HK associates volunteered at WGI's Read and Rice program in Hong Kong in early December 2018. These associates partnered with other volunteers, taught English classes to the participating children ranging in age from 5 to 10, and assisted WGI with the program planning. In May 2018, the **Los Angeles** office participated in a "You Can Read Day" at a local school as part of WGI's "You Can Read" campaign.

In 2018, for the second year in a row, our **Washington, D.C. Women's Subcommittee of the Diversity Committee** sponsored a gift drive for the **District Alliance for Safe Housing (DASH)**, helping survivors of domestic violence and their children celebrate the holidays. The gifts are put into a holiday gift shop so that residents can choose the presents they would like for their children. We were overwhelmed by the response from the residents, with feedback including: "DASH helped me make my children happy for the holiday," and "Tell everyone who donated to DASH that we are so grateful! The holiday gift shop was epic!"

In July of 2018, the **Washington, D.C.** office Summer Program spent a morning making sandwiches that were donated to **Martha's Table**. This Washington, D.C.-based nonprofit supports families and communities by increasing access to high-quality education, healthy food, and family

and community supports. The office delivered hundreds of sandwiches, fruit and water to the organization – enough to provide food to its clients for multiple days.

This year, the **London** office once again took part in the annual "**Poppy Appeal**," organized by the **Royal British Legion** as its biggest fundraising campaign. The Royal British Legion provides lifelong financial, social and emotional support to members and veterans of the British Armed Forces, their families and dependents.

For the 2018 – 2019 school year, the **New York** office partnered with nonprofit **Read Ahead**, which helps students unlock their full potential through mentoring relationships based on a love of reading. Mentors' critical one-on-one attention gives New York City's chronically under-resourced public school children confidence, motivation, and skills to succeed.



The **New York** office also partnered with **The Jericho Project**, for the third year in a row, to support its annual Day of Action. The charity provides supportive housing to more than 500 homeless families, LGBTQ youth, and veterans. Gibson Dunn lawyers spent the day decorating one of the Jericho Project apartment complexes, as well as packing holiday food baskets for all the residents. It has become a tradition in the New York office that fills all the participants with a happy holiday spirit!

AWARDS & ACCOLADES

Gibson Dunn Named as Pro Bono Law Firm of the Year by *Who's Who Legal*

In May 2018, Gibson Dunn received the 2018 *Who's Who Legal* Pro Bono Award in recognition of the “superb work that the firm has undertaken, particularly for the help it has given to disenfranchised and refugee communities within the United States and those seeking citizenship from abroad.” The publication noted: “The firm’s international scope, with a joined-up operation spanning the US, Europe and Asia; a committed team with real leadership; and its lawyers’ belief in making a difference to the lives of those who cannot afford legal representation

and in upholding the rule of law, all played an important part in the decision to crown Gibson Dunn our Pro Bono Law Firm of the Year.”



California Lawyer's 2018 Attorneys of the Year (CLAY) Award

In late 2017, Gibson Dunn filed suit on behalf of six individual Deferred Action for Childhood Arrivals (“DACA”) recipients and convinced the Northern District of California to enter a preliminary injunction requiring the government to accept renewal applications for DACA holders despite the government’s rescission of the DACA program. The Daily Journal named the team representing DACA recipients among its 2018 California Lawyer Attorneys of the Year.



CLAY Award recipients Shailey Jain, Ethan Dettmer, and Kelsey Helland

ALSO IN 2018...

- Legal Aid Society’s Pro Bono Publico Award
- Asian Americans Advancing Justice’s Volunteer Recognition Award
- Her Justice’s 2018 Commitment to Justice Award
- The Jericho Project’s Corporate Honoree at “Celebrate!” Gala
- The San Francisco Bar Association’s Recognition for Outstanding Volunteer Work
- Immigrant Defense Project’s Honoree at 20th Anniversary Gala
- National Law Journal’s 2018 Pro Bono Host List Feature
- Pro Bono Project Silicon Valley’s Firm Vanguard Award
- Capital Area Immigrants’ Rights (CAIR) Coalition’s 2018 Impacting Justice Award
- The Veterans Consortium’s Volunteer Inspiring Pro Bono (VIP) Selection
- California Rural Legal Assistance, Inc.’s Champions of Educational Justice Award







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