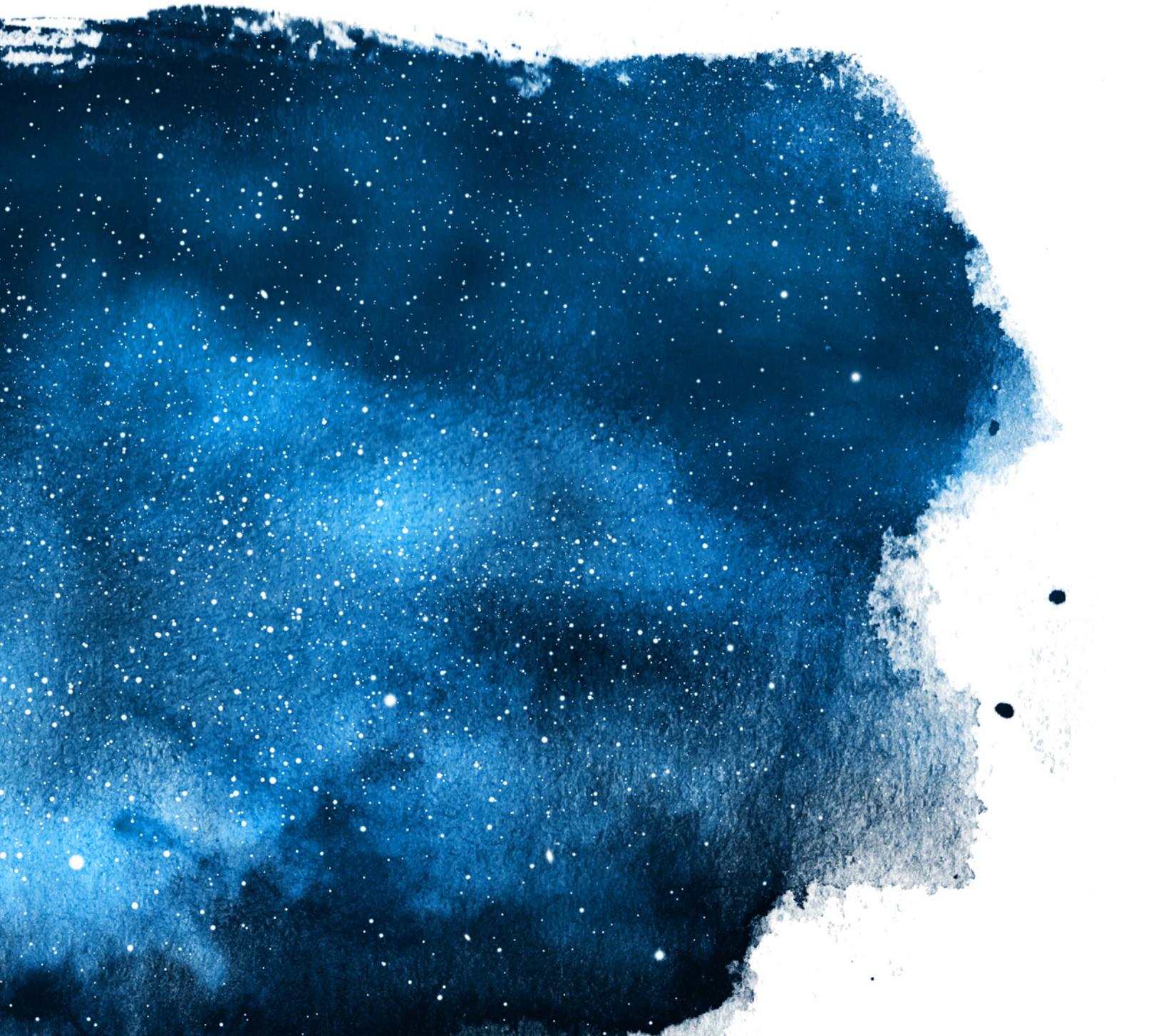


GIBSON DUNN  
2019  
PRO BONO  
REPORT



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Dear Clients, Alumni, and Friends of the Firm:

As I reflect upon 2019 and on the many past years, I am proud of so much. In addition to the important commercial work our firm has engaged in, we also have had the good fortune to be involved in groundbreaking pro bono matters that have a profound effect on our society and on the civil rights of our fellow citizens. We have worked to reunite and protect families fleeing persecution and violence; we have fought to protect the American Dream for thousands of young people – so-called Dreamers – across the country who know no home other than America; we have provided counsel to dozens of organizations working around the world to further human rights; and we have stood up for important First Amendment principles like freedom of speech and freedom of religion.

In 2019, Gibson Dunn lawyers performed nearly 130,000 pro bono hours, at an average of 94 hours per attorney worldwide and 105 hours per attorney in the United States. More than 1,375 lawyers worked on a pro bono matter and close to 400 new matters were opened. As always, our pro bono program reflected our Firm's diversity, which we believes makes the program – and the Firm – such a special place. We are also honored to have teamed up on many of these efforts with our commercial clients that share our values and commitment to the community.

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 and staff members who worked on these important matters – you make us all very proud. And I am confident and proud to know that in this next year to come, we will continue to make the world a better place, a world in which justice and equality prevail.

Sincerely,

A handwritten signature in black ink that reads "Ken". The signature is written in a cursive, slightly stylized font.

Kenneth M. Doran



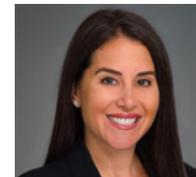
“Many of us go to law school wanting to use our education to help individuals with their everyday but critically important problems. Our firm’s robust pro bono program allows us to balance the needs of our corporate clients with that desire to help our communities. One very special aspect of our program here at Gibson Dunn is that our lawyers are encouraged to follow their individual passions and bring cases or projects to the Firm that they feel strongly about pursuing. It is that approach to the program that keeps it so dynamic and reflective of our firm’s diverse culture. I have been so proud to see the breadth and scope of our program in 2019, and I look forward seeing what we can achieve in the years to come.”



A handwritten signature in black ink, appearing to read 'Scott Edelman'.

Scott Edelman  
*Pro Bono Committee Chair*

“Our firm’s commitment to pro bono work has never been stronger – and never been more important. Over the last year, we have tackled complicated and sometimes controversial topics in order to ensure the preservation of principles we believe in: equality and fundamental fairness. Our system of justice depends on everyone – not just the privileged among us – having equal access to justice. While we certainly have a ways to go in closing that gap, I am proud to see the tremendous efforts of our lawyers and staff around to world in trying to make that happen.”



A handwritten signature in black ink, appearing to read 'Katie Marquart'.

Katie Marquart  
*Pro Bono Counsel & Director*





**\$986,772,658**

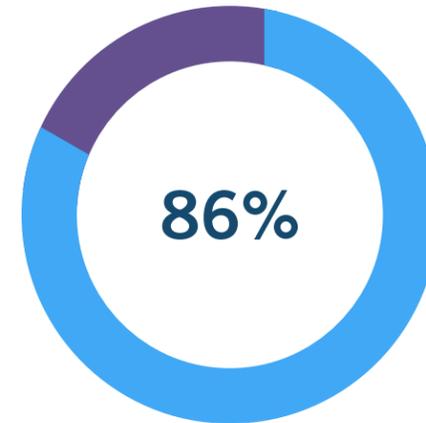
VALUE OF PRO BONO SERVICE PROVIDED SINCE 2009

**\$111,412,354**

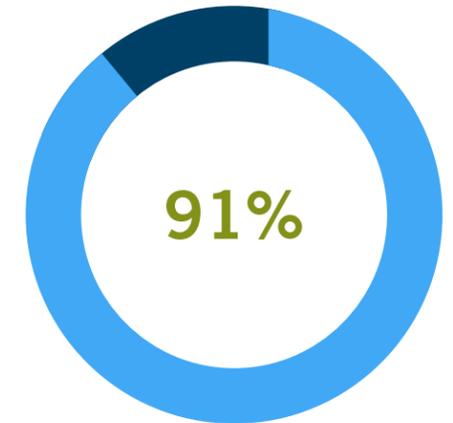
VALUE OF PRO BONO SERVICE PROVIDED IN 2019

PERCENTAGE OF LAWYERS WHO PARTICIPATED IN PRO BONO EFFORTS IN 2019

FIRMWIDE\*



U.S.\*



AVERAGE PRO BONO HOURS PER LAWYER

**FIRMWIDE: 94**

**U.S.: 105**



**137,876**

PRO BONO HOURS IN 2019

**1,533,297**

PRO BONO HOURS SINCE 2009

PARTICIPATING TIMEKEEPERS IN 2019

**1,476**



\*Participation rates calculated based on active lawyers as of 12/31/19

## IMMIGRATION

For many years, Gibson Dunn has been proud to represent immigrants and their families on a pro bono basis in their proceedings to obtain lawful status here in the United States. In 2019, lawyers at the Firm devoted more than 41,000 pro bono hours to immigration-related legal services. While the majority of this work is individual representations of immigrants and immigrant families seeking lawful status here in the U.S., some of the work reflects larger-scale efforts by our lawyers to effect change for the immigrant community at a higher level or on a larger-scale.

### Preparing Asylum Seekers for Success

Despite the life-altering consequences of losing a deportation hearing, asylum seekers facing deportation do not have a constitutional right to counsel. As one can imagine, access to counsel has a dramatic impact on their likelihood of success. In fact, according to the **Rocky Mountain Immigrant Advocacy Network (RMIAN)**, detained immigrants are 10 times more likely to prevail in their cases with a lawyer than without one. To help address the desperate need for legal support, RMIAN launched a pilot project in early 2019, in collaboration with the **Immigration Justice Campaign** and the **Colorado Lawyers Committee**, called the Preparing Asylum Seekers for Success (PASS) Program.

As part of the PASS Program, Gibson Dunn's Denver office, sometimes in collaboration with lawyers at Western Union, committed to prepare asylum seekers detained at the Aurora Immigration Detention Center in Colorado with their "credible fear interviews" (CFIs). Between April and September 2019, the program achieved universal representation: All asylum seekers identified through

RMIAN had lawyers help prepare them for their CFIs.

In these interviews, asylum seekers give their stories to an immigration official in order to explain the dangers facing them in their home countries, thus establishing a credible fear of returning. Establishing credible fear prevents an asylum seeker from being removed from the United States until the individual's full asylum case is processed. Thus, receiving help with CFI preparation can be invaluable, as



*Jeremy  
Ochsenbein,  
Gibson Dunn  
Denver  
Associate*

*“The PASS Program provides a unique opportunity for attorneys to provide significant support to asylum seekers in an hour or two – not only by helping these clients to pass the initial hurdle of the credible fear determination, but also by providing a strong starting point for their substantive asylum claims.”*

a detainee who fails to successfully establish credible fear will be removed from the United States and returned to the home country.

In September 2019, the firm committed to another year of monthly PASS program participation. In addition to CFI preparation, Gibson Dunn lawyers will now provide detained immigrants with assistance for other proceedings. It may be the client's Immigration Judge Review Hearing, if he or she received a negative decision at the CFI and decides to request a review of the asylum officer's determination. It may also be the individual's Request for Re-interview, which occurs when an Immigration Judge has affirmed the client's negative credible fear decision but the client wants to keep fighting the case. Our Denver attorneys have already helped more than 20 detainees through this program, creating pathways to asylum they likely would not have otherwise had.

## Helping Formerly Separated Families: Federal Tort Claims Act Cases

In May 2018, the Trump administration's "zero tolerance policy" went into effect, resulting in the separation of thousands of children from their parents as they crossed the U.S. southern border. Most of the families impacted by this policy were asylum seekers who had fled their home countries seeking a better, safer life for their children.

During this time of crisis, Gibson Dunn lawyers stepped up to help in a variety of ways, as did lawyers from across the United States. We sent lawyers to work at the detention centers, helping the parents who found themselves detained and separated from their young children. We also worked with organizations throughout the country, including Catholic Charities, to help reunify the children with their parents. Since then, many of the families we met have become clients of the firm. We helped reunite them, and now we are working with them to apply for asylum or other forms of immigration relief in the United States.

Unfortunately, many of these families still suffer with no relief in sight. Many caught up in this turmoil have already been deported, some without their children such that they remain separated to this day. Regardless of their current status, none of the families who endured the forced separation walked away unscathed.

In 2019 Gibson Dunn joined with a small group of law firms and nonprofit legal services organizations to try to bring systematic litigation on behalf of those families impacted by the zero-tolerance policy. In so doing, we hope to hold the government accountable for the trauma they were put through.

The Federal Tort Claims Act (FTCA) allows individuals to sue the U. S. government for injuries resulting from federal officers' unlawful conduct. The FTCA allows for suits to be brought both by U.S. citizens and by non-citizens. Gibson Dunn is currently representing approximately 20 families in filing FTCA cases against the federal government. The claims seek compensatory damages for the U.S. government's intentional infliction of emotional distress and negligence that occurred when the family members were forcibly torn apart and kept separated for many months.



*Abiel Garcia,  
Gibson Dunn  
Los Angeles  
Associate*

*“My FTCA client has suffered more than anyone that I’ve come in contact with. He was in solitary confinement at a detention center for over two weeks, and spent over a week in the icebox without being able to shower. Since May 2018, he has been separated from his children, one of whom has special needs. It is my privilege to represent him in his suit for retribution and justice.”*

More than 40 lawyers from nearly all of our U.S. offices are involved in this effort, with the invaluable help of Spanish-speaking staff members across the firm, including New York's **Ileana Rivera** and **Mercedes Rozon**.

## The Asylum Ban

In July 2019, the Trump administration issued an interim final rule commonly known as “Asylum Ban 2.0” or “the third-country transit asylum bar.” The rule, with very limited exceptions, bans migrants seeking refuge at the United States/Mexico border from receiving asylum if they transited through a third country en route to the United States without first seeking asylum there – even if they have well-founded fears of persecution.

A group of California-based immigration advocacy nonprofits promptly filed suit challenging the rule in the Northern District of California (*East Bay Sanctuary Covenant et al. v. Barr et al.*). The organizations sought declaratory and injunctive relief on the grounds that the rule violated the Immigration and Nationality Act and the Administrative Procedure Act and was arbitrary and capricious.

On July 24, 2019, Judge Jon Tigar granted a nationwide preliminary injunction, preventing the government from implementing the rule. The injunction was temporarily upheld by the Ninth Circuit. However, in September 2019,

the U.S. Supreme Court issued an unsigned order lifting the nationwide injunction and allowing the ban to go into effect pending a final decision in the case.

The matter returned to the Ninth Circuit for further proceedings and in October 2019, Gibson Dunn filed an amicus brief with the Circuit on behalf of KIND (Kids in Need of Defense), an organization that serves thousands of immigrant children seeking safety in the United States. In particular, the brief emphasized the harm to immigrant and refugee children affected by the rule, explaining that it contravenes congressionally mandated safeguards for child asylum seekers. Oral argument took place in December 2019 and we await a decision.

## Advocacy on Behalf of Former Immigration Judges

Whether a crime committed by a foreign national in the United States is considered one of moral turpitude can have severe implications for the individual's U.S. immigration status. In November 2011, the U.S. government charged a lawful permanent resident, Nidal Khalid Nasrallah, then approximately 22 years old and a native and citizen of Lebanon, with eight felony counts of receiving stolen property in interstate commerce (specifically, for knowingly purchasing and receiving stolen cigarettes for the purpose of resale). Mr. Nasrallah pleaded guilty to two of the eight counts per a plea bargain agreement, and the government dismissed the other six counts. He began his sentence in August 2014, after being allowed to finish his college degree.

During his incarceration, the U.S. Immigration and Customs Enforcement (ICE) determined that Mr. Nasrallah's convictions rendered him "removable" (i.e., subject to deportation), arguing that he had been convicted of a crime involving moral turpitude. To avoid deportation, Mr. Nasrallah then applied for "withholding of removal" and

protection under the Convention Against Torture (CAT).

An immigration judge determined that one of his convictions did make him subject to removal as an alien convicted of a crime involving moral turpitude, but nevertheless concluded he was eligible for deferral of removal under CAT because he established a clear probability of torture if returned to Lebanon. Both the government and Mr. Nasrallah appealed the judge's decision to the Board of Immigration Appeals (BIA), which held that the judge had erred by granting Nasrallah a deferral based on the proffered evidence of potential torture. The BIA ordered his removal from the United States.

Mr. Nasrallah petitioned the Eleventh Circuit for review. He argued that the immigration judge had acted with prejudicial bias and that the BIA had erred in its determination that the crime constituted one involving moral turpitude. Using a highly deferential "substantial evidence" test in its review of the proceedings below, the Eleventh Circuit partly denied and partly dismissed the petition, concluding that it lacked jurisdiction to review Mr. Nasrallah's argument about the likelihood of future harm to him in Lebanon.

The U.S. Supreme Court granted review of the matter in *Nasrallah v. Barr*, which was argued in early March 2020. The issue on appeal is whether federal courts of appeals possess jurisdiction to review factual findings underlying denials of withholding (and deferral) of removal relief. Gibson Dunn drafted and filed an amicus brief on behalf of a group of 33 former Board of Immigration Appeals members and immigration judges.

The brief focuses on the unique insight of immigration judges and BIA members regarding the need for federal appellate courts to be able to review factual findings underlying an agency's decision to deny a CAT-based request for withholding or deferral of removal relief. On

behalf of the clients, Gibson Dunn explained that CAT is unique and distinct, and that the presumption of judicial review is especially warranted in Mr. Nasrallah's case.

## Pro Bono Immigration Clinics

In 2019, the firm hosted 13 pro bono immigration clinics in collaboration with various nonprofits and six different corporate clients, serving more than 85 individual pro bono clients.

In New York, we hosted nine clinics with the nonprofit **Legal Services NYC**, an organization that provides free civil legal assistance to low-income people in New York City. At the clinics, attorneys determined whether clients were eligible for asylum or another form of immigration relief as victims of domestic violence, began drafting their asylum application forms, or began long-term relationships in which they continued their representation

through the clients' entire asylum applications including interviews. In Houston, we hosted clinics in collaboration with **KIND (Kids in Need of Defense)**, where attorneys screened immigrant children for various forms of immigration relief. In San Francisco, under the mentorship of **Centro Legal de la Raza** and **Immigrant Legal Defense** with **The Bar Association of San Francisco**, attorneys helped clients draft and complete their asylum application forms.

Regardless of whether the clinics were limited in scope or led to long-term representation, the pro bono clients received life-changing advice, and the lawyers, incredibly impacted by their stories, were grateful for the opportunity to assist. Moreover, the clinics have been fantastic ways to develop relationships between Gibson Dunn attorneys and various corporate clients that have participated in this effort with us.



*“The true measure of our character is how we treat the poor, the disfavored, the accused, the incarcerated, and the condemned.”*

*– Bryan Stevenson, Lawyer, Law Professor, and  
Founder/Executive Director of the  
Equal Justice Initiative*

## CRIMINAL JUSTICE REFORM

The incarceration rate within the United States has more than quadrupled over the last several decades. There are now approximately 2.2 million people behind bars. Even more staggering is the fact that roughly 7 million are currently under the supervision of the U. S. corrections system, either incarcerated, on probation, or on parole. Some of these individuals were imprisoned following wrongful convictions, while others are victims of the economic and racial disparities that persist throughout the criminal justice system.

We are proud to be part of the important efforts now underway to reform the criminal justice system, and to provide a voice for those trapped within it. In 2019, Gibson Dunn lawyers devoted more than 16,000 pro bono hours to criminal justice initiatives.

As part of our involvement, Gibson Dunn partners with the **Innocence Project** to help screen cases that may have colorable claims of actual innocence worth pursuing. The Innocence Project receives approximately 2,400 such requests for assistance every year. Our lawyers help by thoroughly reviewing some of the cases referred to them.

They review a particular request and provide an in-depth summary of the facts of the case, the biological evidence available, and the theory under which DNA testing can or cannot prove innocence. We also obtain documents from relevant government agencies or prior attorneys, including

trial transcripts and other important records to help in their evaluation. The goal is to determine whether DNA testing has the ability to prove innocence and ultimately exonerate the defendant.

As of September 2019, the Innocence Project reported 365 documented cases in which DNA testing led to exoneration. This included 20 death penalty cases in which the individuals had spent an average of 14 years in prison at the time they were exonerated.

*“The Innocence Project intake team is so grateful to everyone at Gibson Dunn who volunteers time and thoughtfulness to this project. Without the contributions by Gibson Dunn and other law firms involved in our final review project, we at the Innocence Project would not be able to complete these evaluations for quite some time. The huge effort by the Gibson teams has enabled us to give individuals who have been waiting much longer than anyone should have to, definitive answers on whether we can take on their case, and for some, they now have the legal representation they have long been hoping for.”*

*Dara Gell  
Interim  
Director of  
Intake &  
Evaluation*



## Criminal Justice Reform: Cross-Racial Witness Identifications

In order to truly reform the criminal justice system, we believe it is important to also focus on laws and practices that contribute to wrongful convictions in the first place. In 2019, in connection with the criminal trial of a man named Otis Boone, we were able to help change a New York law on jury instructions regarding cross-racial eyewitness identifications.

At his criminal trial in New York several years ago, the defendant's attorney asked that the jury be instructed on the potential inaccuracy of cross-racial eyewitness identifications. Mr. Boone, an African-American man, was charged with allegedly stealing two iPhones and brandishing a knife at one victim, but police were unable to find the iPhones or anything connecting him to the scene other than the eyewitness identifications by the two white victims. Nonetheless the trial court, then relying on

New York legal precedent, denied the request because the parties had not put the race of the defendant "at issue." The defendant was convicted and sentenced to 25 years.

On appeal, Gibson Dunn filed an amicus brief on Mr. Boone's behalf. The firm's brief, which was signed by a number of prestigious former judges and prosecutors, argued that erroneous cross-racial eyewitness identifications plagued the justice system and that there needed to be a change. In late December 2017, the New York State Court of Appeals issued an opinion holding that "when identification is an issue in a criminal case and the identifying witness and defendant appear to be of different races, upon request, a party is entitled to a charge on cross-racial identification." The opinion adopted many of the standards suggested by Gibson Dunn in its brief. Subsequently, Mr. Boone was granted a new trial. With these new jury instructions in place, he was acquitted in March 2019.

## Criminal Justice Reform: Right of Prisoners Not to be Shackled at Jury Trial

In June 2019, Gibson Dunn Washington, D.C. associate Jeremy M. Christiansen successfully argued in the Ninth Circuit for a reversal on behalf of a pro bono client in a prisoners' rights case, Claiborne v. Blausler. The court's unanimous, published opinion represented an important victory for the client, Mr. Claiborne, a disabled 63-year-old inmate serving a 60-year-to-life sentence begun in the mid-1990s for nonviolent property and drug crime convictions under California's Three Strikes Law.

Mr. Claiborne never had any incidents of violence during his time in prison but asserted that two guards used excessive force against him in an incident in which he was taken to the ground. He sued pro se and lost, and then filed an unsuccessful new trial request arguing that his visible shackling during the trial violated his Due Process rights and that the court should have appointed a medical expert. On his appeal Mr. Claiborne was

assigned to be represented by Jeremy by the Ninth Circuit's pro bono program.

Following Jeremy's thoughtfully crafted brief and well-prepared oral argument, Mr. Claiborne was granted a new civil trial in his case against the two prison officers he claimed violated his Eighth Amendment rights. Furthermore, the case firmly established – for the first time in the Ninth Circuit – that the Due Process Clause protects civil prisoner litigants from being visibly shackled before the jury without an individualized determination on the record of a compelling need for the shackles and a consideration of less intrusive alternatives. This case will have a significant impact on civil prisoner litigation in the Ninth Circuit and is in line with the unanimous views of the Second, Third, Seventh and Eighth Circuits that have held, in §1983 cases, that shackling must be justified by litigant-specific signs of dangerousness or potential for escape or disruption. In January 2020, Jeremy led negotiations in an in-prison settlement conference and successfully resolved the case. For his work on this important matter, Jeremy was honored with the firm's 2019 *Frank Wheat Award*.



Jeremy  
Christiansen,  
Gibson Dunn  
Washington,  
D.C.  
Associate

*“Every person who brings a civil case in federal court has the right to have his or her claim adjudicated fairly. That includes plaintiffs who are incarcerated. The practice of shackling inmate plaintiffs in civil cases without any sort of individualized determination as to whether the shackling is even necessary, coupled with permitting those inmates to be visibly shackled before the jury, was an unfair practice that stacked the deck against people who already have a difficult enough time getting a fair shake in front of a jury. This case was important because it gave the Ninth Circuit the opportunity to bring its caselaw in line with the decisions of the other circuits across the country, ensure fair hearings for prisoner plaintiffs, and also to provide clear guidance to district courts, while giving them sufficient discretion to ensure courtroom safety when that safety is actually in question.”*

## ADOPTION DAY

Every year in the United States, thousands of children “age out” of foster care without finding the safety and stability of a permanent family. These children face tough odds and many end up homeless or incarcerated. Many foster parents want to break this cycle by providing the children they foster with a stable, permanent home – with a family. However, without access to attorneys to help navigate the complex legal system, many of these would-be adoptions simply never take place.

National Adoption Day, as well as smaller adoption programs throughout the country, aims to address this need. We are proud to have helped launch the first Adoption Day in Los Angeles two decades ago and even prouder to have been a part of growing that program into what it is today, in Los Angeles and cities all over the United States, including Dallas, Texas.

Gibson Dunn’s **Los Angeles Adoption Program** was originated and developed to help facilitate the adoption of children out of foster care in Los Angeles County. It was launched in 1998 and, in the years since, the firm has completed thousands of adoptions for foster parents looking to adopt children under their care. Our involvement was sparked by a conversation between now-retired partner Steve Meiers and former Presiding Judge Michael Nash of the Los Angeles County Superior Court, which handles all of the juvenile dependency cases in L.A. County. Judge Nash explained that there was a backlog of adoptions in part due to the fact that the parents involved did not have (and could not afford) legal representation. Gibson Dunn was determined to help.

When the Adoption Program began, more than 70,000 children were living in foster care, relative care, group homes, and similar non-parental care in the County. The rights of the natural parents of thousands of these children

had been terminated and there were families, approved by the Department of Children and Family Services (DCFS), that wanted to adopt the children. Even in the rare cases when a lawyer was involved, an adoption could take eight months or more. In almost all cases, however, no lawyer was involved and the adoptions just did not happen.

This is where Gibson Dunn and longstanding pro bono partner the **Alliance for Children’s Rights** stepped in to try to make a difference. The Adoption Program applies basic business principles and common sense in a cooperative effort among DCFS, the courts, public interest law firms, and the private bar to streamline the process. After our firm completes the required paperwork, the adoption papers are filed with the Juvenile Dependency Court division of the California Superior Court.

Initially, the adoptions were finalized in individual hearings at which Gibson Dunn attorneys would represent the

adoptive parents. But the firm quickly realized that this was not going to clear the backlog fast enough. To maximize impact, we then decided to host regular “Adoption Saturdays,” with Judge Nash’s help in opening the court on Saturdays just for the adoptions to take place.

During these special events, families needing legal help with adoption matters would visit our Los Angeles office, where lawyers, paralegals, secretaries, and other support staff members volunteered for the day. Lawyers from the Alliance for Children’s Rights represented the children, and legal representatives and caseworkers from DCFS attended as well, as did court staff. On average, at least 100 adoption filings were prepared and finalized at these events, which took place three to four times per year.

The response of the firm’s attorneys and staff to the Adoption Program has been tremendous. Partners, retired partners, of counsel, associates, summer associates, paralegals, and other staff have all volunteered in numbers that may not be matched by any pro bono project at any law firm, anywhere, ever.

Since **Steve Meiers’** retirement, Los Angeles partner **Mark Pecheck** has taken up the mantle to champion the program’s ongoing success. Two of the real heroes behind the project are Los Angeles staff members **Jeanine McKeown** and **Mary Williams**. Together they have worked to coordinate all of the considerable logistics, have helped scale it up and shift to meet changing needs, and have been the heart and soul behind the program that kept it running smoothly all these years.

The Adoption Program has received numerous local awards and a National Public Service Award, but the real reward has been its results! When this project started, we routinely found children who had been waiting five

to eight years, or even longer, to be adopted. Through November 2016, all cases that were more than two years old were “out of the system,” and more than 8,000 children have been adopted – with all of the work on approximately 2,476 of these adoptions handled by Gibson Dunn. Without the Adoption Program, most of these adoptions would not have happened for many years, if at all.

National Adoption Day, which was inspired by the innovative Los Angeles efforts of Judge Nash and Gibson Dunn, was established in 2000. It has now become a massive, nationwide effort to raise awareness about the more than 125,000 children awaiting adoption. Today events like the one that started in Los Angeles all those years ago take place in 400 cities across the United States. And more than 75,000 children in foster care have been adopted through National Adoption Day events across the country.

National Adoption Day, which was inspired by the innovative Los Angeles efforts of Judge Nash and Gibson Dunn, was established in 2000. It has now become a massive, nationwide effort to raise awareness about the more than 125,000 children awaiting adoption. Today events like the one that started in Los Angeles all those years ago take place in 400 cities across the United States. And more than 75,000 children in foster care have been adopted through National Adoption Day events across the country.

**Gibson Dunn L.A. Adoption Program  
Volunteers to Date**

<b>255</b>	Attorneys (partners, retired partners, of counsel and associates)
<b>220</b>	Summer associates
<b>35</b>	Paralegals
<b>222</b>	Staff and other volunteers

*Thank You*

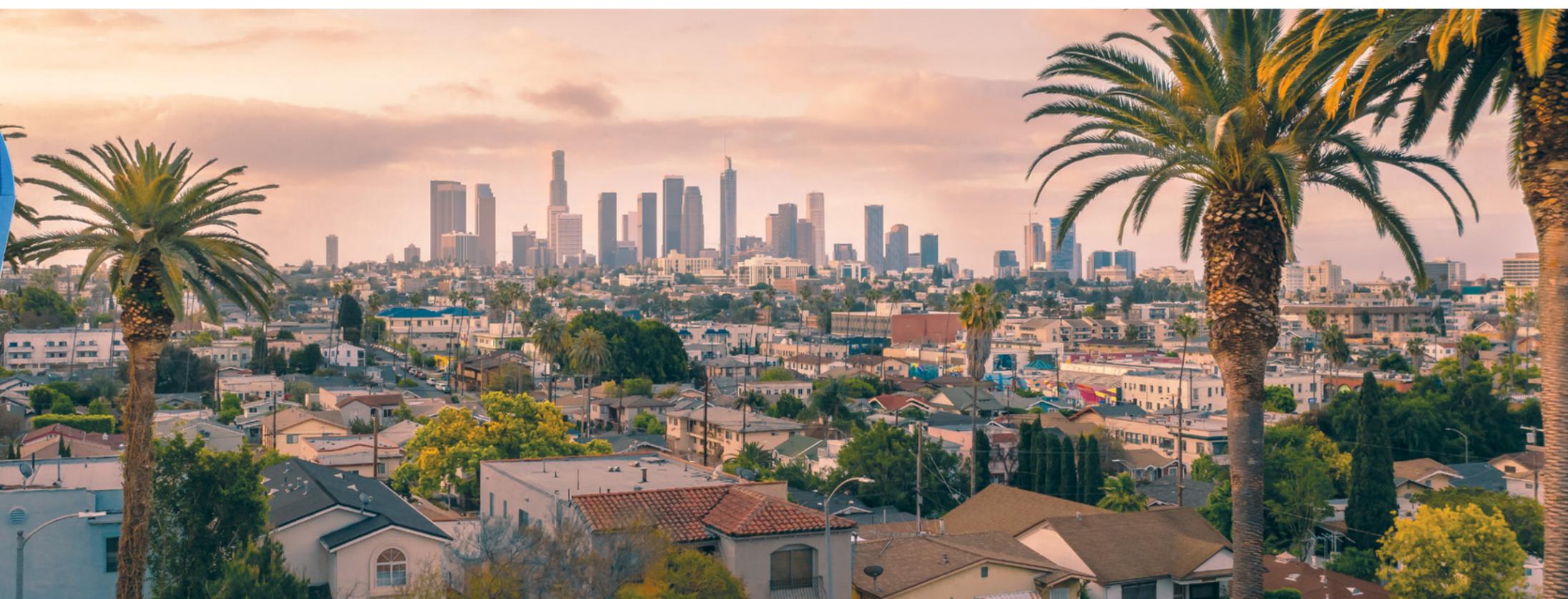
**Mary Williams** and **Jeanine McKeown**,  
for your dedication to these families!

And congratulations to Jeanine on her retirement!

“Jeanine, I can’t think of a more meaningful, more important, or more lasting contribution that a person can make from a life’s work than helping create families. And you’ve been a joy for all of us to work with, with your grace and compassion for the families, your professionalism, your strength ... With deep appreciation, we salute you on the occasion of your retirement! We will miss you!”

– *Cynthia Billey, Director of the Foster Children’s Adoption Program at the Alliance for Children’s Rights*

**ALLIANCE  
for CHILDREN’S  
RIGHTS**



## Dallas Adoption Day

Gibson Dunn's **Dallas Adoption Program** provides pro bono counsel for families in the Dallas/Fort Worth metropolitan area that are adopting children in uncontested proceedings. Lawyers and support staff at our Dallas office have completed more than 500 adoptions through the program since its inception.

The Adoption Program began in 2000, when **Irwin Sentilles**, one of our partners who was serving on the Board of Dallas CASA (Court Appointed Special Advocates), was asked to participate in the first Dallas County National Adoption Day. That event is held each year on the Saturday before Thanksgiving, with the objective of helping to clear the court dockets of a backlog of adoption cases, specifically for children in the foster care system. The Dallas office is proud to have supported the Dallas County National Adoption Day for the past 20 years.

The attorney's fees associated with an adoption case can be a tremendous burden for an adoptive family, but through our program, Gibson Dunn has been able to give back to the North Texas community. We offer legal services pro bono to families that are providing permanent, loving homes to children who have been placed in foster care due to neglect or abuse and are eligible for adoption. The cases are referred by Dallas

CASA and the Texas Department of Family and Protective Services (TDFPS) when a family that is adopting a foster child cannot afford the associated legal fees.

During the first year of the Adoption Program, the firm assisted with the adoptions of 61 children. The attorneys involved in the program developed a detailed handbook with all of the instructions and forms needed to handle an adoption case, enabling any lawyer in the Dallas office who was interested in participating to handle a case with ease. Through the program, lawyers review documents from TDFPS, collaborate with TDFPS placement workers and adoptive parents, and draft the requisite pleadings and papers for adoption filings. Once the petitions are filed, our lawyers represent the parents in the hearings, many of which take place in November on National Adoption Day.

With the great success of the program, the Dallas office was asked if it would also be willing to help with adoptions throughout the year, outside of National Adoption Day. In November 2003, the firm was presented with a resolution by the Dallas County Commissioners Court, commending the office and the firm for their contribution and dedication to the children of Dallas County. In 2009, in further recognition of the Adoption Program, the Dallas County Juvenile District Courts issued a standing order waiving the filing fees for all Dallas County National Adoption Day cases that are handled by Gibson Dunn on a pro bono basis, resulting in no out-of-pocket fees or expenses for the adoptive families.

Upon Mr. Sentilles' retirement, **Karl Nelson** took the position on the Board of Dallas CASA, and continues to be a champion of the Adoption Program. Karl often acts as an advisor to associates who are handling their first cases. He works alongside fellow Dallas partner **Krista Hanvey**, who also serves as an advisor and helps to recruit new attorneys in the Dallas office to participate. Legal secretary **Debra Uhl** is among the wonderful staff members who have been involved in the program since its early days.



Gibson Dunn Dallas celebrates National Adoption Day in November 2019.



## SUPREME COURT ADVOCACY

**Gibson Dunn has a longstanding, high-profile presence before the Supreme Court of the United States, appearing numerous times in the past decade in a variety of cases. The Firm's matters in front of the Supreme Court include pro bono cases that often have significant implications for constitutional rights, as well as the fate of thousands of individuals and society as a whole. This past year, two such cases affecting young people and their families were argued by Gibson Dunn attorneys. The firm also regularly represents the interests of clients by drafting and filing amicus briefs in cases before the Court. In 2019, one of those briefs dealt with the critical issue of access to health care.**

Gibson Dunn proudly represents several of the young men and women often referred to as Dreamers – recipients of the Deferred Action for Childhood Arrivals (DACA) program's protections – in their challenge to the Trump administration's sudden decision to terminate the program.

Since 2012, DACA has allowed nearly 800,000 undocumented individuals, who arrived in the United States as children, to live normal and 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 have captured the attention and the hearts of millions of Americans.

When the Trump administration announced in September 2017 that it was ending the DACA program, the lives of hundreds of thousands of people and their loved ones were thrown into chaos. The announcement destroyed the foundation upon which they had been building their lives and cast their futures into doubt. Lawyers around the country, including those from Gibson Dunn alongside our partners at Public Counsel, promptly stepped up to challenge DACA's rescission and protect those affected by it.

We filed suit on behalf of six individual Dreamers in the Northern District of California seeking to vacate the government's decision to end DACA. We challenged the rescission 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, another teacher, and a graduate student. All of them have grown up in the United States and have worked hard to build full and productive lives. They all also dedicate substantial amounts of time to giving back to their communities. As the Ninth Circuit observed when it eventually upheld the lower court's favorable ruling in the lawsuit, 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 here.

In January 2018, Gibson Dunn – working with plaintiffs in related cases – secured a nationwide preliminary injunction temporarily halting the termination of DACA. 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. As a result of this injunction that continues to be in place nearly two years after it was entered, Dreamers have been able to renew their applications for DACA and work authorizations. In

*“Our work on the DACA case was enormously gratifying. Just meeting and getting to know so many DACA recipients and the dedicated lawyers who have been representing them was so meaningful and inspiring. These wonderful individuals are precisely what America and American ideals are all about. They have become an integral part of our society, economy and culture. It is inconceivable, and extraordinarily wrongheaded and cruel, to turn them away from the only country they have ever known. I am personally deeply grateful for having had the opportunity to represent them and their families in the Supreme Court.”*

*– Ted Olson,  
Gibson Dunn Washington, D.C. Partner*

June 2019, the Supreme Court agreed to review the Ninth Circuit case as well as two other DACA-related cases from the Second and D.C. Circuits.

On November 12, 2019, Gibson Dunn partner **Ted Olson** and California Solicitor General Michael Mongan represented the non-state and state respondents, respectively, at oral argument before the Supreme Court. Notably, Ted’s second-chair was Luis Cortes – the first DACA recipient to become a member of the Supreme Court bar and a stark reminder of the stakes of this case.

## Advocating for Rights of Domestic Abuse Survivor Under the Hague Convention

Gibson Dunn represents a formerly abused mother fighting for custody of her child in an international matter that is the Supreme Court’s first case on a so-called “habitual residence” issue under the Hague Convention on the Civil Aspects of International Child Abduction. The outcome will affect cross-border child abduction issues and custody cases involving domestic violence.

A team of attorneys from our Washington, D.C. office represents Michelle Monasky in *Monasky v. Taglieri*. Our client is a U.S. citizen who escaped an abusive Italian husband, Domenico Taglieri, by fleeing Italy with their eight-week-old daughter. Before her child was born, Ms. Monasky had demanded a divorce and made plans to leave Italy, but was prevented from traveling due to a difficult pregnancy. After the child was born, she lived almost exclusively with her mother until the two left for the United States.

After their departure, her husband filed a return petition in federal court in Ohio under the Hague Convention, which prescribes that custody issues in international child custody disputes should be resolved in the country where the child has her “habitual residence” – an undefined term. After the district court held that the child’s country of habitual residence was Italy, Gibson Dunn handled the appeal. A divided panel of the Sixth Circuit affirmed and, after Gibson Dunn successfully obtained en banc review, a fractured 10-8 en banc court also affirmed. The majority reasoned that the child’s parents had a “shared parental intent” to raise her in Italy despite the fact that Ms. Monasky had intended to return to the United States with her as soon as possible.

In June 2019, Gibson Dunn successfully persuaded the

Supreme Court to grant review to decide the standard of appellate review for habitual residence determinations, and whether an infant’s habitual residence can be established in the absence of a mutual agreement by the parents to raise the child in that country. The case was argued on December 11, 2019.

## Advocating for Access to Healthcare

In December 2019, Gibson Dunn submitted an amicus brief on behalf of constitutional law scholars from preeminent law schools including at Columbia University, Cornell University, and the University of California, Berkeley. The scholars, along with lawyers and law students, medical professionals and others, urged the Supreme Court not to restrict reproductive health services.

At issue is a Louisiana regulation requiring all abortion providers in the state to have hospital admitting privileges. The law mirrors a Texas provision that was struck down by a divided 2016 Supreme Court ruling (*Whole Woman’s Health v. Hellerstedt*), in which the Justices determined that the requirement would pose an “undue burden” for women seeking abortions. In early January 2020, the Trump administration filed a brief asking the Court to narrow or overturn that ruling, which reproductive rights advocates argue is binding precedent. The Louisiana case (*June Medical Services LLC v. Gee*) was heard by the Court in March 2020.

In the brief on behalf of the legal scholars, Gibson Dunn wrote: “Bedrock principles of stare decisis require continued adherence to this court’s abortion rights precedents, which have been consistently applied, are eminently workable and legally and factually sound, and have induced extraordinary reliance.”



## THE ARTS

There are myriad ways to support the communities in which we live and work. At Gibson Dunn, we believe one important way of doing that is through supporting local artists and organizations working to promote and preserve the arts, as well as make them accessible to the general public. The arts are critical to creating communities that celebrate diversity and inspire our young people to learn about their roots and about new cultures. Nonprofit organizations in various cities that focus on bringing the arts, and arts education, to lower income communities are often woefully underfunded and rely on the assistance of organizations like Gibson Dunn to help them continue to grow and further their important missions.

Whether through helping these types of nonprofits or individual low-income artists themselves, Gibson Dunn attorneys from all practice areas and various offices are proud to support the arts through the provision of pro bono legal services. This past year, several lawyers throughout the firm provided litigation, corporate governance, labor, and real estate services to nonprofits in the arts arena. Working with and on behalf of artists is a wonderful pro bono opportunity for litigators and transactional lawyers alike.

Gibson Dunn real estate lawyers across the United States provide lease negotiation and other advice to a range of artistic and socially conscious organizations. **The New Conservatory Theatre Center** is a nonprofit San Francisco theater company dedicated to championing innovative, high-quality productions, and educational theater experiences for youth, artists, and the queer and allied communities, in order to effect personal and societal growth, enlightenment and change. **Dance Mission Theatre** is a San Francisco nonprofit performance venue and dance school operated by a female dance troupe with a focus on social change, and **Galería de la Raza**, a nonprofit art gallery and artist collective, serves the heavily Latino population of San Francisco's Mission District.



The **Alliance of Resident Theatres/New York** (A.R.T./NY) is the service organization for all of the more than

400 nonprofit theaters in New York City. We assist A.R.T./New York in supporting theaters that give voice to diverse communities throughout the City, and that provide outlets for artistic expression, thousands of jobs and creative engagement, and a pipeline of groundbreaking performances that fuel the success and economic engine of Broadway theaters.

In 2019 the firm also provided support to the **Center Theatre Group**, a nonprofit arts organization in Los Angeles that is one of the largest theater companies in the United States, also known as "The Company". The



Center Theatre Group's mission is to serve the diverse audiences of Los Angeles by producing and presenting theater of the highest caliber, by nurturing new artists, by attracting new audiences, and by

developing youth outreach and arts education programs. This mission is based on a belief that the art of theater is a cultural force with the capacity to transform the lives of individuals and society at large. The Company operates the Ahmanson Theatre, Mark Taper Forum, and Kirk

Douglas Theatre. Shows this past year have included *Dear Evan Hansen*, *What the Constitution Means to Me*, and *Jitney*.

Gibson Dunn has been The Company's primary outside counsel since its founding more than 50 years ago. In 2019 the firm advised on matters ranging from corporate governance to employment law and real estate. In particular, Gibson Dunn has been working on a new building project that would allow The Company to relocate its headquarters into a redesigned project on property owned by the County of Los Angeles, with spaces for enhanced public outreach and community-based programming. In addition to negotiating gift agreements with various donors, the firm is working on the agreements with the County. Gibson Dunn also supported several employment negotiations, including the search process and employment agreement related to the hiring of a new CEO.

We also count many dance- and music-focused organizations among our pro bono clients, whether renowned or more up-and-coming. This past year, our lawyers provided legal services to the **Atlantic Theater Company** (a Tony-winning off-Broadway company), the **Los Angeles Ballet** (a world-class ballet company), and **Lincoln Center for the Performing Arts** (the famed complex of facilities including the New York Philharmonic, the Metropolitan Opera, and the New York City Ballet).



Gibson Dunn has assisted with the acquisition of a commercial condominium including three theaters and retail space on behalf of the New York City-based **Signature Theatre Company**, a Pulitzer Prize-winning company founded in 1991. And we contributed pro bono legal services to New York's **Roundabout Theater**



**Company**, the largest nonprofit theater in the United States, and a home for revivals from the pantheon of performing arts classics as well as a nurturer of new, cutting-edge productions from diverse emerging artists.

Furthermore, our New York attorneys worked on a variety of issues in connection with pro bono clients referred to the firm through **Volunteer Lawyers for the Arts (VLA)**, the leading legal aid and education organization dedicated to New York artists and its arts and cultural organizations. VLA is celebrating its 50th year, and has been a pro bono client of Gibson Dunn since 2005. In 2019, our litigators advocated on behalf of VLA clients including musicians, photographers and composers. Among other things, our lawyers have worked to resolve ownership disputes, to obtain compensation for unauthorized use of a client's work, and to help draft purchase agreements for intellectual property rights.



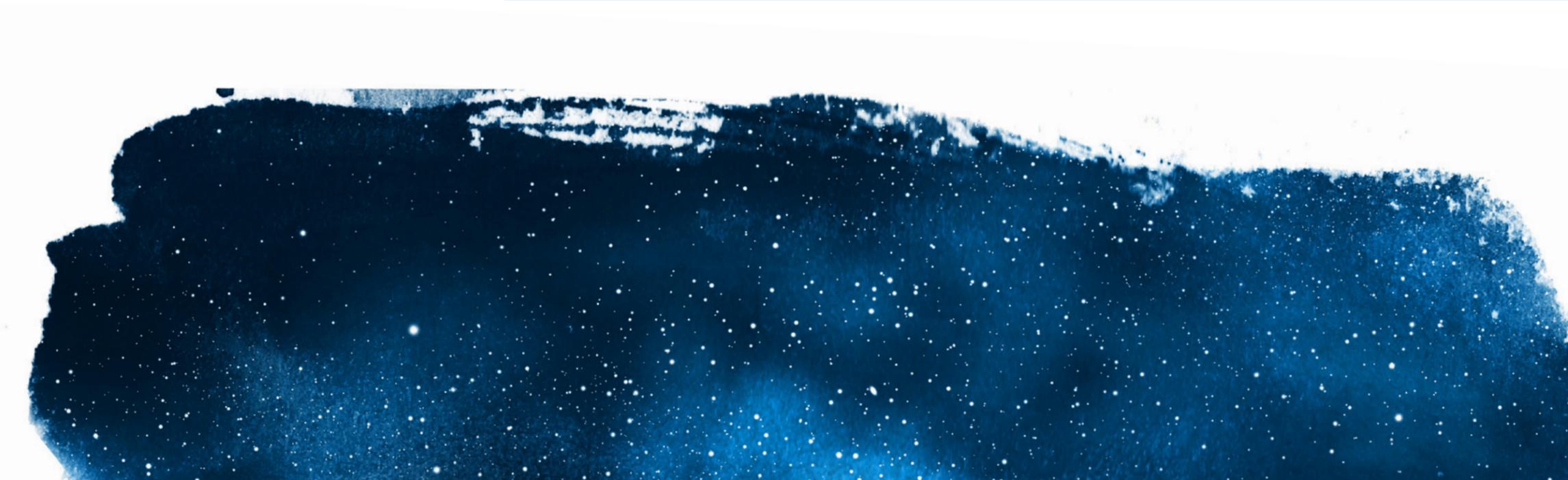
New York associate **Ryan Oringer**, who sits on the Associate Board for VLA, has worked on a number of matters on behalf of VLA-referred clients. He has drafted option contracts for scripts, negotiated settlements for alleged copyright infringement, drafted director agreements for films, and more. Ryan comments: "Working with and for VLA has been a wonderful experience, from the interesting and talented clients I have been able to help, to the challenging and valuable work I have been able to do."



One client in particular has impacted Ryan's professional life, as he describes. "I have been working with one of my artist clients, Emily Irvine, since I started at Gibson Dunn in 2015. It has been wonderful to see her grow as an artist and a businesswoman since then, and fulfilling to be able to help her navigate the legal aspects of her career so that she can focus on her craft." Emily is a multidisciplinary artist with experience in painting, animation, sculpture, puppeteering, and other forms of art. She initially came to the firm looking for assistance with a license for her artwork and a separate purchase agreement for a painting. In the years since, Ryan has helped Emily with a variety of tasks, including creating an LLC, registering for trademarks, and drafting a non-disclosure agreement for testing of a product she created. Ryan currently helps her with a manufacture and supply agreement for her new line of children's picture books.

*"Ryan Oringer's legal expertise in drafting art and design contracts, NDAs, and LLC agreements, and in dealing with copyright infringement and trademark registrations have provided the legal support necessary to protect and aid me in my career. My confidence and empowerment as an artist and businesswoman have increased exponentially. I cannot express my gratitude enough."*

*Emily Irvine,  
VLA-referred client*



# ENVIRONMENTAL CONSERVATION

**Our lawyers believe that working to protect and sustain our communities includes ensuring that we are taking care of the world around us. One way we do this is by dedicating pro bono resources to organizations committed to protecting and preserving our planet. This, we hope, will help ensure a better future for the generations to come.**



*Heather Richardson,  
Gibson Dunn  
Los Angeles  
Partner*

After a hard-fought two-and-a-half years of litigation, Gibson Dunn secured a judgment protecting 417 acres of undeveloped coastal land in Malibu and Los Angeles County as natural open space in perpetuity. The matter began when a developer acquired title to the land for approximately \$1 million in a 2008 foreclosure. The developer then sought to quiet title (establish its title) to the property to pave the way for a luxury residential project projected to net it tens of millions of dollars. Gibson Dunn took on representation of **Mountains Restoration Trust**, a nonprofit trying to protect the land from development.

The Gibson Dunn litigation team led a joint defense group that included the California Attorney General's Office, the County of Los Angeles, and celebrity billionaire entrepreneur John Paul DeJoria. The developer litigated the case to the ground, noticing 11 depositions across the state. Our team successfully opposed various requests for judgment before prevailing on behalf of all defendants.

The key to the case was California's little-known conservation easement statute, Civil Code §§815-816, which real estate associate Kylie Thompson uncovered during early case research. The team successfully argued that an earlier 2001 grant deed for the property unambiguously created a statutory conservation easement that protected the property as open space in perpetuity and that, as a matter of law, could not be extinguished by private contract or even foreclosure.

*“This case not only preserves an important part of the Malibu coastline as open space to be enjoyed by all, it also holds that a conservation easement cannot be extinguished by foreclosure as a matter of law. This legal proposition is an incredibly important tool for nonprofit organizations and the state to safeguard public lands.”*

Gibson Dunn's Munich office has worked with nonprofit **Plant-for-the-Planet** to develop its global legal structure. The organization was started by a young man in Germany whose vision was that children around the world could – and should – plant trees to reduce CO2 emissions and be ambassadors for climate change.

Meanwhile, in the United Kingdom, the firm has supported **Wastebuster**, a nonprofit environmental education company aiming to bring waste education to life with exciting films, media-rich resources, and campaigns designed to inform, inspire, and empower children to care for the environment. The organization harnesses the power of entertainment for social change, inspiring young people by showing them the difference they can make by adopting more sustainable lifestyle

choices. Gibson Dunn lawyers have provided pro bono legal services to Wastebuster including: partnership agreements with well-known media corporations and production companies; IPR (intellectual property rights) agreements around character licensing, talent, and media release; partnership agreements with groups ranging from local government to the UN; and the acquisition of one of the largest environmental education programs in the UK.

In the United States, we have continued our long-term pro bono support of various environmental clients. For years, the firm has advised **GreenWave Organization Corp.**, a nonprofit devoted to mitigating climate change and providing jobs for fishermen as ocean farmers, on a variety of matters including structuring partnerships with various organizations, nonprofit compliance, and permitting for new ocean farms.

Lawyers from Gibson Dunn's New York and Dallas offices provided corporate structure advice for **Coral Vita Inc.**, a social enterprise whose purpose is to restore dying reefs by growing resilient corals and transplanting them into degraded sites. Our lawyers helped with structuring and setting up a wholly-owned subsidiary in Grand Bahama that owns and operates the world's first land-based commercial coral farm. Coral Vita will help maintain and improve the conditions of coral reefs and will establish a global network of land-based farms to grow diverse corals resilient to changing ocean conditions.



*Ruben Almaraz,  
Gibson Dunn  
New York  
Associate*

*“It has been very rewarding to assist Coral Vita, a client that is addressing a major global issue for the benefit of the planet.”*



# FIRST AMENDMENT DEFENSE

Freedom of speech, freedom of the press, freedom of association, and freedom of religion hold a place of prominence in the U.S. Constitution, as well as in the heart and soul of America. Gibson Dunn is proud to have taken on numerous representations that helped preserve and protect these critically important constitutional rights.

## Freedom of the Press

Freelance journalist Aaron Miguel Cantú was detained and arrested at a protest taking place in Washington, D.C. on Inauguration Day 2017. Cantú, along with several other journalists, was charged under the D.C. riot statute and faced up to 75 years in prison.

Los Angeles partner **Ted Boutsous** agreed to represent Mr. Cantú and rapidly assembled a team of Gibson Dunn attorneys to guide Mr. Cantú through negotiations with the U.S. Attorney's Office for the District of Columbia. During these meetings the team emphasized that Mr. Cantú was a journalist and that the charges should be dropped, just as they had been for several other journalists. Instead, the government officials insisted that they would prosecute him to the fullest extent of the law, claiming that he sympathized with the demonstration's participants based on videos they had obtained from the disreputable "sting" organization Project Veritas.

Then, in the spring of 2018, a group of Mr. Cantú's co-defendants accused the government of violating its disclosure obligations under *Brady v. Maryland* after a co-defendant inspected the metadata of a Project Veritas video disclosed by the government and discovered that the video had been altered. The government eventually admitted to altering the video to remove the portion that recorded



*“If freedom of speech is taken away, then dumb and silent we may be led, like sheep to the slaughter.”*

*– George Washington*

one Project Veritas operative conceding to another that the attendees at a demonstration-planning meeting did not appear to know anything about broader plans for the event. This was key since Mr. Cantú and some of his co-defendants had been among those attendees. The *Brady* litigation further revealed that the government had obtained 69 additional recordings from Project Veritas that it had never disclosed to any of the defendants.

In May 2018, Chief Judge Robert Morin of the D.C. Superior Court concluded that the government had intentionally engaged in *Brady* violations and made related misrepresentations to the court. He sanctioned the government by dismissing the charges against the co-defendants who had raised the issue.

On July 6, 2018, the government dismissed all charges against Mr. Cantú and his remaining co-defendants. On March 15, 2019, during a hearing concerning whether the government had acted in bad faith in committing the *Brady* violations, Chief Judge Morin ordered that all charges stemming from the demonstration – including

those against Mr. Cantú – would be formally dismissed with prejudice. Gibson Dunn's representation in this matter was not only a symbolic victory for speech and press rights, but also deeply personal for Mr. Cantú, who is now safely pursuing his career as a journalist.

## Freedom of Association

In 2016, the state of New York enacted an unprecedented law requiring nonprofit organizations to provide detailed facts about their donors – the first time a U.S. state had ever attempted to mandate public disclosure of this information. The law would have compelled the publication of vast swaths of donor data on a public website maintained by New York State.

Gibson Dunn, led by New York partners **Randy Mastro** and **Akiva Shapiro**, promptly filed suit on behalf of **Citizens Union**, New York's preeminent “good government” group, asserting that the law violated the First Amendment. The case was later consolidated with cases subsequently

brought by the **ACLU**, **NYCLU**, **Lawyers Alliance for New York**, and **Nonprofit Coordinating Committee of New York**.

In September 2019, U.S. District Court Judge Denise Cote of the Southern District of New York granted summary judgment for Citizens Union and the other plaintiffs in full, striking the challenged provisions as “invalid on their face” under the First Amendment. In a strongly worded 67-page opinion, Judge Cote found, among other things, that one of the provisions in question “places a significant burden on the First Amendment interest in freedom of association.”

After the summary judgment decision, the district court permanently enjoined the enforcement of the challenged provisions, and the government agreed to pay the plaintiffs' attorney's fees and to waive any appeal. This resounding victory was not just a win for Citizens Union, but for nonprofits across the state that are now permitted to maintain the confidentiality of their donors' information. It was also a win for the First Amendment and for nonprofit groups around the country, as they challenge similar compelled nonprofit disclosure laws.

## Freedom of Religion

In the Ninth Circuit, a team of Gibson Dunn lawyers led by Houston partner **Allyson Ho** represented a family alleging religious discrimination by its homeowners association. For years, the family members had hosted a Christmas program at their home, giving all donations from attendees to children's charities. Upon moving to a new neighborhood, they checked with their new homeowners association to ensure they could continue the program and were assured that they could.

Once they moved in, however, they were subjected to a campaign of hostility and religious discrimination orchestrated by the homeowners association – even leading to death threats against them. They sought relief by filing Fair Housing Act claims in federal court and won a favorable jury verdict. The district court, though, reversed the verdict. Gibson Dunn led the successful appeal.



## LGBTQ RIGHTS

**At Gibson Dunn, we proudly advocate for, and work to advance, the rights of the lesbian, gay, bisexual, transgender, and queer community. Over the last year, that work has included assisting transgender clients successfully change their legal name to conform with their gender identity, we have advocated against the practice of conversion therapy, and we have continued to represent LGBTQ individuals seeking safety and asylum in the United States.**

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In 2009, Gibson Dunn began partnering with the **Transgender Legal Defense & Education Fund (TLDEF)**, a New York-based organization committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender people. In the last decade, more than 100 of the firm's lawyers have spent more than 5,700 hours on TLDEF matters. The value of our pro bono legal services on behalf of the organization and its client-base is almost \$3.5 million.

One of our most significant collaborations with TLDEF has been our participation in the Name Change Project. Through this project, we have helped more than 120 low-income transgender, gender-nonconforming or non-binary individuals legally change their names to match the gender with which they identify – not only giving them a new name, but hope for a better, more fulfilling life.

Typically, our clients through this project are in their twenties or early thirties. But not always. One, L.G., was ready to legally change his name at age 11. He identified as a boy, had begun puberty-suppression medical treatment, and wanted his legal name to align with his identity and appearance. Luckily, and in stark contrast to

the experience of many transgender children, L.G.'s father (a single parent) was fully supportive of his son's gender transition and desire for a legal name change.

New York associate **Ben Mishkin** took on L.G.'s case. Over the course of a three-month period, Ben worked closely with L.G., his father, and the attorneys at TLDEF to prepare a name change petition that would best position L.G. for success, including allaying any concerns the presiding judge might have about approving the name change in light of the client's young age. Among other tasks, Ben spoke with L.G.'s medical professionals to confirm their assessment of L.G.'s gender identity, obtained a letter of support from L.G.'s attending physician, and drafted a petition that emphasized how



*Benjamin  
Mishkin  
Gibson Dunn  
New York  
Associate*

***“For anyone unfamiliar with the court system, the processing for legally changing one’s name in New York City can seem quite daunting. It can be especially intimidating for a low-income, transgender, gender-nonconforming or non-binary individual seeking to match their legal identity with their lived experience. Helping such clients navigate this process and take a significant step toward affirming their identity has been incredibly rewarding.”***

the legal name change would promote L.G.'s physical and psychological interests.

One week after filing the petition, Ben accompanied L.G. and his father to a hearing before the Civil Court of the City of New York. The hearing went smoothly and the name change was approved! L.G. and his father were thrilled.

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Over the last year, Gibson Dunn represented **The Trevor Project**, a nonprofit focused on suicide prevention efforts among LGBTQ youth, in a series of matters related to the harmful practice of conversion therapy. Conversion therapy is the practice of trying to change an individual's sexual orientation from homosexual or bisexual to heterosexual.

In February 2019, a federal district court in Florida refused to grant a preliminary injunction in the case of *Otto v. Boca Raton* – an injunction that would have stopped the cities of Boca Raton and Palm Beach from enforcing their ordinances protecting LGBTQ young people from conversion therapy. With Gibson Dunn's help, The Trevor Project had filed an amicus brief in this case opposing the preliminary injunction and noting the severe harm caused by conversion therapy.

The plaintiffs appealed, and in June 2019, also with The Trevor Project, the firm filed another amicus brief in the case, in the Eleventh Circuit. Among other things, both briefs noted that the American Psychological Association strongly opposes any psychiatric treatment like conversion therapy, which is based on the assumption that nonconforming sexuality is a mental disorder that needs to be corrected.

The state of Maryland enacted a similar law protecting LGBTQ youth from conversion therapy, which was challenged in the case of *Doyle v. Hogan*. Gibson Dunn again helped The Trevor Project file an amicus brief in this case in March 2019. The brief focused on the organization's unique insights into the serious harms inflicted on LGBTQ youth by the dangerous and discredited practice, as many of the young people The Trevor Project serves are survivors of it or have a fear that they will be forced to engage in it. In September 2019, a federal district court in Maryland dismissed the conversion therapist plaintiff's lawsuit challenging the law. In December, the firm filed another amicus brief on behalf of The Trevor Project in the case, this time on its appeal in the Fourth Circuit.

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Over the last several years, Gibson Dunn has represented more than 90 asylum seekers who identify as LGBTQ in their U.S. immigration matters. We engage in this work in partnership with organizations including **Legal Services NYC (LSNYC)** and **Immigration Equality**, and often in collaboration with attorneys from several of the firm's corporate clients. Our asylum clients have faced violence, oppression and threats in their home countries, just for being who they are. As their advocates, it is our goal to help them have a safer and better life in the United States.

The firm has yet to lose one of these matters, despite the increasing number of hurdles facing asylum seekers today. While many cases are still pending, we have already achieved nearly 50 grants of asylum, with 23 wins in 2019 alone. Our clients are from countries such as Syria, Ghana, Russia, Jamaica and Venezuela. Our lawyers have gone on to represent these individuals in their adjustment of status (green card) applications once eligible, further securing their stability in a country that allows them to live without fear.



*“Gibson Dunn has helped change my destiny and I now have an opportunity to live freely in a country which accepts me for who I am and cares about my human rights. This opportunity means the world to me.”*

– Joy,  
LGBTQ asylee



## OFFICE SPOTLIGHT: ORANGE COUNTY

Gibson Dunn's Orange County office is home to almost 90 lawyers. It was founded in 1964, becoming the firm's fourth office, and today is located in Irvine, California. With 87% of its lawyers participating in the pro bono program, the office was able to make a marked difference in the lives of clients and the larger community. The Orange County office contributed more than 7,420 pro bono hours in 2019, at an average of 115 hours per lawyer. Orange County attorneys provided advice related to asylum, corporate governance, nonprofit mergers, employment, special immigrant juvenile status, government leases, and environmental conservation, among other topics.

### Successful Immigration Bond Hearing Reunites Family in Time for Christmas

In June 2019, Gibson Dunn was retained to represent a Salvadoran citizen who had been detained by U.S. Immigration and Customs Enforcement (ICE) and was at risk of deportation. The client's wife, four children, and two stepchildren are all U. S. citizens, while he was undocumented. The firm filed an application to withhold the client's removal based on his fear of returning to El Salvador, and his removal case has been set for trial in June 2020.

In December 2019, after the client had been in immigration detention for more than six months, Gibson Dunn successfully argued for his release on bond based on his deep ties to his community and lack of a criminal record, and the extreme hardship that detention caused to his family. The immigration court set bond in the amount of \$30,000, which the family, with assistance from the **Orange County Justice Fund**, raised in two weeks. The client was released from detention and reunited with his family in time for Christmas! He will be able to remain at



Orange County attorney, Doug Levin, with his client and his family shortly after he was released from detention.

home until the conclusion of his immigration trial (and, if necessary, any appeal).

Gibson Dunn Orange County attorneys **Oscar Garza**, **Douglas Levin**, and **Candice Lundquist** worked alongside New York attorney **Daniel Harris**, Singapore attorneys **Grace Chow** and **Prachi Jhunjunwala**, and San Francisco attorney **Malena Muehl** to represent the client.

### Saving the Cherished Balboa Island Eucalyptus Trees

Lemon-scented gum eucalyptus trees have lined Marine Avenue on Balboa Island, a part of Newport Beach, California, for almost a century, adding to the island's charm. However, the city now plans to redesign Marine Avenue (the island's iconic main street), causing many

local residents to worry about the beloved trees that may need to be removed as part of the plans. Orange County partner **Jim Moloney**, who calls Balboa Island home, joined the advisory board to the **Balboa Island Preservation Association (BIPA)** that was founded by Jodi Bole, another local area resident, in an effort to preserve the cherished historic trees.

BIPA is a community-led organization whose mission is to maintain the integrity and character of Marine Avenue, in part by staving off removal of the trees. The group conducted an online poll of residents, with approximately 95% of the 700 responses voting in favor of retaining the eucalyptus trees on the main street. BIPA advocates for greater transparency by city staff regarding the redesign plans as well as proper compliance and oversight of the tree testing and removal process. It seeks to give a meaningful voice to the many stakeholders who were denied the ability to provide any input into the city's redevelopment plans, and has provided objective expertise in favor of preserving and protecting the trees. BIPA continues to represent residents, merchants and others working together to save the trees at ongoing city council meetings, Newport Beach Parks, Beaches and Recreation Commission meetings, and resident town halls.

Jim offered his assistance to BIPA when he first learned of the organization's efforts to preserve the trees. In Jim's words: "Once these majestic trees are gone, it will take another 80-100 years before they can regain their canopy over Marine Avenue. In this world some things are worth fighting for ... and in this case, the necessary fight is for the protection of these cherished trees which the city had planned to remove without any testing or notice to residents."



The team members assisting Jim on this pro bono matter include **Mike Flynn, Casper Yen, Anna Peterson, Scott Kaplan,** and **Tony Escutia.**

## Protecting Access to Healthcare

In October 2019, **Planned Parenthood of Orange & San Bernardino Counties (PPOSBC)** approached its long-time pro bono counsel, Gibson Dunn, regarding protesters at its Mission Viejo Health Center. Historically, protesters opposing PPOSBC’s mission legally assembled on the public sidewalk outside of the medical complex containing the Mission Viejo center. In March 2019, however, new protesters appeared. They began assembling on a weekly basis in a private courtyard directly in front of the Health Center. From this location, they engaged in intimidation tactics against PPOSBC patients, frequently approaching and shaming the men and women seeking to obtain health care, impeding access to the Health Center, and recording patients’ faces by use of body cameras.

In response to these weekly trespasses on private property, PPOSBC and its landlord reached out to the Orange County Sheriff’s Department (OCSD) to eject the trespassers. Each time, OCSD declined to enforce the law and allowed the protesters to continue their assemblies. While OCSD’s specific reasons shifted from call to call, one justification undergirded law enforcement’s stance throughout: OCSD believed that the *Pruneyard* doctrine under the California Constitution allowed the protesters to

gather on PPOSBC’s private property in order to exercise their free speech rights.

OCSD’s stance was plainly wrong. While the 1979 California Supreme Court *Pruneyard* decision created limited circumstances in which parts of large, private shopping malls become public fora under the California Constitution, subsequent authority made crystal clear that small medical centers like the one in which PPOSBC operates do not fall within the decision’s ambit. Over several weeks, Gibson Dunn and PPOSBC engaged in informal attempts to convince OCSD of its error. When that failed, the firm sent a formal letter on Jan. 13, 2020 to OCSD and the Office of County Counsel for Orange County. The letter explained the nuances of the *Pruneyard* doctrine and its inapplicability to the protesters at PPOSBC’s Health Center, requested proper policing and ejection of the trespassers.

On Feb. 11, 2020, a representative from the Office of County Counsel responded, thanking Gibson Dunn for “bringing to [the County Counsel’s] attention the inconsistent response and possible overly-simplified application of the *Pruneyard* decision.” She likewise stated that “OCSD plans to follow up with all patrol divisions and substations to ensure the scope of the decision is understood and not misapplied.”

In the following weeks the protesters continued to congregate in the private courtyard but OCSD instructed them to move to the public sidewalk. The protesters’ reeducation is an ongoing process given that for months, law enforcement had incorrectly told them that their assembly on private property was constitutionally sanctioned. Still, so far, the protesters have been receptive to reassembling on public property when instructed to do so, and no negative interactions have taken place with PPOSBC staff or patients.

The team of attorneys representing PPOSBC in its interactions with OCSD is composed of **Joshua A. Jessen,**

**Matthew P. O’Sullivan,** and **Sydney Sherman,** all from the Orange County office. **Michelle Hodges,** also from that office, is the relationship partner who referred PPOSBC to the team.

## Fighting for Insurance Coverage of Muscular Dystrophy Treatment

For the last several years, the Firm has represented multiple families in connection with their insurance coverage disputes with state Medicaid agencies related to Exondys-51, the only treatment available for the underlying cause of Duchenne Muscular Dystrophy, a rare, incurable, and terminal genetic disorder. One of our families, located in Massachusetts, has been seeking coverage for the drug and related treatment for more than a year for a 16-year-old son, in a wheelchair and unable to walk.

After multiple denials of coverage from MassHealth (the state agency managing Massachusetts’ Medicaid programs), each of which contained shifting rationales, the family engaged Gibson Dunn to file an appeal with the Massachusetts Board of Hearings. At the core of the appeal was whether certain regulations require Medicaid programs to provide coverage to patients for on-label usage of Exondys-51, or otherwise, whether MassHealth’s denials were arbitrary and lacking support such that they should be reversed.

After more than six months of arguing our client’s position – which included an extensive evidentiary hearing and submission of substantive briefs – on June 25, 2018, victory was won. The Board of Hearings reversed the denial and ordered MassHealth to cover Exondys 51 for our client. While this is only one patient, we are hopeful that this decision will be one of many the firm will achieve in this fight to obtain the proper coverage that patients on Medicaid have a legal right to receive.

The team includes **Jeffrey Thomas** and **Ronnie Gomez.**



# GIBSON DUNN IN THE COMMUNITY

All around the globe, Gibson Dunn personnel volunteer their time, money, and passion to a variety of causes and organizations dear to their hearts. We also come together as a Firm to support specific initiatives each year, strengthening our communities which always strengthens our communities both within and around Gibson Dunn. Here are just a few highlights from 2019.



The **Los Angeles** office spent a Saturday in June volunteering at its third annual Day of Service with the **Union Rescue Mission (URM)**, which strives to end homelessness and change the way people talk and think about the homeless. Located in downtown LA's Skid Row, URM is the largest private homeless shelter in the United States. It provides emergency and long-term services including food, shelter, clothing, medical and dental care, transitional housing, job training, and other services to people in need.

About 25 volunteers (a mix of firm partners, associates and staff members) hosted a fun day full of activities for the families residing at the mission, including their children. Our team provided face-painting, balloon artists, games, and a petting zoo for the kids as well as a catered lunch for all residents and staff. Prior to the event, additional volunteers donated towels and other desperately needed items for the families.



Gibson Dunn worked for a local garden project in the Siu

In November, our **Hong Kong** office dedicated its day to serving the community with **HandsOn Hong Kong**, whose mission is to empower everyone in Hong Kong to volunteer to meet all social needs. Volunteers from

Sai Wan neighborhood, pulling out weeds and working the soil to prepare the land to grow plants and produce more vegetation. Not only will the garden help give local elderly residents a meaningful activity to engage in, but it will also help alleviate air pollution in the neighborhood.

The **Houston** office participated in the 23rd Annual **Houston Bar Association (HBA)** AIDS Outreach Holiday Adopt-a-Family Project.

More than 85 law firms, legal departments, and individuals participated in this December event. Gibson Dunn adopted six families for whom volunteers purchased gifts and wrapped presents. The HBA AIDS Outreach Committee was grateful to Gibson Dunn and all participants for helping make the holidays brighter for so many affected by HIV and AIDS.



The Firm spread additional holiday cheer in early December, when the **New York** office participated in its fourth annual Day of Action with the **Jericho Project**, a New York City-based charity that provides supportive

housing to more than 500 homeless families, LGBTQ youth, and veterans in the Bronx and Harlem. Each year in 2016, a Gibson Dunn team has decorated the Edith McGuire residence in the Bronx and provided much-needed holiday care packages to Jericho Project residents. This year, participants donated approximately 90 food care packages for residents in need and created a warm environment in which to welcome the New Year.

# AWARDS & ACCOLADES

## National Immigration Law Center's Courageous Luminary Award

Gibson Dunn was recognized for its work on behalf of the immigrant community generally, and specifically for its work in collaboration with **NILC** and other groups filing a lawsuit in Vermont challenging retaliatory, unlawful actions by the U.S. Immigration and Customs Enforcement and other government agencies.



## Law Society of England and Wales' Excellence in Pro Bono Award

Gibson Dunn won in the "Excellence in Pro Bono" category at the Law Society of England and Wales' Excellence Awards in October 2019. The award was given in recognition of the work completed to criminalize "upskirting" in England and Wales.



## DV LEAP Pro Bono Team of the Year

In 2019, Gibson Dunn was named Pro Bono Team of the Year by the **Domestic Violence Legal Empowerment and Appeals Project (DV LEAP)** at its annual Tip the Scales of Justice Celebration. Since 2016, Gibson Dunn has partnered with DV LEAP in representing a survivor of domestic abuse in an appeal (now before the Supreme Court) concerning the Hague Convention on the Civil Aspects of International Child Abduction.

## ALSO IN 2019...

- Pro Bono Publico Award from The Legal Aid Society
- Corporate Responsibility Award from the Salvadoran American Leadership and Educational Fund
- "Standout Firm" recognition by the *Financial Times*
- Pro Bono Leadership Award from the National Center for Law and Economic Justice (NCLEJ)
- Presidential Award from Jewish National Fund
- "Pro Bono Hotlist" feature in the *National Law Journal*
- Pro Bono Advisory Council Award from Asian Americans Advancing Justice - LA



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