JENNER&BLOCK EQUAL TIME

LGBT COMMUNITY SERVICE 2014

JENNER & BLOCK – A HISTORY OF COMMITMENT TO LGBT EQUALITY

This year marks the centennial anniversary of the founding of Jenner & Block in Chicago. Over these 100 years, the firm has developed and embraced a set of core values that guide us – among them, a commitment to diversity and inclusion in the workplace, the profession and society-at-large.

Nowhere is this more manifest than in the area of LGBT inclusion, where Jenner & Block has consistently been on the cutting-edge in guaranteeing equal treatment of its LGBT employees and in providing courtroom advocacy and other support for LGBT causes community-wide.

In the early 1990s, a small group of LGBT attorneys at the firm began meeting periodically for informal lunches. Among other things, the gatherings focused on business development opportunities for LGBT attorneys and included discussions of pro bono opportunities for attorneys who wanted to work on LGBT issues.

Through this informal, but tightly knit group of firm personnel – which eventually became formalized as the LGBT Forum – domestic partner benefits were implemented at Jenner & Block, first for same sex couples, and then for all couples. Before the legalization of same-sex marriage in states where the firm has offices, we offered health coverage and an annual "gross-up" tax benefit. Coverage for transgender surgical procedures is also provided through the firm's medical benefits program.

In 2001, the firm published its first *Equal Time – LGBT Community Service* newsletter. Not only was this Jenner & Block's inaugural diversity publication but, at the time, it was one of the first, if not the only, newsletter devoted entirely to the work of LGBT attorneys, published by a national law firm.

In 2002, the Human Rights Campaign, the largest organization advocating for LGBT rights, created its Corporate Equality Index (CEI) to measure how American businesses treat LGBT employees. In 2003, Jenner & Block was among the first law firms to be voluntarily rated by the HRC; in 2005, we were the first Chicago-headquartered law firm, and only the fourth nationwide, to earn a 100 percent CEI rating – a rating we maintain to the present time.

Beyond the workplace, the firm's commitment to LGBT causes is well known. Since the 1980s, Jenner & Block attorneys have played vital leadership roles in organizations dedicated to improving the lives of members of the LGBT community.

The firm's efforts to advance LGBT rights through legal representation go back to 1990, when Jenner & Block represented the American Psychological Association (APA) as amicus in a case challenging Maryland's anti-sodomy statute. The firm continued to file amicus briefs for the APA on issues ranging from sodomy statutes to child custody to discriminatory referenda, including in the landmark *Romer v. Evans*, in which the U.S. Supreme Court invalidated a Colorado constitutional amendment preventing protected status based on homosexuality or bisexuality.

Then came the groundbreaking *Lawrence v. Texas.* Serving as co-counsel with Lambda Legal, Partner Paul M. Smith presented the oral argument to the U.S. Supreme Court that resulted in the Court's landmark 2003 decision striking down the Texas anti-sodomy law that applied only to same-sex couples, by extension making same-sex sexual activity legal in every state and territory.

Lawrence, widely considered to be the most significant civil rights ruling of the decade, if not the century, led to the firm's role as co-counsel with Gay & Lesbian Advocates & Defenders in *Gill v. Office of Personnel Management,* the first major challenge to the federal Defense of Marriage Act (DOMA) defining marriage as a union between a man and a woman. As the country's first federal court of appeals decision overturning DOMA, *Gill* laid the foundation for the Supreme Court's 2013 decision nullifying the law.

DOMA's demise is paving the way for legalization of same-sex marriage across the country, and Jenner & Block is again in the forefront. The firm, with Lambda Legal, the American Civil Liberties Union and the ACLU of Virginia, achieved a resounding victory in a federal class-action lawsuit representing approximately 14,000 same-sex couples who are barred from marrying in that state. On July 28, the Fourth Circuit affirmed a district court ruling striking down the Virginia ban. The firm is also co-counsel with Lambda Legal in a challenge to West Virginia's definition of marriage as between a man and a woman and continues to file amicus briefs in other marriage cases in the federal courts of appeals.

In addition to Paul, Partners Lindsay C. Harrison and Luke C. Platzer and Associates Melissa A. Cox, D. Matthew Feldhaus, Mark P. Gaber and Nicholas W. Tarasen have been key members of the teams working on the DOMA and same-sex marriage cases.

For its leadership in advancing LGBT rights, in 2011, Jenner & Block became the first national law firm inducted into the Chicago Gay and Lesbian Hall of Fame, and has received recognitions from numerous other LGBT organizations. ■■

1914 Newman, Poppenhusen & Stern was founded on January 1. Fifty-five years and nine names later, the firm became known as Jenner & Block

1969 June 28, a police raid on the Stonewall Inn, a popular gay bar in Greenwich Village, set off a series of protests that are widely regarded as the start of the LGBT civil rights movement in the United States

1973 The American Psychiatric Association removes homosexuality as an "illness" classification in its diagnostic manuals

1982 Jenner & Block opens Washington, DC office

1987 Congress member Barney Frank voluntarily comes out as gay

Early 1990s Informal beginning of Jenner & Block's LGBT Forum

2003 Jenner & Block co-counsels with Lamda Legal on the groundbreaking case of *Lawrence v. Texas.*

2004 Massachusetts legalizes same-sex marriage

2005 Jenner & Block is the first Chicago-headquartered law firm, and the 4th nationwide, to earn a 100% rating in the CEI

2005 Jenner & Block opens New York office

2009 Jenner & Block opens Los Angeles office

2011 Jenner & Block inducted into the Chicago Gay and Lesbian Hall of Fame

2011 Don't Ask, Don't Tell repealed

2013 DOMA declared unconstitutional

2014 Jenner & Block, with Lambda Legal, ACLU and AFER, wins 4th Circuit decision striking Virginia's ban on same-sex marriage

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Melissa A. Cox

MELISSA COX SELECTED AS A "BEST LGBT LAWYER UNDER 40"

Jenner & Block Associate Melissa A. Cox was named a 2014 "Best LGBT Lawyer Under 40" by the National LGBT Bar Association. The annual award, now in its fifth year, recognizes 40 LGBT legal professionals under the age of 40, nationwide, "who have distinguished themselves in their field and demonstrated a profound commitment to LGBT equality." The bar association's announcement of its selections noted, "These young professionals represent the very best of our profession … Their extraordinary accomplishments underscore the significant talent the LGBT community brings to the legal profession, and highlight the real change our members make in the lives of their clients, their community and their country, every single day." ■■


Lindsay C. Harrison

HARRISON NAMED *LAW360* "RISING STAR"

Partner Lindsay C. Harrison was selected by *Law360* as a "Rising Star" in the Hospitality practice area, one of only four attorneys, nationwide, chosen for this recognition. Describing the Rising Stars as "attorneys under 40 whose legal accomplishments belie their age," a *Law360* profile of Lindsay highlighted the key roles she plays in Jenner & Block's representation of major hospitality clients Marriott and Ritz-Carlton. ■■


Christopher C. Dickinson

INSURANCE PRACTICE NAMED "CHICAGO LITIGATION DEPARTMENT OF YEAR: INSURANCE"

The National Law Journal selected the firm's Insurance Litigation and Counseling Practice as its 2013 "Chicago Litigation Department of Year: Insurance," and published a special report spotlighting Partner Christopher C. Dickinson. The report noted the practice's win for HSBC Finance Corp. against Princeton Eagle West Insurance Co., commenting, "partner Christopher Dickinson convinced an Illinois state judge … to enter summary judgment in HSBC Finance Corp.'s favor … under a $25 million policy … The ruling eliminated Princeton's principal defense and held it liable for costs HSBC incurred in defending against a securities-fraud class action." ■■


Luke C. Platzer


Paul M. Smith


Mark P. Gaber

CHAMBERS, *LAW360* RECOGNIZE CONTENT, MEDIA & ENTERTAINMENT ATTORNEYS' EXCELLENCE

Jenner & Block's Content, Media & Entertainment Practice (CM&E), which includes Partners Luke C. Platzer and Paul M. Smith and Associate Mark P. Gaber, won the 2014 *Chambers USA* Award for Excellence in Media & Entertainment, for excelling "above all others in the US legal market over the period 2013-14." This was the second time the Practice received the *Chambers* Award for Excellence, having previously won in 2012.

The CM&E Practice also was named a *Law360* Media & Entertainment Group of the Year – again, for the second time.

Matters successfully litigated for entertainment industry clients this past year included achieving a settlement with significant implications for the entire copyright industry when the BitTorrent website isoHunt.com agreed to cease operations; winning a major victory for film studio clients when a Florida federal court ordered file-hosting site Hotfile Corp. to pay $80 million and shut down unless it employed a filtering mechanism to prevent infringing the studios' works; and winning a significant victory for EMI (now UMG Recordings) in a long-running and complex copyright infringement case relating to the operations of an online music storage locker service.

The firm also represented broadcasting company clients in a high-profile battle with online streaming service Aereo, Inc. In a 6-3 vote announced on June 25, 2014, the U.S. Supreme Court ruled that Aereo's retransmission of copyrighted over-the-air television programming without broadcaster authorization is a violation of copyright law. This was a closely watched case involving a technology that posed a substantial threat to the broadcasters' current business model; many considered its outcome critical to the future of the broadcast and entertainment industries.

And, a settlement was reached in the protracted copyright litigation between firm client Viacom International and YouTube/Google, with the parties jointly announcing its resolution and "the growing collaborative dialogue" between them on "important opportunities."

In addition to the CM&E Practice members, Partner Scott B. Wilkens and Associates Thomas A. Bousnakis, Emily L. Chapuis, Melissa A. Cox and Adam G. Unikowsky also contributed to the cases mentioned above. ■■

JENNER & BLOCK AWARDS FIRST GRANT FOLLAND SCHOLARSHIPS

In 2012, the firm created the Grant Folland Scholarship Fund to award an annual scholarship to a rising second- or third-year University of Chicago law student who demonstrates an ongoing commitment to LGBT civil rights.

The first scholarship was awarded in 2013 to Kara Ingelhart, a member of the law school class of 2015. As an undergraduate at Indiana University, where she majored in biology and gender studies, Kara worked as a CommUNITY Educator, facilitating diversity education programs to promote multicultural and LGBT awareness. She has also served as an intern with Lambda Legal and at the Kinsey Institute for Research in Sex, Gender & Reproduction.

The 2014 scholar, Brittany Ellenberg, is a graduate of the University of Texas – Dallas, where she created the university's first Diversity Council, a forum for improving diversity and tolerance on campus. She was also political liaison for PRIDE. Upon graduation, Brittany interned as an Archer Fellow with the U.S. State Department, serving on the LGBT taskforce. In law school, Brittany was the 1L Representative for OutLaw; currently she is OutLaw Events Coordinator. Brittany spent her summer as an International Human Rights Fellow with the Minority Rights Group International in London.

Grant, a graduate of the University of Chicago Law School, was a litigation associate in the firm's Chicago office. He was passionate about LGBT equality and, upon his death in 2010, the firm began raising money to endow the scholarship fund in his memory.


Jerry J. Burgdoerfer

JENNER & BLOCK HONORED WITH INAUGURAL ANNE HEYMAN SPIRIT AWARD FOR PRO BONO WORK IN RWANDA

Late Partner Jerry J. Burgdoerfer was a key member of a firm team that played a significant role in the development of the largest solar energy facility in Central Africa, bringing much-needed electricity to parts of Rwanda and simultaneously providing critical funding for the education and housing of 500 orphaned survivors of the Rwandan genocide. Jenner & Block represented the Agahozo-Shalom Youth Village (ASYV), a non-sectarian US-based charity that operates the residential and educational community in rural Rwanda. The solar project – the first grid-connected solar energy facility in Rwanda – is being built on ASYV's 144-acre campus. Construction of the solar field has begun and is expected to be completed this year. For its work on the project, Jenner & Block was honored with the first Anne Heyman Spirit Award at the ASYV Gala on May 5, 2014, in New York. Anne Heyman, founder of the youth village, died in February 2014. ■■


Thomas A. Bousnakis

SHRIVER CENTER PRESENTS CORPORATE PARTNER AWARD TO FIRM

Associate Thomas A. Bousnakis was a key member of a Jenner & Block team whose work was recognized by the Sargent Shriver National Center on Poverty Law, which presented the firm with its 2014 Corporate Partner Award on April 24.

Over the past three years, Jenner & Block served as co-counsel with the Shriver Center in representing four Evergreen Terrace tenants in an eminent domain suit brought by the City of Joliet, Illinois. Evergreen Terrace, a Section 8 housing complex, principally houses low-income families with young children, headed by single, African American mothers. The city stated that it intended to demolish the complex.

The case raised a question of national importance for federal housing policy: if HUD determines that a Section 8 facility is necessary (as it had in this case), can a municipality deem it blighted under eminent domain's more lenient standard of review and condemn the property without restriction on future use? The case also posed a very personal, immediate and critical threat to the clients who faced the loss of their homes.

After 95 days of trial over 15 months, Jenner & Block negotiated a very favorable settlement on behalf of the clients. The settlement preserved what was most important to them – safe, stable housing – and helps maximize the number of affordable housing units that will remain in Joliet. ■■

FIRM HOSTS YEAR-END RECEPTION FOR UNIVERSITY OF CHICAGO OUTLAW MENTORING PROGRAM

The firm hosted a year-end reception for the University of Chicago Law School's OutLaw Mentoring Program. Held on April 22, the reception recognized firm attorneys who volunteered to mentor OutLaw members throughout the year and allowed mentors and mentees to network and mingle. Partners Gail H. Morse and Howard S. Suskin spoke briefly about the importance of mentoring and greeted the students on behalf of the firm's LGBT Forum. Mentors include Associates Jason F. Krigel, Tamara T. McClatchey and Benjamin J. Sauer. ■■


Matthew D. Cipolla

FIRM SCORES PRO BONO VICTORY IN ASBESTOS FRAUD CASE

Associate Matthew D. Cipolla played a key role in achieving a significant victory for firm client Nicole Copeland. On May 28, 2014, nearly a year after Matt argued the appeal in June 2013, a unanimous, three judge panel of the Second Circuit took the highly unusual step of vacating the criminal conviction of Ms. Copeland and two co-appellants, adopting point-for-point the firm team's argument that the trial was so "infected" with prosecutorial misconduct that, combined with an erroneous evidentiary ruling by the district court, Ms. Copeland was denied her right to a fair trial. Ms. Copeland and her co-defendants were air monitors tasked with approving asbestos removal work performed by other companies. The charges against them related to an alleged scheme by which they violated various state and federal environmental regulations and certified that proper air monitoring had been conducted when it had not. The opinion is a significant piece of analysis that will likely be cited in future cases asserting over-rigid exclusion of evidence at trial and over-zealous prosecutorial argument in openings and summations. ■■


Howard S. Suskin

SUSKIN APPOINTED TO *THE DEAL* ADVISORY PANEL

Partner Howard S. Suskin was appointed to the Advisory Panel of *The Deal*, a daily financial publication focused on developments related to investment banking and M&A activity. The Advisory Panel includes leaders in the fields of corporate development, trading, legal and banking who provide their knowledge in the deal-making arena to further develop *The Deal's* editorial and product offerings. ■■


Gail H. Morse

MORSE COMMENTS ON POST-*WINDSOR* TAX TREATMENT OF SAME-SEX COUPLES

Partner Gail H. Morse was quoted in a *Chicago Tribune* article about how same-sex couples can take advantage of tax breaks in the wake of the U.S. Supreme Court's decision invalidating parts of the federal Defense of Marriage Act (DOMA). Titled "Tax Tips for Same-Sex Marriages," the article explains that the IRS will now allow married same-sex couples to receive the same federal tax benefits that heterosexual spouses do. Yet, because the Court left standing a DOMA provision that allows states to decide how to handle the legality of marriage, the federal benefits would not apply to state taxes of same-sex couples in states that do not recognize such marriages. Gail observes that Congress needs to pass the "Respect for Marriage Act" to legalize federal tax benefits nationwide. ■■

JENNER & BLOCK HOSTS KICK-OFF EVENT FOR 2014 CHICAGOLAND CITYWIDE PRIDE

The firm's Chicago office hosted the first Chicagoland Citywide Pride event of 2014. Partner Howard S. Suskin welcomed 75 guests who enjoyed presentations by representatives from Orbitz travel site and Thousand Waves Martial Arts & Self-Defense Center, discussing travel safety skills and programs useful for LGBT travelers. In addition, a silent auction was held, with proceeds benefiting numerous Chicago-area LGBT nonprofits. Citywide Pride is a year-round series of presentations and events sponsored by Chicago-area companies and organizations to promote diversity and inclusion in the workplace, raise awareness of important issues and celebrate the contributions of the LGBT workforce and community. ■■



The American Lawyer
Consistently Ranked Among Nation's Top Law Firms for Pro Bono – 2014

The American Lawyer ranked Jenner & Block the #1 firm nationwide for pro bono efforts in 2014, based on results from the 2013 calendar year – 175 average pro bono hours per attorney and 87 percent of our attorneys contributing more than 20 hours to pro bono matters

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Human Rights Campaign
100% rating in Equality Index – 2015

For the tenth year in a row, Jenner & Block earned a perfect rating in the Human Rights Campaign's (HRC) "Corporate Equality Index" survey.



Equality Illinois
Jenner & Block Again Named a Top Illinois Law Firm for LGBT Inclusiveness and Equality

Based on the results of the Equality Illinois (EQIL) 2014 Law Firm Survey, Jenner & Block was again recognized as a leading law firm in providing equal treatment for LGBT lawyers, staff and community at large.



Vault.com
Career Intelligence

In Vault's 2015 survey, Jenner & Block ranked #3 nationally, as a "Best Law Firm for LGBT Individuals"

The National Law Journal
Appellate Hot List — 2014



For the sixth consecutive year, Jenner & Block was recognized by *The National Law Journal* in the publication's "Appellate Hot List" of elite firms "with outstanding achievements before the U.S. Supreme Court, federal circuit courts of appeal and state courts of last resort."

ATTORNEY RECOGNITION

2014 Chambers USA
Paul M. Smith, Appellate Law (Nationwide); First Amendment Litigation (Nationwide); Media & Entertainment (District of Columbia)

2014 Illinois Super Lawyers
Howard S. Suskin, "Top 100" Illinois Super Lawyers; Securities Litigation
Christopher C. Dickinson, Insurance Coverage

2014 Washington, DC Super Lawyers
Paul M. Smith, "Top 10" Washington, DC Super Lawyers; Appellate; Media and Advertising

Rising Stars:
Melissa A. Cox, General Litigation
Adam G. Unikowsky, Appellate; General Litigation; Communications
Scott B. Wilkens, Business Litigation

2014 The Best Lawyers in America
Christopher C. Dickinson, Insurance Law
Paul M. Smith, Appellate Practice; Litigation-First Amendment
Howard S. Suskin, Commercial Litigation

Washingtonian Magazine "Capital's Top Lawyers"
Paul M. Smith, Supreme Court

2013 Expert Guides
Christopher C. Dickinson, Insurance and Reinsurance

2014 Legal 500
Gail H. Morse, Tax

Managing Intellectual Property Magazine's 2014 "IP Stars" Guide
Paul M. Smith

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