

This past year was a turbulent one. Yet despite the limitations and challenges we all faced, we remained connected through our pro bono efforts.

From working along the East Coast to ensure due process protections for indigent asylum seekers, to teaming up across the country to help practitioners navigate novel legal issues, to rallying in a premier battleground state to protect voter rights, our firm came together to provide invaluable pro bono support with more than 7,500 recorded hours in 2021.

Our core values are at the center of this year's pro bono highlights. These matters reflect the contributions of each of our 11 offices nationwide, collaboration across practice and industry groups, and the leadership and participation of diverse attorneys on nearly every matter. We also partnered with more than a dozen nonprofit organizations, including the American Civil Liberties Union, the Lawyers' Committee for Civil Rights, and the National Association of Criminal Defense Lawvers.

In 2021, we focused on important pro bono work in the areas of child advocacy, LGBTO+ rights, veterans affairs. education, and criminal justice. We invite you to learn more about our culture of pro bono at Carlton Fields, and why we find pro bono work so gratifying.











Joseph H. Lang Jr.

Natalie and Joe currently chair the firm's Pro Bono Committee. They coordinate and provide support to lawyers and staff providing pro bono legal services in all offices of the firm.

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OVERVIEW

Carlton Fields has had a longstanding commitment to pro bono legal services, by representing the underserved day in and day out; through the leadership of our attorneys over many years in working to ensure access to justice; and by providing financial support and accommodations to pro bono organizations.



Our freedoms depend on the rule of law. To ensure that our nation can truly stand for freedom for all, our profession must play a critical role in ensuring universal access to justice.

Gary Sasso, President and CEO

CARLTON FIELDS' LONG-STANDING PRO BONO TRADITION

No one has done more to inculcate Carlton Fields' commitment to pro bono legal services than Wm. Reece Smith Jr., late shareholder and former chairman of the board. He fervently believed this was the obligation of every lawyer in return for the privilege of practicing law.

For decades, including his years as president of both The Florida Bar and the American Bar Association, Reece devoted much time and attention to the need for pro bono services and for funding for legal services agencies. His national awards for his work are too numerous to list, but include the ABA's Pro Bono Publico Award and the William Reece Smith Jr. Special Services to Pro Bono Award, established by the ABA and the National Association of Pro Bono Professionals.

Reece's impact on our law firm is ongoing today as we strive to live up to his high expectations of our pro bono obligations and thereby obtain the satisfaction that comes from providing legal services to those in need.

PARTNERING WITH CLIENTS

We actively promote partnerships with our clients and prospective clients to provide legal services to those in need and to charitable organizations that provide legal aid to those of limited means.

We seek these partnerships in our ongoing pro bono litigation and transactional matters. These matters include high-profile litigation engagements involving important constitutional issues, individual cases such as landlord-tenant disputes or veterans benefits appeals. and transactional work for nonprofit and charitable organizations.

The benefits of partnering with us are many. Our firm has long-standing referral networks in the legal services community, and we have a steady flow of opportunities to serve those in need. We have pro bono cases at all stages of a case's life cycle, from brand new matters being opened on a weekly basis to mature cases that offer opportunities to handle discrete issues that arise.

Moreover, corporate counsel can freely assume some responsibility in meaningful pro bono cases, knowing that they will have the full support of our firm's lawyers and resources in the matters. If their circumstances change in the future, in terms of either responsibilities or geographic assignment, they can rest easy that the case will be covered fully by our firm's attorneys.

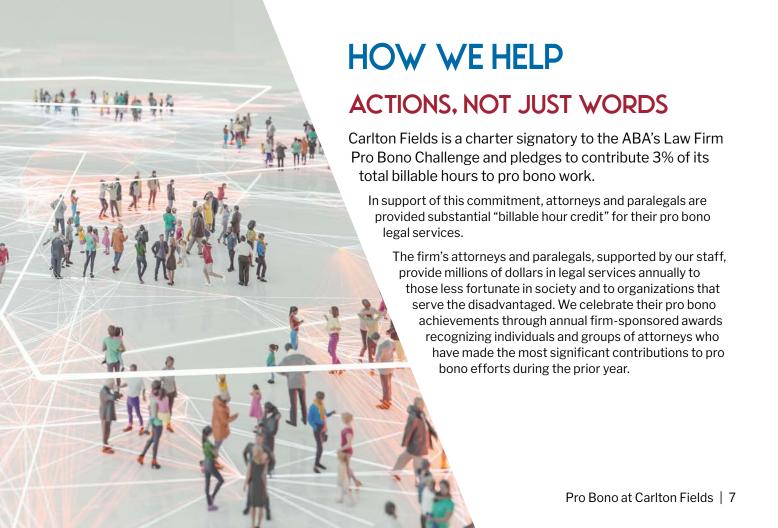
As each matter is being handled in partnership, junior corporate counsel will have opportunities to work with more senior lawyers in our firm and learn from their experience. And prospective clients can become familiar with our law firm and its attorneys' work ethics, work product, and professionalism.

The satisfaction that comes from providing pro bono legal services is enhanced by the benefits of doing so in partnership with lawyers at Carlton Fields. If interested in pursuing this, please contact Natalie Napierala or Joseph Lang.

The firm's first formal Pro Bono Committee chair was Sylvia Walbolt (Tallahassee), who worked closely with Reece Smith to further pro bono services by the firm's lawyers. She has received numerous prestigious awards for her pro bono contributions, including the John Paul Stevens Guiding Hand of Counsel Award from the ABA



Death Penalty Representation Project, among others. An inaugural fellow of the American College of Trial Lawyers' Access to Justice Distinguished Pro Bono Fellows Program and member of the Access to Justice and Legal Services Committee, Sylvia represents post-conviction death row clients and mentors young lawyers in a wide range of matters, including handling post-conviction appeals.



ADVOCATING FOR INMATES' RIGHTS

Carlton Fields routinely represents the interests of federal criminal defendants in pro bono prisoner civil rights matters. Prisoner civil rights cases often present important and complex issues of constitutional law with far-reaching effects, as well as challenging factual or procedural issues.

In back-to-back cases in the Southern District of Florida, Carlton Fields completed federal jury trials in two section 1983 excessive force cases.

Allison Oasis Kahn, Stephen Cohen, Christine Demaline, and Claudette Henry (West Palm Beach) participated in a two-day in-person federal civil jury trial on behalf of our client, who sought damages after he was allegedly beaten by law enforcement officers during an arrest and while he was in handcuffs. The case was especially challenging,

as we became involved after the close of discovery and summary judgment, and our client's underlying convictions and testimony at trial added a series of twists and turns to an already uphill battle. Although our client did not ultimately prevail, he was grateful for our firm's zealous advocacy on his behalf.

A few weeks later, Chuck Rosenberg, Michael Zilber, Ted Delcima, and Maureen Murray (Miami) completed a four-day federal jury trial involving a forceful arrest. This complex case involved several defendants, multiple law enforcement agencies, and various claims. Our client was extremely grateful for our efforts and our representation. The court also emphasized our role as "the face of the justice system to the jury" while commending our team's professionalism and civility.



In a third case, Naomi Berry, Jimmy Czodli, Pierce Schultz, and Maureen Murray (Miami) were able to secure a settlement for our pro bono client just before jury selection was to start. Our team took on this case after summary judgment and after our client had handled discovery on his own (pro se). The trial was then delayed by COVID-19, which also resulted in our client

being moved and quarantined with limited opportunity to communicate with counsel in the days before trial. Nonetheless, our team was successful in securing a positive outcome, a rare feat in these types of cases, while also providing associates the opportunity to develop practical litigation and trial prep experience.

SEEKING COMPASSIONATE RELEASE

Led by Natalie Napierala (New York), Carlton Fields has partnered with the National Association of Criminal Defense Lawyers to petition federal courts across the country to secure compassionate release for vulnerable federal prisoners.

In June 2021, Garth Yearick, Ashley Drumm, Katie Sadlo, and Christine Demaline (West Palm Beach) helped secure the release of our client to home confinement and reunited him with his wife, young daughter, and mother.

In addition to this case, Carlton Fields has assembled several teams to help those who may be eligible for compassionate release due to COVID-19: Brooke Patterson (Miami), Nathan Foell (Tampa), and Stephanie Ducram (West Palm Beach); Derek Harris and Ryan Cobbs (West Palm Beach); Henry Wulf (West Palm Beach), Charles Throckmorton (Miami), Ilan Nieuchowicz (West Palm Beach), and Terry Rogers (Miami); and Joe Swanson (Tampa) and Roger Kobert (New York).

TACKLING THE TRAVEL BAN

On behalf of the ACLU, Gail Podolsky (Atlanta) filed a Freedom of Information Act lawsuit seeking records from the U.S. Department of Homeland Security and U.S. Customs and Border Protection related to the implementation of the president's executive orders on travel and immigration.

The request also concerned the number of individuals who were detained or subjected to secondary screening, extended questioning, enforcement examination, or consideration for a waiver at certain international airports pursuant to the executive order.



The legal action is one of 13 FOIA lawsuits by ACLU state affiliates around the nation. To date, the litigation has resulted in the production of more than 95,000 pages relating to travel bans. The case settled on favorable terms in July 2019.

> A member and leader of the ACLU of Georgia since 2008, Gail previously partnered with the ACLU to represent a Muslim woman who was forced to remove her hijab in a Georgia courtroom. During the coronavirus crisis, Gail represented pro bono clients providing pandemic-related relief, such as Songs for the Soul, an organization that launched an

avenue to allow donors to send supportive songs to health care workers, and the Atlanta Opera, which transformed its costume shop into a production facility to create personal protective equipment. In recognition of her pro bono work, Gail was featured in the Georgia Super Lawyers article "Moving the Needle: From Planting Trees to Challenging the Muslim Ban With the ACLU, Gail Podolsky Is All In" and received the ACLU of Georgia's Volunteer Leadership Award and the Georgia Intellectual Property Alliance's Intellectual Property Community Service Award.

EDUCATION EQUALITY

The firm partnered with the ACLU. Public Counsel, and Arnold & Porter to file an application for a temporary restraining order in Cruz v. State of California. In an overwhelming and powerful condemnation of the breakdown of inner-city schools. the court adopted the novel theory of the case that failure to provide substantive educational hours comparable to other California schools in more affluent areas is a denial of a constitutional right to "basic educational equality." The case received national publicity for its creative approach to equal education being founded on "equal time" and was recognized by the ACLU of Southern California, which honored Mark Neubauer and Maria Rodriguez (Los Angeles) with the Education Equity Award for their work on this case.





SEEKING JUSTICE

Carlton Fields has represented William Kelley on a pro bono basis since 2007. Joseph Lang (Tampa) and Sylvia Walbolt (Tallahassee), and other attorneys, have committed thousands of pro bono hours to Kelley's cause.

John Sweet, tried unsuccessfully in the late 1960s for the murder of citrus baron Charles Von Maxcy, testified with immunity in 1984 that he planned Maxcy's murder and that Kelley carried it out. After a hung jury in his first trial, Kelley was convicted in a second trial and that jury recommended the death penalty by an 8-3 margin. Kelley was sentenced to death and has been on Florida's death row for 38 years. He has consistently maintained his innocence. A federal court in 2002 granted Kelley's habeas corpus petition based on prosecutorial misconduct, but the Eleventh Circuit reversed.

In 2018, Carlton Fields and Harvard law professor Laurence Tribe filed a petition for writ of certiorari in the U.S. Supreme Court challenging (unsuccessfully) the Florida Supreme Court's novel and unprecedented decision to allow only partial retroactivity of the Hurst decisions, which struck down Florida's capital sentencing scheme.

GUIDING PRECEDENTIAL PRINCIPLES

Rachel Oostendorp (Miami) represented a family in its appeal to the Eleventh Circuit Court of Appeals, resulting in a precedential opinion hailing the end of the Rooker-Feldman doctrine's "era of expansion."

After a difficult series of child custody interventions and state proceedings, our clients filed a complaint in federal district court asserting a wide variety of constitutional, statutory, and tort claims against 18 named defendants. The district court, seeing that the claims were related to our client's earlier state court litigation, dismissed the entire

complaint on Rooker-Feldman grounds. On appeal, the Eleventh Circuit vacated the district court's "sweeping dismissal" of our clients' complaint, concluding that several of the claims did not fall within the narrow bounds of the Rooker-Feldman doctrine.

The court's opinion largely accepts and follows the arguments Rachel made in the briefs and at oral argument.

CRAFTING LEGISLATIVE SOLUTIONS

Ben Reid, Cliff Gruhn, and Rachel Oostendorp (Miami) represented a historic Miami church against a \$7 million ad valorem tax assessment brought by the Miami-Dade County Property Appraiser in a dispute over the church's religious exemption status.

After several years of litigation without any definitive decisions, our team worked with the church to obtain a legislative solution. On the last day of the session, the Florida House and Senate (with only one negative vote) adopted our team's proposal — houses of worship that lease property to educational institutions (grades pre-K through 8) are exempt from ad valorem tax. The bill also provided that this relief was retroactive. Finally, the assistant county attorney agreed to the relief sought in the litigation, and the county removed all previously filed tax liens.

HELPING VETERANS AND THEIR FAMILIES

Since 1933, veterans of the U.S. Armed Forces had been frustrated by laws that barred judicial review of denials of their claims for veterans benefits. With the passage of the landmark Veterans' Judicial Review Act in 1988, veterans who were previously denied benefits by the U.S. Department of Veterans Affairs (VA) gained the right to appeal a denial of benefits to the U.S. Court of Appeals for Veterans Claims.

The presence of the court has sparked an enormous demand for legal representation by veterans seeking judicial review. More than 45,000 veterans and family members have filed appeals in the court since 1989, and most of those appeals involve claims for VA disability benefits. Unfortunately, for many veterans the promise of effective judicial review has proven elusive.

With several veteran family members, Coy Stull (Tampa) aligned himself with the Veterans Consortium Pro Bono Program to assist unrepresented veterans and their families in their appeals to the U.S. Court of Appeals for Veterans Claims. "These are people who served their country, were injured, and are now disabled in some way and need help navigating a complicated system," Coy said of his involvement with the Veterans Consortium.



Coy has handled five veterans' appeals cases, and all five resulted in a remand of the VA's decision denving benefits.

On Nov. 11, 2021, Carlton Fields hosted a virtual training on pro bono appellate advocacy before the U.S. Court of Appeals for Veterans Claims for other Carlton Fields lawyers and clients to participate in the program and assist in the representation of veterans in need.

AFFORDABLE HOUSING FOR FAMILIES

Through our yearslong collaboration with Habitat for Humanity, our firm connects attorneys across offices and practices to contribute to the organization's mission of building strength, stability, and self-reliance for families in need of decent and affordable housing.

Our lawyers regularly assist Habitat with an array of legal needs, including contracts, labor and employment, local government, real property, and litigation matters. In recognition of the firm's board service, in-kind donations, and several hundreds of hours of pro bono services, Habitat named Carlton Fields as the sponsor for the home of Dena Broom. Army veteran and new homeowner.



I enjoy working with Habitat for Humanity because I believe in the overall goal and mission — to provide affordable housing to qualified candidates. Habitat is always at the forefront of legal issues, providing us the opportunity to advise on novel questions and help resolve them.

- Dane Blunt (Tampa) serves on the board of directors for Habitat for Humanity of Hillsborough County Florida Inc.

Ken Tinkler (Tampa) represented The Spring of Tampa Bay, a nonprofit that provides services to domestic violence survivors and the operator of the only certified domestic violence shelter in Hillsborough County, Florida, concerning an alleged housing discrimination complaint issued by the Tampa Office of Human Rights on behalf of the U.S. Department of Housing and Urban Development. After months of debate and administrative delays, Ken was able to have the complaint dismissed as unsubstantiated. In addition, Ken was able to have the city recognize and document to HUD the extensive anti-discrimination policies that The Spring had adopted and implemented over many years, along with informing HUD about the long history of The Spring providing support to underserved communities.

SUPPORTING MARRIAGE EQUALITY

Leading the fight for marriage equality, Carlton Fields partnered with Equality Florida to represent six same-sex couples in challenging Florida's ban on same-sex marriage. Jeffrey Michael Cohen (Miami) and Sylvia Walbolt (Tallahassee) argued in support of marriage equality before a packed courtroom, urging the court to make a swift ruling in our clients' favor. The court then entered a judgment holding that Florida's ban on same-sex marriages violated the U.S. Constitution. The court stayed the judgment to give the state an opportunity to appeal. The Carlton Fields team promptly moved to lift the stay and returned to court arguing: "Another day where the plaintiffs do not have equal rights is a day that shames our country." The court lifted the stay and immediately married Cathy Pareto and Karla Arguello in the courtroom. They became the first same-sex couple to be married in Florida, followed by Todd and Jeff Delmay, the first gay men to be married in Florida.

This case provided the opportunity to help our clients solve a legal problem and make the world better.

- Jeffrey Michael Cohen

PROTECTING LGBTQ+ RIGHTS

Sylvia Walbolt (Tallahassee), Stacey Sutton (Washington, D.C.), and Jennifer Yasko (West Palm Beach) filed an amicus brief on behalf of Equality Florida in two federal court cases to defend ordinances banning the dangerous and discredited practice of "conversion therapy" for LGBTQ+ minors in Tampa, Boca Raton, and Palm Beach County, Joining as an amici with other organizations, Carlton Fields seeks to explain the harms of sexual orientation change efforts and defend similar bans across the state.

NAVIGATING NOVEL LEGAL ISSUES

Carlton Fields attorneys have collaborated with various nonprofit organizations to provide industry-leading research and analysis to inform policy and decisionmaking on issues of public importance.

Working across the country, Sylvia Walbolt (Tallahassee), Natalie Napierala (New York), Stephanie Chau (Los Angeles), and Benjamin Stearns (Tallahassee) partnered with the Citizens Crime Commission of New York City

> on the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002. Stephanie and Ben tackled the challenging topic of the Safety Act's application to intervention protocols and broke down complex legal issues to help practitioners navigate this underdeveloped area of the law. Their exemplary work

product led to an invitation to present at the prestigious McCain Institute.

David Karp (Miami) and James Parker-Flynn (Tallahassee) assisted the Lawvers' Committee for Civil Rights Under Law on questions concerning constitutional challenges to admissions policies of higher education institutions. David and James analyzed the issue of student free speech in the admissions process and provided timely insights to help guide universities as they develop policies and practices to address potentially offensive conduct.

Student free speech in the digital age — and on social media in particular — is a highly relevant and cutting-edge issue that has played out in the news and in the courts. Our work on this project enabled us to take the lead on an evolving issue that is shaping the law and impacting college campuses across the country.

- David Karp

ENSURING DUE PROCESS PROTECTIONS FOR INDIGENT ASYLUM **SEEKERS**

Spanning numerous legal practices and offices across the firm's national footprint, John Pitblado (Hartford). Federico Maciá (Miami), Charles Stotter (New Jersey), and Roberta Kost (Hartford) obtained a precedential opinion from the Third Circuit Court of Appeals in favor of our client, an Ecuadorian immigrant seeking asylum in the United States.

Our client sought review of a U.S. immigration judge's reinstatement of a prior order of removal. The immigration judge initially affirmed a Department of Homeland Security asylum officer's determination that our client did not have a reasonable fear of persecution in his home country. Carlton Fields handled the appeal in the Third Circuit, arguing that the immigration judge's conclusion was insufficient to deny relief and lacked specificity. The federal court of appeals agreed, vacating the immigration judge's reinstated order of

removal and remanding to the immigration court for further proceedings.

The court's precedent-setting opinion sent a powerful message on the significance of due process in the context of immigration proceedings: "[W]e cannot allow incredibly difficult logistics to give license to [immigration judges] to skirt their responsibilities."

In addition to handling the appeal, our team helped secure our client's monitored release from DHS detention after he had been held, pending removal, for more than 11 months in different DHS locations in New Jersey, Louisiana, and Alabama.

Carlton Fields won a rare victory before the Board of Immigration Appeals for an asylum-seeking client who was terrorized by MS-13 as a young teen. The board remanded the case to the immigration judge for reconsideration and a new evaluation of the client's claims. Brianna Donet (Miami) handled the appeal, advised by appellate attorney David Karp (Miami) and immigration attorney Federico Maciá (Miami). Brianna was able to convince the board to remand the case based on her close scrutiny of the record and her persistent filing of favorable supplemental authority issued by the Eleventh Circuit Court of Appeals after the briefing closed.

PROTECTING VOTER RIGHTS

Carlton Fields helped secure a settlement that will reinstate dozens of eligible voters and create new policies regarding residency-based voter challenges in DeKalb County, one of Georgia's most-populous counties. Gail Podolsky (Atlanta) worked with the Lawyers' Committee for Civil Rights Under Law, the ACLU of Georgia, and the ACLU Voting Rights Project to obtain the settlement, which resolves a 2020 lawsuit claiming that election officials unlawfully purged voters from the registration rolls, thereby infringing on eligible citizens' fundamental right to vote and disenfranchising those with unstable housing.

This lawsuit, and the many others being litigated throughout the state of Georgia, are critical to ensuring that every eligible Georgia citizen that wants to vote has the opportunity to vote. Our firm is grateful for the opportunity to assist with this work.

- Gail Podolsky

CHALLENGING THE DILUTION OF MINORITY VOTES

The firm co-counseled with the Lawyers' Committee for Civil Rights Under Law in a federal lawsuit, as part of a broader effort to build a body of law with which to challenge the dilution of minority votes. The case asserted that Georgia's Emanuel County district boundaries violated the Voting Rights Act by diluting the voting power of African Americans.

After the firm filed the complaint, the parties reached a settlement under which the district map will be redrawn to create a second "majority-minority" district, affording African American residents the opportunity to elect school board candidates of their choice.

UPHOLDING EQUALITY IN VOTING

A team of 14 attorneys and paralegals across the firm assisted in a comprehensive, nationwide project by the Lawyers' Committee for Civil Rights Under Law to document the extent of racial voting discrimination in all 50 states plus the District of Columbia.

This project is an integral part of the Lawyers' Committee's effort to protect the right to vote of minorities in our country.

The firm's detailed report for the state of New York, deemed one of the most complex states of the project, will be used by the Lawyers' Committee to determine the extent of voting discrimination that would inform action by Congress in light of the Supreme Court's 2013 decision in Shelby County v. Holder, which invalidated the formula traditionally used to determine which states had to submit voting changes for federal review under Section 5 of the Voting Rights Act.

> Erin Hoyle (Tampa) co-chaired the two phases of the firm's work, devoting dozens of hours to the project by leading the researching and drafting, as well as coordinating the team of attorneys and paralegals, including Stephanie Chau (Los Angeles), Florence Druguet (Los Angeles), Samantha Lambe (Tampa), Brooke Patterson (Miami), Benjamin Stearns (Tallahassee), Terresa Tarpley (Atlanta), Sylvia Walbolt (Tallahassee), and Barry Weissman (Los Angeles).

> > The firm has agreed to continue to assist as the project proceeds.

ADVOCATING FOR OUR YOUTH

Katie Heckert and Jason Quintero (Tampa) helped secure the release of a teenage girl who was detained for nearly two years on pending charges.

Our client entered the foster care system after being trafficked by her mother and amassed charges in connection with incidents committed with others who also had been involved in trafficking her. She was eventually ordered to competency training on her charges and held at a secure facility.

When the two-year deadline for the state to establish competency was approaching, Katie worked with the public defender to file a motion for our client's release, which was not granted. After essentially being held for two years on charges for which she was never tried nor convicted, our client was released, and her charges were dropped. She can now restart her life as an 18-year-old and is finally free.

Katie and Jason serve as attorneys ad litem for Crossroads for Florida Kids, a nonprofit organization providing pro bono legal services and advocacy for children in complex dependency. delinguency, and criminal proceedings.

ART FOR REFUGEES

Carlton Fields has worked with Art for Refugees in Transition over the years to provide legal support on various pro bono matters. Drawing upon the indigenous art forms of each community, A.R.T. seeks to help rebuild individual and community identity for refugees worldwide through cultural preservation, personal development, and community building. Natalie Napierala (New York) is a member of A.R.T.'s advisory board.

HEALING THE HEALERS

As the nation continues to grapple with the COVID-19 pandemic, Carlton Fields is dedicated to helping businesses deliver innovative solutions and continue serving the community during challenging and uncertain times.

During the early days of the pandemic, Carlton Fields joined an ensemble cast of lawyers to support the Atlanta Opera in its efforts to help the medical industry. The Atlanta Opera took center stage and put its costume shop in full production to manufacture fabric covers for local hospitals. The mask design is meant to cover N95 masks and prolong their longevity, filling a critical need for health care workers amid nationwide mask shortages. Assisting the opera in orchestrating its vision, Charles Sharbaugh, Gail Podolsky, and Amanda Proctor (Atlanta) provided pro bono services to the opera to ensure its efforts were covered by insurance.

That same year, a Carlton Fields team of attorneys led by Gail Podolsky assisted the nonprofit organization Songs for the Soul in launching Soul-a-Grams, a program that helps communities uplift front-line health care workers with the gift of a song. Through a unique partnership with singer-songwriters, Songs for the Soul allows donors to provide individual health care workers or hospital systems with a personal song that channels the energy of the community's support during the COVID-19 pandemic. Carlton Fields has provided pro bono legal services to support Songs for the Soul since its launch in 2016, including counseling the nonprofit on organizational structure, contracts, and intellectual property.

