



WINSTON
& STRAWN
LLP

2023

Pro Bono Impact Report

2023 Pro Bono by the Numbers

70,000

HOURS CONTRIBUTED
BY ATTORNEYS AND
PROFESSIONAL STAFF

30%

OF PRO BONO HOURS DEVOTED
TO RACIAL JUSTICE & EQUITY
CEASE INITIATIVE

96%

OF ATTORNEYS CONTRIBUTED
20 HOURS OR MORE

54%

OF ATTORNEYS MET FIRM GOAL
OF 35 HOURS OR MORE

1,100

CLIENTS SERVED

64

AVERAGE HOURS PER
ATTORNEY SPENT ON PRO
BONO MATTERS

When Justice is on the Line

2023 was a remarkable year for Winston pro bono. Our efforts to secure justice for our clients included representing eight of the 222 Nicaraguans expelled by President Daniel Ortega, a transgender runner facing discrimination, and three Alabama death row inmates.

Winston attorneys also **won the largest pro bono jury verdict in the history of the firm** on behalf of a Black Staten Island resident who was arrested and held in prison without probable cause. A jury found the New York Police Department officers guilty of false arrest and fabricating evidence and awarded our client US\$1.125 million in compensatory and punitive damages.

I am heartened by a verdict such as this one but, as a member of the Black community myself, I am also aware that **all too often Black and brown people face situations like this and do not have access to the legal services they need.** It is cases like this one, as well as the other pro bono matters highlighted in this report, that make me feel proud to work for a firm dedicated to helping ensure that everyone—regardless of their race, gender, sexual orientation, or ability to pay for legal representation—has a fair chance to obtain justice.

But it is not just the wins that tell me Winston is making a difference. **The consistent effort and commitment of our pro bono trial teams, even when the odds are stacked against them, is just as important.** One such team tried a case to a federal jury in San Francisco and—although the verdict was not in our client’s favor—the court was moved to comment on the record about the outstanding quality of representation we provided, stating that our closing argument was one of the finest he had heard in 25 years. I can only echo that judge in saying “It makes me proud to have the lawyers that we had in this case.”

I am also pleased to report that Winston dedicated 30% of our pro bono hours to racial justice and equity matters in 2023, just shy of our goal of 34%. When we launched our racial justice and equity CEASE Initiative in 2020, we established the goal of doubling the percentage of hours we devote to racial justice and equity matters from 17% to 34% by 2025. We are making significant progress toward meeting this goal thanks to the immense dedication of Winston’s pro bono team, which develops and manages the firm’s pro bono engagements.

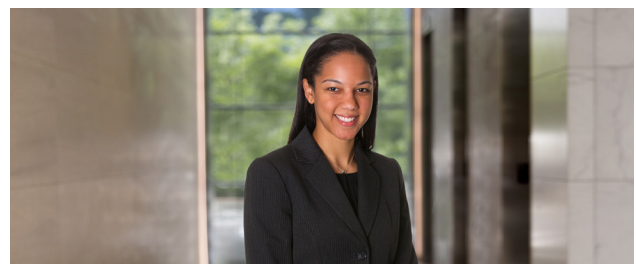
In closing, I want to recognize those attorneys who gave significantly more to ensure **our pro bono clients received the same time and attention we give to commercial clients.** Sometimes our clients’ lives are literally at stake, and we take that very seriously. For instance, a team of 10 Winston attorneys and paralegals worked through Thanksgiving Day and weekend—with several team members pulling all-nighters—to meet an early December motion deadline to stay the execution of a death row inmate in Alabama.

The need for pro bono legal services remains substantial, and Winston is committed to continuing to do our part to meet this need.

Thank you to every attorney and paralegal who met the firm’s goal of contributing at least 35 pro bono hours last year.

With respect and appreciation,

ANGELA A. SMEDLEY
PRO BONO COMMITTEE CHAIR





Ensuring Police Accountability

Winston attorneys, along with civil rights attorney and Winston alum Joel Wertheimer, secured a significant trial victory in the Eastern District of New York for a Black man who sued three New York Police Department (NYPD) officers for false arrest and fabrication of evidence. Following a four-day trial, the jury awarded our client US\$1.125 million—the largest jury verdict in the firm’s pro bono history.

Our client was arrested during a “broken windows” policing-style sweep in a Staten Island public housing complex. He was sitting inside the doorway of a friend’s apartment across the hall from where he lived with his 94-year-old grandmother. The door of his friend’s apartment was open so he could hear his grandmother if she needed him. Claiming to have seen a “marijuana cigarette” that

our client denied existed and was never found, police handcuffed our client and led him forcefully down a staircase. On the way down, our client and the officer escorting him tumbled down the stairs.

At the police station, officers refused to provide our client with medical care, telling him if he did not deny being injured, he would be charged with assaulting a police officer. When a new shift of officers arrived at the station, our client was finally taken to the hospital where he received treatment for the injuries that he sustained falling down the stairwell while handcuffed.

Our client was then jailed for three days before being arraigned and charged with assaulting the police officer, a Class D felony that could lead to years of imprisonment. The police officers

also falsely swore that our client possessed the marijuana cigarette before they arrested him.

Not surprisingly, the criminal prosecution went nowhere. After watching video footage from the stairwell where the alleged assault by our client supposedly occurred, prosecutors moved to dismiss and seal the case and the court agreed. Our client then sued the City of New York and three NYPD officers for denial of a fair trial and for false arrest and malicious prosecution. A U.S. District Judge eventually dismissed New York City as a defendant.

After four days of testimony and four hours of deliberations, the jury returned a verdict for our client on all counts. Finding that the officers acted with a conscious disregard for our client's rights, it awarded him US\$1.125 million in compensatory and punitive damages.

The Winston team that secured this important win for our client and police accountability included **New York** attorneys **Lisa Coutu, Nathan Greess, Alexandra Kushner, Marisa Manzi, Angela Smedley,** and **Milcah Zewdie**. The team also included professional staff members **Ken Berry, Karen Forte, Christos Haralambidis,** and **Rudy Radic**.

“We know police have difficult jobs and support them, but when police do make false arrests and fabricate evidence, they need to be held accountable for that. Otherwise, we erode faith in our justice system.”

ANGELA SMEDLEY, CHICAGO PARTNER AND PRO BONO COMMITTEE CHAIR

PRO BONO RACIAL JUSTICE AND EQUITY CEASE INITIATIVE

56,000

PRO BONO HOURS RELATED TO
RACIAL JUSTICE & EQUITY MATTERS
SINCE SEPTEMBER 2020

300+

RACIAL JUSTICE &
EQUITY CLIENTS SERVED
SINCE SEPTEMBER 2020

\$50M

VALUE OF PRO BONO TIME
PLEGGED TO RACIAL EQUITY
MATTERS OVER FIVE YEARS

Saving Black-Owned Farms



A team of Winston transactional attorneys have stepped up to help Black farmers secure loans available to them and others who have experienced discrimination in the U.S. Department of Agriculture’s (USDA) loan programs.

Black farmers, in particular, have suffered from well-documented racial bias and discrimination in the USDA’s loan programs, which has contributed to a steep decline in Black-owned farms. During the last century, the number of Black-run farms has plunged by a stunning 96%. And according to a recent agricultural census conducted by the USDA, White farmers received \$9 billion in aid compared to a mere \$59 million for Black farmers.

Seeking to address the USDA’s longstanding discrimination against minority farmers and the significant harm it has caused, Congress allocated \$4 billion in debt relief for minority farmers in the COVID-19 relief plan, which was passed in March 2021. Before these funds could be distributed, however, a group of White farmers sued the USDA, claiming that the debt relief program was unconstitutional because it discriminated against them based on their race.

In 2022, Congress repealed the pandemic-era debt relief program and replaced it with a \$2.2 billion

USDA Discrimination Financial Assistance Program. This new program allowed farmers who had experienced discrimination in the USDA’s farm lending program to apply in 2023 for up to \$500,000 in relief.

The Federation of Southern Cooperatives—which was born out of the civil rights movement and exists to save Black-owned farms and land—asked Winston to help its members take advantage of this new source of desperately needed and long-overdue financial relief. A team of transactions attorneys developed a manual and training materials designed to streamline and simplify the application process.

The Winston team included **Charlotte** and **New York** transactional attorneys **Sean Kelly, Hamza Khan, Brittni Reaser, and Christina Wheaton.**

FARMERS IN THE U.S. WHO ARE BLACK

14%
1910

1%
2023

Winston Team Recognized for Excellence by Federal District Court Judge

While we don't win every single case, we always vigorously defend every single pro bono client. This steadfast commitment to excellence in serving the public interest was recently recognized at an annual reception sponsored by the United States District Court for the Northern District of California and the Justice & Diversity Center of the Bar Association of San Francisco.

Judge William Alsup honored the Winston pro bono trial team for its exemplary representation of a Black prisoner who had filed a pro se lawsuit in 2016 against the San Francisco Police Department and six of its officers for false arrest, assault, and illegal detention. Judge Alsup appointed two different attorneys to represent him, but both eventually dropped the case. As a last-ditch effort, Judge Alsup referred the prisoner to the Federal Pro Bono Project for placement. Winston stepped up as part of the firm's Racial Justice & Equity CEASE Initiative and finally was able to take the case to trial.

At the conclusion of the week-long jury trial, Judge Alsup addressed our client and said, "You may not have won the case, but you had excellent representation and your lawyers did a fantastic job for you. Ms. Obi, that closing argument was one of the finest I've heard in 25 years."

During the Pro Bono Project's annual reception, Judge Alsup also commended the "excellent lawyers" on the Winston trial team and said he was proud to be part of a system that could produce lawyers who not for money, but for the good of the profession and society, give a client like this one his day in court as well as superb representation.

The trial team included **Chicago, Los Angeles, New York, and San Francisco** attorneys **Julie Bauer, Pam Davis, Jacqueline Ju, Summy Lau, Rachel McCauley, and Shawn Obi**. They were assisted by professional staff members **Ken Berry** and **Rudy Radic**.

"You may not have won the case, but you had excellent representation and your lawyers did a fantastic job for you. Ms. Obi, that closing argument was one of the finest I've heard in 25 years."

**JUDGE WILLIAM ALSUP, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA**



SHAWN OBI, LOS ANGELES PARTNER



De-mining the World—One Deadly Explosive at a Time

The pro bono work we do for charitable organizations supports some of the most interesting and impactful organizations in the world. The HALO Trust is a great example.

Since 2017, under the leadership of New York partner **Beth Kramer**, more than 50 Winston attorneys have contributed nearly 1,500 hours of

pro bono legal advice and service to The HALO Trust (USA), Inc. (HALO) and its Board of Directors. The Winston team provides legal counsel related to corporate governance, sanctions, tax, privacy, and real estate matters, allowing the board to focus on what it does best—making war-torn communities safe and economically productive again.

Achieving HALO’s mission of demining the world is an enormous undertaking. According to the 2023 Landmine Monitor, more than 60 countries around the world—from Afghanistan to Zimbabwe—contain more than 100 million landmines. Landmines are buried in fields, strewn throughout buildings, and even hidden inside toys. Our planet is littered with explosives, which maim and kill innocent civilians every single day.

Despite Princess Diana focusing international attention on the issue, landmines remain a significant danger to millions across the world. In 2022, nearly 5,000 people were killed or injured by landmines or UXO. And almost half of all landmine casualties were children, who stumbled upon them while playing or walking to school. Farmers are also at great risk in the aftermath of war when they return to planting their fields, which are frequently filled with mines.

The situation in Ukraine is particularly dire, with two million Russian landmines covering an estimated 30% of the country—an area roughly the size of Florida. The huge quantity of landmines in Ukraine has eclipsed the numbers even in Syria and Afghanistan, making Ukraine the most heavily mined country in the world.

Fortunately, HALO is on the ground in Ukraine with 1,200 staff members who are clearing landmines and educating community members on how to avoid them. Since the start of the war, HALO has cleared more than 20,000 mines from Ukrainian territory.

In addition to its work in Ukraine, HALO education and demining teams are actively engaged in 29 other countries across the globe.

In addition to **Beth Kramer**, the Winston team supporting the lifesaving work of The HALO Trust USA includes **New York** and **Washington, D.C.** attorneys **Jacqueline Hu, Rachel Ingwer, Bill Lang, Karen Neugroschl, Brooke Parmalee, Esthefania Rodriguez,** and **Cari Stinebower.**

“Providing pro bono legal advice to The HALO Trust USA is some of the most rewarding work of my career. It is an honor and a privilege to be able to play a small role in helping HALO make the world a little bit safer with each landmine they disarm.”

BETH KRAMER, NEW YORK PARTNER

THE HALO TRUST

1.7M

LANDMINES CLEARED BY HALO
SINCE ITS CREATION IN 1988

9,000

HALO EMPLOYEES DEMINE AND
EDUCATE COMMUNITIES WORLDWIDE

98%

OF HALO EMPLOYEES ARE LOCAL
COMMUNITY MEMBERS

Nonprofits Merge to Serve More People with Disabilities and Mental Illness

A Winston deal team represented New Star in its merger with Sertoma Centre, which is designed to significantly expand the critical services and support available to individuals who live with intellectual/developmental disabilities and mental illness.

The newly merged and renamed Sertoma Star Services delivers choices, and opportunities in an environment that promotes self-advocacy and personal success. Through its five locations, Sertoma Star Services delivers life-changing vocational, educational, therapeutic, and residential opportunities to more than 2,000 individuals.

By combining resources, Sertoma Star Service will be able to create more innovative programs, improve its position for securing grants, and reduce administrative costs. It will also be able to expand its service areas from the south suburbs of Chicago into northeast Illinois and northwest Indiana.

The **Chicago** and **Washington, D.C.** deal team included **Matt Costigan, Dan Drobnick, Charlie Filipis, Zach Fine, Luke Haller, Eric Knickrehm, Katie Mariani, Ryan Meyer, Tyler Speakes,** and **Vasiliki Mitrakos.** They were assisted by professional staff members **Madeline Purcell, Sarah Rasor,** and **Susan Storable.**

“Delivering services to the developmentally disabled community requires substantial expertise and is often hindered by a lack of resources. Winston’s pro bono support played a key role in helping these two nonprofits deliver services more efficiently and significantly increase their impact.”

KATIE MARIANI, CHICAGO ASSOCIATE

SERTOMA STAR SERVICES

2,000 PEOPLE SERVED	5 LOCATIONS ACROSS THE CHICAGOLAND AREA AND NORTHWEST INDIANA	5 to 95 AGE RANGE OF PEOPLE WHO RECEIVE SERVICES AND SUPPORT
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Winston Helps PETA Rescue Animals From a Squalid and Unsafe Roadside Zoo

Winston attorneys joined forces with global nonprofit People for the Ethical Treatment of Animals (PETA) to obtain an emergency stay order that allowed several severely mistreated animals living in a rundown roadside zoo to be transferred to an animal sanctuary.

Winston and PETA filed a lawsuit in the U.S. District Court for the District of South Carolina against the Waccatee Zoo, which had confined and exhibited more than 460 animals in cramped conditions and deprived the animals of basic necessities such as adequate shelter, food, and water. The chronic neglect caused the animals immense suffering and even led to the death of an endangered tiger.

After filing the lawsuit, PETA learned that the Waccatee Zoo was secretly transferring animals out of the facility to other roadside zoos or selling them at shady exotic-animal auctions. Winston and PETA then filed an emergency motion to prohibit further transfers.

The motion was granted, and in May 2023, PETA and The Wild Animal Sanctuary rescued the remaining animals—one llama, two North American black bears, and six emus—from the Waccatee Zoo. The rescued animals are now living in an expansive animal sanctuary in Colorado.

The Winston team from **Charlotte, Chicago, Dallas, Miami, and Washington, D.C.** that helped rescue these animals from immense suffering included **Jade Briana Baker, Jonathan Brightbill, Adam Foslid, Kyllan Gilmore, Sharon Lin McIntosh, Tracea Rice, and Gregory Skogg.**

“We are extremely pleased to have played a role in shutting down this poorly maintained roadside zoo and ending the suffering of these vulnerable animals. It is extremely satisfying to know the last of the animals are living in a sanctuary now.”

JONATHAN BRIGHTBILL, WASHINGTON, D.C. PARTNER



One of two black bears rescued by PETA from the Waccatee Zoo.

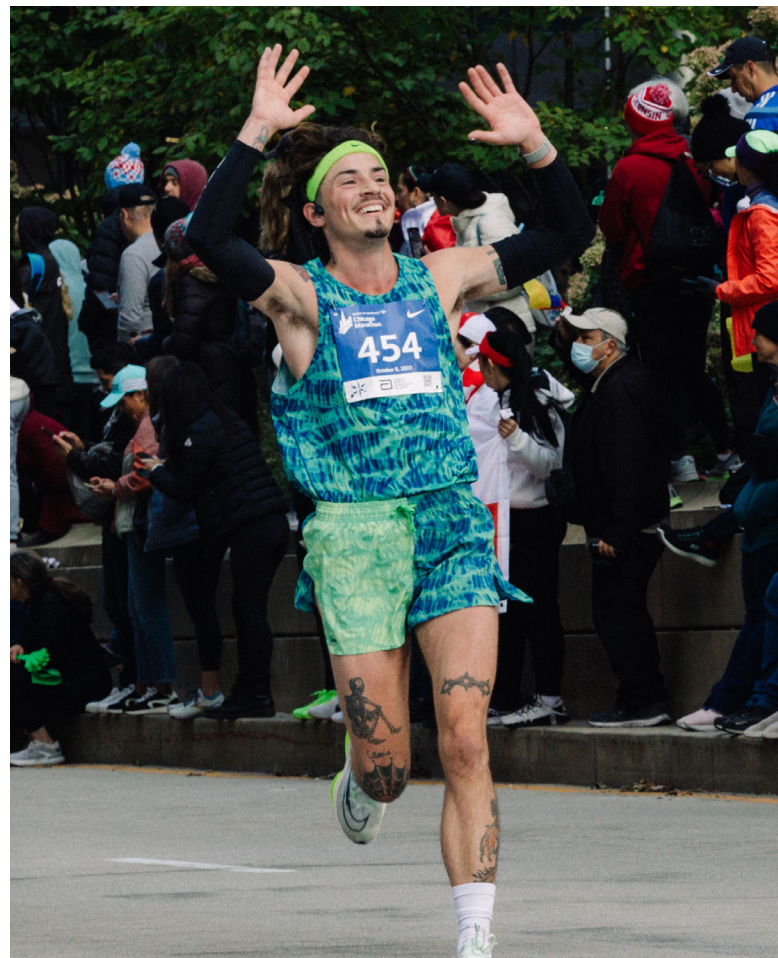
Transgender Runner Wins Groundbreaking Exemption for the Therapeutic Use of Testosterone

Winston attorneys prevailed on behalf of transgender athlete Cal Calamia in securing United States Anti-Doping Agency (USADA) approval of a Therapeutic Use Exemption (TUE) for Calamia's use of testosterone in male, nonbinary, and open running categories. This landmark exemption—believed to be the first of its kind—is an important victory for all nonbinary and trans athletes who take gender-affirming hormone treatments banned by USADA.

Calamia, who uses both he and they pronouns, was assigned female at birth and began taking testosterone as part of their gender transition. Earlier this year, Calamia learned he was at risk of being sanctioned by USADA for testosterone use. With a Therapeutic Use Exemption, Calamia is now able to continue competing in events subject to USADA rules.

This important win on behalf of Calamia received global media coverage, including a front-page story in *The Washington Post* with the headline, “A Transgender Runner’s Push for Inclusion May Have Changed the Sport.”

The Winston team representing Calamia included **Los Angeles** and **New York** attorneys **David Feher**, **Diana Leiden**, and **Whitney Williams**.



Cal Calamia running the 2023 Chicago Marathon.

“Now that this conversation has been opened up and the TUE has been approved, there’s an exponential amount more space for other people to follow my lead in this process and have that opportunity to transition and be themselves and still be able to do their sport.”

CAL CALAMIA, TRANSGENDER ATHLETE

Winston Secures Asylum for Russian Who Was Severely Persecuted Because of His Sexual Orientation

According to Human Rights Watch, “In Russia, antipathy towards homosexuality and gender variance is not new—LGBT people there have long faced threats, bullying, and abuse inside their families, and discrimination—but the 2013 ‘gay propaganda’ law has increased that social hostility.” This draconian law bans distribution of any “propaganda of non-traditional sexual relationships.” Unsurprisingly, harassment, arrests, and violence targeted toward LGBTQ+ Russians have risen significantly in the wake of the 2013 law’s passage.

This environment of state-sponsored persecution, coupled with severe homophobic violence inflicted upon him by the local police, led Artem Novikov to seek asylum in the United States in 2022.

By the time Artem was in ninth grade, he knew he was gay. Out of fear, he kept his sexual orientation a secret, but other boys spread rumors about him and bullied him relentlessly. This same type of homophobic harassment followed him when he attended university in a different town.

Hoping that life in a larger city would allow him to fully express himself without fear, Artem moved to Moscow in 2012. The next year, Russia instituted its anti-LGBT propaganda law.

During the next decade, Artem suffered from severe discrimination, persecution, and violence solely because of his sexual orientation. He was fired from his job for being gay and arrested for protesting homophobia. He was arrested a second time when St. Petersburg police raided a gay bar. While in custody, Artem and a friend were brutally beaten, and his friend eventually died from injuries inflicted by the police.



Artem and his Winston legal team pose for a celebratory photo after his request for asylum was granted. Pictured from left: Eric White, Annie Steiner, Emma Sutton, Artem Novikov, and Nathan Gilbert.

Seeking justice for his friend’s death, Artem filed a complaint against the St. Petersburg Police Department. A few weeks later, he was summoned to the police station, where officers handcuffed him to a chair and tortured him until he was close to losing consciousness. After being released, Artem began receiving anonymous phone calls threatening his life. The calls continued until he was violently assaulted outside his apartment building.

Shortly afterwards, Artem fled to the United States and Winston began representing him in his quest for asylum and the right to authentically express himself and his sexual orientation. In early 2024, his petition for asylum was granted.

The **Chicago** team that helped Artem obtain asylum included **Nathan Gilbert, Annie Steiner, Emma Sutton, and Eric White.**

Winston Helps Political Prisoners Expelled from Nicaragua to File for Asylum

In February 2023, under the cover of night, 222 political prisoners in Nicaragua were expelled from their country by President Daniel Ortega. The prisoners included priests, students, activists, and former presidential candidates.

With no advance warning, the 222 prisoners were awakened from sleep, loaded onto buses, and driven to the airport in the capital city, where they boarded a plane to Washington, D.C. During their flight to the United States, a judge in Nicaragua declared that the former prisoners were deported for being “traitors to the country.” Later that same day, the Nicaraguan Congress voted to strip “traitors” of their nationality.

The United States granted the 222 former political prisoners humanitarian parole, which allows them to stay in the country for up to two years and gives them time to file for asylum. Americans for Immigrant Justice reached out to attorneys in Winston’s Miami office to represent some of the Nicaraguans who had been settled in Miami.

Winston **Miami** attorneys and professional staff, with support from the **Dallas, Houston,** and **New York** offices, have filed asylum petitions for eight of the expelled Nicaraguans. Winston volunteers are continuing to help the expelled Nicaraguans navigate the asylum process.

MIAMI

Rafael Aguilar
 Jorge Astorga
 Elisa Baca
 David Coulson
 Javier Daza Rossi
 Evan Gilbert
 Ryan Greenberg
 Stephanie Hines
 Alex Iparraguirre
 Paul Jezierny
 Jared Kessler

Enrique Martin
 Gus Membiela
 Gabriela Plasencia
 Kim Prior
 Richard Puttré
 Nicholas Rodriguez
 Janelle Rodriguez-Mena
 Daniel Stabile
 Kamil Turkmani
 Megan Valent

DALLAS

Mackenzie Cerwick
 Abby Feeney
 Regina Maze
 James Waters

HOUSTON

Hannah Miller

NEW YORK

Gabriella Argueta-Cevallos



Secretary Antony Blinken  
 @SecBlinken



We welcome the 222 Nicaraguan political prisoners released by the Government of Nicaragua today. We will continue to support improved conditions for the Nicaraguan people.

11:27 AM · Feb 9, 2023 · **351.4K** Views

Winston Mobilizes in Response to Migrant Crises in New York and Chicago

Frustrated with the growing numbers of migrants crossing their borders, governors of several southern states began transporting migrants to Northern “sanctuary” states in the summer of 2022 and they continue to do so. Since August 2022, more than 175,000 migrants have arrived in New York and Chicago has received more than 35,000 migrants.

In 2023, New York and Chicago both experienced a dramatic increase in the number of migrants arriving in their cities. Neither city was fully prepared to support such a massive and unprecedented surge in the number of people seeking shelter in their cities and in desperate need of social services and legal support.

Exacerbating the situation, many of the migrants had immigration hearings scheduled in other states and needed to file for a change of venue. Others needed help filing for work permits and Temporary Protected Status. Some had been separated from spouses or children before being put on a bus or plane to Chicago, while others were nearing the one-year deadline to file for asylum.

WINSTON RESPONDS TO THE CRISIS IN NEW YORK

In July, New York City Mayor Eric Adams established an Asylum Application Help Center and issued a call to New York’s legal community to help staff it. Winston’s New York office was



New York partner Jonathan Birenbaum and associate Seojin Park assist a family in filing for asylum.

quick to respond and began scheduling teams of attorneys to meet with the newly arrived migrants and help them complete and file their applications for asylum. Throughout 2023, nearly 60 Winston attorneys logged more than 1,000 hours providing legal assistance at the Asylum Application Help Center.

In true “Winston for Good” fashion, attorneys and professional staff in our New York office also donated books and toys to entertain the many children who accompany their parents to the Center. The children and their parents often spend up to 10 hours at the Center waiting to be served and then completing their asylum applications.

“I extend my gratitude towards the law firms that have volunteered their time to this important cause...”

**SHERIF SOLIMAN, OFFICE OF THE
MAYOR OF NEW YORK CITY**

CHICAGO ATTORNEYS STEP UP TO HELP

The City of Chicago was literally inundated with multiple busloads of migrants arriving every day and quickly ran out of shelter space. With no immediate solution in sight, the City of Chicago began temporarily housing the newly arrived migrants at O’Hare International Airport and in police stations across the city. In October of last year, an estimated 2,300 people were sleeping inside the stations and in tents outside the stations.

At the same time, attorneys from Winston and other law firms were meeting with the Chicago Bar Foundation and local nonprofits to create a coordinated response for meeting the migrants’ immense legal needs.

It was during this tumultuous time that Chicago partner **Kimball Anderson** visited the police station at Larabee and Division on a client matter. He was met by a crowd of migrants—including women and small children—gathered in the searing heat outside the station. Assuming he was an attorney based on his attire, he was deluged with legal questions from the migrants about their rights and how to access them.

Kimball immediately reached out to senior pro bono counsel and career immigration attorney **Maria Kutnick** and the two put together a plan for supporting the migrants he had met at the police station. As a first step, Maria, Kimball, partner **Matt DaSanto**, and pro bono coordinator **Rubi Conchas Lopez** spent the next Saturday afternoon at the police station meeting with the migrants and assessing their legal needs. The team decided the most immediate and efficient solution would be to meet the migrants where they were. So, they organized a pop-up “know your rights clinic” at a nearby church for the following weekend. Simultaneously, Maria began mobilizing Winston attorneys to participate in a legal screening clinic, which the Legal Aid Society had organized in response to the unfolding crisis.

Maria also teamed up with our long-standing pro bono immigration partner, the National Immigrant Justice Center, to host an asylum clinic for the migrants in our Chicago office. In one day, Winston attorneys, working in teams of two, helped 10 individuals complete their asylum applications.

Winston for Good’s newly created *Compañeros Corps*—a group of professional staff members and attorneys who are fluent in Spanish—served as interpreters.

LOOKING AHEAD

The unprecedented migrant crises in New York and Chicago are far from over and attorneys and paralegals in both offices are continuing to volunteer at a variety of legal clinics in both cities.

NEW YORK ATTORNEYS & PARALEGALS

Meera Aiyagari
Sofia Arguello
Ben Bevilacqua
Jonathan Birenbaum
Michael Blaine
Mats Carlston
Andrea Castillo
Deanie Chen
Jeremy Chu
Scott Cowie
Zhaochen Dai
Hugh Dunkley
Chi-Emeka Egwuagu
Peter Fishkind
Fuyu Gao
Daimiris Garcia
Devin Garrity
Jason Goldstein

Ashley Graham
Rachel Gray-Pundir
David Greenspan
Nathan Greess
Chris Gresalfi
Penelope Hamilton
Junda He
Rachel Ingwer
Cassandra Izaguirre
Jason Jun
Hamza Khan
Scott Landau
Bill Lang
Sam Levinson
John Marchisello
Daniel Marzagalli
Isha McCalla
Sangil Min

Tara Moss
Precious Nwankwo
Jennifer Olivestone
Jason Osborn
Krishnan Padmanabhan
Seojin Park
Yasaman Rahmani-Givi
Brittini Reaser
Amelia Robrigado
Lilli Scalettar
Arthur Schoen
Erica Smilevski
Jennifer Stadler
Margaret Sturtevant
Sarah Viebrock
Neha Vyas
Milcah Zewdie

CHICAGO ATTORNEYS & PARALEGALS

Kimball Anderson
Josh Brown
Matt DalSanto
Jessica Diedrich
Chris Dombkowski
April Doxey
Greg Gartland
Linda Greene
Natalie Holden
Leslie Jacomino
Julia Johnson

Benjamin Kern
Tim Kincaid
Maria Kutnick
Eleni Kouimelis
Elise LeCrone
Jack Lenske
Ari Levy
Magdalena Marquez
Kurt Mathas
Greg McConnell
David O'Donaghue

Oriana Pietrangelo
Olga Pototskaya
Ivan Poullaos
Maggie Rick
Matthew Rosen
Karalena Senese
Dania Sharma
Jack Shea
Emma Sutton
Del Todd
Christina Zaldivar

COMPAÑEROS CORPS VOLUNTEERS

Maria Cesar
Raul Contreras
Stephanie De La Rosa
Patty Garza
Magdalena Marquez
Alex Rodriguez

Decades Spent Fighting for Justice in Alabama

For more than 25 years, Winston attorneys have devoted enormous time and energy fighting the convictions of death row inmates in Alabama. When these efforts prove unsuccessful, we continue to advocate for our clients to ensure the death penalty is applied in a just and humane manner. During 2023, we represented three of Alabama's death row inmates, including one who has been a client since 1999.

This unrelenting effort is necessary because Alabama's application of the death penalty is fraught with problems that have led to an unacceptable loss of innocent lives or torturous deaths. Not only does the state stand out for the exceedingly high proportion of its population that it

executes; it also has a shocking error rate.

One out of every eight people put to death by the state of Alabama since 1976 has been exonerated after their execution, according to the Equal Justice Initiative.

To address the systemic problems that have led to these troubling outcomes, Winston and other large law firms have joined with the federal defenders and a small group of devoted public interest organizations to undertake arduous post-conviction representation of many of Alabama's death row inmates, past and present. Currently, 175+ individuals are on Alabama's death row awaiting their execution.



CRUEL & UNUSUAL PUNISHMENT

Winston client James Barber was sentenced to death in 2004 by a non-unanimous jury for the murder of a 75-year-old woman. Sidley Austin attorneys represented Barber for decades in post-conviction proceedings, and in May 2023 recruited Houston partner **Paula Hinton**, an Alabama native and active Alabama bar member, to join their legal team as co-counsel to prepare and present a motion to block Barber's execution.

Sidley/Winston attorneys requested a stay after the State of Alabama botched three executions by lethal injection in 2022. The execution teams spent hours trying to insert the IV lines, causing immense physical and psychological suffering for the death row inmates. Alabama Governor Kay Ivey then ordered a pause in executions while the State investigated what went wrong. The State never released the findings of its investigation and the only substantive change it made was to allow more time—up to 30 hours—to conduct an execution.

Citing the Eighth Amendment's prohibition against cruel and unusual punishment, the Sidley/Winston team implored the lower courts and the U.S. Supreme Court to require Alabama to provide evidence that it had fixed its flawed system before moving forward with Barber's execution.

On July 21, 2023, the Supreme Court voted 6–3 to deny the motion to block Barber's execution. Two hours later, Alabama executed James Barber by lethal injection.

In an 11-page dissent, Justice Sonia Sotomayor wrote, "The Court should not allow Alabama to test the efficacy of its internal review by using Barber as its 'guinea pig.' ...The State has not only failed publicly to account for what went wrong, but also actively obstructed Barber's attempt to find out what happened."

"When Alabama presents killing a man in the dead of night with extra straps on the gurney to prevent him writhing in pain as an execution going smoothly it just goes to show how broken lethal injection is."

JUSTICE SONIA SOTOMAYOR, SUPREME COURT OF THE UNITED STATES

"It is a tragedy and shameful that in our country we continue to execute human beings – choosing to take a life through horrific and inhumane procedures. Winston and I will continue to do our best to serve the interests of justice and work to protect our Constitution and the rights of individuals. Mr. Barber was executed but only after he had sought and received forgiveness and had found peace in his spiritual life."

PAULA HINTON, HOUSTON PARTNER

THE INJUSTICE OF JUDICIAL OVERRIDE

For decades, Alabama allowed judges to override a jury's sentence of life in prison and instead sentence the individual to death. In 2017, Alabama became the last state in the U.S. to rescind judicial override, but the law was not made retroactive. Currently, 20% of inmates on Alabama's death row were sentenced to death by a judge who overruled a jury's sentence of life in prison.

Winston client Thomas Dale Ferguson was sentenced to death through judicial override in 1998, nearly 20 years before it was outlawed in Alabama. Ferguson was one of five men convicted of murder during a robbery attempt. The jury voted 11–1 to sentence Ferguson to life in prison without the possibility of parole. Despite evidence that Ferguson is intellectually disabled, the judge overrode the jury's recommendation and sentenced Ferguson to death.

Ferguson was sentenced to death in 1998. Winston, and now retired partner Tom Cottingham, began representing Ferguson in 2005. The Winston team has argued in state and federal courts that Ferguson initially did not receive adequate legal counsel and he should be exempt from the death penalty altogether because he is intellectually disabled. When Ferguson was 12 years old, he was placed into special education courses and designated as "Educationally Mentally Handicapped" based on his IQ score. Expert witnesses for the State of Alabama, however, have conducted their own tests and assessments and concluded that Ferguson is competent.

After exhausting all state and federal appeals, a Winston team worked throughout the Thanksgiving holiday in 2023, to meet a December 7 deadline to file a petition asking the Supreme Court to review Ferguson's case. The Supreme Court denied Ferguson's petition for writ of certiorari on February 20, 2024, but is still considering whether to accept a petition in a similar matter that could impact Ferguson's case.

Regardless, the Winston team continues to explore all options to protect Ferguson's life.

The team representing Ferguson included **Charlotte, Chicago, Dallas, Los Angeles**, and **Washington, D.C.** lawyers **Linda Coberly, Courtney Coppage, Alexander Cote, Edward Day, Kyllan Gilmore, Amanda Groves, Michael Hill, Samuel Riebe, Thomas Scheper, Brooke Wilson**, and **Ingrid Yin**.

BATTLING WRONGS AT EVERY TURN

The firm's longest served pro bono client is Eugene Milton Clemons. Winston began representing Clemons a quarter of a century ago in 1998.

Nearly every aspect of Clemons' interactions with the Alabama court system has been a travesty of justice. According to Houston partner **Paula Hinton**, "Mr. Clemons has been wronged by the system at every level."

First, the State of Alabama prosecuted Clemons for the sole purpose of sentencing him to death. He was initially tried and convicted of murder by the U.S. Department of Justice in 1994 for killing a U.S. Drug Enforcement Administration agent during a carjacking when he was 20, and he was sentenced to life in prison. The State of Alabama then tried him again for the same crime to secure the death penalty.

Second, by his own attorney's admission, Clemons received inadequate counsel during his criminal trial. Clemons' court-appointed lawyer failed to call any witnesses to shed light on the years of abuse Clemons suffered as a child, despite family members being willing to testify. His lawyer also failed to present evidence of Clemons' intellectual disability. In the first grade, school officials deemed him "educably mentally retarded." During an interview with Pro Publica in 2021, Clemons' trial attorney conceded, "In today's world, yes, I think that would be viewed as absolute ineffective assistance."

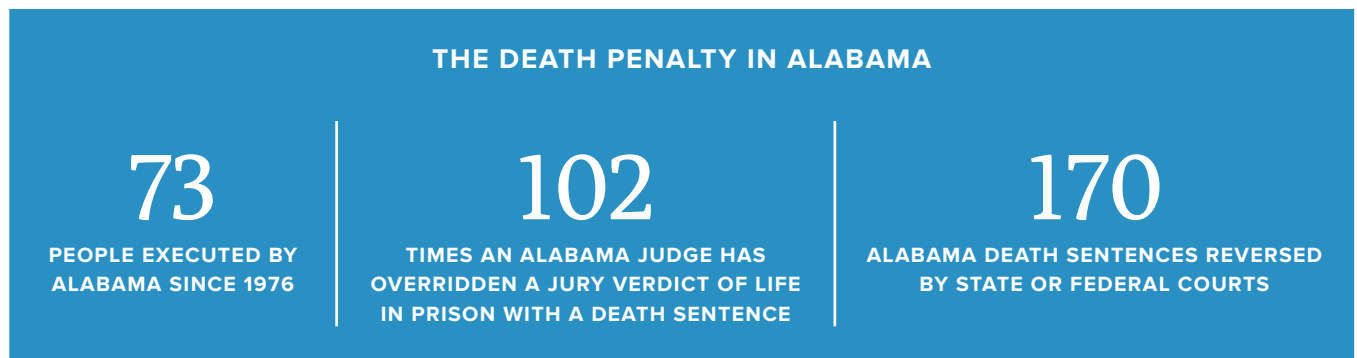
It was apparent even to Clemons that he was receiving poor representation. While his attorney was defending him, Clemons interrupted saying, “These folks are trying to kill me, man. I fire these lawyers.” The judge responded, saying, “I’m going to go ahead and bound and gag you.” He then sent Clemons to a holding cell.

Third, his court-appointed appellate lawyer was no better than his trial attorney. In a deposition conducted by Winston attorneys in 2001, Clemons’ former appellate attorney admitted he had done very little to investigate Clemons’ background and he had been mixing alcohol and antidepressants at the time. He was later disbarred for reasons unrelated to Clemons’ case.

Fourth, an employee in the Shelby County Clerk’s Office lost Mr. Clemons’ 1999 petition asking for relief based on constitutional violations. The clerk eventually found the pleading, but not until after a crucial federal deadline had passed. Despite local co-counsel having a time stamped copy of the pleading, which was filed one month before the deadline, Clemons was denied the right to have a federal court review more than 30 of his constitutional claims, including, most importantly, his ineffective assistance of counsel claim.

The Winston team is now battling against a potential final injustice, an inhumane method of execution. In 2021, the Supreme Court refused to hear Clemons’ writ of certiorari. Clemons faces the administration of a novel method of execution, which uses nitrogen hypoxia to essentially suffocate an individual by eliminating their oxygen intake. The National Association of Veterinarians has deemed this method of administering death too inhumane to use on animals. Yet, Alabama became the first state to use this inhumane method when it administered this gas to Kenneth Smith on January 25, 2024. It took nearly 30 minutes for the gas to kill Smith and witnesses reported that he shook, convulsed, and gasped in the process.

The current Winston team working on Clemons’ behalf includes **Houston** and **Washington D.C.** attorneys **Allison Booth, Paula Hinton, Abbe Lowell, Bella Oishi,** and **Michelle Toro.** Former Winston partner **Eric Bloom** is also a member of Clemons’ pro bono legal team.



Source: Equal Justice Initiative

Awards & Recognition



Julie Bauer was named a **Notable Woman in Law** by *Crain's Chicago Business*. This prestigious, annual list recognizes women who have demonstrated a commitment to excellence, leadership, mentorship, and philanthropic engagement.



Lone Star Legal Aid awarded Houston associate **Madison Bennett** an **Outstanding Volunteer Award** in recognition of the outstanding service she provided to Lone Star Legal Aid clients during the 2022–2023 bar year. She has closed 17 cases since she began working with the organization in 2022. Only two individuals are honored with this award each year.



New York of counsel **James Bentley** was named a recipient of the **City Bar Justice Center's (CBJC) Outstanding Pro Bono Service Award** for his work on the CBJC's Consumer Bankruptcy Project. James has counseled former students regarding their federal and private loan obligations and assisted New Yorker's struggling with consumer debt to file for bankruptcy.



Dallas associate **Michael Carlisi** received an **Outstanding Pro Bono Volunteer Award from Lone Star Legal Aid** for his service in branch offices, which provide services to rural communities that have been classified as legal deserts because they have one or less attorneys for every 1,000 residents.



New York attorney **Lisa Coutu** was awarded the **Sanctuary for Families' 2023 Above & Beyond Pro Bono Achievement Award** for her "tireless, strategic, inspired, and compassionate work for the organization and people who have survived gender-based violence."



Kelly Mannion Ellis was named a **Volunteer of the Year** by **Legal Aid Chicago** for her dedication to providing pro bono advice to pro se clients through the **William J. Hibbler Memorial Pro Se Assistance Program**.



Legal Aid Chicago recognized **Dominique Fry** as a **Volunteer of the Year** for her commitment to serving as a volunteer attorney for the **North Lawndale Legal Clinic**, a community-based legal clinic.

Pro Bono Team



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CHIEF PRO BONO OFFICER



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CSR & PRO BONO
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ABOUT WINSTON & STRAWN

Winston & Strawn LLP is an international law firm with 975+ attorneys across 15 offices in Brussels, Charlotte, Chicago, Dallas, Houston, London, Los Angeles, Miami, New York, Paris, San Francisco, Shanghai, São Paulo, Silicon Valley, and Washington, D.C. Additionally, the firm has significant resources devoted to clients and matters in Africa, the Middle East, and Latin America. The exceptional depth and geographic reach of our resources enable Winston & Strawn to manage virtually every type of business-related legal issue. We serve the needs of enterprises of all types and sizes, in both the private and the public sector. We understand that clients are looking for value beyond just legal talent. With this in mind, we work hard to understand the level of involvement our clients want from us. We take time to learn about our clients' organizations and their business objectives. And, we place significant emphasis on technology and teamwork in an effort to respond quickly and effectively to our clients' needs.

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