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ANNUAL

PRO BONO REPORT

2007

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JUSTICE

Nelson
Mullins



Nelson Mullins Riley & Scarborough LLP's Pro Bono Committee acknowledges and thanks the attorneys, paralegals, and administrative staff who were all active participants in the Pro Bono Program in 2007.

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At Nelson Mullins Riley & Scarborough, pro bono service is a tradition deeply rooted in our culture. Our pro bono service is made possible by the loyalty of our clients, many of whom have strong community service programs of their own and expect the same values in their legal counsel.

In 2007, Nelson Mullins dedicated 4.8 percent of billable time to pro bono service and recorded 39,584 pro bono hours. A total of 392 new pro bono matters were opened in 2007 to serve clients.

Nelson Mullins will continue to provide pro bono legal services to those who are in need because it is our privilege to do so. It also makes our lawyers better lawyers and, in turn, better people.

“Nelson Mullins attorneys represent pro bono clients not only because it is the right thing to do, but also because we are committed to supporting our communities and our profession.”
– Claude M. Scarborough Jr.



Nelson Mullins partners Claude Scarborough, left, Chairman Emeritus, and Richard Riley, former South Carolina Governor and former U.S. Secretary of Education

CULTURE

In the late 1980s, several partners, including Claude Scarborough, Dick Riley, and Steve Morrison, began considering the implementation of a formal pro bono program. In 1988, Stuart Andrews, a former statewide legal services director, was recruited to join Nelson Mullins, in part for the purpose of designing such a program. After studying several pro bono programs at leading firms around the country, Stuart proposed a program consisting of the following key elements: 1) a standing Pro Bono Committee to administer the program; 2) a goal of a minimum number of annual pro bono hours per attorney; 3) a program that took advantage of Nelson Mullins’ resources by encouraging large, “impact” pro bono projects; and 4) full billable and collections credit for pro bono matters meeting Nelson Mullins’ definition of “pro bono” and approved by the Pro Bono Committee. Nearly 20 years later, these remain the principal elements of our program.

Dick Riley was appointed as chair of the ad hoc Pro Bono Committee, which studied Stuart’s proposal and recommended it to the Executive Committee. The proposal was approved, and Ed Mullins served as chair of the first standing Pro Bono Committee. In 1990, George Cauthen joined Nelson Mullins to head its bankruptcy team, and, almost immediately, George became the leading advocate, both inside and outside Nelson Mullins, for the Pro Bono Program. Shortly afterward, Norah Rogers became the pro bono coordinator. In the years since, George, Norah, and a revolving list of committee chairs have led the program to recognition as one of the top pro bono programs in the country.

How It All Started



Former First Lady Rosalynn Carter with partner Stanley S. Jones Jr.

“It has changed my life tremendously. Now I have goals, and I want to give back to the community.”
— Dianne White,
a recipient of services from Project Interconnections

TRADITION

Twenty Years of Service

Honorary Chairperson and Former First Lady Rosalynn Carter in 2007 presented Atlanta partner Stan Jones with a friendship quilt and proclamation from the City of Atlanta for his 20 years of service to Project Interconnections, a housing program for the mentally ill he helped found. Mrs. Carter calls the project a model for the country.

“We can all tell by the 241 men and women who live in the four residences how great this program is. It provides them security and dignity, privacy and respect. They have help when they need a helping hand, and this is what makes our program so effective,” Mrs. Carter said.

Project Interconnections has developed four award-winning residences in Atlanta, including O’Hern House with 76 single room units and meals; Phoenix House with studio apartments and several two-to-four bedroom apartments for 79 people; Presley Woods with 40 studio apartments, 20 for the working poor and 20 for homeless adults with chronic mental illness; and Rosalynn Apartments, 56 studio apartments. The projects have housed more than 800 people who use the program as a stepping-stone into the community. Developing the residences required creating partnerships of public and private sectors to seek funding through state and federal programs. Rent comes from federal assistance programs and from the residents themselves, who pay 30 percent of their income toward rent. The cost is between \$11,000 and \$16,000 a year per resident.

www.projectinterconnections.org

JUSTGeorgia Seeks Input On Juvenile System



RESPONSIBILITY

JUSTGeorgia is described as the “largest coordinated pro bono project in the State of Georgia.” The primary goals of JUSTGeorgia are to build a statewide coalition to seek implementation of recommendations for change to policies and practices within the juvenile justice system and related systems (education, mental, and physical health) and to present a proposal for a new Georgia Juvenile Code to the state legislature in 2009.

Nelson Mullins is proud to be a major participant in the project. Atlanta staff in 2007 conducted 54 interviews to gather input on perceived needs in the juvenile justice system. Law firms participating in the project have contributed 3,800 hours and \$1.8 million equivalent hours to the project.

www.gaappleseed.org/children

A child’s contact with the juvenile court provides an opportunity for appropriate intervention. JUSTGeorgia advocates for improvements in juvenile justice and the underlying social service systems that serve Georgia’s children.



“Establishing conservatorship/guardianship allows parents to continue protecting their disabled child’s interest, in the absence of the child’s ability to do so for him or herself.”

– Attorney Chris Genovese, Director, Conservatorship Program

S E R V I C E

When Students Need Help

Nelson Mullins attorneys represent students, primarily those with special needs, through the pro bono Student Advocacy Project. Firm lawyers advocate for students in a variety of school administrative proceedings, including special education meetings, discipline proceedings, state special education complaints, due process hearings under IDEA, and appeals of administrative proceedings to state circuit court and federal district court. The goal is to resolve disputes between school districts and families by achieving the best result possible for the student while preserving or repairing the relationship between the family and the school district.

A related project is the Conservatorship/Guardianship Project. Attorneys represent parents of students with disabilities by assisting them in obtaining appropriate guardianship after the student reaches legal age.

In addition, several attorneys have worked in conjunction with the N.C. Counsel for Children’s Rights on Project IMPACT (Inspiring and Motivating Parent Assistance through Collaboration and Training) over the past two years. Recently, Nelson Mullins donated research books to allow further training of lay volunteers to assist with IEP meetings and will be assisting the project throughout the school year.

Serving Children With Special Needs



DEDICATION

TeamChild attorneys advocate for children with special needs, representing babies and young children with developmental delays, chronic medical conditions, and special education needs. Appointed by the Juvenile Court to serve as “Early Intervention/Special Education Advocates,” TeamChild attorneys help families access Georgia’s early intervention or special education programs and enforce the legal rights and protections afforded to special needs children under the Individuals with Disabilities in Education Act and other applicable state and federal laws. Nelson Mullins attorneys seek to address the underlying needs of children involved in the juvenile justice system, making sure children who have been the victims of abuse and neglect are identified as at-risk and monitored closely by the state’s early intervention programs and school systems.

Since the program’s inception in 2005, more than 30 Nelson Mullins attorneys and paralegals have assisted with this project, representing more than 50 children. A total of 35 cases were closed in 2007.

www.atlantalegalaid.org/departments.htm

“The level of commitment from Nelson Mullins has been remarkable. Nelson Mullins’ team of lawyers has done a fantastic job of advocating on behalf of their clients.”
— Craig Goodmark,
TeamChild Project
director for Atlanta
Legal Aid



“We are so grateful to this law firm for showing its appreciation and support of our deputies by helping each one of them get a will.”
– Richland County (S.C.) Sheriff
Leon Lott

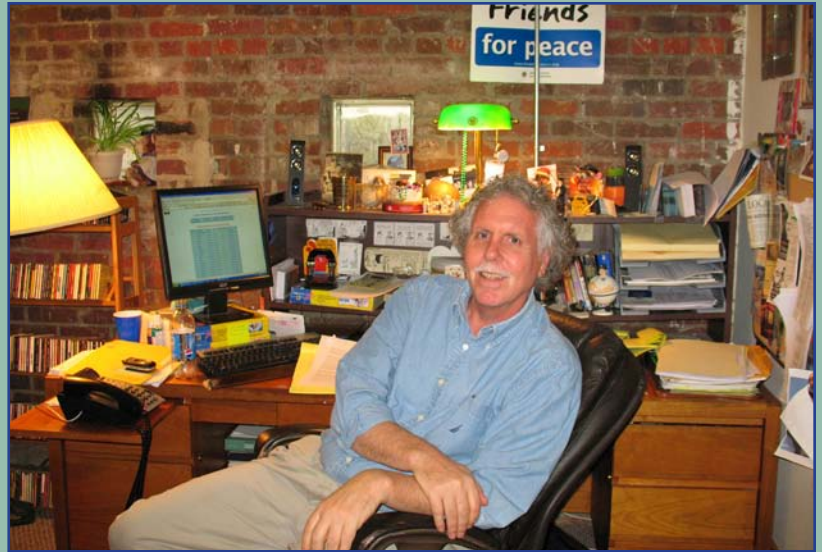
COMMITMENT

Wills For Heroes Gives Back To Those Who Serve

The tragic deaths of nine firefighters battling a furniture store blaze in Charleston, S.C., in 2007 was a stark reminder of the dangerous service these first responders perform. Nelson Mullins responded to this tragedy by donating the flowers used at the nationally televised funeral service and by conducting Wills for Heroes events for the Charleston first responders. Wills for Heroes was started at Nelson Mullins in November 2001 in response to the 9/11 attacks. The program provides a way for lawyers to give back to their community by providing free basic wills and other estate planning documents to first responders. Since its inception at Nelson Mullins, Wills for Heroes has grown into a national foundation and has provided free trust and estate services to more than 7,000 first responders across the country.

www.willsforheroes.org

Crisis Ministries Homeless Justice Project



Jeff Yungman, Nelson Mullins Fellow

ACCOUNTABILITY

A gift of \$25,000 from Nelson Mullins is allowing Crisis Ministries to offer its homeless shelter residents permanent, full-time legal services primarily focused on stabilizing families with children and helping them become self-sufficient. Jeff Yungman serves as the Nelson Mullins Fellow who staffs the Homeless Justice Project in the Crisis Ministries shelter. Nelson Mullins has been providing free legal services to Crisis Ministries since January 2006. Crisis Ministries is South Carolina's largest service for the homeless.

"Nelson Mullins attorneys have provided legal assistance on many legal issues, but none have the immediate impact on people's lives that disability cases do," Mr. Yungman said. "Time after time the attorneys at Nelson Mullins have gotten favorable decisions for guests at Crisis Ministries, at times in cases without even a hearing. The feedback from the guests regarding the Nelson Mullins attorneys has been and continues to be overwhelmingly positive. Unfortunately, many of our guests have been ignored or abused by the system. They are surprised and grateful that the attorneys listen to them, take their matters seriously, and make an effort to help them."

www.charlestonhomeless.org

"The Crisis Ministries Homeless Justice Project by any standards has been tremendously successful, and it is clear that a great deal of that success can be attributed to Nelson Mullins and the attorneys who have contributed their time and effort."
— Jeff Yungman



Glenn McDuffie



“All these years he has had this desire to be taken seriously. Money is not the motivating issue with him. He is not in the best of health, and what he wants most of all is to be finally recognized as the kissing sailor.”

– Nelson Mullins Partner Chip Killian

HISTORY

Is He The Kissing Sailor?

V-J Day, 1945. Glenn McDuffie is in a New York subway near Times Square when the people around him start yelling and cheering. Someone shouts, “The war’s over, buddy, you can go home!”

The young sailor runs out into the street and catches the eye of a young nurse. He grabs her, kisses her, just as a *Life* magazine photographer snaps their photo.

The picture has become an icon of American history depicting the celebration of peace after the war. But Glenn McDuffie’s battle to be acknowledged as the sailor in the photo has continued since that day.

The issue has become more important to him lately because of his declining health. In 2007, Nelson Mullins attorneys began assisting Mr. McDuffie, pro bono, in his quest. With evidence analyzed and an affirmative conclusion by a noted Houston forensic artist along with some additional sleuthing, the attorneys want Time Warner, the corporate entity that owns *Life* and the rights to the photo, to lay the mystery of the sailor’s identity to rest.

We're Making Progress. We're Making A Difference



S.C. Attorney General Henry McMaster with Nelson Mullins volunteer attorneys.

PUBLIC GOOD

Citing Nelson Mullins as a prime supporter of a Criminal Domestic Violence pro bono program, S.C. Attorney General Henry McMaster twice in 2007 recognized the statewide volunteer attorneys who provide free legal services to abuse victims.

Through the program, attorneys represent victims of criminal domestic violence in cases that otherwise might not be prosecuted because of heavy caseloads and, often, the victims' unwillingness to cooperate. Private attorneys can be trained and certified through the Office of the Attorney General to become a Special Prosecutor for these cases. The Attorney General's Office then assigns cases and maintains a database of information about each case. To date, the pro bono program and its active volunteer attorneys have tried more than 1,900 cases in several South Carolina jurisdictions. The program is continually working to spread to new jurisdictions.

By mid 2007, more than 2,300 cases had been tried through the program with a 73 percent conviction rate.

www.scattorneygeneral.org

“Without these trained special assistant attorneys general doing this work for free and the effort they are making in South Carolina, which is unique in the United States, this program would not have gotten off the ground.”
– Henry McMaster, S.C. Attorney General



The case involves claims by several pharmacists in Illinois who have challenged a regulation requiring them to fill any prescription.

PUBLIC INTEREST

For The Right Not To Dispense

In 2007, Nelson Mullins filed an Amicus Curiae brief and Motion to Appear as Amici Curiae before the Illinois Supreme Court on behalf of the Christian Legal Society (CLS) and the Christian Pharmacists Fellowship International (CPFI). The case involves claims by several pharmacists in Illinois who have challenged the validity of an Illinois regulation requiring a pharmacist to fill any prescription presented by a customer on the grounds that, among other things, the regulation violates the pharmacists' constitutional right to the free exercise of religion and the Illinois Religious Freedom Restoration Act. The pharmacists' claims were dismissed by the trial court, and the Illinois Appellate Court affirmed the decision. The pharmacists were granted leave to appeal to the Illinois Supreme Court where the case is now pending. The Illinois Supreme Court granted the motion of CLS and CPFI requesting leave to appear as amici curiae.

Aid To Nonprofits That Help Children With Autism



COMMUNITY

Nelson Mullins attorneys in 2007 began providing free services to the Autism Advocate Foundation (AAF) in Myrtle Beach, becoming the first attorneys to assist the foundation. Established in 2004, the Autism Advocate Foundation is a nonprofit organization formed by parents of children with autism spectrum disorders living in Horry County, S.C. The goal is to provide support and services to individuals with Autism Spectrum Disorders so that they may become active, contributing, and fulfilled members of the community. Nelson Mullins attorneys create corporate books, draft bylaws and amendments, and draft policies, contracts, and releases for their various programs, among other services. Attorneys are also drafting a grant policy, grant agreement, and grant application for a relief fund the AAF has established in addition to an independent contractor agreement.

www.autismadvocatefoundation.com

Autism is a brain development disorder that impairs social interaction and communication and may cause restricted and repetitive behavior, all starting before a child is 3 years old.



The client was elated, and his family has visited him on a number of occasions, representing the first contact he has had with his family in more than eight years.

J U S T I C E

A Prisoner's Rights Case

In a prisoner's rights case, Nelson Mullins represented a man whose visitation rights had been revoked for several years based on allegations of improper conduct involving his niece, who was 8 years old at the time. In 2007, Nelson Mullins attorneys contacted his family, speaking with all of the available witnesses, including his niece, who is now 16. Each witness confirmed that nothing out of the ordinary occurred. It was later discovered that the client's visitation rights were taken based solely on the statements of two other prisoners, who stated they saw some improper conduct. The attorneys contacted the S.C. Department of Corrections and explained that the client's visitation had been taken based on the unreliable statements of two other prisoners. After a number of attempts to convey the family's information, the attorneys received a letter from the director at SCDC stating that the prisoner's visitation would be reinstated immediately, but limited to adults only. The client's family has visited him on a number of occasions, which represents the first contact he has had with his family in more than eight years.

Nelson Mullins Fellowships Fill Community Service Gaps



ADVOCACY

“You should take some time to congratulate yourselves for being a part of such a generous and caring law firm. As the Nelson Mullins Fellow at Advocates for Children’s Services, I am in a position that is, unfortunately, unique: I am able to use all of my legal training and professional resources to represent poor children. They are my only clients, and the alleviation of their struggles, with an eye to improving their chances for future success and happiness, is my sole focus. Not many people are blessed with a career like this, and I have your firm to thank for it. And I’m happy to report that your generosity is making a difference. ... This is a small part of the work that Nelson Mullins is contributing to.”

– Erwin Byrd, Legal Aid of North Carolina, Advocates for Children’s Services

www.legalaidnc.org/acs

“As the Nelson Mullins Fellow at Advocates for Children’s Services, I am in a position ... to use all of my legal training and professional resources to represent poor children.”



Joe is self-confident and happy again now that his name has been restored.

ASSISTANCE

A Fresh Start For A Teenager

“Joe,” a 16-year-old living with his aunt and uncle since his mother died tragically in a car accident when he was 5, was doing well in high school and decided to try out for a sports team. In doing so, he was required to provide a copy of his birth certificate. What the relatives discovered when they secured his birth certificate was that the child’s mother, shortly before she died, had legally changed the child’s last name to one not common on southern playgrounds. Once the name change became known to school administrators, they required Joe to begin using the unusual name, which prompted some rather cruel teasing from his classmates. Joe’s grades dropped, and he began having disciplinary problems.

Nelson Mullins attorneys in 2007 were asked to assist in getting Joe’s birth name restored. During the process, it became apparent Joe had never been legally adopted nor had the unknown father’s parental rights terminated. Nelson Mullins attorneys assisted with all three issues, allowing Joe to get back his name. Additionally, attorneys worked with the school board to get Joe transferred to another high school so he could have a fresh start. The teasing has stopped, his grades have improved, and Joe is self-confident and happy again with his adoptive parents.

An Illegal Eviction Resolved



OUTREACH

Nelson Mullins attorneys in 2007 assisted a resident illegally evicted from his apartment and locked out without notice. All of his possessions were removed by the landlord and discarded in a dumpster. Originally he sought help from Legal Aid, which negotiated unsuccessfully for a resolution of the matter before referring it to Nelson Mullins.

With the help of a Wake Forest University law student, attorneys researched the available causes of action under state and federal law and filed suit. The defendants had no defense and admitted all of the substantive allegations of the complaint except for damages. After negotiation with the landlord's insurance carrier, the attorneys were able to resolve the matter to include a monetary settlement and a formal written apology from the landlord. The case was dismissed.

The defendants had no defense and admitted all of the substantive allegations of the complaint except for damages.

Scarborough Awards Recognize Lawyers for Pro Bono Contributions

In 2007, Erik Norton received recognition by Nelson Mullins for his pro bono work with the Student Advocacy Project. The award, named for Claude M. Scarborough Jr., Nelson Mullins Chairman Emeritus, honors attorneys who have made a special commitment to pro bono service. The award, which has been given to outstanding attorneys since 1991, was also presented to Stephanie Lewis and Carrie Ryan.



AWARDS

Andrews Honored Nationally For Service To Equal Justice Community

The National Legal Aid & Defender Association bestowed its Charles Dorsey Award on partner Stuart Andrews in 2007 for his service to the equal justice community.

The NLADA, founded in 1911, is the oldest and largest national, nonprofit membership organization devoting all of its resources to advocating equal access to justice for all Americans. The award is named for Charles Dorsey, a former director of the Legal Aid Bureau in Maryland for 25 years. Mr. Andrews was recognized for his career-long efforts to improve access to justice for South Carolina's low income community.

www.nlada.org



Photo courtesy of NLADA

SC Applesed Director Sue Berkowitz, left, introduced Mr. Andrews at the NLADA's awards presentation. They are shown with Leonard Noisette, NLADA board chair.



Paralegals Honored for Pro Bono Work

Whitney Horn, Leslie Sackett, and Janice Morreale received the E.W. Mullins Sr. Paralegal Pro Bono Awards in 2007. The awards are named for Ed Mullins Sr., a founding partner at Nelson Mullins, and honor paralegals who exemplify a commitment to pro bono service.

A W A R D S

SC Appleseed Honors George Cauthen



“George Cauthen embodies our belief that a fair and just society is what protects us all, regardless of economic status in life.”

— SC Appleseed

The South Carolina Appleseed Legal Justice Center honored George Cauthen with its 2007 Advocate of the Year award. The award is given each year to honor an individual who works to achieve SC Appleseed’s mission to provide and promote access to justice for all South Carolinians. Mr. Cauthen also received City Year Columbia’s Idealist in Action Award for his commitment to helping others.

“Throughout his career he has defined what it means to be a pro bono attorney and has been instrumental in developing pro bono programs in South Carolina and the nation. Mr. Cauthen’s compassion for those in need is unwavering and is what makes him truly deserving of SC Appleseed’s Advocate of the Year award,” the organization said in naming Mr. Cauthen.

www.scjustice.org

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