

MoProBono

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Want to know more about MoFo's pro bono program? Visit the [pro bono pages](#) on the firm's website.

GETTING INVOLVED

Want to join your colleagues or suggest a pro bono project? Contact [Jennifer Brown](#) (69-4094), [Dorothy Fernandez](#) (73-6009), or [Rachel Williams](#) (73-6340).

MESSAGE FROM THE CHAIR



Last month I had the privilege of meeting the family of **Richard Rosario**, a Bronx man who was wrongfully convicted of murder. Thanks to the tireless efforts of MoFo lawyers and our colleagues at the Exoneration Initiative, Richard was released and reunited with his family after serving nearly 20 years in prison for a crime he didn't commit.

Our willingness to take on tough cases — despite what sometimes seem like insurmountable odds — speaks volumes about who we are as a firm and our pro bono commitment.

Inside this issue of *MoProBono*, you'll learn more about Richard's story, as well as the work that MoFo lawyers are doing to help refugees in Germany, improve conditions in border patrol centers, defend women's reproductive rights, and stop the illegal police surveillance of Muslim communities.

Our pro bono commitment is also evident in the work that lawyers throughout the firm are doing to support microentrepreneurs, secure asylum for individuals escaping persecution, and help individuals with naturalization and Deferred Action for Childhood Arrivals applications.

I hope these stories inspire you and renew your commitment to pro bono and public service. Together, we are making a difference.

Larren



OUTSTANDING PUBLIC SERVICE

On March 9, the Justice & Diversity Center of the Bar Association of San Francisco recognized MoFo as the 2016 Outstanding Law Firm in Public Service for our pro bono support of the JDC's Pro Bono Legal Service Programs and Homeless Advocacy Project, as well as several Diversity Educational Programs. Jim Brosnahan, shown here with U.S. District Court Judge Edward M. Chen, accepted the award on the firm's behalf.

DATELINE MOFO:

THE EXONERATION OF RICHARD ROSARIO



Thanks to the tireless efforts of New York partner **Chip Loewenson** and lawyers from the Exoneration Initiative, Richard Rosario is a free man.

On March 23, Richard was released from prison after serving nearly 20 years on a 25-to-life sentence for a murder he didn't commit.

In 1996, Richard was arrested for the murder of a 17-year-old Bronx

man. Two eyewitnesses placed him at the scene of the crime, identified his mugshot, and identified Richard in a police line-up.

Richard claimed that he was 1,000 miles away in Florida at the time of the murder, an alibi corroborated by 13 witnesses, including a future sheriff's deputy, future pastor, and future federal corrections officer.

Neither the New York Police Department nor the Bronx District Attorney's Office investigated the alibi. And due to a mix-up among successive appointed counsel for Richard, his defense lawyers did not investigate the alibi either. Only two of the alibi witnesses testified at the trial, but the Bronx jury rendered a guilty verdict.

MoFo became involved in Richard's case in 2004 at the request of the Legal Aid Society. At a Bronx Supreme Court post-conviction hearing for Richard on the grounds of ineffective legal representation at trial, MoFo called to the witness stand for the first time seven of the alibi witnesses that Richard had named for the police on the day of his arrest in 1996.

In April 2005, the Bronx judge denied Richard's motion for a new trial, with the judge finding no fault in Richard's original representation. For six more years, Chip and his team petitioned the federal courts, all the way to the U.S. Supreme Court, but lost. The federal judges who considered the case all agreed that Richard had been convicted in violation of his Sixth Amendment right to effective assistance of counsel, but they found it was not so egregious as to overcome a federal statute that limits the ability of federal courts to overturn state post-conviction decisions.

For Chip, the loss was "the biggest professional disappointment of [his] career." But he refused to give up on Richard's case. Chip brought the case to the Exoneration Initiative, a group dedicated to overturning wrongful convictions in non-DNA cases. Based on new information obtained in Freedom of Information litigation under New York law, lawyers from the Exoneration Initiative petitioned the trial court to re-open the case.

While the trial court's denial was on appeal, Bronx District Attorney **Darcel Clark** agreed to vacate Richard's conviction, and Richard was reunited with his family on March 23.

Along with Chip, a dedicated team devoted thousands of hours to this matter.

Washington, D.C. partners **Deanne Maynard** and **Brian Matsui** led the team that filed a petition with the U.S. Supreme Court.

Associates **Adam Hunt** and **Andreea Vasiliu** and former associates **Jodi Miller**, **Jin Hee Lee**, and **Leah Fletcher** worked diligently on the case as it wound its way through state and federal courts.

All the while, **Sue DiMora** ran logistics.

An 11-part [Dateline NBC series](#) documents Richard's story, including his emotional reunion with his wife and children.

JUSTICE IN MOTION



Pro bono matters. That's why on January 22, 11 lawyers from our San Francisco and Palo Alto offices teamed up with 10 in-house lawyers from Yahoo! on a Justice Bus trip to Modesto, California.

The Justice Bus, organized by the nonprofit OneJustice, takes teams of lawyers to rural and isolated areas to provide free legal services to low-income Californians, including veterans, vulnerable seniors, children with disabilities, low-wage workers, immigrant youth, and families.

The MoFo and Yahoo! volunteers assisted more than 30 people with naturalization and DACA applications at a day-long clinic.

“Pro bono is increasingly necessary given the increasing complexity and cost of our legal system,” said MoFo associate and volunteer **Robert Cortez Webb**. “Clients without resources are tremendously underserved and even the incredible contributions of legal aid attorneys can't fill the justice gap without assistance from the entire bar.” Other Justice Bus participants from MoFo were associates **James Dee, Nicole Elemen, Temidayo Odusolu, Ingrid Pfister, Rose Plato, Dina Roumiantseva, Lee Shepard, Mark Thom, and Bill Tian**.

Pro bono counsel **Dorothy Fernandez**, who organized and took part in the trip, added: “Joining with firm clients like Yahoo! to provide pro bono service not only increases access to justice, but also offers a unique venue for our attorneys to interact with clients in an environment where we're engaging in rewarding and meaningful work together.”

KATHI PUGH PRO BONO AWARD



In July 2015, Washington, D.C. associate **Natalie Fleming Nolen** received the Kathi Pugh Award for Pro Bono Service. Natalie is the second recipient of the annual award, which was established in 2013 to honor **Kathi Pugh's** dedication, commitment, and passion for the firm's pro bono program.

Since joining the firm in 2006, Natalie has made a great impact on MoFo's pro

bono program. Natalie has “become the firm's east coast in-house human rights expert,” says senior pro bono counsel **Jennifer Brown**.

Natalie's pro bono representations include asylum and special immigrant juvenile status clients, low-income tenants, and post-earthquake Haitian sexual assault survivors. Natalie's dedication to her clients is obvious, as she has traveled up and down the East Coast to represent clients despite the fact she lives in Washington, D.C.

In connection with the award, Natalie selected Human Rights First, a frequent partner on asylum cases, to receive a \$10,000 donation from The Morrison & Foerster Foundation.



PRO BONO INSTITUTE

On March 24, pro bono counsel **Dorothy Fernandez**, senior pro bono program coordinator **Sandra Nazzal**, and senior pro bono counsel **Jennifer Brown** attended a reception at the U.S. Supreme Court celebrating the 20th anniversary of the Pro Bono Institute.

Who Does It

Muslim communities in New York City have long been subjected to invasive police surveillance and investigations. In January, New York Muslims — and, indeed, all New Yorkers — won a major victory thanks to the pro bono efforts of a team of Morrison & Foerster attorneys led by **Hector Gallegos** and **Kyle Mooney**.



Hector Gallegos



Kyle Mooney

In 2013, the ACLU, the New York Civil Liberties Union, and the CLEAR Project at CUNY School of Law filed a suit on behalf of three New York Muslims, two mosques, and a nonprofit Muslim organization, alleging that they had been caught in a dragnet surveillance of Muslims by the New York Police Department.

Morrison & Foerster became involved in the case shortly after it was filed in the Eastern District of New York.

According to the lawsuit, the New York City Police Department mapped Muslim communities and their institutions, sent officers and informants into mosques to monitor innocent religious leaders and congregants, and frequently used other invasive means of spying on New York Muslims. The surveillance seeded fear and distrust, and hindered the ability of New York Muslims to freely practice their religion.

In January, a landmark settlement was reached, pursuant to which the NYPD agreed to reforms designed to protect against discriminatory and unjustified surveillance. The reforms include a prohibition against investigations in which race, religion, or ethnicity is a substantial or motivating factor; limitations on the use of undercover and informants; presumptive time limits on investigations and mandatory periodic reviews of ongoing investigations; and the installation of a civilian representative within the NYPD to act as a check on investigations involving political or religious activity. Finally, the NYPD removed an incendiary report from its website, which set out a discredited, junk-science theory about the transformation of individuals into terrorists.

The settlement agreement, which is subject to court approval, upholds fundamental Constitutional guarantees of freedom from government discrimination and freedom of religion.

Associates **Shruti Chandhok**, **Duncan Grieve**, **Joshua Hartman**, **Adam Hunt**, **Elizabeth Patterson**, and **Dave Scannell**, and paralegal **Lisa Harger**, all contributed to the success of the case.

VERBATIM

Christopher Gloria

It's not every day that your pro bono client is a winning contestant on ABC's *Shark Tank*. For Northern Virginia patent associate **Christopher Gloria**, the successful appearance of Loliware on *Shark Tank* is one chapter in an evolving relationship that began with his 10 weeks as a MoFo 1L summer associate.

"Four years ago, when I started at MoFo as a summer associate, **Takamitsu Fujiu**, a senior patent counsel in our Northern Virginia office, put the patent application and prosecution work for Loliware on my desk.

"I went through the typical process of speaking with the inventors, **Chelsea Briganti** and **Leigh Ann Tucker**, and having them explain their invention — an edible alternative to plastic cups. I then drafted the application, the accompanying set of drawings, the description, and a set of 'claims' — that is, a statement of what the client is trying to monopolize.

"As a summer associate, I was thrilled to be getting this kind of experience. And what a great experience it was!

"Chelsea and Leigh Ann at Loliware are truly creative. They came to us as low-income inventors without any knowledge of the IP process, which meant they didn't have any preconceived notions about the way things should be done. They were just eager to learn about the process one goes through to obtain a patent; they were eager to get our recommendations. That kind of a situation allows a patent lawyer to do a lot of creative thinking.

"This also was a rare opportunity for a summer associate. While the firm does its best to make opportunities like this available, the stars had to align perfectly. The project had to have just come in. It also had to be a project that could be completed within 10 weeks. I felt especially lucky to get a project like this during my first summer.

"Loliware is also such a fun product! The company creates and produces an edible alternative to plastic cups. That's something you can easily describe to people. It's unique and fairly simple. Unlike a lot of the technology that patent attorneys work to protect, Loliware is something that anyone can understand without much explanation.

"When Chelsea and Leigh Ann appeared on *Shark Tank*, the 'sharks' loved the edible cups.


Apparently, they taste great!

"At the end of the segment, Loliware received \$600,000 from investors **Barbara Corcoran** and **Mark Cuban** for a 25 percent stake in the company.

"Once Loliware received significant financial backing, the company went from being a pro bono client to a paying one. MoFo continues to represent Loliware on the patent applications that we filed while I was a summer associate."

While Loliware came in through a MoFo associate, MoFo's patent lawyers are also active participants in the U.S. Patent and Trademark Office pro bono program, with approximately 25 referrals accepted from the program to date.





PRO BONO HONORS

AMERICAN BAR ASSOCIATION

The ABA Business Law Section honored San Francisco partner Suz Mac Cormac with its National Public Service Award for her pro bono work on behalf of nonprofits and social enterprises that serve low-income individuals. The *Financial Times* in December also cited Suz's pro bono contributions in naming her the Most Innovative North American Lawyer of the Year for her commitment to sustainability.

AMERICAN LAWYER

In 2015, *The American Lawyer* recognized MoFo by ranking us among the top 10 firm pro bono programs in the United States. We also placed eighth in *Am Law's* first international pro bono list.

D.C. CIRCUIT JUDICIAL CONFERENCE

MoFo's Washington, D.C. office was recognized by the D.C. Circuit Judicial Conference for achieving its "40 at 50" standard. Last year, more than 40 percent of the office's lawyers contributed at least 50 hours of pro bono service. MoFo was one of 23 law firms to do so.

LAW360

Law360 named MoFo a Pro Bono Firm of the Year on its annual list of the top pro bono programs in the United States. This marks the sixth year MoFo has been named to the list. Firms are recognized for their pro bono victories and long-standing commitment to difficult pro bono cases.

NATIONAL LEGAL AID & DEFENDER ASSOCIATION

The National Legal Aid & Defender Association awarded its 2015 Beacon of Justice Award to MoFo in recognition of our efforts in helping small businesses and nonprofit organizations focused on community development and financial independence.

WHO'S WHO LEGAL

Who's Who Legal named MoFo its Pro Bono Law Firm of the Year. In addition to recognizing MoFo's extensive pro bono practice, *Who's Who Legal* applauded the firm for matching pro bono matters to lawyers' skill sets and true interests, making it a "truly personal and unique experience for each individual involved."

A MACRO-IMPACT ON MICROENTREPRENEURS



San Francisco partner Jeff Kayes enjoys a cup of coffee from Cumaica Coffee, a Bay area business that received a startup loan from Working Solutions. MoFo lawyers provided pro bono advice to Working Solutions on the drafting of the transaction documents.

Since 2012, MoFo lawyers in several U.S. offices and practice groups have been facilitating the efforts of Working Solutions, a San Francisco-based nonprofit that strengthens the Bay Area's economy, job market, and communities by providing loans and other resources to small, promising businesses that otherwise might have trouble securing financial backing. Working Solutions prioritizes serving businesses owned by low-income individuals, women, and minorities.

Supervised by San Francisco-based financial transactions group partner **Jeff Kayes**, MoFo associates **Lance Peterson** and **Elizabeth Ho** coordinate with the drafting of transaction documents for the \$5,000 to \$50,000 loans that Working Solutions has extended to companies such as [Flower Child Consignment](#), [Cumaica Coffee](#), and [Twin Dogs Farms](#), a Bay Area farm that sells locally sourced, chemical-free produce.

The work is decidedly different from the transactional work done for paying clients — which usually involves complicated agreements between large, sophisticated parties — but, says Lance, the

Working Solutions transactions that MoFo lawyers have facilitated have “regularly implicated lien creation and perfection issues, subordination and intercreditor issues and, more recently, default and remedies exercise matters.”



San Francisco associates Elizabeth Ho and Kristin Hiensch strike a pose on a Magic Carpet Yoga Mat, which was financed through a Working Solutions loan for which Elizabeth and Kristin provided pro bono advice.

Beyond performing transactional work on more than 80 loans to date, MoFo attorneys conduct training sessions for the nonprofit's staff. For example, **Adam Lewis** and **Kristin Hiensch** have advised on handling borrower defaults and exercising remedies on defaulted loans. Similarly, a training session led by Lance and Elizabeth resulted in Working Solutions improving its lien creation and perfection-related protocols and making more meaningful credit underwriting decisions.

FIGHTING FOR CHOICE

FIGHTING FRAUD

During the summer of 2015, heavily edited videos that purportedly showed Planned Parenthood officials discussing the sale of fetal tissue for profit hit the Internet. The anti-choice organization behind the videos threatened to release more.



The National Abortion Federation, realizing the organization had fraudulently gained access to its annual meetings, feared the threat such videos would pose to the safety of its members who provide abortion services. NAF reached out to MoFo. San Francisco partner **Derek Foran** responded, taking on the case pro bono along with **Linda Shostak**, **Nicholas Napolitan**, and **Christopher Robinson**.

By July's end, a lawsuit was filed asking a federal court to temporarily stop the defendants — who had signed confidentiality agreements in order to attend the NAF meetings — from releasing any material obtained there.

In February, U.S. District Judge **William H. Orrick III** granted NAF a preliminary injunction, noting that the release of the earlier videos had caused a sharp increase in threats and violence against abortion providers. We are currently defending the preliminary injunction order on appeal.

MESSING WITH TEXAS

On March 2, the Supreme Court heard oral arguments in *Whole Woman's Health* — potentially the most important reproductive rights case in over two decades on which MoFo's **Alex Lawrence** is co-counsel. The ruling, which is still pending, could have sweeping impact on current abortion restrictions and huge implications for women in a number of states.

The current fight over abortion access in Texas goes back three years, when the state legislature passed HB2, requiring that doctors who perform abortions have admitting privileges with nearby hospitals and that clinics meet ambulatory surgical center standards.

The law was passed under the guise of keeping women safe, but as MoFo and the Center for Reproductive Rights have argued, such statutes have no medical value and place an undue burden on women's access to abortion.

The case, in particular, spoke to Alex, who is motivated to fight laws like HB2, which he sees as dishonest. He pulls further inspiration from his late grandmother, **Selma Cash**

As the debate around access to abortion heats up following a crop of new restrictive laws, MoFo is once again at the forefront in the battle for women's reproductive rights.

Paty, a Tennessee lawyer who defended the Chattanooga Women's Clinic abortion center prior to its 1993 closure.

PROTECTING REPRODUCTIVE RIGHTS IN LOUISIANA

Two days after oral arguments in *Whole Woman's Health*, the Supreme Court stepped in on a separate abortion matter from Louisiana. Seven members of the Supreme Court, with only Justice **Clarence Thomas** dissenting, reinstated a lower court ruling that MoFo's **Demme Doufekias** had won against a Louisiana abortion restriction. The Supreme Court's action keeps Demme's victory intact pending the outcome of *Whole Woman's Health*.

Like its neighbor to the west, Louisiana passed a law known as Act 620 requiring hospital admitting

privileges for doctors who perform abortions. In 2014, Demme joined the Center for Reproductive Rights, filing a challenge to the law.

Prior to the Supreme Court's intervention, Act 620 threatened to shutter all but one of Louisiana's abortion clinics. The March 4 decision made it possible for four existing clinics to remain open.

Like Alex, Demme cited the disconnect between the law's supposed purpose and the reality of its impact as motivation for taking on the case. The March 4 Supreme Court action left in place U.S. District Judge **John deGravelles'** 112-page opinion calling the law "unconstitutional as violating the substantive due process rights of Louisiana women seeking abortions."

CHRISTOPHER TIETZE HUMANITARIAN AWARD

At its annual meeting on April 18, the National Abortion Federation presented Morrison & Foerster with the 2016 Christopher Tietze Humanitarian Award for our pro bono work on behalf of NAF and its members. The Christopher Tietze Humanitarian Award is NAF's highest distinction. It honors significant, lifetime contributions to the field of abortion service delivery or policy. NAF members care for more than half of the women who choose abortion each year in the United States, and work at clinics, doctor's offices, and hospitals throughout the country, including premier teaching hospitals.

THIS JUST IN

Improving Conditions for Detained Immigrants



In January, MoFo secured a win in its fight for immigrants and asylum seekers subjected to inhumane conditions at immigrant detention centers near the Mexico-Arizona border. We are suing the Border Patrol in Tucson for holding men, women, and children in cold, overcrowded, and dirty cells. The court denied the U.S. government's attempt to dismiss the lawsuit, ruling there was ample evidence for a constitutional challenge of the harmful conditions. The suit is moving forward, with the plaintiffs fighting for the release of images documenting detention center conditions.

The MoFo team includes **Colette Reiner Mayer**, **Harold McElhinny**, **Louise Stoupe**, **Kevin Coles**, **Pieter de Ganon**, and **Elizabeth Balassone**.

Ending Solitary Confinement as We Knew It

In late March, MoFo lawyers helped finalize an historic settlement overhauling solitary confinement practices in New York State. The reforms follow two-and-a-half years of negotiation with New York State officials and aim to decrease the use of solitary confinement, shorten solitary confinement sentences, and change the conditions of solitary confinement. Historically, solitary confinement has been overused as a tool to arbitrarily punish inmates for infractions, many of which were nonviolent. When fully implemented, the settlement will keep up to 1,100 inmates out of solitary confinement and instead place them in alternative units that are less isolating and more rehabilitative.

The MoFo team included New York associates **Daniel Matza-Brown** and **Adam Hunt**, of counsel **Kayvan Sadeghi**, senior



pro bono counsel **Jennifer Brown**, and partner **David Fioccola**. The New York Civil Liberties Union was co-counsel.

Securing Justice for Vets



In January, MoFo secured another victory for a class of veterans that were subjected to a decades-long chemical and biological testing program run by the U.S. Army and other agencies. The Ninth Circuit affirmed a 2013 injunction that requires the Army to keep affected veterans apprised of health information related to their participation in chemical and biological tests. Further, the court ruled that the Army is required to provide medical treatment to veterans for any “disabilities, injuries, or illnesses” caused by the testing program. At present, the MoFo team, which includes San Francisco partners **James Bennett** and **Stacey Sprengel** and associates **Ben Patterson** and **Grant Schrader**, is negotiating the scope of the order to ensure the government fulfills its legal duties.

From serving the needs of refugees and asylum seekers, and remembering the victims of genocide, to securing justice for vets, the pro bono work of our lawyers represents MoFo at its very best.

Confronting the European Refugee Crisis



MoFo is doing its part to address the influx of refugees in Germany.

At the request of the German courts, we are assisting unaccompanied minors by serving as their guardians. Lawyers are assigned to represent minor refugees in pursuing their legal interests, such as securing housing. At present, Berlin alone has more than 4,000 refugee minors.

In a separate matter, we are advising pro bono client Prinzip Heimat E.V. as it works on a project to open a hotel in 2017 that will provide refugees with jobs and vocational training in hospitality and gastronomy. Known as Hotel Utopia, the project will also create a network for refugees with organizations that will give them access to language lessons and psychological counseling.

The Berlin team advising on the project includes **Christoph Fluegel**, **Jens-Uwe Hinder**, **Moritz Heuser**, and **Jens Wollesen**.

Remembering Genocide Victims



MoFo lawyers from across the globe are supporting the mission of Documentation Center of Cambodia. Also known as DC Cam, the organization collects and shares information about the Cambodian genocide carried out by the Khmer Rouge. We are advising DC Cam on the launch of the Sleuk Rith Institute, a new project that seeks to establish a permanent campus honoring the memory of millions of people who died in the Khmer Rouge genocide. San Francisco partner **Andrew Widen** and Singapore partner **Adam Summerly**, along with MoFo lawyers from our Denver, Hong Kong, San Francisco, Singapore, and Washington, D.C. offices, are advising the organization.

From Peril to Pardon



MoFo partner **Brian Busey** was on hand March 10 at the Northern District of California Historical Society to discuss his role in securing a pardon in 1999 for U.S. Navy sailor **Freddie Meeks**. As a panelist at a special program titled “From Peril to Pardon: the Freddie Meeks Story,” Brian took part in a discussion about how Meeks, an African-American ammunition loader who survived a massive explosion that killed 320 men at the Port Chicago Navy base in California in 1944, was charged and convicted along with 49 other African-American sailors in the largest mutiny trial in U.S. history for refusing to return to work under highly hazardous conditions. The African-American sailors including Meeks asked to be assigned to combat duty rather than be returned to loading ships, but their request was denied. Meanwhile, the white officers who survived the explosion were given “grief” leaves and commended for their efforts. Busey called President Clinton’s pardon of Meeks at the age of 79 one of the proudest moments of his career.

PROTECTING VOTING RIGHTS

“MOTOR VOTER” LAW



From New York to California, MoFo’s effort to enforce the National Voter Registration Act — popularly known as the “Motor Voter” law — is truly bicoastal.

San Francisco partner **Michael Jacobs** led a charge in challenging California’s compliance with the Motor Voter law. The state’s election officials have adopted new protections for voting rights. We are currently monitoring implementation of the new rules.

In December 2015, a team of MoFo lawyers led by New York partner **Matthew D’Amore** and Washington, D.C. partner **Steven Kaufmann** collaborated with co-counsel from the Southern Coalition for Social Justice, Demos, Project Vote, and the Lawyers’ Committee for Civil Rights Under Law to file a complaint in the Middle District of North Carolina challenging the state’s compliance with the Motor Voter law.

The goal of the Motor Voter law is to provide citizens with easily accessible voter registration opportunities at frequently visited government locations. State agencies are required to provide voter registration services to citizens whenever they apply for or renew public assistance benefits, driver’s licenses, state-issued identification cards, or when they report a change of address.

LONG DISTANCE VOTER



Ensuring voters are informed is a critical part of the election process. That’s why MoFo helped Long Distance Voter acquire a new domain name, vote.org. We are currently helping the organization explore digital technology avenues with the goal of increasing voter registration and participation.

Long Distance Voter is a nonprofit organization dedicated to providing absentee voters information about the absentee process online.

We have provided pro bono services to Long Distance Voter since 2012.