

MOFOREVER

MORRISON & FOERSTER ALUMNI NEWS

LOOKING AHEAD

JUDGE LASHANN DEARCY
HALL SHARES HER YEAR-ONE
EXPERIENCE AND INSIGHT AND
LOOKS AHEAD TO 2017

2017

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Welcome to the Winter 2017 issue of *MoForever* and the start of a new year. *MoForever* is just one part of our continuing effort to stay connected with members of our MoFo alumni community.

It is a way to let you know about recent developments at the firm, share news of your achievements, and create a network for you to connect with current and former MoFo lawyers.

We were delighted to see so many of you at our alumni receptions in New York, Palo Alto, and San Francisco in 2016. These were wonderful opportunities to connect with old friends and colleagues. You will find a collection of photos that reflect the spirit of those gatherings in our Alumni Events section of this edition.

MoFo alumni have followed diverse career paths after leaving the firm, with a number of them making their marks in the business and public sector areas. Our Alumna Spotlight feature in this issue shines the spotlight on the Honorable Judge LaShann DeArcy Hall, who recently celebrated her first anniversary as a U.S. District Court Judge for the Eastern District of New York. We thank her for taking the time to talk with us.

As a firm we have much to be proud of last year. We welcomed 25 lateral partners, built out key practices and strengthened our geographic offerings. We also received numerous accolades, such as being named to *The American Lawyer's* A-List for the 13th consecutive year. Please check out the firm's new partners in the New to MoFo section.

We are equally proud of our pro bono contributions, especially our work for client Richard Rosario – an innocent man arrested for, convicted of, and sentenced to 25 years to life for a murder he didn't commit. Last year, after serving 20 years in prison, Mr. Rosario was set free thanks to a 12-year effort by a team led by MoFo partner Chip Loewenson. Read about Chip's persistence and the work done by many throughout the firm and at the Exoneration Initiative, and hear from alumna Leah Fletcher Wilson, a former MoFo associate who worked on the case with Chip, in our Pro Bono Alumni Update section.

On a more somber note, we sadly said goodbye last year to three of our longtime MoFo partners and friends:

Shirley Hufstедler, Jim Huston, and Dan Westman. Their dedication and commitment to the legal profession were exemplary. If you did not have the pleasure of working with them, our In Memoriam section highlights their special contributions to the profession.

Although the legal community continues to navigate the volatility that has become the norm for our industry over the last few years, we are optimistic about 2017 and wish each and every one of you a happy and prosperous new year.

Thank you for all you have done in making MoFo the outstanding firm it is today. We look forward to hearing from our extended MoFo family, so please keep sending us your updates and news!

Happy New Year!

Stay in touch.

Larren M. Nashelsky

“ It would have been a different experience if I were at another firm that didn’t want to see me succeed.”



On November 16, 2015, former MoFo partner LaShann DeArcy Hall was confirmed to the U.S. District Court for the Eastern District of New York. With the one-year anniversary of her commission behind her, Judge DeArcy Hall shares her experience and insights and looks ahead to 2017.



**JUDGE LASHANN
DEARCY HALL**

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

What has the last year been like for you?

This year has been a whirlwind. I spent a little over a year waiting for the nomination process to conclude. Once I had my vote, everything changed — it was off to the races. I was sworn in within three days, and I began receiving cases almost immediately.

I've been amazed by the warmth with which I have been received by my colleagues in the Eastern District of New York. There are about 15 active

judges and another 15 senior judges in this district, all of whom have welcomed me with open arms and have given me their advice and counsel when I've needed it.

Did you receive any new training?

The Federal Judicial Center has a two-phase course — affectionately known as “baby judge school”— where they teach the basics and best practices of being a federal jurist. Judges are obviously guided by precedent, and must adhere to the Federal Rules of Civil Procedure

and Criminal Procedure, but mandates beyond that are limited, so “baby judge school” is invaluable.

What challenges have you faced over the last year?

I consider one of my most important jobs to be ensuring that litigants have a fair opportunity to be heard. With almost 400 cases, that job can be quite a challenge. Over the past year, my chambers has worked hard at setting systems in place to effectively move the docket by deciding motions in a timely manner and by resolving cases early,



“Having [my daughter] see me in this role has been a gift I can never repay. She is so proud that her mom is ‘the judge’.”

whenever possible, or by proceeding to trial where early disposition is not likely. Some of my major priorities as a judge include hearing my cases in a timely manner and finding opportunities to resolve them early, when possible.

That said, the most difficult aspect of my new role is sentencing in criminal cases. There are a number of considerations that I must make to ensure that my sentences are carefully thought out and fair.

This is not an easy task, but I am comforted by that sense of unease, as it confirms the seriousness with which I approach sentencing. In fact, I believe that the moment that sentencing becomes easy — that is, the moment I don't feel the weight of it — then we have a problem.

Tell us about your positive experiences over the last year.

I don't want to sound trite, but it has been nothing but positive. It started with my colleagues and the experiences I've had with them, as I mentioned before. It continued with my chambers staff, whom I rely on and who have become like family to me.

I always loved practicing law. And when I was going through the confirmation process, people joked that, if confirmed, I would trade in my jersey to become a referee. I don't see it that way. I am fully engaged in my cases and feel even more challenged.

One of my favorite aspects is witnessing jurors. I am so impressed by how seriously they take their roles. Every time a trial concludes, I stop by the jury room to speak with the jurors, thank them for their service, and ask them for their thoughts about how the process can be improved.

It has been my consistent experience to learn that my juries have considered the evidence thoughtfully and have taken care to arrive at what they believe is the right outcome.

There are also a significant number of pro se litigants who appear in my courtroom. These litigants often cannot afford lawyers, but they feel they've been wronged in some way and seek vindication of their rights. In some cases, they have meritorious claims. In others, they don't.

Even if I cannot grant pro se plaintiffs the relief they are seeking, it is important to me that when they leave my courtroom, they believe that they have at least had the opportunity to be heard.

Sometimes that means taking a little bit longer at hearings to explain things and make sure that they have said everything that they wanted to. It is my privilege to provide them with a forum in which to do so.

“When parties come to my hearings, they should know I have read all the submissions and researched the law, and they should expect to engage in a dialogue and discourse about the case.”

What kinds of cases are you hearing?

As a federal judge, my civil docket includes any case brought under federal statute or the Constitution, as well as cases brought pursuant to diversity jurisdiction. The result is that my civil docket is extremely varied in terms of subject matter, but there are a few prevalent types of cases. For example, there are many Section 1983 actions where individuals sue for violations of their constitutional rights. We also hear many employment discrimination lawsuits under Title VII of the Civil Rights Act.

Then we hear a number of other disputes, including contract disputes, disputes involving the Fair Labor Standards Act, the Fair Debt Collection Practices Act, and the Telephone Consumer Protection Act.

These are just a handful of the types of cases that come before me. As I mentioned before, I also hear criminal cases. Some of the cases before me

include, among other things, charges of narcotics trafficking, fraud, extortion, felony firearm possession, identity theft, and robberies affecting interstate commerce. I also consider bail appeals and address violations of probation and supervised release.

Can you describe your responsibilities outside the courtroom?

A significant proportion of my work happens in chambers. There, we review all of the submissions made by parties and research the law. I draft substantive opinions on motions and also issue short orders addressing daily requests that come in from our cases. My clerks also spend a great deal of time preparing bench memos to ready me for hearings. When parties come to my hearings, they should know that I have read all of their submissions and researched the law, and they should expect to engage in a dialogue and discourse about the case.

Chambers is also where we approve search warrants, review requests for wire taps, and examine the U.S. Attorney’s Office’s requests for assistance from foreign governments in connection with certain investigations.

I also have the honor and the privilege of swearing in new attorneys for the Eastern District. One of the highlights of my job is swearing in new citizens in our naturalization ceremonies.

You went through a long nomination process. Correct?

I was nominated on November 12, 2014, which was five days after the midterm election. In January 2015, we had a new Senate. When that happens, the White House must re-nominate those who have pending nominations, if the president is inclined to do so.

The 367 days that my nomination was pending was a little longer than usual — not that I was counting. Judicial confirmations have slowed

significantly in recent years. I happened to be part of the group of nominees affected by that slowdown.

My colleague Judge Ann Donnelly and I went through this process together, and she teases me. She said I was like Russell Crowe in *A Beautiful Mind* because I had diagrammed dates to try to predict when our votes would go to the floor of the U.S. Senate. There were many late-night emails and texts between myself and the other now judges. A unique camaraderie was developed because of our shared experience, for which I am grateful.

How did the uncertainty affect the wind-down of your private practice?

People who are in private practice face a lot of challenges while awaiting a confirmation vote. The uncertainty could be challenging for lawyers and clients alike. I don't know what I would have done if I didn't have the support of MoFo.

My partners wanted this to happen for me, and they understood my predicament. Those around me made some sacrifices so this could happen. It would have been a different experience

if I were at another firm that didn't want to see me succeed.

How did private practice prepare you for your role as a judge?

My practice as a complex commercial litigator prepared me for this role. Because I had a diverse practice, I was accustomed to researching and analyzing unfamiliar areas of the law. And I had the benefit of having gone to trial. I also served in quasi-judicial roles as a state commissioner on the New York State Joint Commission on Public Ethics and as a commissioner





“People who are in private practice face a lot of challenges while awaiting a confirmation vote... My partners wanted this to happen for me, and they understood my predicament.”

for the New York City Taxi and Limousine Commission. Combining my skills as a lawyer with the skills I developed in those roles has benefited me on the bench.

Before law school, you served in the U.S. Air Force. How has your military service helped you in your career?

Going through basic training and serving in the military affirmed my dedication to public service. There is a “stick to it” attitude that you develop that can’t be taught anywhere else.

Lawyers no doubt are required to work difficult hours under what can be stressful circumstances. Not to diminish their work, but it pales in comparison to military service.

Your daughter participated in your investiture ceremony. What did it mean to have her there?

My nine-year-old daughter held the Bible as I was sworn in. But the journey for her, too, began long before as she witnessed my confirmation process and the hard work it took to get there. Having her see me in this role has been a gift I can never repay. She is so proud that her mom is “the judge.” She’s even prouder that she is the daughter of the judge — she likes that title.

I believe that my role has confirmed for her that she doesn’t need to set any limits for herself as to what she can achieve. I’m thrilled that I get to model that for her.

Does being a judge gives you more authority when, as a parent, you have to lay down the law?

You would think so, but sadly it doesn’t! My daughter and my husband

make sure I’m reminded that the robe is left in the courthouse.

Last question: What is your 2017 New Year’s resolution?

In 2017, I hope I can be a better version of myself both personally and professionally and that I take the opportunities presented to me and do more with them.

Sadly, my friend, former Brooklyn District Attorney Ken Thompson, recently passed away from cancer at the age of 50. Ken accomplished so much in his short time as the Brooklyn D.A., and his loss has made me ask myself, “What is it that I want to achieve and accomplish?” I want to take advantage of the role I am in so the opportunity isn’t wasted.

Washington, D.C. Office



Greg Chopskie, former associate general counsel for IP for Gilead Sciences, joined the **Intellectual Property Litigation** Group in our Washington, D.C. office. Greg concentrates in devising IP, regulatory, and commercial strategies to maximize product protection. (J.D., 1999, George Mason University of Law)



David Churchill joined the Washington, D.C. office's **Government Contracts and Public Procurement** Group. David has extensive experience in litigation involving the award, performance, and termination of federal contracts before the Court of Federal Claims, the agency boards of contract appeals, and the Government Accountability Office. (J.D., 1971 Cornell Law School)



Jay DeVecchio joined the Washington, D.C. office's **Government Contracts and Public Procurement** Group. Jay is both a litigator and co-chair for the practice group. He advises clients in the aerospace, technology, and health care sectors in all facets of government procurement law, from bid protests to complex claims and disputes through suspension and debarment. (J.D., 1978, The Catholic University of America Columbus School of Law)



Jessie Liu joined the **Securities Litigation, Enforcement and White-Collar Criminal Defense (SLEW)** Group and **Trials** Group in addition to the **Government Contracts and Public Procurement** Group. Jessie advises companies and individuals facing government investigations or enforcement actions. She has represented clients in grand jury, congressional, and inspector general investigations. (J.D., 1998, Yale University)

New to MoFo

Washington, D.C. Office



Kevin Mullen joined the Washington, D.C. office's **Government Contracts and Public Procurement** Group. Kevin has broad experience in government contracts law, including agency procurements, subcontracting, teaming and joint venture relationships, contract performance issues, intellectual property, compliance matters, due diligence for mergers and acquisitions, and procurement fraud matters. (J.D., 1988, University of Virginia School of Law)



Katie Thomson, former general counsel of the U.S. Department of Transportation (DOT), joined the firm in the Washington, D.C. office. Katie, also previously the chief counsel at the Federal Aviation Administration (FAA), chairs the firm's **Transportation Group**. Katie is the only individual to have held both the DOT and FAA positions. (J.D., 1990, University of Pennsylvania)



Alex Ward joined the Washington, D.C. office's **Government Contracts and Public Procurement** Group. Alex is also its co-chair. Alex advises clients in a full range of government contracts matters, including bid protests, claims, investigations, corporate transactions, and counseling. He regularly handles federal and state court litigation and alternative dispute resolution involving government contractors. (J.D., 1992, Harvard Law School)

Northern Virginia Office



Mark Whitaker joined the Washington, D.C. office's **Intellectual Property Litigation** Group. Mark has more than 24 years of experience crafting litigation strategies before the U.S. district courts, the International Trade Commission, and the Court of Federal Claims. (J.D., 1990, Georgetown University Law Center)



Daniel Chudd joined the Northern Virginia office's **Government Contracts and Public Procurement** Group. He has significant experience in government contracts litigation and dispute resolution and avoidance, and has represented clients before the Government Accountability Office and Court of Federal Claims in multiple federal district and state courts and before administrative bodies. (J.D., 2003, Georgetown University Law Center)



Damien Specht joined the Northern Virginia office's **Government Contracts and Public Procurement** Group. He has played a significant role in more than 50 government contract transactions on behalf of financial sponsors and leading government contractors. Damien is also a leader on small business issues as well. (J.D., 2007, The George Washington University Law School)

 New York Office



Tracy Bacigalupo joined the New York office in the **Corporate** Department. She brings with her substantial experience working with real estate investment trusts, investment companies, asset managers, other financial institutions, and emerging companies. (J.D., 1987, Washington and Lee University)



Carrie Cohen, former assistant U.S. attorney for the Southern District of New York, joined the firm as a partner in New York. Carrie is a member of **SLEW** and **Commercial Litigation and Trials** Groups. (J.D., 1993, University of Pennsylvania Law School)



Jonathan Levine joined the New York office, **Business Restructuring & Insolvency** Group. Jonathan has experience representing chapter 11 debtors, creditors, investors, and other parties-in-interest in all aspects of complex corporate restructurings, including chapter 11 cases, out-of-court restructurings, and distressed acquisitions. (J.D., 2000, UCLA)

 San Francisco Office



David Manspeizer joined the New York office's **Intellectual Property Litigation** Group. David has more than 25 years of experience representing industry-leading, global pharmaceutical and biotechnology companies in complex patent litigation, including seven years as vice president – intellectual property and associate general counsel at pharmaceutical and biotechnology company Wyeth. (J.D., 1991, Rutgers School of Law)



Patrick Huard joined the San Francisco office's **Private Equity Investments & Buyouts** Group. Patrick has more than a decade of experience representing private equity funds in M&A and other investment activities, including acquisitions of both public and private targets, divestitures, recapitalizations, and portfolio company management. (J.D., 2003 Georgetown University Law Center)



Dario Avram joined the San Francisco office's **Financial Transactions** Group and **Private Equity Investments & Buyouts** Group. Dario's focus is on financings for M&A deals and other leveraged finance transactions. (J.D., 2007, The George Washington University Law School)

Palo Alto Office



Alex Kaufman joined the Palo Alto office's **Private Equity Investments & Buyouts** Group. Alex advises industry-leading private equity funds and their portfolio companies on a broad range of M&A and other corporate transactions, including leveraged buyouts, growth equity investments, dividend recapitalizations, and divestitures. (J.D., 2007, Emory University School of Law)



Sara Terheggen joined the Palo Alto office's **Corporate** Group. Sara has advised on numerous corporate and private equity fund transactions with an aggregate value in excess of \$90 billion in a variety of industries, including technology (semiconductors, software, and Internet), health care, life sciences, consumer products, financial, media, and retail. (J.D., 2007, UC Berkeley School of Law)

London Office



Andrew Boyd joined the London office's **Corporate** Group. Andrew focuses on UK and international cross-border mergers and acquisitions, private equity, joint ventures, and general corporate representation. (LL.B., 2004, University of Essex)



Gary Brown joined the London office's **Corporate** Group. Gary focuses on mergers and acquisitions, private equity buyouts, joint ventures, and reorganizations and has extensive experience advising on transactions involving financial institutions. (LL.B., 2005, University of Glasgow)



Oliver Rochman joined the London office as a partner in its **Corporate** Group. Oliver focuses on advising international funds such as buy-out funds, infrastructure funds, and funds of funds. (LL.M., 2008, King's College, University of London)

Berlin Office



Angela Kerek has joined the Berlin office as a partner in its **Finance** Department. She focuses on syndicated loans, corporate finance, acquisition, real estate and project financing, financings through alternative credit providers, and restructurings. Angela is also a member of the Female Advisory Board of HypoVereinsbank in Frankfurt. (Dr. iur., 2008, Humboldt University Berlin)

Hong Kong Office



Chuan Sun joined the Hong Kong office's **Technology Transactions Group**. Chuan focuses on cross-border M&A transactions; sophisticated technology, media, and telecom (TMT) transactions; and complex IP/commercial matters across Greater China. (J.D., 2004, Northwestern University)



Vivian Yiu joined the Hong Kong office's **Corporate** Department. Vivian has significant experience in Hong Kong capital markets offerings and China-focused M&A matters. She has advised on a broad range of corporate transactions for more than 15 years. (P.C.L.L., 2000, University of Hong Kong)

Singapore Office

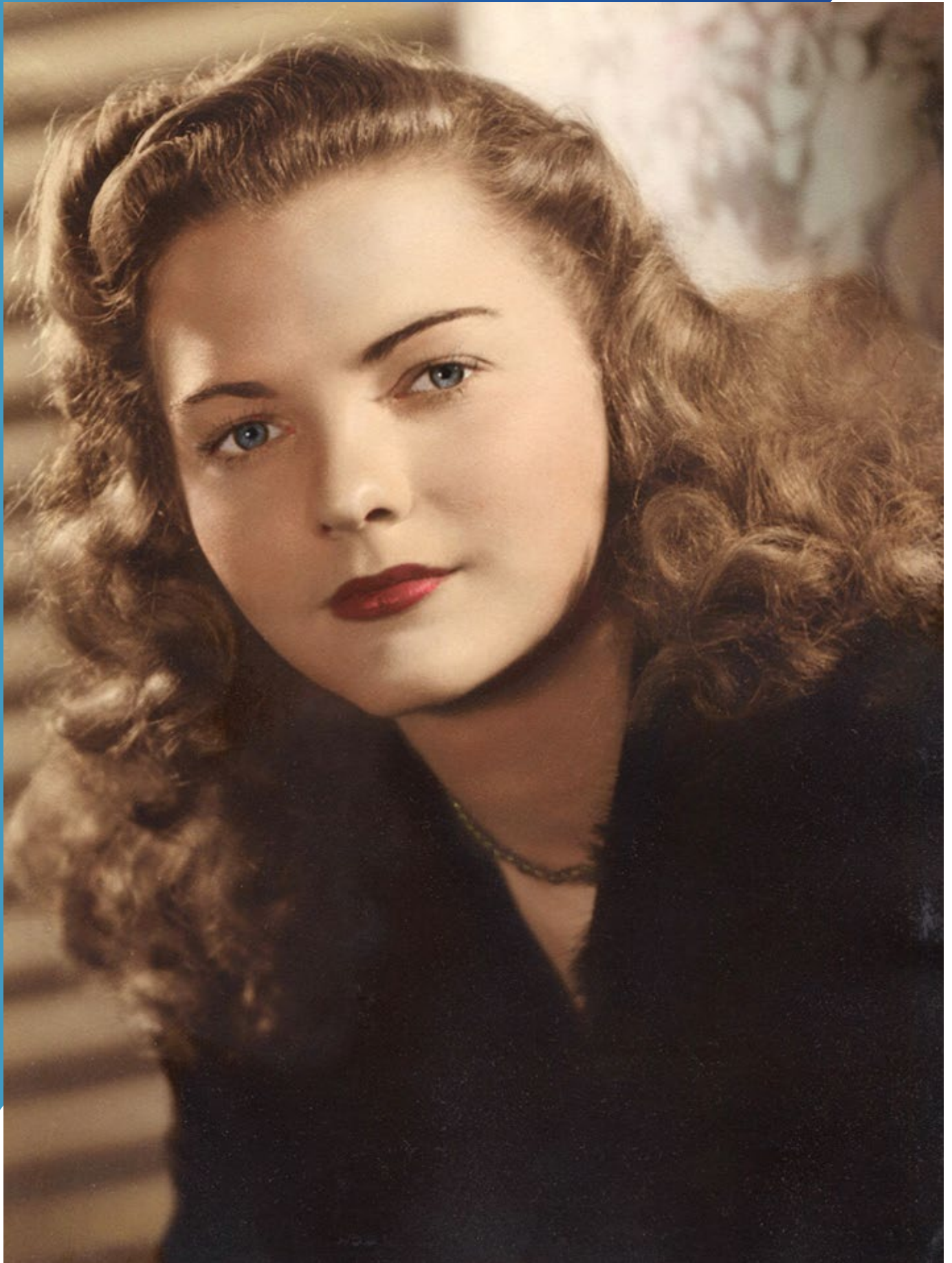


Yemi Tépé joined the Singapore office as a partner in the **Financial Transactions Group**. Yemi focuses on Asia cross-border acquisition and leveraged finance, public to private takeovers, debt structuring and restructuring, syndicated lending, and subscription line financing. (LL.B., 1996, University of Essex)

Tokyo Office



Joshua Isenberg joined the Tokyo office's **Real Estate** Group. He has extensive experience in a wide variety of real estate transactions, including senior and mezzanine financing, acquisitions, sales, construction and development matters, joint ventures, and ground leases. (J.D., 2001, USC)



SHIRLEY M. HUFSTEDLER IN MEMORIAM



The first Secretary of Education, an influential federal judge, and one of the first women to graduate from Stanford Law School, senior of counsel Shirley Hufstedler was a longtime appellate lawyer based in MoFo's Los Angeles office. Shirley broke new ground for women in the law and government. She passed away in March 2016 at the age of 90.

Shirley Hufstedler was already a giant of the legal profession when she joined Morrison & Foerster 20 years ago, and she went on to build a thriving appellate practice at the firm.

Shirley was one of two women to graduate from Stanford Law in 1949 and a founding member of the *Stanford Law Review*. She went into private practice after graduation.

In 1961, she was named to the Los Angeles Superior Court; she was the only woman out of 120 judges on the court. When she sat in Law and Motion in the Los Angeles Superior Court, she created the written tentative opinion, which she called “Notes” – now widely used. She also created several other innovations.

In 1966, she was named an associate justice of the California Court of Appeal.

In 1968, President Lyndon Johnson appointed Shirley to the U.S. Court

of Appeals for the Ninth Circuit. She was only the second woman to be named a federal judge. Among her many notable opinions was her dissent in *Lau v. Nichols*, in which the majority held that the failure of the San Francisco school system to provide language services for non-English-speaking Chinese immigrants did not violate the Fourteenth Amendment.

The U.S. Supreme Court unanimously overruled the Ninth Circuit’s decision in 1974.

In 1979, President Jimmy Carter appointed Shirley to his cabinet, where she was the first – ever Secretary of Education, overseeing the newly established U.S. Department of Education until the end of the Carter Administration.

Shirley returned to private practice as a partner with the Hufstedler firm, which eventually joined with Morrison & Foerster. Over the course

of her remarkable career, Shirley served on the boards of numerous academic, professional, and charitable institutions. She was the recipient of 19 honorary degrees as well as many other awards and honors including *The American Lawyer’s Lifetime Achievement Award*.

Shirley served as a beloved mentor to many of the firm’s lawyers. “She was a legal titan and still she loved spending time with the new lawyers and staff. She wasn’t Justice Hufstedler, Judge Hufstedler, she was just Shirley from day one,” states Ben Fox, co-chair of the Global Litigation Department.

Shirley was an inspiration to others through her words and how she lived her life, telling others: “Security is not the meaning of my life. Great opportunities are worth the risk.”

Our deepest sympathies are with her husband of 67 years and our colleague, Seth Hufstedler, and the entire Hufstedler family.

DANIEL P. WESTMAN IN MEMORIAM

Highly regarded labor and employment litigator and published author, Dan Westman, managing partner of the Northern Virginia office, passed away on May 22, 2016. He was 59 years old.

A proud Midwesterner, Dan was a native of Madison, Wisconsin, and attended Stanford University and the University of Chicago Law School.

From 1982 to 1999, he practiced labor and employment litigation in Palo Alto, after which he relocated to practice law in Northern Virginia.

Dan joined MoFo as partner in 2005 and served as managing partner of the Northern Virginia office for more than eight years.

His practice focused on trade secrets, non-competition, whistleblower, computer fraud, and retaliatory discharge cases. He was also the author of *Whistleblowing: The Law of Retaliatory Discharge*, Second Edition and was senior editor of *Trade Secrets* by James Pooley.

Dan chaired the Trade Secrets Committee of the American Intellectual Property Lawyers Association and was management co-chair of the American

Bar Association's Sarbanes-Oxley Subcommittee of the Federal Labor Standards Legislation Committee of the Labor and Employment Law Section.

Dan was truly a Renaissance man. He was a self-taught guitarist and possessed a lovely singing voice. He enjoyed the outdoors, loved history and was an avid reader, a keen Bridge player, a ruthlessly competitive Scrabble player, a lover of puzzles of all kinds, a true wordsmith, and a skillful writer.

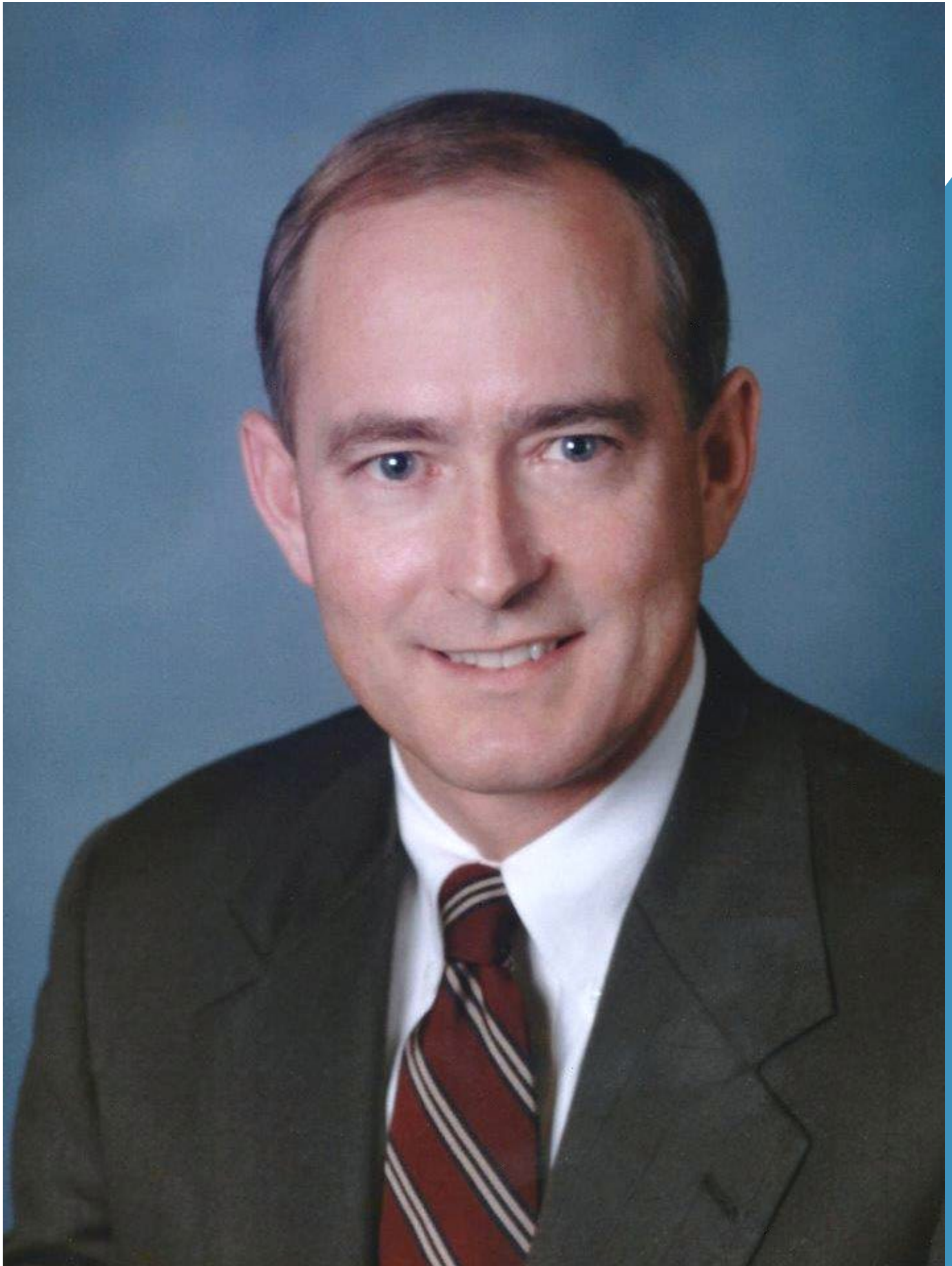
Dan had a keen intellect, sharp wit, and big heart. He was a tireless advocate for his clients and brought sincerity and a sense of humor to his leadership of the Northern Virginia office.

"The culture of respect that he had for everyone was really a part of the Morrison Foerster culture here and made it stronger," states Tom Knox, co-chair of the Corporate Department. "He was unflappable. Never heavy handed in his leadership and extremely modest."

Dan was always approachable and made a point of making those around him feel respected.

In turn, he was beloved by his colleagues, friends, and family. Generous and thoughtful, he made all of us proud of our profession. Throughout his long battle with cancer, Dan maintained a strong, upbeat attitude.

We extend our deepest sympathies to Allison, Dan's wife of 29 years; his sons Peter, Eric, and Alex; and his entire family.





JAMES W. HUSTON

IN MEMORIAM

A nationally recognized trial attorney, New York Times best-selling author, Navy TOPGUN fighter pilot, and San Diego-based partner, Jim Huston was a member and former chair of the firm's Trials Practice Group. Jim passed away on April 14, 2016. He was 62.

Jim focused his practice on product liability, life sciences, contract dispute, and aviation matters. Named one of *Law360's* "Ten Most Admired Product Liability Attorneys," Jim was known for his dynamic presence in the courtroom, drawing in juries with his exceptional storytelling skills.

He delivered victories for a range of high-profile clients, including Honeywell, Bayer, Fresenius Kabi, Piper Aircraft, and Southwest Airlines, among many others.

Jim's storytelling abilities also served him well outside the courtroom. A *New York Times* best-selling author of nine novels, the most recent of which, *The Blood Flag*, was published in December 2015.

Asked in a *San Diego Union-Tribune* feature article how he found the time to write his novels and carry on a thriving legal practice, Jim said, "The way I keep the flow going is that I dictate my books

in my car while I'm commuting." He used his prodigious talent to articulate his storyline as though "sitting in a movie theater and watching it."

Jim joined MoFo San Diego office as a partner in 2004. Previously, Jim served as partner and national chair of the Tort and Product Liability Practice Group for the law firm Gray Cary, where he began his legal career as an associate in 1984.

He was a member of the American Board of Trial Advocates and was recognized by numerous legal publications including *Chambers USA*, *Legal 500 US*, *Law360*, and *Best Lawyers in America*.

After completing his undergraduate degree at the University of South Carolina and prior to attending the University of Virginia School of Law, Jim served in the Navy as a naval flight officer, flying F-14 fighter jets and graduating from the Navy's famous

TOPGUN program. After leaving active duty, Jim continued to serve in the Naval Reserves.

"Jim's bio is bigger than life but that was Jim's life," said Mark Zebrowski, San Diego litigation partner. "He was a TOPGUN school graduate. He wrote seven or eight best-selling novels.

"He also wrote a book about multiple myeloma with his oncologist. He was an elder in his church. He played in a rock and roll band. A wonderful parent to five children. He led a life that was as full as anybody's life could possibly be."

Our deepest sympathies are with Jim's wife of 36 years, Dianna, and the Huston family.

PRO BONO

MOFO AND THE EXONERATION INITIATIVE WIN RELEASE FOR RICHARD ROSARIO



One of the major pro bono highlights of 2016 was the vacating of Richard Rosario's wrongful murder conviction. MoFo partner Chip Loewenson and lawyers from the Exoneration Initiative worked together to exonerate Richard Rosario, who was serving the 20th year of a 25-years-to-life prison sentence for a murder he didn't commit.

That Richard Rosario was innocent of murder was indisputable. After all, 13 people were with him in Florida on the day that a 17-year-old man was murdered in the Bronx. At trial, however, the jury heard from only two of those 13 witnesses because the police, the district attorney, and even Rosario's own lawyers had failed to contact most of them. The jury accepted the prosecutor's argument

that the two alibi witnesses were simply lying for a friend and instead relied on testimony from two other people, who had never met Rosario, who placed him at the scene of the crime, identified his mugshot, and picked him out of a lineup. And thus Rosario was convicted and sentenced to 25 years to life in prison.

Fortunately for Rosario, MoFo lawyers offered to help in 2004. Loewenson led a team that included partners Deanne Maynard and Brian Matsui; associates Adam Hunt and Andreea Vasiliu; and throughout the 12-year battle a group of former associates such as Leah Fletcher Wilson, Leda Moloff, Jin Hee Lee (who continued to represent Rosario while at the NAACP Legal

Defense and Educational Fund), and Jodi Miller, to name a few.

Even after reaching a dead end in Rosario's legal case, Loewenson persisted, convincing lawyers from the Exoneration Initiative, a nonprofit that provides pro bono services to people wrongfully convicted in New York, to take up Rosario's case.

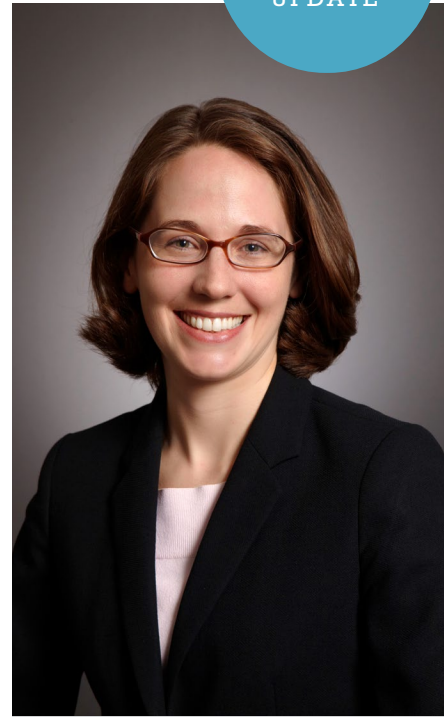
The team also spread his story far and wide, eventually resulting in *Conviction*, a 12-part online documentary about his case produced by NBC's Dateline team.

In March 2016, Richard Rosario walked out of prison a free man.



READ MORE

About the Richard Rosario Case.



(Left page) Richard Rosario with his family. (This page on the left) Richard Rosario and alumna Leah Fletcher Wilson. (Above) MoFo alumna Leah Fletcher Wilson.

Reflections of MoFo Alumna Leah Fletcher Wilson

For MoFo alumna Leah Fletcher Wilson, who is now vice president and associate general counsel at Medallia, the legal fight became about more than just an outrageous act of injustice. As a result of her work on the case, Rosario became a friend.

A Meeting Separated by Prison Glass

Wilson joined MoFo's New York office as an associate in 2008 and began helping the MoFo team drafting Rosario's appeal to the Second Circuit. Despite strong arguments of ineffective assistance of counsel, the Second Circuit panel decided 2-to-1 against Rosario and then the full court voted 6-4 not to rehear the case en banc. In

these decisions, the Second Circuit produced three strongly worded dissents in Rosario's favor.

But dissents don't get an innocent man out of prison.

After the Second Circuit loss, Loewenson, Wilson, and Jin Hee Lee drove to upstate New York to meet with Rosario at the prison where he was housed. It was the first and only time until his release that Wilson met with him face to face.

Despite having previously visited prisons while at college and law school, the meeting had a profound impact on Wilson.

"He was in a maximum security prison in upstate New York, and because we were separated by glass, we couldn't touch, we couldn't shake hands, we couldn't greet each other as humans," she says. "At the end of the meeting, after talking about his case and next steps, he asked for subscriptions to magazines about New York and the outdoors. In that grey, isolated space, blocked off by glass, at a low point in his legal battle, Richard invoked the outside world. He never let himself disconnect."

A Reunion Eight Years in the Making

Since that meeting, the pair has exchanged countless letters – hers sent from the San Francisco Bay Area, which she's called home since 2012, and his from several maximum security

New York prisons. In October 2016, Wilson and Rosario – along with other MoFo lawyers and alumni involved in the pro bono program – reunited in the Bay Area for the first time since Rosario’s release. It was an opportunity for Wilson to welcome Rosario into her home, where his family and hers enjoyed each other’s company from the comfort of a dining room table.

“One thing was particularly touching,” Wilson says. “When we talked on the phone after his release, Richard told me he’d kept photos I’d sent him of my two little boys, because they were reminders of the humanity of people outside of prison. Seeing Richard with my kids, having them together in the same photograph, it meant a lot.

“Rosario is a voracious reader, and Wilson sent him many books over the years. He prefers those infused with optimism and stories of people who overcame obstacles. It wasn’t surprising then that the dinner conversation that night turned to books.

“One of the books I sent him was *The Boys in the Boat*,” she says. “It’s about a team of rowers who go to Berlin Olympics from the University of Washington, and it’s a tale of perseverance. My husband Dan, Richard and I had all read the book – it’s one of my favorites – and spent time at dinner talking about that book and many other topics.”

Two Men United for a Common Cause

There’s no doubt that prison can break a person, and 20 years behind bars could certainly take its toll on an innocent man. But Rosario was resilient, Wilson says. “He’s optimistic, he perseveres, and he is hopeful without being naïve,” she says. “He’s easy to like. He’s talkative, he’s engaged, he wants to learn, and he wants to share what he’s learned. He’s come out of prison looking forward.”

If Rosario enjoyed books depicting perseverance over obstacles, he found the embodiment of that in Loewenson. Says Wilson: “Chip is an excellent advocate, a wonderful lawyer and a wonderful person. It was amazing to watch him work on this case because



(Left) Richard Rosario with MoFo alumna Leah Fletcher Wilson’s two sons. (Above) MoFo partner Chip Loewenson.

the passion and fervor with which he represented Richard was remarkable.

People who are innocent can stay in jail for the rest of their lives, and, while Richard has been extremely unlucky in many ways, he is lucky to have Chip as his advocate.”

Viewing the Legal System Through a Different Prism

Wilson and Rosario’s dinner in October 2016 was special because it was their first meeting without being separated by prison glass, but lunch the next day was even more memorable. You see, Wilson’s father is a judge on the U.S. Court of Appeals for the Ninth Circuit, and she arranged for a courthouse tour.

Following the tour, Rosario, Wilson and other current and former MoFo personnel involved with his case and the MoFo pro bono program joined Wilson’s father and staff for lunch in his chambers.

“We spent over two hours together as a group talking about law, Richard’s case, and prison,” Wilson says. “It was remarkable to be able to share this aspect of the justice system with Richard. He informally studied the law while in prison, digging into his own case and those of other inmates. He was able to hold his own, and was an equal participant in this legal conversation with a judge and lawyers.

“My dad felt honored to have Richard share his experience with him. Judges, especially at the appellate level, deal

with sensitive cases like this on a regular basis, but they deal with them on paper. To have someone who was in prison, whose case involved important constitutional rights that went through the Second Circuit then denied cert. by U.S. Supreme Court – it brought those pieces of paper to life in my father’s chambers. That was important for him and his staff.”

ELECTION PROTECTION



Andrew T. Hall, general counsel and EVP at Borrego Solar Systems and Lynn M. Humphreys, senior corporate counsel at Tailored Brands, Inc.

On November 8, MoFo lawyers partnered with the Lawyer’s Committee for Civil Rights Under Law to staff call centers for Election Protection, the largest non-partisan voter protection coalition in the country.

Election Protection is a nationwide effort that helps ensure eligible voters are able to participate in our democracy and collects data for meaningful reform

so that our elections are free, fair, and accessible. Volunteers staffed hotlines in various cities, answering voters’ questions and responding to election-day issues, helping to ensure that all voters had an opportunity to cast their ballot. Volunteers also traveled to communities to monitor and respond to voting problems at the polls.

Lynn M. Humphreys, senior corporate counsel at Tailored Brands, Inc., and Andrew T. Hall, general counsel and Executive Vice President HR and IT at Borrego Solar Systems, were just two of the MoFo alumni who helped staff this worthwhile endeavor. Lynn was of counsel in the San Francisco Litigation Group from 1996 to 2015. Andrew was an associate in the Palo Alto Corporate Group from 2009 to 2011.

Alumni on the Move





ALUMNI DIRECTORY

Check out what fellow alumni are doing now!

Rupert M. Bondy joined Reckitt Benckiser, a multinational consumer goods company, as senior vice-president, general counsel, and company secretary. Previously, Rupert was general counsel at BP, p.l.c. At MoFo, Rupert was an associate in the London Business Department from 1989 to 1994.

Michael Gifford joined Endemol Shine North America as senior vice president, business and legal affairs. Previously, Michael was vice president, business and legal affairs at Viacom Media Networks. At MoFo, Michael was an associate in the New York Litigation Group from 2005 to 2009.

Simon Hollander joined Amazon Japan as Japan legal country lead for Amazon Web Services. Previously, Simon was senior manager for the Legal Department of Accenture. At MoFo, Simon was an associate in the Tokyo Corporate Group from 2006 to 2012.

Ruth Ann Keene joined Unity Technologies as general counsel. Previously, Ruth Ann was vice president, assistant general counsel and assistant secretary for Autodesk, Inc. At MoFo, Ruth Ann was an associate in the San Francisco Technology Transactions Group from 1998 to 2005.

Kim J. Landsman joined Two Sigma Investments, LP, an investment management hedge fund and technology company, as senior vice president. At MoFo, Kim was a partner in the New York Litigation group from 1987 to 1995.

Ama Romaine joined John Hopkins Applied Physics Laboratory as general counsel. Previously, Ama was vice president and senior counsel, Brands, for Hilton worldwide. At MoFo, Ama was an associate in the Washington, D.C. Financial Transactions Group from 2005 to 2006.

Brian A. Schar joined Dextera Surgical Inc. as general counsel, director of intellectual property, and chief compliance officer. Previously, Brian was director, IP & commercial contracts for Intematix. At MoFo, Brian was of counsel in the Palo Alto Patent Group from 2015 to 2016.

W. Allen Shapard joined APCO Worldwide Inc., an independent global public affairs and strategic communications consultancy, as senior director, chair of public engagement strategies. Previously, Allen was senior vice president of global partnerships and head of the global institutions group for WME/IMG. At MoFo, Allen was an associate in the Washington, D.C. Business Department from 1993 to 1994.

Alumni Accomplishments

Lily J. Ackerman was recently promoted to senior patent counsel of Genentech, Inc., a biotechnology company. At MoFo, Lily was an associate in the San Francisco Patent Group from 2008 to 2012.

Sheryl L. Bratton is now the county administrative officer for Sonoma County. Sheryl was previously assistant county counsel for Sonoma. At MoFo, Sheryl was an associate in the Los Angeles Business Department from 1989 to 1992.

Stephanie Donner, general counsel and corporate secretary for Galvanize Inc., was recognized as a 2016 GenXYZ *ColoradoBiz* Top 25 Young Professionals. At MoFo, Stephanie

was an associate in the Denver Litigation Group from 2006 to 2011.

Lily M. Fan, Scandobean Productions founder and executive producer of the documentary film *Weiner*, received the U.S. Documentary Grand Jury Prize for the documentary at the 2016 Sundance Film Festival. Lily also became a member of the Producers Guild of America in 2016. At MoFo, Lily was an associate in the New York Litigation Group from 2005 to 2009.

Frank A. McGuire retired from his position as the 26th court administrator and clerk of the Supreme Court of California in September 2016, following a distinguished 25 years with the California Judicial Branch. Frank served the Supreme Court as its

administrator and clerk since 2012 and previously served at the court as a judicial staff attorney in the chambers of then-Associate Justice Janice Rogers Brown from 1996 to 1999. At MoFo, Frank was an associate in the San Francisco Litigation Group from 1987 to 1991.

Margaret L. Wu, managing counsel, litigation for the University of California, received *The Recorder's* 2016 In-House Impact Award. The award recognizes in-house lawyers who led winning teams on bet-the-company cases. At MoFo, Margaret was an associate in the San Francisco Litigation Group from 2002 to 2007.



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New MoFo Alumni



Michael S. Atamas



Anne Davis



Alejandra E. Fuster



Mary Lappas



Mariam Subjally



John A. Trocki III

Michael S. Atamas joined Epic Games, Inc. as counsel. Michael was an associate in the Tokyo Project Finance Group from 2015 to 2016.

Anne Davis joined the Financial Industry Regulatory Authority as Principal Regional Counsel West Region. Anne was an associate in the Palo Alto Litigation Group from 2009 to 2016.

Alejandra E. Fuster joined PricewaterhouseCoopers as senior manager, office of the general counsel. Alejandra was an associate in the Northern Virginia Corporate Group from 2014 to 2016.

Mary Lappas joined Terra Firma Capital Partners, a private equity firm, as legal counsel. Mary was an associate in the

London Corporate Group from 2011 to 2016.

Mariam Subjally joined Google, Inc. as associate commercial counsel. Mariam was an associate in the San Francisco Technology Transactions Group from 2014 to 2016.

John A. Trocki III is now deputy general counsel and director of litigation at the Washington Metropolitan Area Transit Association. John was of counsel for the Northern Virginia Litigation Group from 1999 to 2016.

Zen Z. Zhang joined Plaid Technologies as in-house legal counsel with a focus on commercial transactions, IP issues, and product counseling. Zen was an associate in the San Francisco Technology Transactions Group from 2013 to 2016.



Zen Z. Zhang

Alumni Events



PALO ALTO OFFICE 30TH ANNIVERSARY OPEN HOUSE



PLAY VIDEO
Palo Alto Office
30th Anniversary.



VIEW MORE
Photos of the Palo Alto
30th Anniversary.

**PALO ALTO OFFICE 30TH ANNIVERSARY
OPEN HOUSE**

On September 29, MoFo’s Palo Alto office alumni, clients, and friends met at the newly renovated office to reflect on their MoFo Palo Alto moments and achievements over the past 30 years. In addition to celebrating successes and catching up with friends, guests had the opportunity to meet San Francisco Giants and World Series champion Jeremy Affeldt.





BAY AREA CORPORATE ALUMNI GATHERING

On October 27, MoFo's Bay Area Corporate alumni met at Wine & Wall to reflect on their MoFo moments and achievements and catch up with former colleagues and friends.



VIEW MORE
Photos of the Bay Area
Corporate Alumni
Gathering.



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