2020 Volunteer Recognition & Awards Program

September 24, 2020
6:30 P.M. - 7:30 P.M. EDT
The American Bar Association created the Death Penalty Representation Project in 1986 with a single goal: to ensure that every person facing a possible death sentence has the assistance of a competent, effective lawyer.

Over the past 34 years, the Project has raised awareness about the lack of representation available to death row prisoners, addressed this urgent need by recruiting and training volunteer attorneys, and worked for systemic changes to capital counsel systems. The Project has recruited the country’s top law firms to work on more than 375 pro bono death penalty cases, **102 of which have now been finalized with a sentence of less than death**. Our volunteers have contributed their skills, more than one million pro bono hours, and many hundreds of thousands of dollars to this cause. Whatever the outcome, every pro bono matter taken on by our volunteers represents a critical victory for fairness and due process.

Together, we have changed the lives of countless men and women.
On December 17, 1995, nearly six years after being wrongfully convicted for killing her infant son and being sentenced to death, Sabrina Butler-Smith was acquitted of all charges, making her the first of only two female death row exonerees in the United States.

It was shortly after midnight on April 12, 1989 when Ms. Butler-Smith’s nine-month-old son Walter stopped breathing. In a panicked state, Sabrina asked neighbors for help, attempted to perform CPR, and then rushed him to the hospital. Unfortunately, all life-saving measures were unsuccessful. After noticing bruises on his body, emergency medical examiners called the police, who promptly began their interrogation of 17-year-old Sabrina. Within 24 hours, she was charged with child abuse and capital murder. She was put in jail and was not allowed to attend her son’s funeral.

At Ms. Butler-Smith’s trial, which began on March 8, 1990, the newly elected District Attorney insisted that Walter’s injuries were the product of abuse, rather than as a result of her attempts to resuscitate him. Sabrina’s state-appointed lawyer called no witnesses in her defense and she was convicted and sentenced to death six days later. She was 19 years old.

After civil rights attorneys Robert McDuff and Clive Stafford Smith stepped in to take on her appeal pro bono, they discovered that her son Walter likely died as a result of a hereditary kidney condition. In the course of their investigation, they also found evidence of 23 procedural violations that occurred during the trial, and learned that the prosecutor had taken the jury for a picnic lunch before the verdict was in. In 1992, the Mississippi Supreme Court overturned Ms. Butler-Smith’s conviction.

In her second trial, neighbors testified to witnessing Ms. Butler-Smith attempt to perform cardiopulmonary resuscitation on her child and a medical expert confirmed that Walter’s injuries could have been a result of those efforts. After a short deliberation, the jury acquitted Ms. Butler-Smith of all charges.

Ms. Butler-Smith currently lives in Memphis with her husband and three children and works with the non-profit Witness to Innocence to educate the public on the prevalence of wrongful convictions in the criminal justice system. The diary she kept during her incarceration has been published as as Exonerated: The Sabrina Butler Story.

"Living on death row knowing you will die is the worst feeling in the world. But to be innocent and waiting to die is unfathomable!"

- Sabrina Butler-Smith
Shameaca Moore is a writer, public speaker, musical artist, emcee, and freelance instructor. Spoken word is her first love. Ms. Moore was first drawn to artistic creation as a way to release personal trauma. She has been writing poetry as a means of survival since age twelve and started performing at fifteen. In 2009, Ms. Moore was recruited by the University of Wisconsin-Madison as an artist for the First Wave program, an innovative urban arts full-tuition scholarship community, the only one of its kind. In the years since, she has had the opportunity to travel the country sharing her poetry and written works. Ms. Moore also participates in a variety of poetry slams, including the Rustbelt Regional Slam where she placed first in the Individual Poet category. The focus of her work is hope, mercy and self-reflection in a world that often lacks all three.

Ayanna Pressley represents Massachusetts’s 7th Congressional District in the U.S. House of Representatives. Rep. Pressley began her political career working for Congressman Joseph P. Kennedy II as a senior aide and later for Senator John Kerry in a variety of roles, including constituency director and political director. In 2009, Rep. Pressley made history by becoming the first woman of color elected to the Boston City Council in its 100-year history, and broke new ground again in 2018 as the first woman of color to be elected to Congress from Massachusetts. In 2019, Rep. Pressley introduced H.R. 4052 and H.R. 702 to challenge and overhaul the criminal justice system. Many of the issues identified in these resolutions, including racial disparities and inadequate resources, are those that capital defenders and pro bono counsel confront every day.

Patricia Lee Refo is president of the American Bar Association and a partner at Snell & Wilmer in Phoenix, Arizona. Ms. Refo previously served as the ABA’s second highest-ranking elected official as chair of the House of Delegates, and as chair for multiple ABA entities, including the Section of Litigation and the Standing Committee on Membership. Ms. Refo has served on the Advisory Committee on the Federal Rules of Evidence of the U.S. Judicial Conference, appointed by former U.S. Supreme Court Chief Justice William H. Rehnquist, and on the Arizona Supreme Court’s Advisory Committee on Rules of Evidence. Previously, Ms. Refo served as a director of the American Bar Endowment and as co-chair of the National Association of Women Lawyers Committee for the Evaluation of Supreme Court Nominees. In 2007, Ms. Refo was named to the National Law Journal’s list of The 50 Most Influential Women Lawyers in America.

Richard Schiff is an actor and director known best for his role as Toby Ziegler in The West Wing, for which he received an Emmy Award. Mr. Schiff’s career has spanned almost three decades, during which he has starred in several movies and hit TV shows, including his current leading role in the medical drama The Good Doctor. Mr. Schiff’s most recent big-screen role was in Clemency, a cerebral film directed by Chinonye Chukwu that explores the emotional toll that the death penalty takes on all of those who are affected by it. Clemency’s powerful message is conveyed subtly, by lifting back the curtain on the inner turmoil of prison warden Bernadine Williams (Alfre Woodard), death row prisoner Anthony Woods (Aldis Hodge), and Anthony’s long-time defense attorney Marty Lumetta (Richard Schiff). The film received critical acclaim for its screenplay, cinematography, direction, score, themes, and performances.
Alfre Woodard, Actor, Producer, & Activist

Alfre Woodard is a four-time Emmy Award-winning actor, producer, and political activist whose prolific career has spanned over four decades and has earned her numerous other awards, including a Golden Globe and three Screen Actors Guild Awards. Hailing from Tulsa, Oklahoma, Ms. Woodard began her career in theater in 1974 on Washington, D.C.’s Arena Stage. Since then, she has appeared in over 90 films and nearly 50 television series, and recently starred as conflicted death row prison warden Bernadine Williams in the film *Clemency*. Despite her character’s attempt to conceal and suppress her inner turmoil with a stoic and disinterested exterior, she ultimately cannot prevent the emotional burden of carrying out executions from affecting her relationships and mental health. Ms. Woodard’s masterful portrayal of the warden provides a unique and seldomly discussed perspective to the conversation on capital punishment.

U.S. Supreme Court Justice Ruth Bader Ginsburg

U.S. Supreme Court Justice Ruth Bader Ginsburg died on Friday, September 18, 2020 at the age of 87. Throughout the course of her long career as an attorney and as a justice, she fought for all Americans to receive equal treatment under the law.

Justice Ginsburg distinguished herself with her superlative academic performance throughout her school years and as one of only a handful of female students attending Harvard and Columbia law schools. Despite graduating top of her class from Columbia Law in 1959, she was denied entry to the law firms at which she interviewed on account of her gender. She ultimately secured a federal clerkship and went on to teach law at Rutgers and Columbia University. In 1972, she co-founded the ACLU Women’s Rights Project, arguing six landmark gender discrimination Supreme Court cases throughout the next decade. Each of the five cases she won helped to expand Fourteenth Amendment civil rights protections to a greater number of Americans.

In 1993, after a thirteen-year stint on the bench of the U.S. Court of Appeals for the District of Columbia, Justice Ginsburg was nominated to the Supreme Court and confirmed by a near-unanimous Senate. During her time on the Court, she championed abortion rights, same-sex marriage, the Affordable Care Act, and constitutional protections for prisoners. Recognizing the high stakes involved in death sentences and the lack of quality representation, Justice Ginsburg voted in the majority of every 5-4 Court decision that favored capital defendants and petitioners. In 2017, Justice Ginsburg authored a path-breaking opinion in *Moore v. Texas*, which overturned that state’s controversial means of determining the intellectual disability of death row prisoners. The ABA submitted an amicus brief in support of the outcome in that case. The Project mourns her passing and honors her legacy of upholding the ideal of equal justice for all.

Speaking for justice.

As a leading global law firm, we believe we have a responsibility to ensure everyone has access to justice and legal care. That’s why our lawyers have a longstanding commitment to meaningful and impactful pro bono projects that support the needs of our communities.

We thank the American Bar Association for honoring us with its Exceptional Service Award, in recognition of our service to death row prisoners.
We proudly support the ABA Death Penalty Representation Project. Congratulations to this year’s honorees for their heroic efforts on behalf of death row inmates.
I really appreciated that from the outset, DLA Piper just took charge of the brief and ran with it. They coordinated everything: working with amici, handling filing, and producing an excellent brief. They were completely open to input, and really wanted to make sure that they were filing a brief that would be helpful to Mr. Anderson’s case. In the end, I was very impressed with the quality of the brief, as was my client, Mr. Anderson. - Kara R. Ottervanger, Florida Capital Collateral Regional Counsel Middle Region
At O’Melveny, we are passionate about making this a fairer, more just world for everyone, especially those who do not have the means to hire a lawyer. While our pro bono clients are often the strongest and most resilient people we serve, they are frequently unable to access the legal system without assistance. It is our duty and privilege to serve these clients.

O’Melveny is proud to congratulate our partner Meaghan VerGow on receiving The John Paul Stevens Guiding Hand of Counsel Award.

We applaud the ABA Death Penalty Representation Project and its 2020 honorees for ensuring death row prisoners have access to quality advocacy and essential justice.

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Dorsey & Whitney LLP

Dorsey & Whitney, an international firm with 20 offices on four continents, has demonstrated its commitment to pro bono death penalty representation for decades. The firm has taken on capital cases for nearly 40 years, beginning in 1985 with Ernest Busby, whose sentence was reduced to life in prison, and most recently securing relief for Bruce Webster, who was found to be intellectually disabled in 2019.

Mr. Webster was convicted and sentenced to death in federal court in Texas in 1996. Despite evidence of low intellectual functioning, federal prosecutors argued that he was faking his IQ tests, and the trial court found that Mr. Webster was not intellectually disabled. Dorsey & Whitney began representing Mr. Webster in 2008, after a Texas federal district court denied his initial motion to vacate his death sentence. Through their investigation of the case in preparing Mr. Webster’s clemency petition, the team at Dorsey & Whitney obtained records from the Social Security Administration showing Mr. Webster had been diagnosed as intellectually disabled by three different Social Security Administration doctors before the commission of the crime. Armed with this new evidence, Dorsey & Whitney attempted to file a successive relief motion. After the Fifth Circuit Court of Appeals declined to allow the successive motion, Dorsey & Whitney refiled the case in the courts with jurisdiction over federal death penalty cases. Dorsey & Whitney then went on to win two evidentiary hearings before the district court, proving that the Social Security Administration records were not available to Mr. Webster.

Government appealed the district court’s rulings and on September 22, 2020, the Seventh Circuit affirmed the grant of relief. To date, the Dorsey & Whitney team has contributed more than 12,000 hours to Mr. Webster’s case.

Dorsey & Whitney also represents Texas death row prisoner Andre Thomas. Dorsey & Whitney took on Mr. Thomas’s case in state post-conviction proceedings in 2006, the year after he was sentenced to death. Mr. Thomas is delusional and suffers from schizophrenia and psychosis, illnesses that caused him to inflict severe bodily injury on himself prior to trial. Mr. Thomas was initially found unfit to stand trial and hospitalized. However, upon his release from a mental health facility a month and a half later, his trial attorneys failed to contest his return to competency or provide expert testimony that Mr. Thomas suffered from mental illness. After Dorsey & Whitney’s initial post-conviction petition raising the claim of trial counsel’s ineffectiveness was denied, Mr. Thomas continued to inflict self-harm, rendering himself blind, and prompting the Dorsey team to file a successive petition arguing that Mr. Thomas no longer constituted a continuing threat to society given the nature of his injuries. Following the state court denial of the successive petition, the Dorsey team filed a federal petition in district court, where it remains pending. The team at Dorsey & Whitney has devoted over 6,300 hours to Mr. Thomas’s case.

Dorsey & Whitney joined Missouri death row prisoner Ernest Johnson’s case in 2018 to provide civil litigation expertise in a hearing that had been ordered by the Eighth Circuit Court of Appeals to consider claims that the state’s lethal injection protocol would inflict unconstitutional pain and suffering because of Mr. Johnson’s medical conditions. Although the case has encountered numerous setbacks as the result of a Supreme Court decision in an unrelated lethal injection matter, Dorsey & Whitney continues to assist Mr. Johnson’s appellate and post-conviction counsel and has remained dedicated to finding a path forward.

The Project is proud to recognize Dorsey & Whitney’s extraordinary commitment and dedication with the Exceptional Service Award.
Kirkland & Ellis is proud to support the

2020 Volunteer Recognition & Awards Program

The Firm congratulates this year’s award recipients and commends their commitment to improving the quality and accessibility of legal representation in death penalty cases.

For more information on pro bono initiatives at Kirkland & Ellis, visit www.kirkland.com/probono

Using our legal skills to better LIVES, COMMUNITIES and OUR PROFESSION

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+1 202 389 5000
Meaghan VerGow

Through her tireless representation of death row prisoners in cases with profound individual and systemic implications, O’Melveny & Myers partner Meaghan VerGow has won victories that have protected the rights of countless death-sentenced prisoners. Ms. VerGow’s exceptional talent and compassionate heart drive a “fierce advocacy [that] embodies the spirit of Justice Stevens and his unwavering attention to death penalty issues.”

In 2017, Ms. VerGow led the O’Melveny team that partnered with Texas counsel to argue Carlos Ayestas’s case before the United States Supreme Court. Mr. Ayestas, convicted and sentenced to death in 1995, was repeatedly denied funds for investigating his history of mental illness and drug addiction. Although federal legislation directs courts to fund indigent death row prisoners’ “reasonably necessary” investigations, the Fifth Circuit Court of Appeals had been applying a heightened “substantial need” standard to deny funding to many petitioners, Mr. Ayestas among them. The Supreme Court issued a rare unanimous decision overturning the Fifth Circuit’s standard and affirming that the “reasonably necessary” standard must be followed when considering funding requests. Since securing this important ruling for indigent death row prisoners, Ms. VerGow has continued to represent Mr. Ayestas in remand proceedings before the Texas state and federal courts.

For the past four years, Ms. VerGow and her O’Melveny team have also co-counseled with Texas defenders to represent Steven Nelson, who was convicted and sentenced to death in 2012. After their own thorough investigation of the case, Ms. VerGow and her team concluded that Mr. Nelson received ineffective counsel during both trial and sentencing. When the U.S. District Court for the Northern District of Texas denied Mr. Nelson’s petition for a writ of habeas corpus, Ms. VerGow and her team appealed to the Fifth Circuit Court of Appeals. In March 2020, the Fifth Circuit granted Mr. Nelson a rare Certificate of Appealability on his ineffective assistance of counsel claim in a holding expanding the availability of merits review in federal court. Ms. VerGow and her team continue to represent Mr. Nelson in his Fifth Circuit appellate litigation.

Most recently, Ms. VerGow agreed to represent Steven Long, who remains on Texas death row despite an IQ that measures consistently in the 60s. In March 2020, Ms. VerGow and her team presented evidence and expert testimony at Mr. Long’s Atkins hearing in state trial court, marking Mr. Long’s first opportunity to present his intellectual disability claims under the scientific framework that has been mandated by the U.S. Supreme Court.

In addition to her direct representation, Ms. VerGow has lent her support to other death row prisoners. In 2019, on referral from the Project, Ms. VerGow and her team drafted an amicus brief in support of Florida death row prisoner James Dailey’s certiorari petition at the U.S. Supreme Court. The brief urged the Court to grant Mr. Dailey a meaningful opportunity to present evidence of his innocence following the lower courts’ denial of his actual innocence claim. This case has been a critical test of existing precedent that creates a nearly impossible standard for presentation of evidence related to innocence for prisoners on death row.

Time and again, Ms. VerGow has demonstrated a staunch commitment to pro bono death penalty representation, providing lifesaving assistance to her own clients and simultaneously using her powerful voice as an advocate to improve the administration of justice for all.

In recognition of her dedication, skill, and remarkable contributions, the ABA Death Penalty Representation Project is proud to present Meaghan VerGow with the 2020 John Paul Stevens Guiding Hand of Counsel Award.

Meaghan VerGow
Save the Date for the 2020 National Celebration of Pro Bono!

The National Celebration of Pro Bono provides an opportunity for legal organizations across the country to collaboratively commemorate the vitally important contributions of America’s lawyers and to recruit and train the many additional volunteers required to meet the growing demand for pro bono services.

Visit www.celebrateprobono.org to join the Celebration, read our resource guide, purchase items for your 2020 Celebration event or to simply learn more.

Highlight what’s happening in your community by adding your event to the national registry!

Do Good. Do Justice. Do Pro Bono.
Sponsored by the Standing Committee on Pro Bono and Public Service
About the Awards

Exceptional Service Award

Volunteer firms that have made an extraordinary commitment to pro bono capital representation are nominated by their colleagues and selected by an Awards Committee of volunteer lawyers to be honored with our Exceptional Service Award. These firms have gone above and beyond in service to their clients.

PAST HONOREES:

Arnold & Porter
Bradley
Carrington, Coleman, Sloman & Blumenthal
Covington & Burling
Crowell & Moring
Dorsey & Whitney
Dykema Gossett
Faegre Drinker
Fish & Richardson
Fredrikson & Byron
Goodwin Procter
Hogan Lovells
Jenner & Block
Kaye Scholer
King & Spalding
Kirkland & Ellis
Lewis Roca Rothgerber Christie
Mayer Brown
Morgan Lewis & Bockius
O'Melveny & Myers
Orrick, Herrington & Sutcliffe
Perkins Coie
Quarles & Brady
Reed Smith
Schnader Harrison Segal & Lewis
Sidley Austin
Skadden
Steptoe & Johnson
White & Case
WilmerHale

John Paul Stevens Guiding Hand of Counsel Award

The Death Penalty Representation Project and its thousands of volunteer attorneys have been inspired and sustained by Justice John Paul Stevens throughout his distinguished tenure at the U.S. Supreme Court. After his retirement, Justice Stevens continued to be an influential voice for the most vulnerable members of our society and for changes that will give meaning to our constitutional protections. The Guiding Hand of Counsel Award recognizes individual lawyers who have demonstrated the kind of courage and commitment we associate with Justice Stevens.

PAST HONOREES:

2011 » Hon. John Paul Stevens
2012 » George H. Kendall
2013 » Denny LeBoeuf
2014 » Mark J. MacDougall
2015 » Megan McCracken & Jennifer Moreno
2016 » Sylvia H. Walbolt
2017 » Arkansas Capital Habeas Unit
2018 » Gwendolyn C. Payton
2019 » Kelley J. Henry
Thank you to our sponsors!

YOU CAN MAKE A DIFFERENCE

There is no constitutional right to counsel for prisoners on death row. You have the power to ensure that every person facing the death penalty has the assistance of a skilled advocate.

The Project receives countless requests for assistance from prisoners on death row across the country who are without counsel. We seek private attorneys from the civil bar who are willing to donate their time and skills to help ensure that every person facing or challenging a sentence of death has access to high-quality legal representation.

You can assist our efforts by volunteering to represent a prisoner in need of counsel. We have a variety of pro bono opportunities available, including post-conviction representation, retrials/resentencings, clemency, research projects, amicus briefs, and petitions for certiorari. You can also talk to your colleagues who may be interested in getting involved or make a tax-deductible financial contribution to the Project.

Your assistance is essential to the Project’s success and to the lives of the men and women on death row.

To learn more about donating to the Death Penalty Representation Project or to make a contribution, please visit our website at ambar.org/DPRPdonate. Financial contributions to the Project, a 501(c)(3) organization, are tax deductible to the fullest extent allowed by law.
Since 1998, the ABA Death Penalty Representation Project has recruited these law firms to work on pro bono death penalty matters.

Adams and Reese
Akerman
Akin, Gump, Strauss, Hauer & Feld
Alston & Bird
Andrew Horne PLC
Arent Fox
Arnall Golden Gregory
Arnold & Porter
Baker Botts
Baker, Donelson, Bearman, Caldwell & Berkowitz
BakerHostetler
Baker McKenzie
Ballard Spahr
Barran Liebman
Bass, Berry & Sims
Blank Rome
Boies Schiller Flexner
Bradley Arant Boult Cummings
Bryan Cave
Buchanan Ingersoll & Rooney
Burnette & Kelley
Cadwalader, Wickersham & Taft
Cantafio and Hardy-Moore
Capitelli & Wicker
Carlton Fields
Carrington, Coleman, Sloman & Blumenthal
Clark Hill
Clifford Chance
Cohen Dowd Quigley
Cooley
Covington & Burling
Cowen, Liebowitz & Latman
Craighead Glick
Crowell & Moring
Curtis, Mallet-Prevost, Colt & Mosle
Davis & Kuelthau
Davis Polk & Wardwell
Davis Wright Tremaine
Dechert
deGravelles & Palmintier
Dentons
Deutsch Kerrigan
Devine Millimet
Dickinson Wright
Dinsmore & Shohl
DLA Piper
Donahue Mesereau Leids
Dorsey & Whitney
Downs Rachlin Martin
Dykema Gossett
Evans & Dixon
Faegre Drinker Biddle & Reath
Feinberg & Kamholz
Fish & Richardson
Foley & Lander
Fox Rothschild
Fredrikson & Byron
Fried, Frank, Harris, Shriver & Jacobson
Funk & Bolton
Galloway, Johnson, Tompkins, Burr & Smith
Gibbons
Gibson, Dunn & Crutcher
Goodwin Procter
Gordon Aronchick Segal Pudlin & Schiller
Haynes and Boone
Herbst & Greenwald
Herman Herman & Katz
Hogan Lovells
Holland & Hart
Holland & Knight
Hollingsworth
HunterMaclean
Hunton Andrews Kurth
Jackson Walker
Jenner & Block
Jones Day
Jones Walker
K & L Gates
Kidpatrick Townsend
King & Spalding
King, LeBlanc & Bland
Kirkland & Ellis
Kittelman, Thomas, Ramirez & Gonzales
Lane Powell
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Law Offices of Richard W. Westling
Lewis Roca Rothgerber Christie
Liskow & Lewis
Locke Lord
Manatt, Phelps & Phillips
Martzell, Bickford & Centola
Maslon
Mayer Brown
McCarter & English
McDermott Will & Emery
McElroy, Deutsch, Mulvaney & Carpenter
McGuireWoods
McKool Smith
Milbank
Moore & Van Allen
Morgan, Lewis & Bockius
Morrison & Foerster
Morrison Mahoney
Morris, Nichols, Arst & Tunell
Munger, Tolles & Olson
Murphy & King
Munens, Riley & Scarborough
Nixon Peabody
Norton Rose Fulbright
O’Melveny & Myers
Oppenheimer Wolff & Donnelly
Orrick, Herrington & Sutcliffe
Osborn Maledon
Pannill, Moser & Barnes
Patterson Belknap Webb & Tyler
Paul, Weiss, Rifkind, Wharton & Garrison
Perkins Coie
Pillsbury Winthrop Shaw Pittman
Plews Shadley Racher & Braun
Porter Wright Morris & Arthur
Proskauer Rose
Quarles & Brady
Reed Smith
Riezman Berger
Robins Kaplan
Ropes & Gray
Schiff Hardin
Schwabe, Williamson & Wyatt
Schnader Harrison Segal & Lewis
Segal McCambridge Singer & Mahoney
Siegel & Reiner
Sherin and Lodgen
Shook, Hardy & Bacon
Shuchman & Krause-Elmslie
Sidley Austin
Simpson Thacher & Bartlett
Skadden, Arps, Slate, Meagher & Flom
Snell & Wilmer
Squire Patton Boggs
Steptoe & Johnson
Steven M. Schneebaum PC
Stoel Rives
Stone Pigman Walther Wittmann
Sullivan & Cromwell
Swift, Currie, McGhee & Hiers
Terris, Pravik & Millian
Thompson Coburn
Toutman Pepper
Unglesby, Koch & Reynolds
Vinson & Elkins
Waters Kraus & Paul
Weil, Gotshal & Manges
White & Case
Whiteford Taylor Preston
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Wilson Sonsini Goodrich & Rosati
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Winston & Strawn
Womble Bond Dickinson
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Zuckerman Spaeder