

TABLE OF CONTENTS

• • • • •

BIG WINS

• • • • •

DIVERSITY CORNER

• • • • •

PRO BONO SUCCESSES

• • • • •

WHERE ARE THEY NOW?

• • • • •

STEPTOE IN THE NEWS

• • • • •

NEW FACES

• • • • •

BIG Wins & Deals

Steptoe Secures Another Victory in the Canadian Lumber Dispute

Steptoe's International Department won another major victory in the long-running trade dispute over softwood lumber from Canada. Immediately after the Governments of Canada and the United States imposed a settlement purportedly ending the dispute, a three-judge panel of the US Court of International Trade (CIT) unanimously ruled that the antidumping and countervailing orders against softwood lumber from Canada first imposed in May 2002 must be revoked *ab initio*, and that the US Government is legally required to refund to the firm's clients over \$5 billion in duties collected pursuant to those orders. Following several victories before NAFTA tribunals, the United States employed unprecedented legal stratagems to avoid revoking the orders and refunding the duties Steptoe's clients were paying at a rate of up to \$4 million a day. The CIT categorically rejected each of the United States' legal positions and ordered the United States to refund the \$5 billion collected pursuant to the invalidated orders.

The Steptoe team was led by **Mark Moran** and included **Sheldon Hochberg**, **Anthony Epstein**, **Alice Kipel**, and **Michael Gershberg**. **George Grandison**, **Matthew Yeo**, and **Alexandra Baj** also assisted on the case.

Washington Developer Acquitted of Bribery

After a seven week trial, Douglas Jemal, a prominent Washington, DC developer, was acquitted of several counts of bribery by a jury in the US District Court for the District of Columbia. The jury returned verdicts of not guilty on seven of the eight counts, convicting Mr. Jemal only of a lesser charge of wire fraud. The panel resoundingly rejected the crux of the government's case, acquitting Mr. Jemal and two top lieutenants of his company, Douglas Development Corp., of the most serious charges of conspiracy, bribery, and mail fraud, as well as of all tax evasion counts in the case.

Reid Weingarten was the lead defense attorney on the case, with **Brian Heberlig** and **Robert Ayers**.

IP Victory Secured Overnight

The Steptoe intellectual property team of **Roger Parkhurst** and **Seth Watkins** scored an amazingly swift victory in the Federal Circuit Court. The firm argued for our client appellee Cleveland Golf and received the very next afternoon an affirmance without opinion, with costs, in *Henry-Griffitts, Inc. v. Cleveland Golf*.

International Department Win for National Fisheries Institute

Eric Emerson, Greg McCue, and Michael Pass won an important victory for the National Fisheries Institute (NFI), a national trade association representing importers of seafood. They secured a preliminary injunction in a suit against US Customs seeking reversal of a Customs directive affecting the bond requirements for importers of frozen shrimp from countries covered by antidumping duty orders. The bond directive requires importers of subject shrimp to obtain extremely large bonds to cover potential antidumping duty liability on their shrimp imports — the only product subject to this requirement. For many importers, these bonds run in the millions of dollars, and in many instances, the sureties issuing these bonds have required imports to post 100 percent collateral. NFI's suit alleges the bond directive exceeds Customs' statutory authority and is otherwise arbitrary and capricious

for applying only to imports of shrimp.

Because of the extreme financial burden these bonds imposed, NFI sought a preliminary injunction in order to halt enforcement of the bond requirements pending the conclusion of the case. After discovery, briefing, and oral argument, the Court issued an injunction that largely grants the relief NFI sought and strongly signals that NFI is likely to succeed on the merits of its lawsuit. A final decision on the merits is expected to be issued in 2007.

Labor and Employment Group Victorious in NLRB Case

In a recent National Labor Relations Board (NLRB) case, **Mark Kisicki** and **Tom Stanek** successfully represented General Dynamics in Seattle, Washington. The Teamsters Union filed a petition seeking to represent two groups of mechanics where US Army combat vehicles are made battle-ready. Steptoe attorneys demonstrated that the proposed bargaining unit was not appropriate under the National Labor Relations Act because other similarly-situated employee groups at nearby General Dynamics' locations had not been included. The union had only petitioned for groups in which it enjoyed sufficient organizational success to seek a representation election. The NLRB Regional Director dismissed the union's petition because the bargaining unit selected was not appropriate due

to the failure to include the other employee groups as contended by General Dynamics.

DIVERSITY CORNER

Steptoe has long been committed to providing opportunities for women and minority lawyers. Moving forward in the 21st century, Steptoe is developing new strategies to strengthen and expand the firm's diversity-related mission, infrastructure, and activities to ensure that the firm maintains the workforce that the firm's commitment requires and that the firm's clients expect.

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Steptoe was ranked number 12 in the country in *Presumed Equal: What America's Top Women Lawyers Really Think About Their Firms*, a survey conducted by members of the Women's Law Association at Harvard Law School. Additionally, the firm ranked in the top 10 for Washington, DC. Individual city scores were based on information collected in responses from that city only.

Surveys were sent to 16,000 women attorneys at the nation's top 105 largest law firms. Respondents were asked to rate their own law firms on issues such as leadership and advancement opportunities, work-life balance, mentoring, and diversity.

The survey was the third "Presumed Equal" assessment conducted by Harvard law students. The first was in 1995 and the second in 1998.

PRO BONO SUCCESSSES

A Young Man Gets A Fresh Start

The firm represented a young man who spent his childhood in a troubled home, dropped out of school, and made a series of mistakes that put him in Virginia's criminal justice system for relatively minor offenses. He decided to turn his life around by enrolling in a Carpenters' Union-certified boat building apprenticeship program. He was making great strides in the program, but his probation was revoked after he tested positive for illegal drugs. The young man was unable to convince the judge of his progress, and was incarcerated. While serving his sentence, he earned his GED and continued hoping to finish his apprenticeship.

Matthew Herrington, Sean Griffin, and Jennie Kneedler filed a motion to reopen the probation revocation proceeding and hold a new hearing. At oral argument, Ms. Kneedler successfully convinced the judge that the client deserved to be released from jail so he could complete the program. The young man has since graduated and has been gainfully employed as a union carpenter for several months.

Win for Adoptive Parents

After being born in a jail hospital and abandoned by her biological father, a newborn baby girl came to live with Steptoe's clients as a foster child. When the family filed a petition to adopt the girl, the biological father resurfaced and asked his adult son from a prior relationship to adopt the child. Despite the fact that this adult son had served time in prison on drug charges, he and his wife waged a fight for the little girl.

The case went to trial, and despite every indication for a quick, favorable ruling, close to nine months

passed before the judge finally ruled in favor of Steptoe's clients. **Susan Koegel and Gretchen Miller** worked on the case.

Political Asylum Victory

Steptoe attorneys succeeded in obtaining political asylum for a 21-year-old Rwandan man referred to the firm by the Washington Lawyers' Committee for Civil Rights. The client is the nephew of one of Rwanda's most prominent businessmen and a long-time critic of President Paul Kagame's regime, who has spoken out against government corruption and in favor of more serious efforts at reconciliation between Tutsis and Hutus. **Paul Mickey and Alyssa Dragnich** argued that Steptoe's client would likely face persecution because of imputed political opinion if he were forced to return to Rwanda. The key factor in the decision was the compelling testimony about government brutality and reprisal offered by the former speaker of Rwanda's parliament in the years following the genocide, who offered a first-hand account of the Kagame regime's determination to punish the client's family.

Proposition 200 Stayed for November Arizona Elections

The Ninth Circuit Court of Appeals granted an emergency motion filed by the firm to enjoin the State of Arizona from implementing Proposition 200's voter ID requirements in connection with the November elections.

The Ninth Circuit's ruling will help ensure the fundamental right to vote for tens of thousands of Arizonans who otherwise would have faced unnecessary barriers to full participation in the federal and state elections. The order will remain

in effect until the court considers an appeal. Passed in 2004, Proposition 200 dramatically altered Arizona election law by (1) requiring citizens to present documentary proof of citizenship in order to register to vote and (2) imposing a restrictive identification requirement as a condition of casting a ballot at the polls. For those voters who cannot meet its requirements, Proposition 200 required that voters purchase acceptable forms of identification. The firm also argued that the law, by creating a price tag to vote, violates the Constitution's Equal Protection Clause. By requiring proof-of-citizenship documentation beyond the information required by federal law, Steptoe argued that Proposition 200 also violated the National Voter Registration Act (the "motor voter" law). To date, Proposition 200's proof-of-citizenship requirement has already blocked nearly 21,000 Arizonans from registering to vote.

The Ninth Circuit's Order enjoins Proposition 200's registration proof-of-citizenship requirements "so that voters can register before the October 9, 2006, registration deadline." It also enjoins the law's polling place identification requirements. The Arizona Attorney General has indicated that his office will seek prompt review by the US Supreme Court.

The Steptoe team included **David Bodney, Karen Hartman-Tellez, Chris Moeser, Matthew Parry,** and **Joshua Waltman.**

Asylum Granted for Transgender Client

Tom Trendl and **Michael Pass** represented a transgender client who had been the victim of lifelong physical and sexual abuse at the hands of family, schoolmates, and the police in her native Mexico. The client sought asylum in the United States but faced two significant obstacles. First, her application was filed after the statutory deadline had passed. Second, the client sought protection

on the basis of membership in a particular social class (homosexual men with female sexual identities) that has thus far only been recognized by the US Court of Appeals for the Ninth Circuit. Despite these challenges, asylum was granted two weeks following the initial interview. The Steptoe team also included **Lynda Zengerle, Eric Emerson, Leah Quadrino,** and **Juliana Moran.**

School Partnership Program

In 1994, the Washington Lawyers' Committee for Civil Rights launched its highly successful school partnership program, through which local law firms work with Washington public schools, helping to enrich the educational experience for students across the city. Steptoe was the first firm to engage in one of these partnerships, which served as a pilot for the dozens that have followed.

One of the hallmarks of this program is the breadth of participation found within the law firms. For Steptoe, it is a great opportunity for everyone in the Washington office to work together, as colleagues rather than as attorneys and support staff, to make a contribution to the young people in this community.

To Do :

Check out [Steptoe's web site](#)! It has a new look and is enhanced with better navigation tools and more powerful search functions. Also, the alumni page contains previous issues of StepNet.

Coming soon: a customized alumni extranet. In the meantime, send any news or contact updates to alumni@steptoe.com.

WHERE ARE THEY NOW?



Scott Bielicki was recalled to active duty by the US Marines in October 2006. He had been an associate in the

Litigation Department since 2004 focusing primarily on complex litigation. Prior to joining Steptoe he served as Judge Advocate in the US Marine Corps.

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Robert Bigler is a trial attorney for the US Department of Justice. Prior to joining the DOJ he was an associate in Steptoe's Litigation Department from 2005 until 2006.

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Amber Blaha joined the Department of Justice's Environmental and Natural Resources Division, Law and Policy Section. Ms. Blaha was an associate in Steptoe's Energy & Natural Resources and Litigation groups from 2000 until 2006.

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Kathleen Bryan was named president and CEO for the International Institute for Conflict Prevention & Resolution. She was a Steptoe associate in the Phoenix office from 1987 until 1989.

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March Coleman, a member of Steptoe's Litigation Department from 2000 until 2006, joined Merck & Co. as in-house counsel.

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Christopher Conte was appointed associate enforcement director in the Securities and Exchange Commission's Enforcement Division. In this position he will help plan and direct the SEC's investigations and enforcement efforts. Prior to joining the SEC, Mr. Conte was an associate at Steptoe from 1988 until 1992.

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Gary Farmer was called to active duty by the US Army in October 2006 for a period of 10 weeks, after which he is planning to return to his antitrust practice in Steptoe's Litigation Department.

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Adrian Fenty, former paralegal at Steptoe from 1992 until 1993, was elected mayor of the nation's capital by a resounding margin on

November 14, 2006. He will take office in Washington after the first of the year, as Washington's youngest-elected mayor.

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Michelle Fetterman joined the Federal Trade Commission's Bureau of Competition. Prior to joining the

Commission, Ms. Fetterman was a member of Steptoe's Litigation Department from 2004 until 2006.

Barry Glaser was elected president of the Los Angeles Convention Center Authority and Exhibition Commission for the City of Los Angeles. In this position, he will speak on the changes of bankruptcy law. Mr. Glaser was a partner in the Los Angeles office from 2002 until 2003.

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Lisa Glow, former associate in Steptoe's Phoenix office from 1995 until 1998, is currently the president and CEO of the Southwest Autism Research & Resource Center.

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Rachel Laser is director of The Culture Project and senior policy advisor at Third Way, a think-tank based in Washington, DC. Ms. Laser practiced in the Washington office of Steptoe from 1995 until 1996.

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Margaret Steinbeck was elected judge in the 20th Judicial Circuit Court in Florida. She was an associate in

the Washington office from 1990 until 1991.

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Linda Tiller was honored with an Award of Distinction by the Virginia Women Attorneys Association. Ms. Tiller practiced in the Washington office of Steptoe from 1990 until 1993.

STEPTOE IN THE NEWS

The partnership elected the following individuals as partners of the firm in the Washington office: **José González-Magaz**, **Carol Gosain**, **Daniel Poynor**; in the Los Angeles office: **Jason Levin**; and in the London office: **Angus Rodger**.

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The partnership approved the promotions of the following individuals to of counsel in the Washington office: **Mike Bergeron**, **Stephanie Dunn**, **Andrew Hefty**, **Elizabeth Johnson**, and **John Kavanagh**; and in the Phoenix office: **Janice Crawford**.

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The partnership elected **Andrew Racca** as special counsel in the Washington office.

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Step toe has been named Pro Bono Law Firm of the Year by the DC Employment Justice Center for the successful representation of RFK stadium workers who were significantly underpaid. **Errol Patterson** and **Elisabeth Morse** negotiated a favorable resolution of the problem.

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Erin Bradham was named one of the Top Pro Bono Attorneys in Arizona by the Arizona Foundation for Legal Services & Education, an affiliate of the state bar. This honor is limited to just 50 attorneys in the entire state of Arizona.

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Marcia Yablon received an Award of Merit from the National Center for Missing & Exploited Children

for her work on an important international custody case. The National Center appreciated her commitment and said they wished “more individuals would give of their time and their hearts to help promote good outcomes for children caught in custody disputes.”

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Jeff Waldstreicher was elected to the Maryland State House as one of three delegates representing constituents in District 18, covering the cities of Chevy Chase, Kensington, Wheaton, and Silver Spring. Mr. Waldstreicher is currently an associate in the firm’s Litigation Department.

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Step toe was ranked among the top 15 law firms in the field of pro bono work by *American Lawyer* for its commitment to public service activities.

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Step toe was one of 30 law firms named to BTI Consulting’s 2007 Client Service A-Team, for providing outstanding service to corporate counsel at large and Fortune 1000 companies. Step toe was also one of only 10 law firms honored this year as BTI Client Service A-Team Alumni, having been ranked by clients at least twice in the past six years.

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Thirty-five Step toe partners were recognized in this year’s edition of The Best Lawyers in America 2007. This ranking is the result of a peer-review survey in which thousands of the top lawyers in the United States confidentially evaluate their professional peers.

NEW FACES



Michael Durst joined Step toe’s Washington office as special counsel, where he is a member of the Tax group. He is a former director of the IRS Advance Pricing Agreement

Program. Mr. Durst’s Step toe practice focuses on international tax matters and transfer pricing. Mr. Durst received his J.D. from the Boalt Hall School of Law at the University of California, Berkeley.



Robert Kovelman joined the firm as partner resident in the Century City office, where he is a member of the Intellectual Property group. His practice focuses on domestic

and foreign complex transactional and complex technology matters, often related to prosecution, licensing, and transactional issues. He was awarded his J.D. from Southwestern University School of Law.



Brooke Quist joined the Century City office as of counsel. He is a member of the Intellectual Property group focusing on patent preparation and prosecution, the

preparation of patent invalidity and non-infringement opinions. He was awarded his J.D. by the University of Texas at Austin.

Richard Reinis joined Step toe’s Century City office as of counsel in the Corporate, Securities, and Finance group. Prior to joining the firm, Mr. Reinis was most recently cofounder and chairman of Great Circle Family Foods, the Southern California-based, largest Krispy Kreme franchisee. He was awarded his J.D. from The University of Southern California.