



**Akin Gump**

STRAUSS HAUER & FELD LLP

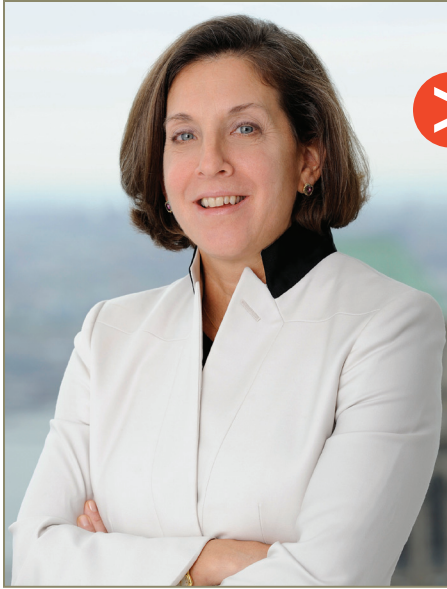
# connecting

2013 ANNUAL REVIEW



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## Kim Koopersmith

Chairperson

### Dear Clients, Alumni and Friends,

The theme of this year's book is "connecting," which, for me, is a word rife with possibility. It speaks to the relationships we build with our clients as we immerse ourselves in their businesses, challenges and plans. It evokes the thinking our attorneys and advisors do, joining data points to build an innovative solution or a precedent-setting defense. And it introduces a new feature to the annual review, for, in this year's edition, we link past and future by asking three of our most experienced partners—litigation head Steve Baldini, global energy and transactions head Rick Burdick and public law and policy partner Rob Leonard—each to provide a look at issues of interest in the year ahead that complements the book's retrospective look at the work of 2013.

And 2013 brought us exciting work. Helping Starbucks win two class action suits with implications for businesses through New York state. Arguing pro bono before the U.S. Supreme Court—and winning—a critical challenge to a restrictive Arizona voter registration law. Deploying a little-known rule to thwart an illegal shareholder vote proposed by tech giant Apple. Offering the Colorado Public Utilities Commission regulatory know-how to strike a balance between the interests of a utility and its customers. Advising in one of the largest London hedge fund launches of 2013.

## connecting:

The feeling people have that they are members of a group and that they share particular qualities with other members of that group.

—Kim Koopersmith

Counseling eAccess in the company's \$2.3 billion sale to Softbank Corp. Working on the acquisition of such marquee brands as Steinway Musical Instruments and True Religion Apparel.

I'm also proud to say that 2013 saw us take effective steps to help our attorneys and advisors forge broader-gauged connections with our clients. By opening offices where our clients' business is—as we did in Irvine, California, our 20th office worldwide—or by launching influential blogs such as Deal Diary and Speaking Energy that bring actionable information to our clients' computers, tablets

or phones, we strive to find—or create—meeting grounds between Akin Gump's know-how and our clients' needs.

As you read the pages ahead, I hope that you'll make connections of your own to the challenges surmounted, plans executed and dreams fulfilled. We're proud of the role we played in our clients' enterprises and look forward to serving them as counsel and advocate in 2014.

Welcome to the 2013 Akin Gump Annual Review.



Read  
Kim Koopersmith's  
bio here.



# > client service

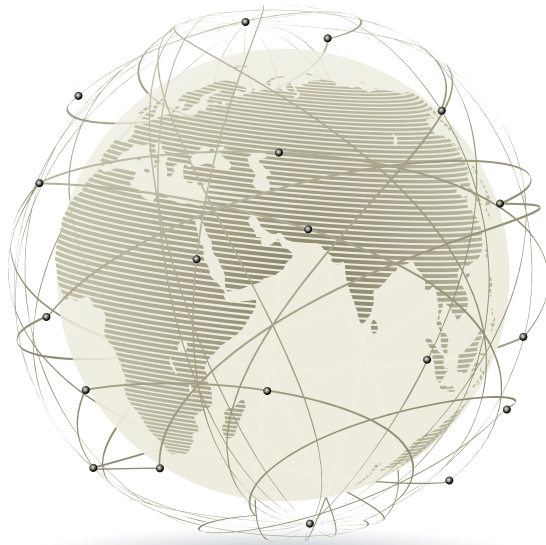
“*Connecting* to our clients and each other to achieve continued success.”

— Kim Koopersmith

# What We Do

We connect the dots. We join the segments.

At every engagement, Akin Gump's attorneys and advisors, bridging the firm's transactional, litigation and policy groups, engage with clients and each other in a variety of ways, including:



## > Thought leadership

We share the information our clients need to take the next step—more than 1100 articles, alerts, newsletters, events, tweets and blog posts in 2013 alone.

## > Immersion

Our more than 900 lawyers are deeply involved in 18 core practices and 15 core industries. Our lawyers and advisors, drawn from business, government and academia, provide clients with practical insight into their business and legal needs.

## > Commitment

...excellence, collegiality, integrity and intensity—we live our core values in everything we do, which translates into the world-class level of service we provide.



# Where We Do It

**20** offices worldwide,  
and *wherever* you need **legal counsel**

*We span practices, time zones and cultures, always in the service of clients.*



From a **Nicaraguan**  
geothermal power project  
site to the **London** Court of  
International Arbitration.



From a restaurant chain  
in **Nairobi** to the gas fields  
of **Uzbekistan**.



From **Victoria Harbour** and the  
北京商务中心区  
to **Wall Street** and **Capitol Hill**.



## TRANSACTIONS

“ In nature we never see anything isolated, but everything in *connection* with something else which is before it, beside it, under it and over it. ”

– Johann Wolfgang von Goethe



> **Rick Burdick**  
Partner

## TRANSACTIONS: THE GLOBAL ENERGY AND TRANSACTIONS GROUP

**Q.** What trends in the energy field do you see continuing or developing in 2014?

**A.** At the end of 2013, I moderated a briefing for reporters across the energy industry on this topic, and some very interesting points emerged from our partners' presentations. First, the unconventional revolution in the U.S.—shale gas and oil—is a game changer for global energy markets. It not only assures the U.S. of abundant, reasonably priced natural gas, it also positions the country to be a major exporter of energy. Historically, the United States has exported refined petroleum products, but increased supplies of unconventional gas and oil will result in exports of LNG and, eventually, crude oil.

The proliferation of distributed generation is an interesting development for the power sector. In the last seven years, the number of generation units at commercial and industrial sites has seen a 400 percent increase to 40,000 units, and its continued growth is something worth watching very closely.

The renewable energy sector also finds itself on shifting sands. While there has been a steady increase in wind and solar production and capacity, continuing tax and RPS policy uncertainty present headwinds for 2014. That said, the sector will continue to see growth opportunity on the distributed generation side as well as in utility-scale projects.

**Q.** The shale gas revolution was a key driver of the energy market in 2013. What are the prospects for that continuing into 2014, both in the U.S. and across the globe?

**A.** There seems to be plenty of opportunity to export the U.S.'s unconventional know-how around the world. China, Russia, Argentina and Mexico are among the countries with great potential. While the interest seems great, I think it will take a number of years before this opportunity is realized. The availability of equipment, services and infrastructure in the U.S. played a critical role in the rapid development of unconventional oil and gas. That will take time to develop in other countries.

**Q.** There remains a lot of focus on growth in energy markets in regions such as Russia, China and Latin America. Are there any other regions that might warrant particular attention in 2014?

**A.** One region in particular where I think there is the potential for continued expansion is West Africa. Three countries there—Nigeria, Gabon and Ghana—produce approximately one-third of Africa's entire energy output. International oil companies (IOCs) have taken notice of that and are investing heavily in the region, which is a trend I think we're likely to see continue in 2014. There are challenges facing IOCs in that region, including political instability, security concerns and underdeveloped infrastructure, but I think that it is certainly a region with a lot of potential for growth.

## MERGERS AND ACQUISITIONS

### Special Committee of the Board of Directors of MetroPCS

\$7 BILLION

merger with Deutsche Telekom AG's T-Mobile USA

**Practices:** Corporate Governance, Mergers and Acquisitions  
**Industries:** Communications and Information Technology  
**Regions:** Europe, North America

### Alterra Capital Holdings Limited

\$3.13 BILLION

sale of the NASDAQ-listed Bermuda-based specialty reinsurer and insurer to Markel Corporation

**Practices:** Mergers and Acquisitions  
**Industries:** Insurance  
**Regions:** North America

### True Religion Apparel, Inc.

\$824 MILLION

sale to TowerBrook Partners

**Practices:** Mergers and Acquisitions, Private Equity Transactions  
**Industries:** Retail  
**Regions:** North America

### Paulson & Co.

\$512 MILLION

acquisition of Steinway Musical Instruments Inc. in the first transaction executed under new Delaware law – Section 251(h)

**Practices:** Investment Management, Mergers and Acquisitions  
**Industries:** Retail, Private Equity  
**Regions:** North America

### eAccess

\$2.3 BILLION

purchase by Softbank Corp.

**Practices:** Cross-Border Transactions, Mergers and Acquisitions  
**Industries:** Communications and Information Technology  
**Regions:** Asia

### EP Energy LLC

\$2 BILLION

four separate sales of natural gas assets

**Practices:** Corporate, Mergers and Acquisitions  
**Industries:** Energy, Oil and Gas  
**Regions:** North America

### Crestwood Midstream Partners

\$7 BILLION

merger with Inergy Midstream, L.P.

**Practices:** Corporate, Mergers and Acquisitions, Tax  
**Industries:** Energy, Oil and Gas  
**Regions:** North America

### OAO LUKOIL

\$2.05 BILLION

acquisition of oil company Samara-Nafta from Hess Corporation

**Practices:** Corporate, Mergers and Acquisitions  
**Industries:** Energy, Oil and Gas  
**Regions:** North America

## SECURITIES

### VimpelCom

**\$2** BILLION

(in aggregate)

Represented in a Rule 144A/Reg S high-yield Eurobond offering of \$1.6 billion and RUB 12 billion. This transaction involved the first RUB-denominated tranche in an international bond issue by a Russian non-financial issuer.

**Practices:** Capital Markets

**Industries:** Communications and Information Technology

**Region:** Europe

### Citigroup

**\$150** MILLION

as sole bookrunner in the initial public offering of Levy Acquisition Corp., a special purpose acquisition company

**Practices:** Capital Markets

**Industries:** Hospitality

**Regions:** North America

### Memorial Production Partners LP

**\$1.1** BILLION

issuer in three public offerings of common stock and three 144A offerings of senior notes

**Practices:** Corporate, Capital Markets

**Industries:** Energy, Oil and Gas

**Regions:** North America

### Sanchez Energy

**\$1.1** BILLION

Rule 144A/Reg S high-yield debt offerings of senior notes, the private placement of cumulative perpetual convertible preferred stock, series B and a public offering of common stock

**Practices:** Corporate, Capital Markets

**Industries:** Energy, Oil and Gas

**Regions:** North America

### Laclede Gas Company

**\$837** MILLION

\$450 million mortgage bond and \$387 million equity offerings to finance the \$975 million acquisition of Missouri Gas Energy

**Practices:** Capital Markets,

Mergers and Acquisitions

**Industries:** Energy

**Regions:** North America

### EVERTEC Inc.

**\$506** MILLION

initial public offering

**Practices:** Capital Markets

**Industries:** Private Equity

**Regions:** North America

### Cinemark

**\$530** MILLION

Rule 144A/Reg S high-yield note offering

**Practices:** Capital Markets

**Industries:** Hospitality, Entertainment and Media

**Regions:** North America

### LUKOIL International Finance B.V.

**\$3** BILLION

Rule 144/Reg S Eurobond offering

**Practices:** Capital Markets

**Industries:** Energy

**Regions:** Europe, Russia and CIS

## FINANCING

### Fossil, Inc.

**\$1** BILLION  
credit facility

**Practices:** Finance  
**Industries:** Retail  
**Regions:** North America

### FirstEnergy Corp.

**\$6** BILLION  
extension of three multiyear syndicated revolving credit facilities

**Practices:** Finance  
**Industries:** Energy  
**Regions:** North America

### RatPac-Dune Entertainment

**\$450** MILLION  
co-financing agreement with Warner Bros. Pictures for up to 75 films

**Practices:** Finance, Corporate  
**Industries:** Entertainment and Media  
**Regions:** North America

### Great Wolf Resorts, Inc.

**\$420** MILLION  
credit agreement

**Practices:** Finance, Private Equity Transactions  
**Industries:** Hospitality  
**Regions:** North America

### Cyrus Capital Partners

**\$300** MILLION  
restructuring of Virgin America's debt

**Practices:** Finance  
**Industries:** Investment Management, Transportation  
**Regions:** North America

### Guggenheim Partners

Advisor to Voltage Finance LLC in its acquisition of a 25 percent ownership interest in the Sentinel 800MW gas-fired power generation facility

**Practices:** Global Project Finance  
**Industries:** Energy  
**Regions:** North America

### A Consortium of Private Equity Companies

Series of development loans to a solar energy project developer

**Practices:** Global Project Finance  
**Industries:** Energy, Renewable Energy, Solar  
**Regions:** North America

### SunPower Corporation

Development and sale of equipment to, and construction of, the Salvador solar project in Chile

**Practices:** Cross-Border Transactions, Global Project Finance  
**Industries:** Energy, Renewable Energy, Solar  
**Regions:** North America, Latin America

## INVESTMENT MANAGEMENT AND TAX

### MatlinPatterson Global Advisers LLC

Advice in relation to the structuring, negotiation and documentation of a strategic partnership between MatlinPatterson and Allied World Financial Services Company, Inc., a subsidiary of Allied World Assurance Company Holdings, AG

**Practices:** Investment Management, Labor and Employment, Mergers and Acquisitions, Tax  
**Regions:** Europe, Russia and CIS

### Octavian Advisors, LP

Represented investment funds advised by Octavian Advisors, LP, in the sale of a significant fund equity stake in, and management of, several Octavian Funds to TPG Special Situations Partners

**Practices:** Corporate, ERISA, Investment Management, Tax  
**Regions:** North America

### Jasper Ridge Partners

Advice in relation to a tender offer for limited partner interests in TH Lee Putnam Ventures

**Practices:** Investment Management  
**Industries:** Private Equity, Real Estate  
**Regions:** North America

### HSBC European Alpha Fund

Advised management team in relation to its spin-out from HSBC and the establishment of the Mojna Capital group and Mojna Alpha funds in one of the largest hedge fund launches to debut in London during 2013

**Practices:** Investment Management  
**Regions:** Europe

### Canosa Capital

Advice on the launch of its initial fund in one of the biggest global launches of 2013, seeded by Brummer & Co, one of the largest hedge fund managers in Europe

**Practices:** Investment Management  
**Regions:** Europe

### Lead Counsel to Limited Partners of Trophy Property Fund

Advice in connection with structuring and negotiating a change in management of the Trophy Property Fund, one of the largest China-focused real estate funds

**Practices:** Investment Management  
**Industries:** Real Estate, Private Equity  
**Regions:** North America, Asia

### Luxor Capital Group

Represented client as the lead investor in two private placement transactions with American Realty Capital Properties, Inc., a publicly traded real estate company listed on NASDAQ that qualified as a REIT for U.S. federal income tax purposes

**Practices:** Corporate, Tax  
**Industries:** Real Estate  
**Regions:** North America

### Apollo Global Management

Advice in connection with the formation and tax structuring of Apollo Investment Fund VIII, L.P.

**Practices:** Investment Management, Tax  
**Industries:** Energy, Oil and Gas  
**Regions:** North America, Europe, Africa, Asia, Middle East, Russia and CIS, Latin America



## FINANCIAL RESTRUCTURING

### Hawker Beechcraft, Inc.

Represented the Official Committee of Unsecured Creditors in connection with the restructuring of

**\$2.5** BILLION  
in debt

**Practices:** Corporate, Financial Restructuring, Labor and Employment, Tax  
**Industries:** Aerospace and Defense  
**Regions:** North America, Europe, Asia

### Edison Mission Energy

Represented the Official Committee of Unsecured Creditors in connection with the restructuring of more than

**\$4** BILLION  
in unsecured debt

**Practices:** Corporate, Energy, Financial Restructuring, Litigation, Tax  
**Industries:** Energy, Independent Power Producer  
**Regions:** North America, Middle East

### Geokinetics Inc.

**\$300** MILLION  
debt-for-equity swap and \$75 million exit facility

**Practices:** Financial Restructuring  
**Industries:** Energy, Oil and Gas  
**Regions:** North America

### CEVA Group Plc

**€1.2** BILLION  
out-of-court debt-for-equity swap

**Practices:** Corporate, Financial Restructuring, Litigation, Tax  
**Regions:** North America, Europe, Asia, Latin America

### Globalstar, Inc.

Represented an Informal Group of Noteholders of Globalstar, Inc. in connection with the company's out-of-court restructuring of approximately

**\$650** MILLION  
in indebtedness

**Practices:** Corporate, Financial Restructuring  
**Regions:** North America, Europe

### Indianapolis Downs, LLC

Represented the Ad Hoc Committee of Second Lien Lenders in connection with the issuer's

**\$500** MILLION  
asset sale

**Practices:** Corporate, Finance, Financial Restructuring, Litigation, Tax  
**Regions:** North America

### LifeCare Holdings, Inc.

Represented the Steering Committee of Secured Lenders in connection with the issuer's

**\$400** MILLION  
asset sale

**Practices:** Corporate, Financial Restructuring, Litigation  
**Industries:** Health Care and Life Sciences  
**Regions:** North America

### School Specialty, Inc.

Represented Bayside Capital in connection with a

**\$50** million  
DIP facility for School Specialty and successfully litigated Bayside's entitlement to a \$21 million make-whole payment in connection with the repayment of Bayside's prepetition loans.

**Practices:** Corporate, Financial Restructuring, Litigation  
**Regions:** North America



## ADVOCACY

“Creativity is the power to *connect* the seemingly unconnected.

– William Plomer



> **Stephen M. Baldini**  
Partner

ADVOCACY: ENFORCEMENT ACTIVITY

**Q.** Enforcement efforts by agencies of the federal government have been increasing over the last few years. To what extent do you see that continuing and possibly expanding in the upcoming year?

**A.** There is an increasing trend of greater coordination among U.S. enforcement agencies with their international counterparts. Overlapping state and federal regulatory restrictions, reporting requirements, disclosure obligations and fundamental corporate governance mandates create many levels of legal, reputational and business risks for companies. Over the past several years, increased globalization has led to more cooperation amongst enforcement agencies, and we expect to see increases in certain markets as agencies coordinate internationally.

**Q.** What advice would you give to companies seeking to address this increase in enforcement activity?

**A.** The high-profile and high-dollar cases brought by the Department of Justice, Securities and Exchange Commission and other enforcement agencies in recent years have been successful in getting companies of all shapes and sizes to adopt compliance programs that are often thorough and well written. There is a need for companies in all sectors to establish and maintain strong, effective governance mechanisms to ensure compliance. But having a well-designed “paper program” is not enough. Ultimately, when evaluating a company’s compliance program, enforcement authorities want to know: “Does it work?” It is good practice for companies to test and review their compliance programs on a regular basis to help the company prevent violations or discover them earlier.

## Starbucks

**Objective:** Coffee giant Starbucks sought to defend itself in two class action suits filed in 2008 challenging the company's policy regarding the sharing of tips among its hourly employees.

**The Akin Gump Difference:** Akin Gump's employment and appellate lawyers successfully defended both lawsuits by convincing the federal district court, the 2nd Circuit and the New York Court of Appeals that Starbucks was entitled to summary judgment in both cases. The decision last June by New York's highest court, in particular, in which the court upheld Starbucks policy as fully consistent with New York law, represented a landmark opinion on a previously unsettled and important question of employment law. The court found that Starbucks "shift supervisors" do much of the same work as the entry-level baristas and, therefore, may share in the tips. The court also held that Starbucks properly excluded assistant managers from receiving distributions from the communal tip jars.

**Significance of Result:** The impact of these decisions goes far beyond stores owned by Starbucks, potentially affecting thousands of New York businesses statewide and a quarter-million hospitality industry workers in New York City alone.

## Inter Tribal Council of Arizona

**Goal:** Pro bono client the Inter Tribal Council of Arizona sought to overturn an Arizona law that denied tens of thousands of U.S. citizens the right to vote in federal elections.

**The Akin Gump Difference:** Akin Gump's Supreme Court and appellate practice was brought in to help brief and then argue this important voting rights case before the Supreme Court. After argument, the Supreme Court struck down Arizona's restrictive voter registration law, which had attempted to displace the voter registration processes and efficiencies put in place by Congress in the National Voter Registration Act (NVRA).

**Significance of Result:** Before being struck down, in addition to denying tens of thousands of U.S. citizens the right to vote in federal elections, the voter registration law in Arizona had established important precedent concerning preemption law under the Elections Clause. This was a crucial victory for the firm's clients and for numerous other civil and voting rights organizations.

### PRACTICES

Labor and Employment  
Litigation  
Supreme Court and Appellate

### INDUSTRIES

Retail

### REGIONS

North America

### PRACTICES

Litigation  
Supreme Court and Appellate

### INDUSTRIES

American Indian

### REGIONS

North America

PRACTICES

Dispute Resolution  
International Arbitration  
and Litigation

INDUSTRIES

Energy  
Oil and Gas

REGIONS

Europe  
Latin America

## Petrobras

**Objective:** Brazilian energy giant Petrobras, the largest company in Latin America by revenue, sought successful resolution of a dispute currently before the English court.

**The Akin Gump Difference:** Petrobras is involved in a long-running \$500 million dispute concerning the upgrade of the world's largest production platform, P36, which sank in 2004. The matter has been described by *The Times* newspaper as "the world's largest oil platform dispute." Akin Gump successfully appealed a Commercial Court judgment on highly complex preliminary issue questions of process engineering and naval architecture. In 2013, the Court of Appeal found for Petrobras on all points—a major blow for the claimant that substantially strengthens Petrobras' position in the remainder of the litigation.

**Significance of Result:** This is one of the biggest oil and gas-related cases currently before the English court.

PRACTICES

Bankruptcy Litigation  
Litigation  
Supreme Court and Appellate

INDUSTRIES

Energy  
Oil and Gas

REGIONS

North America

## Lothian Oil

**Objective:** Following confirmation of a Texas bankruptcy plan of reorganization, reorganized debtor Lothian Oil, Inc. sought to uphold the integrity of the plan against collateral attacks asserted in two New York state court lawsuits filed by a minority group of interest holders.

**The Akin Gump Difference:** Unhappy with the results of the plan, the minority group filed two New York state court lawsuits alleging more than 15 causes of action against Lothian Oil's current and former officers, directors and others, seeking more than \$100 million in damages and constructive trusts over oil and gas properties. In response, the Texas bankruptcy court sanctioned the plaintiffs in excess of \$600,000 for violating the plan injunction and refusing to cease the New York lawsuits. Subsequently, a New York bankruptcy court also sanctioned the leader of the minority group and issued a bench warrant for his arrest for violating related court orders.

**Significance of Result:** On back-to-back days, Akin Gump secured victories in the 5th Circuit Court of Appeals and the 2nd Circuit Court of Appeals upholding the Texas and New York bankruptcy courts' rulings, respectively. These victories helped bring an end to the ongoing efforts to disrupt the plan of reorganization and harass the reorganized debtor.

## Meat Packing Facility

**Objective:** In this False Claims Act case arising from the largest meat recall in U.S. history, Akin Gump represented the defendants in a landmark lawsuit, in which the federal government intervened, seeking more than \$300 million in damages and civil penalties.

**The Akin Gump Difference:** The lawsuit, originally filed by the U.S. Humane Society, alleged the mistreatment of animals at a meat packing facility and non-compliance by defendants with the terms of their contracts with the U.S. Department of Agriculture. A year later, the federal government intervened based on claims that the facilities obtained government contracts through false certifications by one of the defendants, Aaron Magidow. Akin Gump successfully moved for partial summary judgment on behalf of Aaron Magidow and his widow on the grounds that the government had no evidence to support its causation theory. The case settled shortly thereafter on very favorable terms.

**Significance of Result:** Akin Gump's work on the matter took the wind out of the government's case, causing the case to settle on very favorable terms.

### PRACTICES

False Claims Act  
Litigation

### INDUSTRIES

Food and Drug Law

### REGIONS

North America

PRACTICES

Complex Commercial Litigation  
Investment Funds Litigation  
Litigation

INDUSTRIES

Entertainment and Media

REGIONS

North America

## Greenlight Capital

**Objective:** Greenlight Capital sought to obtain a preliminary injunction preventing Apple, Inc. from proceeding with an illegal shareholder vote at Apple's February 27, 2013, annual meeting.

**The Akin Gump Difference:** On January 7, 2013, Apple filed a proxy statement and proxy card in which it bundled together for a single "yes" or "no" vote several discrete proposed amendments to Apple's articles of incorporation. Greenlight supported two of the amendments that the tech giant had bundled into what it called "Proposal No. 2," but opposed a third proposed amendment. As a result, Greenlight was put in the position of having to vote against its own interest.

Akin Gump determined that "Proposal No. 2" likely violated the SEC's important but infrequently invoked "unbundling rules," which forbid filers from linking discrete proposals together for a single vote. After Apple refused to withdraw Proposal No. 2 voluntarily, Greenlight instructed the firm to seek a preliminary and permanent injunction.

Three days after oral argument, Greenlight's motion was granted in its entirety, enjoining Apple from, among other things, counting or certifying any votes based on Proposal No. 2.

**Significance of Result:** The order was accompanied by a precedent-setting opinion that clarified the scope and purpose of the unbundling rules.



## Freeman

**Goal:** Freeman Companies sought to defend itself in a lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), in which the EEOC alleged that Freeman's use of criminal convictions and credit history information in the hiring process had an unintended discriminatory effect adverse to African Americans, Hispanics and males.

**The Akin Gump Difference:** An Akin Gump team won summary judgment and dismissal of the suit brought by the EEOC against Freeman by demonstrating that Freeman's standards for its prospective employees were job-related and that its hiring decisions were prompted by business necessity.

**Significance:** The issues in this case tested the boundaries of Title VII of the Civil Rights Act of 1964. The most significant holding involves the application of the Title VII no-cumulation rule for calculating disparate impact. The court ruled that it's not sufficient for the EEOC to show that a criminal history or a credit check policy as a whole has a disparate impact on a protected group if the policy has specific criteria or procedures that are capable of separation for the purposes of analysis. Instead, the court held that the EEOC must isolate a specific and discrete element that produces the discriminatory outcome. The no-cumulation rule of Title VII was one of two alternative bases for the award of summary judgment for Freeman.

## Ernst & Young

**Goal:** Akin Gump client Ernst & Young sought to defend itself in multiple interrelated class actions challenging the client's treatment of certain professional employees as exempt from California, New York and federal overtime laws. These matters involved issues of class certification, substitution of class representatives, arbitrability and transfer of venue.

**The Akin Gump Difference:** Akin Gump achieved victories for our client in both the 2nd and 9th circuits of the U.S. Court of Appeals. In an appeal, the 2nd Circuit enforced the class action waiver in Ernst & Young's agreement to arbitrate, rejecting all of the plaintiff's arguments against enforcement. Similarly, the 9th Circuit held that Ernst & Young could compel its former employee to individually arbitrate her claims and decertified the class.

**Significance:** The 2nd and the 9th circuits both ruled that the Fair Labor Standards Act does not contain a contrary congressional command that would prohibit the enforcement of class action waivers. The ruling is a significant victory for employers in all industries, as it protects employers by allowing them to use waivers in arbitration pacts to block workers from filing costly class and collective actions.

### PRACTICES

Labor and Employment

### REGIONS

North America

### PRACTICES

Labor and Employment

Supreme Court and Appellate

### REGIONS

North America

PRACTICES

International Trade  
International Trade Policy  
Public Law and Policy

REGIONS

Latin America  
North America

## Azurix

**Objective:** Azurix had sought, for more than three years, to collect a \$165 million international investor-state arbitration award that the government of Argentina had refused to pay, in violation of the U.S.-Argentina Bilateral Investment Treaty.

**The Akin Gump Difference:** A cross-practice Akin Gump team assisted Azurix by developing groundbreaking international trade policy initiatives and by incorporating lobbying and administrative procedure strategies. In particular, we successfully petitioned the U.S. government to withdraw preferential duty rates on imports from Argentina, pending resolution of the case. We also formulated a novel petition under Section 301 of the Trade Act of 1974 that, if filed, could have resulted in Argentina facing trade sanctions and the denial of multilateral development bank loans. Central to our success was the recognition by key members of Congress and relevant executive branch agencies that grave harm would be done to the investor-state treaty system if Argentina were not held accountable for its behavior.

**Significance:** This is the first time a company has been able to enforce successfully an investor-state arbitration award against a recalcitrant nation.

## Swiss Watchmaker

**Goal:** A prominent Swiss watchmaker and brand owner sought to defend itself in an international arbitration before the International Centre for Dispute Resolution, under New York law.

**The Akin Gump difference:** The case arose from the client's sale of its watchmaking business, which the client's North American distributor claimed violated its right of first refusal under the parties' distribution contract. The stakes were high for the client, as the claims reached seven figures and were brought against the client in a personal capacity. At the hearing, Akin Gump argued to the arbitration panel that the distributor had not suffered any damage as a result of the sale. With the arbitration ongoing, the distributor filed suit in New York state court in an attempt to remove the arbitrators. Akin Gump promptly obtained dismissal of this action, and then moved for sanctions against the distributor's own counsel for interfering with the arbitration.

**Significance:** By invoking a relatively unknown New York precedent, Akin Gump obtained an unqualified success for the client in this high-stakes arbitration: within days of the judge's decision allowing the sanctions motion to go forward, the case was settled for no damages, and the arbitration was withdrawn.

### PRACTICES

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Complex Commercial Litigation  
International Arbitration  
Litigation

### INDUSTRIES

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Retail

### REGIONS

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Europe

PRACTICES

Intellectual Property

INDUSTRIES

Communications and  
Information Technology

REGIONS

North America

## AT&T

**Goal:** Akin Gump's clients AT&T Mobility LLC and Telenav Inc. sought to defend themselves in a suit filed in December 2009 by Vehicle IP for alleged infringement of a patent for determining the expected time of arrival of a vehicle at navigational waypoints. Vehicle IP was targeting the core product of Telenav's business, its flagship Telenav Navigator mobile application.

**The Akin Gump Difference:** In January 2011, Akin Gump's team won a sweeping claim construction victory. Based on that victory, the plaintiff agreed to vacate the case schedule and, instead, let the court decide the case on early summary judgment motions of non-infringement, which Akin Gump filed in early 2012.

**Significance:** Nearly a year after briefing was complete, on April 4, 2013, the court granted Akin Gump's motion finding that our clients' products did not literally or equivalently infringe the patent-in-suit. In achieving this result, both Telenav and AT&T Mobility were spared extensive—and potentially expensive—further litigation and expert discovery on damages and invalidity issues.

PRACTICES

Intellectual Property

INDUSTRIES

Entertainment and Media

REGIONS

North America

## Zynga

**Goal:** Zynga Inc. sought to defend itself against a suit brought by Personalized Media Communications, LLC (PMC) in the Eastern District of Texas for alleged infringement of four patents relating to personalized communications technology. Zynga's popular social networking games Words with Friends, CityVille, FarmVille and Zynga Poker were among the games accused of infringement. PMC, a prolific non-practicing entity with over 60 patents in its portfolio, sought damages of \$25 million in cash and a running royalty of 2 percent of Zynga's revenues from eight of its most popular games through 2028.

**The Akin Gump Difference:** Just seven weeks before trial, Zynga retained Akin Gump to try the case. By the time the trial started in November 2013, two of the four asserted patents had been dropped from the case. The Akin Gump team then formulated and presented a compelling non-infringement defense to the jury. After a week-long trial, Zynga won a complete defense verdict of non-infringement. The jury ruled that Zynga did not commit direct, contributory or induced infringement of the asserted PMC patents and awarded zero damages to PMC.

**Significance:** This was the first time that a defendant had taken PMC claims to trial in federal district court. PMC had previously brought and settled cases for hundreds of millions of dollars against other leading technology companies.

## National Chamber of Aquaculture

**Objective:** Ecuador's National Chamber of Aquaculture and a coalition of U.S. shrimp importers before the U.S. International Trade Commission (ITC) were the subjects of a countervailing duty investigation of allegedly subsidized imports of farm-raised warmwater shrimp from Ecuador, China, India, Malaysia and Vietnam.

**The Akin Gump Difference:** After conducting a lengthy investigation, the ITC voted to terminate the case, finding that the evidence submitted on our clients' behalf supported their assertion that U.S. shrimp fishermen and shrimp processors had not suffered any adverse effects on their sales prices or sales volumes attributable to imported shrimp. If the ITC had found that these imports had caused the domestic industry to suffer material injury, then the imports would have been assessed substantial additional import duties—"countervailing duties"—which would have cost U.S. importers and American consumers hundreds of millions of dollars in the coming years.

**Significance:** Shrimp is by far the most popular seafood in the United States, and imports account for 90 percent of all U.S. shrimp consumption. This victory preserved the ability of U.S. consumers to obtain shrimp at fair and competitive prices.

## Eastman Kodak

**Objective:** Akin Gump represented an ad hoc group of second lien noteholders, the indenture trustee for the second lien notes and certain lenders under the debtors' supplemental debtor-in-possession (DIP) financing (the "Lead Lenders") in the chapter 11 cases of Eastman Kodak Company (Kodak) and its affiliated debtors.

**The Akin Gump Difference:** The iconic photography giant filed for bankruptcy protection on January 19, 2012, citing restructuring costs, the recession and difficulties collecting licensing fees as among the causes of its impaired liquidity. Among other services provided to the clients, Akin Gump advised the Lead Lenders in connection with the negotiation of an \$830 million supplemental DIP facility that paved the way for Kodak's chapter 11 plan. In addition, Akin Gump negotiated a favorable settlement of the second lien noteholders' asserted rights to a make-whole premium in connection with the repayment of the notes under a plan.

**Significance:** Following confirmation of the plan, Akin Gump clients received a cash payment in an amount equal to all principal and interest outstanding on the second lien notes, plus \$20 million on account of the make-whole settlement. The company emerged from bankruptcy on September 3, 2013.

### PRACTICES

International Trade  
Trade Remedy Litigation

### REGIONS

Latin America  
North America

### PRACTICES

Corporate  
Environment and Natural Resources  
Finance  
Financial Restructuring  
Intellectual Property  
Litigation  
Tax

### INDUSTRIES

Communication and  
Information Technology

### REGIONS

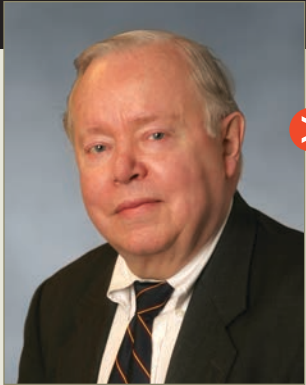
Europe  
North America



## POLICY AND REGULATION

“We cannot live only for ourselves. A thousand fibers *connect* us with our fellow men; and among those fibers, as sympathetic threads, our actions run as causes, and they come back to us as effects.”

– Herman Melville



> **Rob Leonard**  
Partner

POLICY AND REGULATION: **COMPREHENSIVE TAX REFORM**

**Q.** What actions might the House Ways & Means and Senate Finance committees take in 2014 in the area of tax reform?

**A.** Comprehensive tax reform was last enacted in 1986. Thus, a once-in-a-generation reform opportunity (and all its accompanying challenges) is presented to both tax committees in 2014.

The current chairmen of these two committees have been very active in 2013 preparing for legislative action on tax reform. Both Ways & Means chairman Dave Camp and Senate Finance Committee chairman Max Baucus have released “discussion” drafts on various tax reform policy issues, including international tax reform, cost recovery, energy, financial products, tax administration, small business and other “pass-through” entities. In addition, both committees have conducted extensive public hearings and internal meetings on tax reform throughout the year. So, the policy table has been set.

The issues for 2014 are twofold: first is the approach to tax reform that the likely new chairman, Sen. Ron Wyden, may take given that Sen. Baucus having been confirmed as the next ambassador to China; and second, whether a legislative reform package can be developed and advanced that ultimately attracts bipartisan support from members of Congress, the president and the American people.

Both tax-writing committees are pursuing tax reform that is “classical” in design, i.e., reform that substantially reduces tax rates for both individuals

and corporations, balanced by a significantly broadened tax base that eliminates or modifies many current tax benefits. Thus, the challenge confronting both chairmen and their respective committees is finding the right mix of rate changes and revenue offsets to simplify the tax code and improve tax fairness while encouraging economic growth and international competitiveness. A tall order and difficult task—but one within the grasp of these two chairmen and their respective committees.

**Q.** What advice would you give to businesses and enterprises regarding prospective changes?

**A.** The short answer: get engaged and stay vigilant. Tax reform is progressing—in incremental steps perhaps, but progressing nonetheless. Even if tax reform does not make it over the finish line this year, decisions made by one or both committees in 2014 will undoubtedly have a policy bearing whenever the reform issue next gains traction, as it will at some point most certainly. The disrepute in which the American people hold the current tax code, as well as the intense interest of the U.S. business community to rewrite a code that has not been reformed or updated in 25 years, makes reform inevitable. The breadth and scope of the likely changes demand attention and action by all businesses—whether large or small, incorporated or not, a partnership or other pass-through entity. It is often said that tax reform creates multiple “winners” and losers—and it does. Coming out on the “winning” side of the tax reform calculus requires active engagement and sustained vigilance.



## Advanced Drainage Systems

**Objective:** Advanced Drainage Systems (ADS) is the world's largest producer of corrugated high-density polyethylene (HDPE) pipe and was the market leader for pipe in Mexico's water management industry. In 2010, ADS was unjustifiably decertified from participation in the Mexican sanitary sewer pipe market due to a technical barriers to trade (TBT) issue.

**The Akin Gump Difference:** To help ADS obtain certification and sell its products in Mexico, Akin Gump developed a multipronged strategy, including developing WTO and NAFTA arguments that were adopted by the U.S. government and working with members of Congress and the Obama administration to raise these concerns with the Mexican government in a number of venues. Simultaneously, ADS and Akin Gump worked in Mexico to revise existing standards and demonstrate the need for acceptance of an international standard in accordance with the WTO's TBT Agreement. Through these efforts Akin Gump was able to elevate this issue as a priority in all U.S.-Mexico trade and investment meetings and communications.

**Significance:** As a result of the consistent pursuit of the multipronged strategy, Mexico issued ADS a full three-year certification to sell HDPE pipes in the Mexican market, thereby allowing ADS to reenter the lucrative Mexican infrastructure market after a more than two year hiatus.

## Colorado Public Utilities Commission

**Objective:** In 2011, voters in Boulder, Colorado, approved a ballot initiative asking the city to explore a plan to take control of the local power grid from Xcel Energy. Akin Gump represented Colorado's utility regulator, the Colorado Public Utilities Commission (PUC), in a Federal Energy Regulatory Commission (FERC) proceeding regarding the costs that Boulder might owe to Xcel if it were to move forward with plans to create a locally run utility. These costs would be those that Xcel previously incurred to secure power supplies on behalf of Boulder's citizens.

**The Akin Gump Difference:** Boulder had asked FERC to determine that the city would have no such "stranded cost" obligation. FERC agreed with the Colorado PUC's position that such a determination would be premature absent information showing that Boulder's municipalization would not shift costs to other customers in the state.

**Significance:** Cities across the country are exploring similar municipalization plans, and FERC's ruling sheds light on the challenges cities following in Boulder's footsteps may face and the delicate role state regulators play in accommodating local utility control while ensuring reasonable rates for those customers who remain with the legacy utility.

### PRACTICES

International Trade  
International Trade Policy  
Public Law and Policy

### REGIONS

Latin America  
North America

### PRACTICES

Electric Infrastructure and Markets  
Energy Regulation  
Markets and Enforcement

### INDUSTRIES

Energy  
Traditional Power

### REGIONS

North America

PRACTICES

International Trade Policy  
Public Law and Policy

REGIONS

North America

### The Alliance for Olive Oil Importers

**Objective:** The Alliance for Olive Oil Quality Standards, a coalition of olive oil importing companies that was built and represented by Akin Gump, was formed to combat an effort by the domestic olive oil industry in California to secure a marketing order on imported olive oil that would impose burdensome, expensive and unnecessary inspection requirements on every shipment of olive oil into the United States.

**The Akin Gump Difference:** The California industry needed a change in the law to allow any marketing order on olive oil to be extended to imports. Otherwise, any marketing order could only apply to domestically produced oil. Akin Gump was able to prevent this change from being included in the Senate version of the Farm Bill, but the House version, as introduced by the leaders of the House Agriculture Committee, included the change. Working with a variety of members of Congress, the Akin Gump team was able to create a coalition of outside groups to urge the passage of an amendment to strip the provision from the House Farm Bill.

**Significance:** After a week of intense organizing and lobbying, the amendment passed by an overwhelming margin (343-81).

PRACTICES

Environment and Natural Resources  
Environmental Litigation

INDUSTRIES

Energy  
Traditional Power

REGIONS

North America

### Metropolitan Edison Company

**Objective:** Since 1999, federal and state environmental agencies have campaigned to impose new interpretations of the Clean Air Act (CAA) on coal-fired power plants for activities occurring up to 30 years ago. Akin Gump represented client Metropolitan Edison Company (MetEd) in a CAA citizen suit brought by New Jersey and Connecticut.

**The Akin Gump Difference:** Akin Gump developed the strategy to focus discovery on federal statute of limitations (SOL) issues, drafted the briefs and argued the matter before the district judge. In March 2013, the U.S. District Court for the Eastern District of Pennsylvania granted summary judgment to MetEd, holding that the federal SOL bars claims against parties such as MetEd, which had not owned or operated its plant for years.

**Significance:** MetEd had faced potential liability for not only millions of dollars in civil penalties, but also injunctive relief such as installation of modern control devices and actions to mitigate harm from excess emissions. FirstEnergy, MetEd's parent, also faced potential indemnification liability to the party to which it had sold the facility. In the ensuing months, the 3rd and 7th circuits have relied upon the MetEd decision to dismiss enforcement actions against coal-fired power plants in Pennsylvania and Illinois.

## National and Regional Health Systems

**Objective:** Akin Gump’s clients—a number of health systems, including Adventist Health System/Sunbelt, Inc., HCA and Orlando Regional Health, all with hospitals located in the Orlando, Florida, area—were involved in litigation that challenged Medicare’s method of calculating payment rates for hospitals in the Orlando area.

**The Akin Gump Difference:** Our health care practice team challenged the wage index used to adjust standard Medicare rates for that region. After years of litigation and months of negotiations, they secured a favorable settlement for the hospitals.

**Significance:** Settlement is quite unusual for wage index cases, which usually need to go to court before the agency will make any correction to rates they consider final when prospectively determined. The hospitals’ Medicare payments for all inpatient and outpatient services furnished by the hospitals in 2011 will be recalculated to correct for the error.

### PRACTICE

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Litigation  
Policy and Regulation

### INDUSTRIES

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Health Care and Life Sciences  
Health Care Reimbursement

### REGIONS

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North America

Akin Gump was honored in 2013 to be recognized for its efforts and successes, at both the individual and firm level, by general, sectoral and legal industry media. Following are just some of the honors we received in recognition of our client work.

**The American Lawyer**

**GLOBAL M&A DEAL OF THE YEAR**

Akin Gump was honored by *The American Lawyer* for its work on the Rosneft/TNK-BP transaction, which was selected as the "Global M&A Deal of the Year: Russia" in *Am Law's* inaugural Global Legal Awards.

**Corporate Board Member**

**AMERICA'S BEST CORPORATE LAW FIRMS**

Akin Gump was ranked for the 12th time as one of "America's Best Corporate Law Firms."

**Financial Times**

**INNOVATIVE LAWYERS**

For the fourth year, Akin Gump was selected by *Financial Times* as one of the most innovative U.S. law firms in *FT's* 2013 U.S. Innovative Lawyers report.

**Global Arbitration Review**

**GAR 100**

For the second consecutive year, Akin Gump was named to *Global Arbitration Review's* GAR 100 guide to the top law firms with international arbitration capabilities.

**HFMWeek**



**BEST ONSHORE  
LAW FIRM  
CLIENT SERVICE**

Akin Gump was named Best Onshore Law Firm – Client Service at the HFMWeek European Hedge Fund Services Awards 2013.

**HFMWeek**



**BEST ONSHORE  
LAW FIRM**

Akin Gump was honored with the “Best Onshore Law Firm” recognition at the HFMWeek US Hedge Fund Services Awards Luncheon.

**International  
Financial Law  
Review (IFLR)**



**PRIVATE EQUITY  
DEAL OF THE YEAR**

Akin Gump advised on the Private Equity Deal of the Year (\$275 million in new funding to Village Roadshow Entertainment Group in a six-year mezzanine debt and equity arrangement) at the IFLR Asia Awards 2013.

**IFLR**



**EQUITY DEAL  
OF THE YEAR**

Akin Gump advised on the Equity Deal of the Year (OAO MegaFon’s initial public offering (IPO)) at the IFLR European Awards 2013.

**Law360**



**PRACTICE GROUPS  
OF THE YEAR**

Two of Akin Gump’s practice groups were named Law360 Practice Group of the Year, recognizing the firm’s accomplishments in the categories of Healthcare and Labor and Employment.

**The  
National  
Law  
Journal**



**APPELLATE  
HOT LIST**

*The National Law Journal* named Akin Gump to its Appellate Hot List for the sixth year in a row.



# > social responsibility

“The most important *connection* we have...is with the people we help through our pro bono practice.

— Steve Schulman

”



**Steven Schulman**  
Pro Bono Partner

**Connecting.** This isn't just a theme at Akin Gump; it permeates our firm and is the foundation of our pro bono practice. We can best help our pro bono clients—immigrants, the homeless, abused women, veterans—only through our strong connections with legal services organizations. In every one of our communities, we rely on talented public interest lawyers to send us clients who truly need our services, to provide us with training in specialized areas of public interest law and to co-counsel with us on complex matters.

Public interest organizations are essential to our pro bono practice, but we wouldn't be using our full range of expertise if we simply relied on existing legal services networks. Rather, we have created our own connections to innovative nonprofits that serve our communities. For instance, starting with our relationship with KIPP—a national network of 141 free, open-enrollment, college-preparatory public charter schools educating more than 50,000 students in underserved areas—over the past seven years, we have built a substantial education reform pro bono practice that serves many of the leading organizations in the field, including Teach for America, Rocketship Charter Schools, 4.0 Schools, StudentsFirst and New Leaders.

Our connections are not limited by geography. Our transactional lawyers, in particular, have sought out opportunities to counsel entities supporting economic development and law reform in the Caribbean, Central America, Africa and Asia. For example, our tax and corporate lawyers have advised

B2D, an innovative social enterprise that will use locally grown biomass to provide renewable energy in rural Haiti. By helping B2D navigate complex international corporate and tax regimes, Akin Gump lawyers allowed B2D to get a head start on providing electricity in Haiti.

We make sure to use all of our connections to help our pro bono clients. Our legislative lawyers regularly help nonprofit organizations in the halls of Congress and in Washington's various agencies. We provide significant financial resources to support legal services organizations and to fund young public interest lawyers. And, more and more, we are partnering with our corporate clients to develop pro bono programs that will allow their legal staff to provide needed services.

The most important connection we have, though, is with the people we help through our pro bono practice, whether they are women seeking protection from domestic violence or our general counsel counterparts at highly effective nonprofit organizations.

I invite you to connect with our pro bono practice in the pages that follow and to build your own connections through your workplace and in your community with those who need your help.



Read  
Steven Schulman's  
bio here.



## CONNECTIONS WITH CLIENTS

Our pro bono practice connects our lawyers to organizations and issues around the globe. Akin Gump lawyers use their expertise to advise nonprofit organizations, governments and entrepreneurs worldwide on a range of issues affecting global trade, human rights, energy and political policy.

### Working with Yahoo to Help Abused Immigrant Women

Akin Gump lawyers and Yahoo Legal staff located around the globe are working together to help women obtain U.S. permanent residency under the Violence Against Women Act (VAWA). Working with legal services organizations across the United States, the joint Akin Gump-Yahoo teams are helping these clients, who have suffered abuse from their U.S. citizen or permanent resident spouses, obtain the permanent residency to which they are entitled by filing petitions with the Department of Homeland Security.



### AT&T Partnership to Help Immigrant Youth

In 2012, the Obama administration created the Deferred Action for Childhood Arrivals (DACA) Program, which allows certain undocumented immigrants who entered the United States before turning 16 to obtain protection against deportation. In response, lawyers from AT&T and Akin Gump partnered to help young immigrants file DACA applications to allow them to continue to pursue educational and employment opportunities.



### Creating a Medical-Legal Partnership with Walmart in Arkansas

Since 2010, Akin Gump lawyers have worked with Walmart's legal department to create the first corporate-sponsored medical-legal partnership. Working at Arkansas Children's Hospital in Little Rock, Walmart attorneys, legal services lawyers and medical professionals collaborate to identify and resolve legal issues related to the health conditions of the young patients at Arkansas Children's.



### Akin Gump Named Among *Law360's* Pro Bono Firms of the Year August 2013

The recognition honors law firms that "showed a steadfast duty to providing free legal work and secured notable victories for clients."

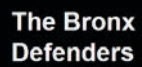
## CONNECTIONS WITH LEGAL SERVICES ORGANIZATIONS

Some of the most talented lawyers with whom we work are at legal services organizations that serve vulnerable members of our communities. Legal aid lawyers refer us meritorious cases, provide us with quality training and share with us their expertise in various areas of public interest law. Below are a few of the many excellent legal services organizations with which we are proud to be connected.



Human Rights Initiative of North Texas

**Human Rights Initiative (Dallas):** HRI, the only agency in North Texas providing free legal services to asylum-seekers and immigrant children while also representing indigent survivors of domestic violence and violent crime, provides Akin Gump with opportunities to work in a variety of areas. Our lawyers work with HRI on cases ranging from asylum trials in immigration court to petitions for permanent residency under the Violence Against Women Act.



**Bronx Defenders (New York):** BxD, with more than 200 professionals, provides innovative, holistic and client-centered criminal defense, family defense, civil legal services, social work support and advocacy to indigent people of the Bronx. Our lawyers work with BxD on a variety of issues, including criminal and immigration removal defense. In 2013, BxD hosted one of Akin Gump's Pro Bono Scholars, a first-year law student funded by the firm, who worked with a BxD team on a range of criminal justice matters.



**Washington Legal Clinic for the Homeless:** Akin Gump partners with WLCH to staff a legal clinic at Miriam's Kitchen, which provides healthy meals and high-quality social services to more than 3,500 chronically homeless individuals in the District each year. From this clinic, we work with low-income and no-income clients on public benefits (e.g., Social Security Disability Insurance, Supplemental Security Income, medical assistance, food stamps and TANF), shelter and housing (e.g., shelter placement, conditions and expulsions, public housing, Housing Choice Voucher Program eligibility and terminations, and housing condition disputes), street rights and consumer debt/credit.



**Inner City Law Center (Los Angeles):** The only provider of legal services on Skid Row in downtown Los Angeles, ICLC combats slum housing while developing strategies to end homelessness, with expertise in housing issues, veterans' benefits and homelessness prevention. Akin Gump is sponsoring an Equal Justice Works fellow to work at ICLC from 2013-15, who will help homeless veterans at the Los Angeles VA Hospital through an innovative medical-legal partnership.



**Texas Appleseed (Austin):** Texas Appleseed, part of the Appleseed network of 17 public interest justice centers in the United States and Mexico, focuses on research-based solutions to problems facing low-income Texans. Akin Gump has worked closely with Texas Appleseed on a number of reports and follow-on advocacy, addressing issues such as small-dollar lending and the treatment of individuals with mental disabilities in the immigration court and detention systems.



## CONNECTIONS WITH THE WORLD

Our pro bono practice connects our lawyers to organizations and issues around the globe. Akin Gump lawyers use their knowledge and experience to advise nonprofit organizations, governments and entrepreneurs worldwide on a range of issues affecting global trade, human rights, energy and political policy.

### **Global Partnerships [Mexico, Peru, Bolivia]:**

Akin Gump advises Global Partnerships, a nonprofit impact investor that works to expand opportunity for people living in poverty, on private placement rules, financing and securities laws. For instance, we help Global Partnerships negotiate framework agreements with multilateral lenders, including the Inter-American Development Bank. Akin Gump's work helps Global Partnerships invest loan and grant capital to catalyze market-sustained solutions that address "last-mile" challenges in order to improve lives. Global Partnership's efforts are focused around four impact areas: health, microentrepreneurship, green technology and rural livelihoods.

### **Center for Democracy in the Americas [Cuba, Venezuela, Argentina, Chile, El Salvador, Ecuador, Guatemala, Nicaragua]:**

Our lawyers use their expertise in tax, intellectual property, trade, and international law and policy to help CDA with its work on critical examination of U.S. and multilateral political, social, economic and foreign policy concerns in Latin America. In particular, we have advised CDA on its Cuba program, which supports reconsideration of longstanding U.S.-Cuba policy in the context of changing conditions in the country, the broader region and related U.S. national interests. Among its many activities, CDA leads trips to Cuba, including taking nearly 80 members of the House and Senate, and their professional staffs, on fact-finding visits in recent years.

### **International Senior Lawyers Project [Rwanda, Kenya, Iran, Iraq, Afghanistan, Liberia]:**

Akin Gump lawyers have worked through the International Senior Lawyers Project on a variety of projects around the globe. Our lawyers have helped the government of Liberia negotiate natural resources concession agreements, advised the Kenyan Ministry of Justice on a draft legal aid bill and counseled Iraqi business and political leaders on investment issues.

We are honored to serve our pro bono clients as they work to overcome the challenges of poverty, marginalization and denial of their political or personal rights. We are also deeply fulfilled by their victories: asylum status for a professor who no longer fears having to return to the country of her abuser, exoneration for a Marine of ill-founded charges of wrongdoing, shelter for a homeless mother.

Our efforts have, in turn, been recognized by partner organizations and legal media (see also p. 38). Following are some of the honors Akin Gump's pro bono practice received in 2013.

**Appleseed**



**ORCHARD OF JUSTICE AWARD**

Akin Gump was a recipient of the Orchard of Justice Award from Appleseed.


**Human Rights Initiative of North Texas**



**OUTSTANDING ASSOCIATE AWARD FOR THE WOMEN & CHILDREN'S PROGRAM**

Akin Gump attorneys Iain Wood and Julie Feldman were honored by HRI of North Texas for their dedication to the organization's clients.

**Legal Aid Foundation of Los Angeles**



**MAYNARD TOLL AWARD FOR DISTINGUISHED PUBLIC SERVICE**

The Honorable William A. Norris, senior counsel in the litigation practice at Akin Gump, was honored on December 3 by the Legal Aid Foundation of Los Angeles with the Maynard Toll Award for Distinguished Public Service.

**Minority  
Media and  
Telecom  
Council**



**EXCELLENCE IN  
PRO BONO  
SERVICE AWARD**

The Minority Media & Telecom Council (MMTC) honored Akin Gump's pro bono contributions by awarding the firm its MMTC Excellence in Pro Bono Service Award.

**NLCHP**



**PRO BONO  
COUNSEL AWARD**

The National Law Center on Homelessness & Poverty has honored Akin Gump with its Pro Bono Counsel Award for the firm's representation in the case of *Big Heart Ministries v. City of Dallas* at its 15th Annual McKinney-Vento Awards.

**Texas Access  
to Justice**



**CHAMPION OF  
JUSTICE LAW  
FIRM AWARD**

The Texas Access to Justice Commission and Texas Access to Justice Foundation have honored Akin Gump with an honorable mention in the Champion of Justice Law Firm Award category.

**The Washington  
Legal Clinic  
for the  
Homeless**



**WLCH LOIS  
G. WILLIAMS  
EXTRAORDINARY  
SERVICE AWARD**

The Washington Legal Clinic for the Homeless, one of Akin Gump's longtime pro bono partner organizations, has recognized the work of D.C. litigation partner Larry Tanenbaum by presenting him with its Lois G. Williams Extraordinary Service Award.



Akin Gump chairperson

Kim Koopersmith

was recognized by

*Diversity Journal*

as one of the

publication's 2013

"Women Worth Watching."

### Akin Gump/Robert Strauss 2L Diversity Scholarship

In 2013, Akin Gump established a new recruiting initiative, The Robert Strauss/Akin Gump Diversity Scholarship, to expand the pipeline of diverse candidates at the law school level from which the firm is able to recruit by providing a \$25,000 scholarship to each of two outstanding second-year law students to offset expenses for their third year of law school. Additionally, the scholarships offer mentoring from firm attorneys and a paid second-year summer associate position in the firm's New York and Washington, D.C. offices.

The firm was excited to award the first scholarships to Sofia Syed, a second-year student at Columbia Law School, and Erica Holland, a second-year student at the University of Pennsylvania Law School. Ms. Syed will join the New York office's 2014 summer program and Ms. Holland will join the Washington, D.C. office's 2014 summer program. These students were chosen as scholarship recipients for their commitment to diversity in the legal profession and for their demonstrated excellence in their academics and other pursuits.

"Students like Sofia and Erica embody the future of the legal profession," said Ambassador Robert S. Strauss, who co-founded Akin Gump in 1945. "The commitment they've shown not only to being exceptional law students but also to promoting diversity in their lives and those of others points the way forward for the practice of law. I am delighted that we have found such deserving individuals as these two to receive the inaugural Strauss Scholarship."

## Summary of 2013 Diversity Initiatives

From Akin Gump's election of Kim Koopersmith as its first female chairperson, followed by her recognition as one of *Diversity Journal's* "Women Worth Watching", to partner Trey Muldrow being honored as one of the Council for Urban Professionals' 2013 Change Agents in the area of law, 2013 highlighted Akin Gump's strength in diversity.

The firm continued to participate in pipeline recruiting programs in 2013. In the summer of 2013, Akin Gump welcomed interns from Sponsors for Educational Opportunity in five U.S. offices. SEO recruits diverse college students and recent graduates from across the country who are entering their first year of law school and places them in summer internships/programs in law firms and financial institutions. Cynthia Angell, who was the Houston office's first SEO intern in 2010, joined the firm in 2013 as a first-year associate. Cynthia is the second SEO participant to join Akin Gump as an associate from the firm's summer program and represents another success story from a pipeline program in which the firm has invested significant time and talent.

The firm also welcomed its first Thurgood Marshall summer law intern. The Thurgood Marshall Summer Law Internship Program places high school students in law-related summer jobs. The firm's 2013 summer intern began his college education at Harvard University this fall.

Events around the firm this year celebrated the diversity of our lawyers and staff as well as students at the law schools at which we recruit. In honor of LGBT Pride Month, the Washington, D.C. office hosted a presentation by attorney Roberta Kaplan, who represented Edie Windsor in her Supreme Court case involving the Defense of Marriage Act. The Los Angeles office's Women's Professional Development Initiative held a book group discussion of Sheryl Sandberg's book, *Lean In*. The New York office hosted Practicing Attorneys for Law Students' Annual Retreat for New Associates of Color. The Dallas office supported Southern Methodist University's OUTLaw student affinity group, and, in April 2013, the organization honored Akin Gump with its OUTstanding Law Firm of the Year award.

Akin Gump's commitment to the principle of diversity and inclusion both at the firm and in the legal profession is reinforced by our efforts across many areas. Through recruiting, partnerships with community organizations, collaborations with clients and events that celebrate the diversity of Akin Gump lawyers and staff, the principles of diversity continue to be woven into the fabric of the law firm.

### Estela Díaz – Leadership Council for Legal Diversity (LCLD) Fellow

Akin Gump is a member of the Leadership Council for Legal Diversity and, in 2013, the firm nominated its first LCLD Fellow. The goal of the LCLD Fellows program is to increase diversity at the management levels in law firms and corporate legal departments by fostering leadership and relationship skills. The program is focused on developing law firm attorneys who have recently been made partner, as well as their in-house counterparts. The program offers training and networking events such as in-person conferences, virtual training, peer-group projects that allow the fellows to develop relationships within the group, and extensive contact with LCLD's top leadership and managing partners and general counsel of member firms and corporations.

Akin Gump's 2013 Fellow is Estela Díaz, a Latina partner in the New York office's litigation practice. As the firm's first LCLD Fellow, Ms. Díaz took part in LCLD's individualized instruction, personalized coaching, leadership lunches and day-long learning experiences at Eli Lilly and Walmart. In addition, she had access to the growing and talented network of LCLD alumni. Ms. Díaz commented about her year as an LCLD Fellow: "My participation in the LCLD Fellows program has been invaluable. Apart from the repeated opportunities to build meaningful relationships, the curriculum of the fellows program requires interaction and introspection about one's own career as well as diversity within one's firm or organization."

“One must always maintain one's *connection* to the past and yet ceaselessly pull away from it.”  
– Gaston Bachelard





For the seventh year in a row,  
Akin Gump has earned  
a perfect score of 100

on the Human Rights Campaign Foundation's  
Corporate Equality Index (CEI).

## ➤ SOCIAL RESPONSIBILITY | COMMUNITY INVOLVEMENT

One of Akin Gump's ongoing priorities is to partner with local organizations and affiliates of national groups to serve the communities in which we live and work. These are some of the groups with which we worked in 2013.



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