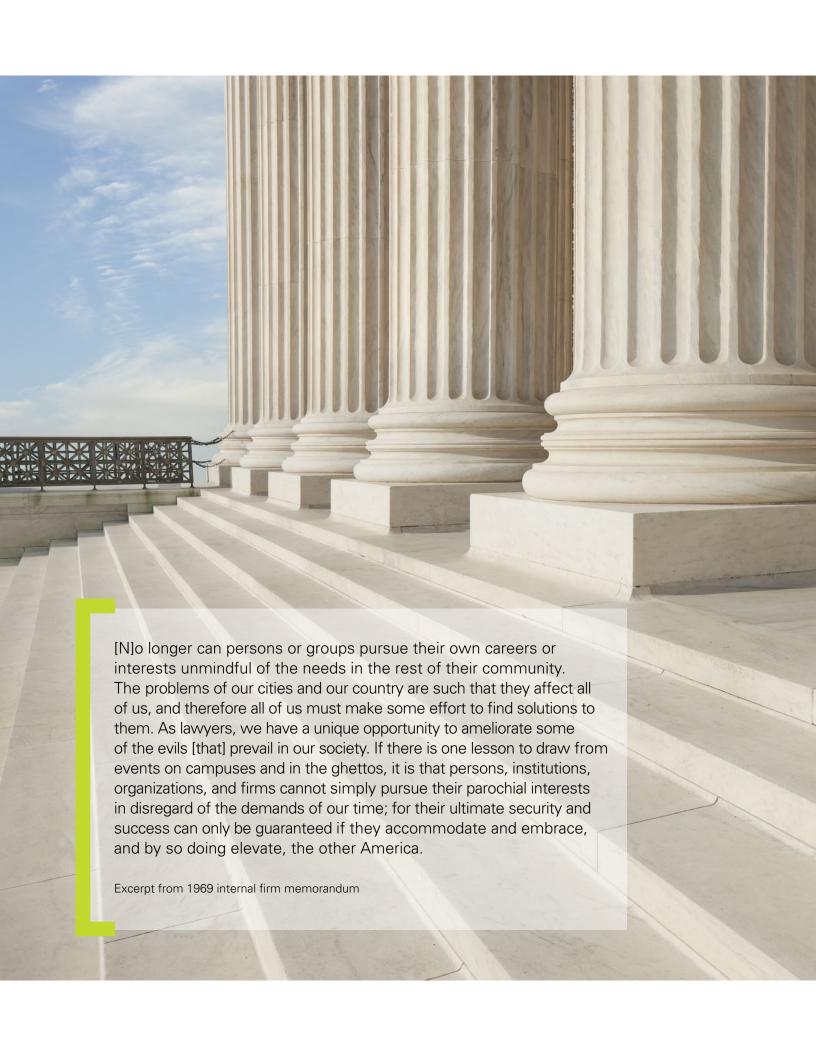
Hogan Lovells

On the Cutting Edge

2013 highlights of our U.S. Pro Bono practice





The foregoing sentiment led us — in 1969 — to establish the first-of-its-kind Pro Bono practice structured and conducted in the same manner as our fee-earning practices. In the intervening 40+ years, we have expanded internationally and the practice of law has changed fundamentally, yet our commitment to pro bono has never wavered. Our legacy as a pioneer legal practice in the provision of pro bono legal services continues to inform our work, and we remain committed to tackling today's most pressing and critical social and legal issues.

While the lawyers and staff in our Pro Bono Department devote virtually all of their time to the provision of pro bono legal services, most of our pro bono legal work is done by lawyers with fee-earning practices, who bring their same legal skills and commitment to client service to their pro bono representations. Thanks to our global reach and depth of experience, we are able to leverage a vast pool of resources to effectively tackle cutting-edge legal and social issues, from marriage equality to wrongful conviction, and to provide meaningful access to justice for indigent constituencies.

No publication could fairly capture the breadth and diversity of our Pro Bono practice. Accordingly, we have chosen to focus on four areas of ongoing need where our work has had a particularly profound impact: discrimination, access to justice, homelessness, and transactional work on behalf of under-served populations.

Each year, our lawyers raise the bar on both the time and the talent they offer to our local communities. Hogan Lovells will continue to match that dedication by actively promoting and cultivating opportunities for our team members to serve the public good. What follows are just a few examples of our work.

Warm regards,



J. Warren Gorrell, Jr. Co-CEO





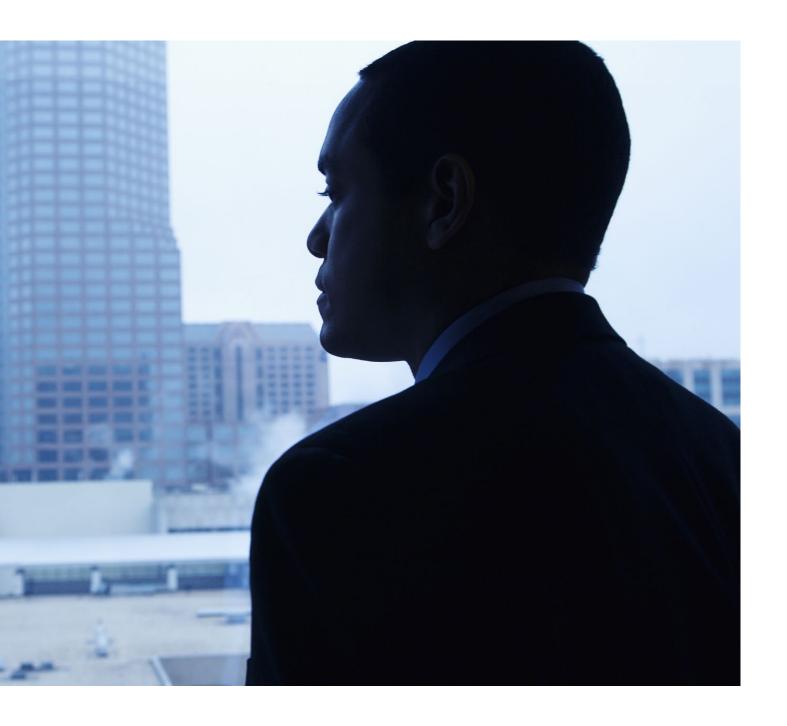


Securing historic decision in fair housing case

While the use of restrictive zoning to discourage minority residency is both illegal and ethically wrong, some communities have adopted discriminatory housing and exclusionary zoning practices to block affordable housing that would otherwise be occupied by minorities.

In 2004, the Village of Garden City on Long Island considered a zoning proposal that would have made affordable housing possible on a Nassau Countyowned site. In the face of public opposition, the village rejected the proposal in support of low-density zoning favoring high-cost single-family homes and townhouses. Together with lawyers from the Lawyers' Committee for Civil Rights Under Law (lawyerscommittee.org) and the Law Offices of Frederick K. Brewington, we represented the plaintiffs in this matter, including participating in a three-week trial in the summer of 2013.

In a historic decision, Judge Arthur D. Spatt in the Eastern District of New York ruled that, by enacting this discriminatory zoning ordinance, Garden City violated the U.S. Constitution, the federal Fair Housing Act, and other civil rights statutes. The court found that "[t]he village's acts had both an adverse impact on minorities and tended to perpetuate segregation," which has allowed Garden City to remain a white enclave surrounded by predominantly minority neighboring towns. The court also found that "discrimination played a determinative role" in Garden City's decision to reject the originally proposed zoning, and that minorities in Nassau County "bore the brunt of the negative impacts" of that decision.



Bringing longtime race discrimination to light

The Secret Service is reputed to have underlying systemic problems with race discrimination, facilitating an environment of intolerance and hostility that has persisted for decades. While dedicating their lives to protecting the president, vice president, candidates, and foreign dignitaries, African-American agents have faced race-based discrimination related to career promotions. Lawyers in our Washington, D.C. office achieved a significant victory for current and former Secret Service

agents when a D.C. federal court certified a class of 120 agents in a longstanding race discrimination case. The court ruled that both extensive statistical evidence and the personal stories of more than 60 agents demonstrated commonality among the individuals' claims that African-Americans face a glass ceiling in the Secret Service, which has prevented them from advancing to the highest levels.

Supporting same-sex marriage equality

The right to live free from bias based on sexual orientation gained momentum in 2013. Building on our longstanding commitment to diversity and the advancement of civil rights for all people, lawyers from our Washington, D.C. office represented multiple amici in the year's landmark



U.S. Supreme Court marriage equality cases: United States v. Windsor and Hollingsworth v. Perry. In Windsor, the court ruled that Section 3 of the Defense of Marriage Act was unconstitutional under the Fifth Amendment, effectively finding that married same-sex couples are entitled to the same treatment under federal law as married heterosexual couples. In Perry, the court held that the appellants lacked standing to appeal a lower court decision invalidating a ban on same-sex marriages, effectively affirming the legality of such unions in California. We drafted an amici brief on behalf of the Anti-Defamation League (adl.org) and others in support of the respondents in *Perry*, and multiple amici briefs for the Organization of American Historians (oah.org) and the American Studies Association (theasa.net) in support of the respondents in *Perry* and Windsor. We also consulted

on an amici brief filed in *Windsor* by former Cabinet Secretaries, Commissioners, and senior administrative agency officials. We continue to file similar briefs in the U.S. Courts of Appeals related to marriage equality in various states.

Helping transgender individuals change identity documents

Having identity documents that accurately reflect a transgender person's preferred name and the gender with which they identify is critical, not only because it helps them live safe and authentic lives, but also because such documents facilitate access to jobs, housing, education, and health insurance. In 2012, we collaborated with Whitman-Walker Health (whitman-walker.org) and Trans Legal Advocates of Washington (translawdc.org) to establish the first Name and Gender Change Clinic in the District of Columbia. Since then, nearly a dozen of our lawyers have volunteered at the clinic, helping more than 300 transgender individuals to obtain name and gender changes on their identity documents.

> Having a driver's license, Social Security [card], and other legal records that accurately reflect one's actual name and gender is critical for transgender women and men who live with pervasive stigma and misunderstanding.

Daniel Bruner
Director of Legal Services,
Whitman-Walker Health

Creating equal access to healthcare for transgender patients

There have long been healthcare disparities for transgender people, and equity in the nation's healthcare system has not always been the priority that it now is. In collaboration with Lambda Legal Defense and Education Fund (lambdalegal.org), the Human Rights Campaign (hrc.org), and the New York City Bar Association's LGBT Rights Committee, lawyers in our New York office drafted a first-of-its-kind set of model transgenderaffirming hospital policies.

This first-ever guide will reduce health disparities for transgender people and offer them truly equitable care.

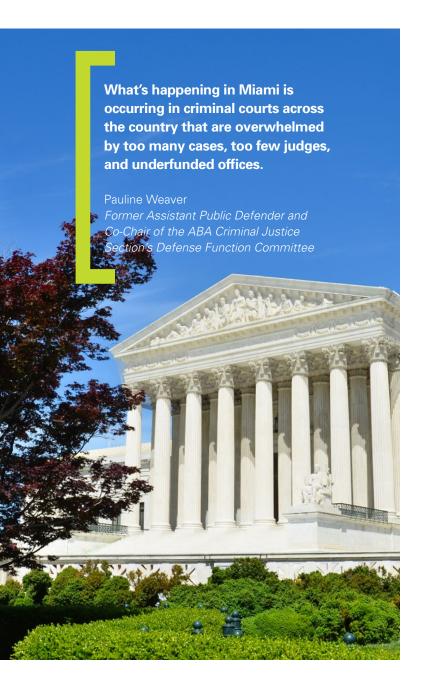
Dru Levasseur Director of the Transgender Rights Project, Lambda Legal

This groundbreaking publication offers much-needed guidance to hospitals seeking to provide culturally competent healthcare to transgender patients and to honor the spirit and letter of new laws prohibiting discrimination against transgender people. The policies address key issues such as confidentiality, non-discrimination, room assignments, bathroom access, and admitting/registration procedures. Hospitals that adopt these policies will be at the forefront of the movement to remove the barriers to healthcare faced by transgender people.









The residents of Miami-Dade County, my office, our clients, and the taxpayers owe a debt of gratitude to [Hogan Lovells] for representing me, my predecessor, and the office during this protracted litigation. They are the model for corporate responsibility and generosity.

Carlos J. Martinez

Miami-Dade Public Defender

Ensuring effective representation for indigent criminal defendants

2013 marked the 50th anniversary of *Gideon v. Wainwright*, the landmark decision in which the U.S. Supreme Court unanimously held that the U.S. Constitution requires states to provide defense lawyers to represent indigent defendants charged with serious criminal offenses. Despite this mandate, many states fail to dedicate adequate resources to this important right, potentially causing erroneous convictions due to ineffective assistance of counsel.

Florida is one such state. As an example, due to inadequate funding and lack of staffing resources, the Public Defender of the Eleventh Judicial Circuit of Florida (PD-11) historically handled an average of 500 non-capital felony cases per lawyer per year, which impaired PD-11's ability to provide competent, diligent, and conflict-free representation to indigent criminal defendants.

Beginning in 2008, lawyers in our Miami office agreed to represent PD-11 on a pro bono basis in challenging the State of Florida's failure to provide effective relief from excessive caseloads. In May 2013, the Supreme Court of Florida held that the relief PD-11 sought — to decline appointments to new third-degree felony cases until its caseloads reached a more appropriate level — was permissible and that PD-11 had demonstrated that the excessive caseloads in his office were prejudicing his clients' right to effective assistance of counsel.

The decision represents the potential for significant change for public defenders across the country, as the court found that the ability to appeal one's conviction on ineffective assistance of counsel grounds due to excessive caseloads may not be a sufficient protection of the Sixth Amendment's right to counsel.



Securing budgetary relief for federal public defenders

It is a cruel irony that, as we celebrated the 50th anniversary of Gideon v. Wainwright, public defenders' offices across the country were being forced to lay off or furlough essential staff to sustain draconian cuts resulting from the federal sequester and subsequent cuts to the judiciary budget.

Lawyers in our Washington, D.C. office have engaged in multifaceted efforts to avert severe budget cuts to the federal public defender program. We have worked with The Constitution Project (constitutionproject.org) and the American College of Trial Lawyers (actl.com) to

raise awareness of the devastating impact of the budget cuts and to advocate for relief.

In September, the Judicial Conference of the United States, which oversees the federal defenders' budget, announced policy changes that would reduce 2014 budget cuts to approximately 10% — a tremendous improvement from the 23% cuts that had been slated for the public defenders. While the revised budget does not solve the problem of gross underfunding, the shift represents a hard-fought victory for indigent defendants and their lawyers in a challenging congressional climate.

Aiding the wrongly convicted

It is a travesty of justice when an innocent person is imprisoned. And, even when overturned, a wrongful conviction can haunt a person long after they are released.

The best thing I've learned out of this experience is that a lot of people take for granted the freedoms that they do have.

Johnathon Montgomery Client

Johnathon Montgomery served four years in prison for a crime that he did not commit; he was convicted based on testimony of the alleged victim, who later recanted her testimony. Lawyers from our Northern Virginia and Washington, D.C. offices successfully secured a writ of actual innocence on behalf of Montgomery, fully exonerating him of a crime that never actually occurred. Prior to his exoneration, Montgomery was at risk for being sent back to prison and was unable to find a job or visit family without obtaining permission. With the issuance of the writ, he was finally completely absolved. This is the first time the Virginia Court of Appeals has granted a writ of actual innocence on the basis of a recantation.

Lawyers from our Washington, D.C. office also assisted Derek Tice, a member of the "Norfolk Four" who was wrongfully convicted of a crime that he did not commit. Tice spent 11 years in prison, until we succeeded in gaining his 2009 release pursuant

to a conditional pardon. After the U.S. Court of Appeals for the Fourth Circuit upheld the federal district court's decision granting Tice's writ of habeas corpus, the Commonwealth of Virginia declined to retry him. Nonetheless, the Commonwealth opposed expungement of Tice's arrest record. After oral argument, the Norfolk Circuit Court granted our petition for expungement, which removes a significant barrier to obtaining employment.

Seeking post-conviction relief for prisoners

Prior to 1980, Maryland judges often instructed juries that the court's instructions to the jury were "advisory only," even as to fundamental federal constitutional requirements such as proof beyond a reasonable doubt. In 1980, the Maryland Court of Appeals ruled that "advisory only" instructions were not proper, but the rule was not made retroactive until a 2012 ruling by the court in *Unger v. State* of Maryland. The Office of the Public Defender of Maryland identified nearly 200 current inmates who were tried before 1980 and still incarcerated. and sought our assistance to review those cases and, where appropriate, file motions to reopen or explore settlement opportunities with the Attorney General's office. Since then, several lawyers in our Baltimore office have been involved in seeking postconviction relief for eligible prisoners.

Bringing attention to death penalty issues

There is growing debate surrounding the United States' imposition of the death penalty. In August 2013, this dialogue was further fueled when the State of Florida executed John Ferguson. Ferguson, who suffered from paranoid schizophrenia, became our client in 1987; since then, dozens of our lawyers in multiple offices relentlessly advocated on his behalf.

Throughout the process, we asserted that our client's profound mental illness should have been presented in mitigation of his sentence and rendered him incapable of assisting his lawyers and incompetent to be executed under the Eighth Amendment's prohibition of cruel and unusual punishment. While we were not successful in indefinitely staying his execution, we were able to persuade the court to require the State to disclose the origin of the lethal injection drugs to be used. Our 28-year legal battle for Ferguson's life afforded him additional time and elevated the debate about capital punishment. It has also brought national attention to significant constitutional issues surrounding the death penalty and mental illness.

When the sun rose this morning, you had every reason to believe that the Eighth Amendment precludes the execution of the insane. When the sun sets tonight you have no such reason to so believe.

Andrew Cohen
The Atlantic

(Published on August 5, 2013, the day of Ferguson's execution)









Protecting homeless families in Washington, D.C.

The confluence of the ongoing economic downturn and uncommonly cold and snowy weather made this winter particularly difficult for homeless families in the nation's capital. Accordingly, our Washington, D.C. office decided to focus available resources on addressing those families' needs. Lawyers and staff devoted hundreds of hours to representing individual homeless families in the area. Participating lawyers provided advice, referrals, and representation to those who were denied shelter. Teams bundled up in their warmest winter gear and distributed pamphlets of legal information to families seeking shelter. We also gave donated gloves and jackets to children waiting outside in the cold. And we provided testimony to the D.C. Council on the hardships — both legal and practical that homeless families face in their quest to obtain safe shelter during freezing conditions.

With the help of the Washington Legal Clinic for the Homeless (legalclinic.org), we also brought a class action lawsuit against the Government of the District of Columbia for its illegal and unsafe placement of homeless families, including small children, into communal accommodations. Under Washington, D.C. law, homeless families are entitled to shelter when the temperature drops below freezing; to protect the families' health and safety, the shelter must be apartment-style

617%

Increase in the percentage of families in the District who required shelter in November 2013 versus November 2012

housing or private rooms. Despite this explicit legal requirement, the District Government began housing homeless families on cots in gymnasiums in recreation centers, with inadequate safety precautions and no privacy or access to bathing facilities.

After a hearing at which members of the class testified as to the unsafe and unsanitary conditions to which their children were exposed in the recreation centers and an expert testified as to the short- and long-term trauma that the children would suffer as a result, D.C. Superior Court Judge Robert Okun ruled in favor of the families, issuing a preliminary injunction against the use of the recreation centers until after the full case is heard and decided, likely later this year. Since then, Washington, D.C. Mayor Vincent Gray has presented a proposal to move 500 homeless families into permanent housing by this summer.

It really impressed me how Hogan Lovells [lawyers] were there at every stage of the process. I know they have put in a lot of work in the courtroom, but they have also spent a lot of time standing outside in the snow and rain to reach as many families as possible at a time when these families are in absolute crisis.

Kaitlyn Uhl, Volunteer Coordinator, Washington Legal Clinic for the Homeless



Opposing laws that stigmatize the homeless

Some communities have sought to adopt laws that, while ostensibly meant to assist the homeless, in fact effectively would ostracize them. In one such case, lawyers from our Washington, D.C. and Denver offices, working with the South Carolina Appleseed Legal Justice Center (Appleseed) (scjustice.org), successfully thwarted proposals by the Columbia, S.C., City Council that would have effectively criminalized homelessness. In coordination with the National Law Center on Homelessness and Poverty (nlchp.org) and the U.S. Interagency Council on Homelessness (usich.gov), we prepared a memorandum addressing the illegality of the proposals under the U.S. Constitution and various statutes, as well as summarizing the harmful public policy consequences of such criminalization measures. The City Council ultimately rejected the proposals and adopted a much more favorable measure addressing the local homelessness situation. According to Appleseed, the memo "was central to changing the tide in our local discussions."

Connecting individuals with critical resources

Individuals struggling with homelessness face myriad legal problems, which hinder their ability to find jobs, access healthcare, and achieve stability for themselves and their families. To help alleviate some of these challenges, for more than a decade lawyers in our Philadelphia office have participated in the "Adopt-a-Shelter" Program sponsored by the Homeless Advocacy Project (HAP) (homelessadvocacyproject.org). We help staff a bi-monthly HAP legal clinic at men's shelters, assisting residents with a variety of legal problems, including appeals of Social Security denials, landlord tenant disputes, and obtaining identification. We are proud to be among the more than 350 volunteers who have served over 27,000 homeless clients since HAP's first legal clinic in 1990.

Similarly, lawyers in our Northern Virginia office help staff an on-site legal clinic at the Eleanor Kennedy Homeless Shelter in Alexandria, Va. We advise shelter residents on a range of matters, from obtaining information from various federal or state agencies to appealing denials of benefits such as Section 8 housing vouchers or Social Security benefits.

On the West Coast, lawyers in our Northern California offices volunteered at Project Homeless Connect (projecthomelessconnect.com) in December 2013. Together with other volunteers, they provided free legal advice to 118 people and served 338 people who needed replacement California identification cards, helping 128 people obtain their cards that same day. (right)

Helping those impacted by the economic downturn

While Boulder County, Colo. has a high standard of living, a significant number of people in the community are struggling in the current recession. Lawyers in our Denver office are assisting Bridge House (boulderbridgehouse.org) with developing raffle disclosures and risk protection language for fundraising efforts. We are also advising the organization in connection with legal research related to panhandling ordinances and homelessness, and with corporate issues associated with the future acquisition of a dormitory space.

Our efforts to address homelessness issues continue in 2014. Two such matters include:

Advising Homeless Children's Playtime Project (playtimeproject.org), whose mission is to nurture healthy child development and reduce the effects of trauma among children living in temporary housing programs, with the legal and political issues surrounding the construction of a playground on the grounds of a homeless shelter.

Assisting Ending Community Homelessness Coalition (austinecho.org), which brings together other nonprofits' resources to make them accessible to the homeless population in Austin, Texas, with privacy regulatory counseling.

PROJECT HOMELI CONNECT









Providing clean energy sources to developing nations

Clean and reliable sources of energy aid most basic daily functions. Electric light, mobile phone charging, fans, radios, television, and Internet access are all amenities afforded by energy. E+Co, a pioneer in impact investing, is helping to make these facilities more readily available in off-grid regions of developing countries.

Through its fund manager Persistent Energy Partners (persistentenergypartners.com), E+Co invests in innovative businesses that provide off-grid African households with affordable renewable energy. In the households reached, E+Co typically replaces kerosene, candles, and batteries — the current fuels used for lighting — and in doing so creates jobs, significantly improves indoor air quality, reduces fire hazards from kerosene use, and substantially improves the quantity and quality of light available. In addition to the positive economic impact to the communities in which E+Co invests, safety at night is enhanced as a result of its portable lights and street lighting solutions, and costly solid fuels are replaced by inexpensive, efficient clean energy, significantly reducing carbon dioxide and black carbon emissions, which are potent drivers of climate change.

Together with colleagues from several of our U.S. and non-U.S. offices, lawyers in our Denver office have assisted E+Co and Persistent Energy Partners in connection with numerous acquisitions, dispositions,



joint ventures, debt and equity investments, restructurings, loan work-outs, and enforcement actions in Tanzania, Ghana, and South Africa.

Most recently, we represented E+Co in its acquisition of a high-growth solar distribution company in Ghana, and we are currently aiding E+Co in connection with negotiating a memorandum of understanding with the Government of Ghana, pursuant to which E+Co would receive governmental concessions to install solar-powered micro-grids to electrify rural villages across Ghana that are not connected, and have no near-term prospect of being connected, to the national electricity grid.

500,000

Households E+Co seeks to provide with clean energy solutions over the course of the next five years, with our pro bono legal assistance

Bringing complementary organizations together

Collaboration between and among organizations often allows them to offer additional critical services to a greater number of clients. The recent association between Mautner Project and Whitman-Walker Health (whitman-walker.org) is an example of such collaboration, allowing both organizations access to larger populations in the District of Columbia and expanding their service offerings, while also reducing overhead costs.

Lawyers from our Washington, D.C., Northern Virginia, and Baltimore offices represented Mautner Project, a lesbian and bisexual women's health organization in connection with the transition of its programs and staff over to Whitman-Walker Health. Our team advised Mautner Project as to the potential legal structures the parties could use to achieve the contemplated collaboration. In parallel, we assisted with the negotiation of key transaction details and with the signing and closing of a definitive letter agreement. After the transition was complete, we assisted with the dissolution of the tax-exempt organization that formerly housed Mautner Project's programs and staff.

> Not once did we ever feel as though the importance of our work came second to a paying client of the firm.

Deborah Dubois Former Chair, Mautner Project Board of Directors



Providing support to our veterans

Studies have shown that physical activity can be beneficial in dealing with common mental health issues, such as anxiety and depression, which often affect combat veterans. Team Red, White & Blue (Team RWB) (teamrwb.org) is a veteran's nonprofit whose mission is to enrich the lives of America's veterans by connecting them to their community through physical and social activity. Since May 2011, our lawyers from multiple U.S. offices have advised Team RWB on a plethora of issues, most recently including corporate partnership and sponsorship agreements with leading Fortune 500 companies, risk management, liability waivers, membership issues, corporate governance, and privacy-related issues. In addition, for the third year in a row, we have sponsored a team of Hogan Lovells lawyers and staff to run in the American Odyssey Relay from Gettysburg, Pa., to Washington, D.C. in support of Team RWB. Team RWB was also our New York office's charity partner for 2013. Throughout the year, the office collaborated with Team RWB to raise funds to support its vital mission. (above)

Giving respite to parents and caregivers

All parents need time to rest and recharge; perhaps more than most are those parents with children who have special needs. Lawyers in our Northern Virginia and Washington, D.C. offices are working with Jill's House (jillshouse.org), a local organization that cares for children with special needs in a safe and fun space in order to give their parents and other caregivers a much-needed break. We are helping to analyze the organization's directors and officers liability coverage, review contracts, and advise on state registration requirements in connection with the organization's efforts to expand its operations to include camps around the country.





Recognition of our pro bono work

C-Change presented us with its inaugural **LaSalle D**. **Leffall Hidden Hero Award** for providing pro bono health policy and governance support to the organization since 2010. *(above)*

For the eighth consecutive year, the District of Columbia Circuit Judicial Conference Standing Committee on Pro Bono Legal Services recognized our Washington, D.C. office for outstanding pro bono legal service in 2013 with the "40 at 50" award, where 40% of our lawyers performed 50 or more hours of pro bono work.

We received the **Distinguished Pro Bono Service Award** from the Minority Media and Telecommunications
Council for providing extraordinary service to the
cause of diversity and inclusion in the media and
telecommunications industries.

The National Legal Aid & Defender Association presented us with its **Beacon of Justice Award** for devoting considerable time and resources to delivering on the mandate of *Gideon v. Wainwright*.

The Washington Lawyers'
Committee for Civil Rights and
Urban Affairs presented us with
two **Outstanding Achievement Awards**; the first for our work on a
fair housing case alleging source-ofincome discrimination in the District
of Columbia, and the second for
our citywide organizing efforts to
encourage the D.C. Department
of Corrections to revise its video
visitation policy. (top)

The Public Interest Committee of the American Health Lawyers Association recognized nine of our lawyers as **Pro Bono Champions** for their dedication to providing pro bono services in the healthcare/health law field.

ServiceSource honored us with its **Community Partner of the Year Award**, recognizing our personal involvement with the organization and our pro bono support on multiple matters.

The CEO Roundtable awarded us the first annual **Dr. Charles A. Sanders Life Sciences Award** for our efforts on Project Data Sphere.

The Maryland & D.C. Crime Victims Resource Center presented us with the **Vincent Roper Pro Bono Advocacy Award** for our work on an amicus brief filed on behalf of victims' rights organizations in *Maryland v. King.*

The Daily Business Review presented us with its Most Effective Lawyer Award in the Pro Bono category, and the Florida Public Defender Association honored us with the L. Clayton Nance Award for our contributions toward improving the state of indigent defense in Florida. (bottom)





Our 2013 pro bono work by the numbers

82,369

Hours that our lawyers devoted to pro bono work

8,194

Increase in number of pro bono hours from 2012

745

Lawyers who devoted 20 or more hours to pro bono

380

New pro bono matters opened

85

Average pro bono hours per lawyer

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