



# NEWSLETTER

*A quarterly update on intellectual property topics.*

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## SPOTLIGHT ON PRO BONO: Pattishall Attorneys Aid Paralyzed Vet in Suit Against Chicago Transit Authority

Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP has a long tradition of providing service to the community by taking a variety of *pro bono* cases, including serving as court-appointed guardians *ad litem* for children in adoptions, counseling individuals on immigration and asylum issues, representing individuals in Social Security disability benefits cases, and representing artists through Lawyers for the Creative Arts.

In a recently concluded matter, Bradley Cohn, a Firm partner, represented Michael Massingale, a U.S. army veteran and former Chicago police officer, who had been shot in the line of duty and paralyzed from the neck down. Michael served in the United States Army, and returned home to a job as a bus driver for the Chicago Transit Authority. After driving buses for seven years, Michael joined the Chicago Police Department. Several years into his service, Michael was shot in the line of duty and paralyzed from the neck down.

After his injury, Michael began counseling other newly disabled veterans at the Hines Veterans Hospital and earned a degree in Social Work from Chicago State University, so that he could teach children how to cope with disabilities. In 1996 Michael began working with disabled youths at the Illinois Center for Rehabilitation and Education, located at 1950 West Roosevelt in Chicago (“ICRE-R”).

Michael could not drive a car to and from work. He depended upon public transportation. At that time, the Chicago Transit Authority contracted out paratransit bus service to several carriers, including SCR Transportation. Too often SCR was late in picking up and dropping Michael off at ICRE-R, sometimes bringing him to work as late as 11:00 a.m.. Michael’s repeated tardiness was noted in his work evaluation, and eventually he lost his job.

SCR was also late in picking Michael up in non-work situations, although Michael would call ahead to pre-arrange the transportation. For example, Michael missed his granddaughter’s Christmas play one year, waiting outside in winter weather for more than two hours for SCR’s van. On another occasion, Michael missed a Veteran’s Day ceremony because SCR was four hours late.

Ultimately, Michael filed a complaint against SCR and the CTA before the Chicago Commission on Human Relations, alleging discrimination based on disability. Michael alleged specific, representative instances where the paratransit public transportation was inadequate. Michael did not seek special treatment; he simply wanted the same level of public transportation service that regular riders enjoy.

Bradley Cohn and Kathryn Ross<sup>1</sup> volunteered to represent Michael on a referral from the Center for Disability and Elder Law. The Center, located in Chicago, provides assistance to persons of limited income with disabilities.

In the winter of 2005, after the CTA failed to have Michael’s complaint dismissed for lack of jurisdiction, an interview was scheduled between Michael, the Case Manager, and Bradley to review the evidence. However, on the day of the interview, Bradley learned that Michael had to be admitted to Hines Veterans Hospital for treatment. He contracted pneumonia, and his condition at that time was quite serious. From that point on, Michael no longer lived at home, but moved periodically between various treatment facilities. Michael was still alert, and he and Bradley spoke regularly about his case and evidence. Bradley also visited ICRE-R and the CARES program offices to collect evidence.

In the summer of 2006, the parties began settlement negotiations, which ultimately led to an amicable and confidential resolution and the dismissal of the complaint. Michael dismissed his complaint on February 5, 2007.

Representing a former police officer was not Bradley’s only *pro bono* brush with the law enforcement field. On behalf of the Chicago Bar Association, Bradley recently re-wrote the CBA’s circular “Your Rights If Arrested.” This circular, published by the CBA in English and Spanish, is designed for people who have been arrested but cannot afford their own lawyer. The brochure had not been updated since the 1980’s, and thus contained errors due to changes in procedure and jurisprudence. Bradley re-drafted the brochure to bring it up to date.

Managing Partner, Joe Welch, says that “Bradley has given us a lot of reasons over the years to be proud that he’s a member of the Firm. We’re proud now to congratulate him on his persistent and successful efforts to help Michael Massingale with his difficult situation and for his careful updating of the CBA circular that helps indigent arrestees understand their legal rights. He is an inspirational example of how to practice law for the benefit of clients and the community.” Jann Dragovich, the Executive Director of the Center for Disability and Elder Law, added that “[Bradley] just did a wonderful job in serving [Michael].”

1. Ms. Ross, or “Kate” as she is better known, now lives in the Seattle area and works as an in-house counsel.

# FIRM UPDATE / ANNOUNCEMENTS

## NEW ASSOCIATES

The Pattishall McAuliffe firm is pleased to announce that **Rebecca Burch**, **Ashly Iacullo** and **Alexis Payne** have joined the firm as associates.

**Rebecca Burch** previously practiced trademark and trade dress law, including counterfeiting actions and on-line promotions and infringements, in New York City. Her practice at Pattishall focuses on these areas, as well as use of trademarks on the Internet, domain name infringement, trademark enforcement efforts and litigation, trademark clearance and prosecution, and copyright. **Rebecca** received her JD in 2001 from New York University School of Law and was a Staff Editor for NYU's *Journal of Legislation and Public Policy*.

**Ashly Iacullo**, who worked with Pattishall, McAuliffe as a law clerk and litigation specialist, accepted her new role as an associate early this Spring. **Ashly's** areas of concentration include trademark litigation; seizure of counterfeit and litigation; due diligence in both litigation and trademark clearance; ICANN Dispute practice; domestic trademark prosecution; and trademark license agreements. **Ashly** received her JD in 2004 from Chicago-Kent College of Law. While at Chicago-Kent, she worked as the Editor-in-Chief of the *Journal of Intellectual Property*.

**Alexis Payne** joined the Firm from another law firm in Chicago. Her areas of concentration include counseling clients regarding advertising and promotions, including sweepstakes, skill contests, incentive and loyalty programs. Her experience also includes cases involving copyright, trademark, trade dress, defamation, right of publicity and privacy claims. **Alexis** received her JD in 1999 from The Ohio State University College of Law, where she participated in Moot Court and served as a member of the *Ohio State Law Journal*.

## PRESENTATIONS

**Brett A. August** gave a presentation in Chicago on May 30, 2007, entitled "Protecting Your Brand in the U.S." at the invitation of the French Embassy in Washington, DC and the French-American Chamber of Commerce in Chicago.

**Ashly Iacullo** gave a presentation entitled, "An Opinionated Guide to Trademark Searches, Clearances and Risk Assessment," to the Illinois Paralegal Association on May 3, 2007.

**Jonathan S. Jennings** spoke on "Current Issues in Trademark Law" before Chicago-Kent College of Law's Intellectual Property Law Society on April 17, 2007.

**Janet A. Marvel** moderated a panel on Conducting Dilution Surveys Under the Trademark Dilution Revision Act at the AIPLA Spring Meeting on May 10, 2007, in Boston, Massachusetts.

**Alexis Payne**, will give a presentation on September 25, 2007, on the "Legal Top Ten: What You Need to Know to Avoid Promotion Disasters"

during the Motivation Show at McCormick Place, in Chicago, IL. The Motivation Show, featuring nearly 2,000 exhibitors, is the world's largest exhibition of motivational products and services. This session will focus on the legal and regulatory highlights that anyone who develops, executes or pays for a promotion program needs to know.

**Mark V. B. Partridge** gave a presentation at the Rotary Club of Chicago Near South on May 23, 2007, entitled "Protecting Your Brand Without Losing Your Shirt." On June 7, **Mark** gave a presentation entitled "Guiding Rights: Intellectual Property is Your Greatest Asset" at a meeting of the Dallas, Texas Chapter of Vistage. **Mark** spoke to the Illinois State Bar Association on "ADR in IP - Is There a Better Way?" on June 14 in Chicago and on June 28 in Bloomington, Illinois. On August 11, **Mark** will be a panelist on "Arbitration and Mediation of Intellectual Property Disputes Today" at the American Bar Association's Annual Meeting in San Francisco, California. On August 14, **Mark** will moderate the *Taking and Defending Effective Depositions in Illinois* program sponsored by Lorman Education Services in Naperville, Illinois, and speak on "Witness Preparation and Deposition Defense."

**Sanjiv Sarwate** spoke on "Trade Identity Licensing" at a seminar titled "Intellectual Property Licensing Agreements: Do It Right and Protect Your Clients' Property" organized by the Illinois Institute of Continuing Legal Education (IICLE) on June 8, 2007, in Chicago, Illinois.

## APPOINTMENTS

**Kristen S. Knecht** was appointed to the INTA Saul Lefkowitz Moot Court Competition Midwest Coordinating Committee.

**Robert W. Sacoff** has been appointed Chairman of the Nominating Committee of AIPPI United States for 2007.

## NOTEWORTHY

**Raymond I. Geraldson, Jr.**, was recognized in the Practical Law Company's Handbook of "The Law and Leading Lawyers Worldwide."

**Raymond I. Geraldson, Jr.**, **David C. Hilliard**, **Jeremiah D. McAuliffe**, **Mark V. B. Partridge**, **Robert W. Sacoff** and **Joseph N. Welch II** have been recognized in the 2007 Edition of *Who's Who Legal: The International Who's Who of Business Lawyers*.

The Pattishall firm, as well as, **David C. Hilliard**, **Mark V. B. Partridge**, **Robert W. Sacoff** and **Joseph N. Welch II** have been listed in the *The Legal 500 of the United States, Litigation* for trademark litigation and dispute resolution.

*Marquis Who's Who In American Law, 30th Anniversary Edition*, recognized the following members of the Pattishall firm: **Raymond I. Geraldson, Jr.**, **David C. Hilliard**, **Jonathan S. Jennings**, **Mark V. B. Partridge**, **Robert W. Sacoff**, **Joseph N. Welch II**.

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