

Gibson Dunn Announces Annual Pro Bono Award Winners

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Gibson, Dunn & Crutcher LLP is pleased to announce the winners of the firm's annual Frank Wheat Memorial Awards. The Frank Wheat Memorial Award is given annually to individual lawyers and teams who have demonstrated leadership and initiative in their pro bono work, obtained significant results for their pro bono clients, and served as a source of inspiration to others.

This year, the team award is presented to a team of Gibson Dunn lawyers who defended the First Amendment advocating for a journalist who was arrested and charged under the D.C. riot statute merely for observing a protest on Inauguration Day in 2017.

The individual award is presented to Washington, D.C. associate Jeremy Christiansen for his advocacy on behalf of a pro bono client in a prisoners' rights case that will have far-reaching effects in prisoner civil litigation in the Ninth Circuit.

"We are honored to congratulate our Frank Wheat award winners," said partner Scott Edelman, Chair of Gibson Dunn's Pro Bono Committee. "This year, our award recipients devoted their efforts to protecting and defending the First Amendment and creating new law in the Ninth Circuit to protect the due process rights of prisoners. As a result of these efforts and the work of many others not recognized here, we had a strong year, with more than 129,000 pro bono hours throughout the firm."

"We are proud of the work accomplished by this year's award winners," said Pro Bono Counsel & Director Katherine Marquart. "The breadth of cases and clients that our firm takes on is one of the things that makes Gibson Dunn's pro bono program so powerful. This year's winners and nominees reflect that so well, with important efforts undertaken on behalf of journalists and First Amendment freedoms and the due process rights of prisoners."

About the Team Award Project – Defending Journalist Aaron Miguel Cantú

On January 21, 2017, freelance journalist Aaron Miguel Cantú was detained and arrested at a protest taking place in Washington, D.C. on Inauguration Day. Cantú, along with several other journalists, was charged under the D.C. riot statute and faced up to 75 years in prison.

Partner Theodore J. Boutrous, Jr. agreed to represent Cantú and rapidly assembled a team of Gibson Dunn attorneys to guide Cantú through multiple interactions with federal prosecutors, who insisted that they would prosecute Cantú to the fullest extent of the law because videos they had obtained from the organization Project Veritas showed he sympathized with the protestors.

In the spring of 2018, a group of Cantú's co-defendants accused the government of violating its disclosure obligations under *Brady v. Maryland* after a co-defendant inspected the metadata of a Project Veritas video disclosed by the government and discovered that the video had been altered. The government eventually admitted to altering the video to remove the portion that recorded a Project Veritas operative conceding to another

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operative that the attendees of a demonstration planning meeting did not appear to know anything about broader plans for the event.

On July 6, 2018, the government dismissed all charges against Cantú and his remaining co-defendants. On March 15, 2019, during a hearing concerning whether the government had acted in bad faith in committing the *Brady* violations, the D.C. Superior Court ordered that all charges stemming from the demonstration – including those against Cantú – would be dismissed with prejudice.

The Gibson Dunn team was led by partner Theodore J. Boutrous, Jr., and includes partners Stephanie Brooker, Patrick Stokes, and Chantale Fiebig and associates Edward Patterson, Michael Dziuban, Charlotte Lawson, Jarrad Kirsh, and Katherine Maddox Davis.

About the Individual Award – *Clairborne v. Blauser*

Washington, D.C. associate Jeremy Christiansen is honored for his successful representation of a pro bono client in a prisoner's rights appeal in the Ninth Circuit, *Clairborne v. Blauser*.

Dennis Clairborne is a disabled 63-year-old inmate serving a 60-year-to-life sentence since the mid-1990s for non-violent property and drug crimes under California's Three Strikes Law. He had never had any incidents of violence during his time in prison, but alleged he was the victim of excessive force by two correctional officers. He sued pro se in 2010 and lost at trial. He then filed a timely new trial motion arguing, among other things, that he had been visibly shackled during the trial in violation of his due process rights. The district court ultimately denied Clairborne's initial motion, which he appealed.

Christiansen was appointed through the Ninth Circuit's pro bono program to represent him in the appeal. Under the supervision of partner Blaine Evanson, Christiansen handled all aspects of the appeal, from case analysis and intake through drafting, filing, and argument.

In February 2019, Christiansen presented his oral argument to a Ninth Circuit panel, focusing on the fundamental nature of the right to a fair jury trial, the extreme prejudice flowing from shackles, and the fact that the defendants could not cite a single case in which visible shackling under these circumstances was held permissible. In June 2019, the panel issued a unanimous decision adopting Christiansen's arguments and agreeing that visible shackling "prejudices the inmate" and should be used only when there is an individualized security determination warranting it.

About the Frank Wheat Award

The award is named for the late Frank Wheat, a Gibson Dunn partner who was deeply committed to community service and pro bono work. A recognized leader in corporate transactions, Wheat served as a commissioner of the Securities Exchange Commission and as president of the Los Angeles County Bar. He also founded the Alliance for Children's Rights, served as a leader of the Sierra Club, and a board member of the Center of Law in the Public Interest, which established a fellowship in his name to train young lawyers in public interest litigation. Recipients of the Frank Wheat Memorial Award each receive a \$2,500 prize to be donated to pro bono organizations designated by the recipients.

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