



We at Murtha Cullina value all people and recognize that diversity within Murtha Cullina strengthens our firm and enhances the services we provide to our clients. We appreciate that meeting our diversity goals better enables us to participate in the communities where we practice law, work and live, as well as enhancing our overall experience as a member of the larger legal community. To that end, we welcome all people, without regard to race, national origin, color, ethnicity, religion or religious practices, gender, citizenship, marital status, age, mental or physical ability or disability, veteran status, sexual orientation or gender identity or expression.

WELCOME TO THE SECOND ISSUE OF *QUAE VIDE*,
MURTHA CULLINA'S DIVERSITY NEWSLETTER

JANUARY 2009

Over the past year, we have all witnessed a tremendous shift in the political landscape of the United States. For the first time, a person of color -- an African-American, who also happens to have a law degree -- has been elected President. Ironically, he won his party's nomination by defeating a woman who had been anticipated to be the first female nominee from any party for the Presidency. And, of course, his ticket prevailed over one containing the second woman who had received her party's nomination for vice-president.

Several post-election commentators have posited whether the election of Barack Obama spells the end for an announced quest for diversity in our society. Is the election of an African-American a demonstration that diversity goals and programs are no longer necessary in businesses and law firms? Five years ago, the U.S. Supreme Court, in *Grutter v. Bollinger*, 539 U.S. 306 (2003), made the case for diversity in today's business world:

Major American businesses have made clear that the skills needed in today's increasingly global marketplace can only be developed through exposure to widely diverse people, cultures, ideas and viewpoints.

The overwhelming majority of our clients subscribe to the idea that diversity in their workplace and ours advances our respective best interests, as contemplated in *Bollinger*. One of our clients, the DuPont Company, recently received the President's Award from the National Association of Women Lawyers for its Legal Department for demonstrating "... a major commitment, through policies and

practices to advance women and minorities . . . and by aligning its outside law firms with values of diversity." Another client, Cox Communications, ranked sixth in a nationwide survey in "The 2008 Diversity Inc. Top 50 Companies for Diversity." It is our ultimate goal at Murtha Cullina to continue to strive for a diverse workplace that reflects the communities in which we live and work and that also meets the needs of our clients.

We certainly have come a long way as a nation and a society. We will continue to endeavor to *quae vide* - see all things - as we go about representing our clients' interests with professional competence and integrity, reflecting their values of diversity in our law practice.

Burt Cohen

Burt Cohen

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MURTHA CULLINA SPONSORS NASABA LEADERSHIP RETREAT

By: **Taruna Garg**

On November 7-9th, the South Asian Bar Association of Greater Boston ("SABA GB"), an organization dedicated to supporting and promoting the advancement of attorneys and law students of South Asian heritage and serving the legal needs of the South Asian community at large, hosted the fifth annual leadership retreat for the North American South Asian Bar Association ("NASABA"). This was the first time that the leadership retreat was held in Boston, and Murtha Cullina was a proud sponsor. Leaders of South Asian bar associations throughout the country convened in Boston to attend the retreat.



The event kicked off with a Welcome Reception featuring keynote speaker Grace Lee, First Deputy Treasurer and General Counsel to Timothy Cahill, the Treasurer of Massachusetts. Ms. Lee, who is Korean American, spoke of her experiences growing up and working her way through the ranks of the legal community in California. She talked about the Los Angeles riots over Rodney King in 1992 in "K-Town," and said that witnessing them had a profound impact on her. "Leadership is the extraordinary ability to recognize injustice, stand up for it and have the resources to make a change," Lee said. "A leader means being true to yourself and recognizing those opportunities to make a difference."

Lee also noted that most of the cases of racism she sees are not mean-spirited, but ignorant. "We do not have the luxury of letting things go by, because the person that takes [a] case after us is probably not going to be [Asian]," said Lee. "It is your duty to do as much as you can while in power."

Retreat attendees spent the remainder of the weekend attending events to promote leadership and encourage team-building. Following the overwhelming success of the leadership retreat, NASABA awarded SABA GB the bid to host the 2010 NASABA National Convention, which brings together thousands of South Asian attorneys from all over the United States.

MURTHA SPONSORS OPEN FORUM ON SOCIALLY RESPONSIBLE ENTREPRENEURSHIP

In December, Murtha Cullina sponsored a Forum organized by the Organization of Pakistani Entrepreneurs (OPEN) highlighting the work of entrepreneurs involved in the development of successful businesses with a 'triple bottom line' (3BL) commitment to profit, green operation and beneficial community and workforce practices. Three successful minority entrepreneurs provided insights into their success stories and thoughts on 3BL business operation. The function was attended by firm lawyers Midhat Syed, who spoke on behalf of the firm, Raj Mahale and Robert Giunta.

SAME SEX MARRIAGE BECOMES LEGAL IN CONNECTICUT

By: **Elizabeth Neuwirth**

"We conclude that, in light of the history of pernicious discrimination faced by gay men and lesbians, and because the institution of marriage carries with it a status and significance that the newly created classification of civil unions does not embody, the segregation of heterosexual and homosexual couples into separate institutions constitutes a cognizable harm." Justice Richard N. Palmer, for the majority, in the CT Supreme Court decision in *Kerrigan and Mock, et al., vs. Connecticut Department of Public Health*.

THE CONNECTICUT SUPREME COURT SPEAKS

In the wake of the Connecticut Supreme Court's divided decision in October in the *Kerrigan* case, same sex couples in Connecticut are now free to marry. Those who are already in civil unions, Connecticut's previous "marriage equivalent," are waiting to see if that status will be automatically converted to marriage or whether they will have to take additional action to be considered married. The decision makes Connecticut the second state, joining Massachusetts, in which marriage is available to same sex couples. The election day passage of California's Proposition 8 (amending the constitution to define marriage as between one man and one woman) has brought a halt to same sex marriages there. Litigation is already underway to invalidate Proposition 8, based on a claim that voter initiative alone cannot legally make a fundamental change to the rights guaranteed by the state constitution.

Although Connecticut's highest court had already spoken, when Connecticut voters went to the polls on November 4th they were asked to vote on an issue that could have

reopened the question of whether same sex marriage should be permitted in the state. Every twenty years the Connecticut ballot carries the question, "Should Connecticut hold a Constitutional Convention to amend or revise the state Constitution?" This question goes beyond the issue of same sex marriage. However, the Family Institute of CT, which opposes same sex marriage, spearheaded a campaign for a "Yes" vote in hopes of using the Convention to reverse the marriage ruling. The question was resoundingly voted down by Connecticut voters.

Before election day, Republican Gov. M. Jodi Rell, who has opposed gay marriage, stated she is "firmly convinced that attempts to reverse this decision either legislatively or by amending the state constitution will not meet with success."

FEDERAL LAW DEFINES MARRIAGE AS BETWEEN ONE MAN AND ONE WOMAN

Same sex couples still face a major federal obstacle to recognition of their marriages. In 1996, Congress adopted and President Clinton signed the Defense of Marriage Act (DOMA). DOMA has two sections, one defining marriage for purposes of federal law, and the other affirming federalism principles under the authority granted by the United States Constitution's "Full Faith and Credit Clause."

The first section states that, for purposes of federal law, marriage is defined as a legal union between one man and one woman. The second section reaffirms the power of the states to make their own decisions about permitting or recognizing same sex marriage.

As a result of the first section of DOMA, federal law does not provide any benefits or protection to the parties in a same sex marriage. They are simply considered unmarried under federal law. By contrast, if one member of a heterosexual couple married in Massachusetts dies, the survivor is entitled to collect the deceased's Social Security benefit if that would be higher than his or her own. If one member of a homosexual couple dies, however, the survivor cannot collect the benefit. Under federal pension and benefits law, a wife can pay the medical expenses of her husband out of her pre-tax medical savings account; spouses in a same sex marriage cannot. Heterosexual couples can file their personal income taxes as a married couple - same sex couples must file as single, or head of household if one or the other has children. Similarly, heterosexual married couples get the benefit of the unlimited marital deduction in federal estate tax law - each can leave their assets to the surviving spouse without generating a federal estate tax on that portion of the estate. This is not possible for same sex couples.

UMAR F. MOGHUL ELECTED PARTNER

Umar F. Moghul has been elected to the partnership of Murtha Cullina LLP and will serve as co-chair of the Firm's growing Islamic Finance & Investments practice, effective January 1, 2009.



Managing partner Alfred E. Smith, Jr. commented, "We are pleased to have Mr. Moghul join our partnership. He has been an important part of the Islamic Finance and Private Equity practice groups, both of which we believe will continue to grow. His appointment as co-chair of the Islamic Finance group reflects both his skills and leadership within this growing subset of our global economy."

Mr. Moghul practices in the realm of banking & finance, private equity and mergers & acquisitions. Mr. Moghul has represented an array of financial institutions, businesses, joint ventures and high net worth individuals (many of which operate per Islamic principles), in a variety of cutting edge financing transactions. He has advised on conventional and Islamic private equity transactions (both controlling and non-controlling). In the realm of real estate, Mr. Moghul's practice has included the establishment of real estate investment funds and one-off financing transactions, a novel Islamic warehouse financing transaction, and the design and documentation of novel Islamic residential, commercial and construction financing products. His legal practice also encompasses counseling financial institutions with respect to their obligations under the USA Patriot Act.

Mr. Moghul has published several articles and has spoken at numerous forums regarding Islamic law and Islamic finance. He is a lecturer in law at the University of Connecticut School of Law where he teaches Islamic law. He has also served as an adjunct faculty member at the Western New England College School of Law.

PEARLS, POLITICS AND POWER: HOW WOMEN CAN WIN AND LEAD

By: [Nan Birdwhistell & Burt Cohen](#)

On December 4, Murtha Cullina attorney Nan Birdwhistell moderated an outstanding panel of Connecticut's female elected and appointed officials at the Jewish Community Center in Woodbridge, CT.

"[Pearls, Politics and Power: How Women Can Win and Lead](#)," was heralded by the 140 women in attendance as instructive, entertaining and timely. Madeleine Kunin, former Vermont



Governor and former Ambassador to Switzerland under President Clinton, was the keynote speaker for this event, based on her book. In the book, she very simply and explicitly exhorts women to run for political office -- and gives them guideposts both as to how to win, and once they do, how to lead. It is relevant at every level of government -- from local to presidential -- and demonstrates vividly and clearly what the rewards are, how they outweigh the risks, and how women must jump into the fray to have a wide impact.

Following Ambassador/Governor Kunin's keynote introduction talk, former Woodbridge First Selectwoman Nan Birdwhistell led the panel with Kunin, State Comptroller Nancy Wyman, Secretary of State Susan Bysiewicz, State Senator Gayle Slossberg, and Ellen Scalettar, now Policy Director, CT Senate Democrats on the same topic.

Attorney Birdwhistell was instrumental in organizing the event, as she assembled the panel, served as moderator, and elicited the support of 7 prominent women's organizations to support the event, in conjunction with the two sponsors: the Jewish Community Center in Woodbridge and The Women's Business & Professional Network of the Jewish Federation of Greater New Haven. The outreach effected by coordinating with the following women's organizations helped make this event accessible to women of all ages and faiths, and drew attendees throughout the State, including women from The Community Fund for Women and Girls; New Haven Women's Forum; the Permanent Commission on the Status of Women; Southern Connecticut State University Women's Studies Program; Quinnipiac University Women's Studies Program; the University of New Haven; and Women Organizing Women (WOW.CT.org).

MEMBERS OF THE DIVERSITY COMMITTEE

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