

BY THE EDITORS OF CALIFORNIA LAWYER

**A**lthough much of law practice is collaborative, and any given project can span years, there are some achievements made by California lawyers that have such far-reaching impact that they cannot go unrecognized. The lawyers selected as Attorneys of the Year for 2003 substantially influenced public policy or a particular industry, brought about a significant development in their field of practice or in law-firm management, or achieved a notable victory for a client or for the public in a difficult, high-stakes matter. —*The Editors*

## [PRO BONO]

### ELLIOT R. PETERS

Keker & Van Nest,  
San Francisco



When Peters learned about John J. Tennison, wrongfully convicted of murdering a San Francisco teen in a neighborhood known for turf fights among drug dealers, Tennison had already been locked up for eleven years, and four courts had turned down his requests for a new trial. Peters took the habeas petition pro bono, enlisting the help of fellow Keker attorney **Ethan A. Balogh**. The two persuaded a federal judge to grant them access to the police and prosecutor's files. Through meticulous examination of documents, Balogh's depositions of the four key police officers, and retention of a top-notch investigator, Peters and Balogh determined that prosecutors and police officers, including some who had become top brass in their departments, had suppressed exculpatory evi-

dence, including a memo showing that police had paid a witness \$2,500 from a secret fund and that prosecutors had talked to a key witness who confessed to the crime and exonerated Tennison. Under Peters's supervision, the Keker firm put an estimated \$800,000 worth of work into Tennison's case before the judge overturned his sentence in late August. (*Tennison v. Henry*.) Three days later Tennison walked out of prison a free man.

companies Streamcast Networks and Grokster in a federal copyright infringement lawsuit. (*Metro-Goldwyn-Mayer Studios, Inc. v. Grokster*, 259 F. Supp 2d. 1029). In April a district court judge ruled on summary judgment that this particular class of file-swapping technology, which does not have central control or assist users in downloading stolen music, was sufficiently different from Napster's and that the defendants could not be held legally responsible for the individual actions of the technology's users.

## [INTELLECTUAL PROPERTY]

### MICHAEL H. PAGE

Keker & Van Nest,  
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Further delineating the lines of liability in cyberspace, Fred von Lohmann and Page, along with Austin, Texas, attorney **Charles Baker**, successfully defended file-sharing network

