Corporate Pro Bono Roundtable

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Trump's Election Sparks New Interest in Pro Bono

Susan Beck, The American Lawyer
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Since Donald Trump was elected president on a platform that many fear would curb protections for society's most disadvantaged, donations have flooded into public interest groups. And at many large law firms, pro bono coordinators are seeing a spike in offers to volunteer.

"The interest level is extremely high," says David Lash, the managing counsel for pro bono and public interest services at O'Melveny & Myers. "People involved in all things pro bono have largely reacted to the election by framing it as a call to action. They are responding with a renewed commitment to helping vulnerable groups of people."
In one striking example, six major law firms announced in December that they will work pro bono for a coalition of gun control groups to fight for stricter gun control laws.

But the uncertainty over what a Trump administration would do has made other pro bono planning difficult. Trump has sent mixed signals or retreated from some campaign promises, such as sending Hillary Clinton to prison.
"Most groups are urging caution," says Steven Schulman, a partner at Akin Gump Strauss Hauer & Feld who leads the firm's worldwide pro bono practice. "We don't want to overplan."

Kevin Curnin, a partner at Stroock & Stroock & Lavan and the new president of the Association of Pro Bono Counsel, says that his members are talking daily among themselves. "It's not too soon to start thinking," says Curnin, who is the founding director of Stroock's public service project. "We can collaborate and strategize to come up with reasonable and practical responses."

There is one area where advocates feel pressure to move quickly. "The most urgent discussions are around immigration," says Schulman. "That's an area where it's more predictable than others where individuals might be affected." Ellyn Josef, pro bono counsel at Vinson & Elkins, recalls that the day after the election, five lawyers contacted her asking for immigration assignments. "I probably don't get five calls in a typical month," says Josef.

Rachel Williams, one of three pro bono counsel at Morrison & Foerster, reports a similar surge. "I've seen a lot of expressions of interest from lawyers here to serve immigrants," says Williams. The day after the election, Williams and six other MoFo lawyers and staff joined 15 other law firm volunteers to counsel immigrants at a clinic in Redwood City. "It ended up being a really great thing to volunteer in a very concrete way to serve a population that's feeling very vulnerable," she says.

One particularly vulnerable group: the more than 725,000 children and young adults who have been allowed to stay in the United States under the Deferred Action for Childhood Arrivals (DACA) program. Started by President Barack Obama in 2012 through an executive order, DACA allows qualified undocumented immigrants who entered the country as minors to be protected from deportation for two years, as well as be eligible for a work permit.

During the campaign, Trump said he would "immediately terminate" DACA, although in an interview with Time magazine, published Dec. 7, he seemed to soften his position: "We're going to work something out," he said.

Immigrant advocates are still worried. "Until we hear explicit details and a plan that specifically countermands the statements made by the president-elect … our level of concern remains quite high," says Julia Wilson, the CEO of OneJustice, a San Francisco-based organization that oversees legal services for the poor in California.

"There is a real concern over the DACA program and how it will be rolled out in the Trump administration," says MoFo partner James Schurz, who chairs the firm's pro bono committee. Says O'Melveny's Lash: "If on Jan. 21 the president rescinds DACA and decides to go after DACA recipients, there will be an avalanche of need."
To prepare for that possibility, Wilson at OneJustice has been organizing a national pro bono response network, focusing on the nine states with the highest number of DACA recipients. (California and Texas have the most, with more than 238,000 and 100,000, respectively.)

After the election, Wilson led two conference calls with pro bono leaders at 23 firms, including O'Melveny; MoFo; Covington & Burling; Paul, Weiss, Rifkind, Wharton & Garrison; and Winston & Strawn. She cites Harlene Katzman, director of pro bono at Simpson Thacher & Bartlett, as playing a leading role. The group aims to have a plan by the inauguration in mid-January.

Vinson & Elkins' Josef, who is the Texas point person for the national DACA group, says she's planning for her firm to host some know-your-rights programs with legal aid groups, as well as conduct additional lawyer training. "We don't know what's to come," she says, "but V&E wants to be a huge resource for whatever needs there are." The American Bar Association also planned a webinar in mid-December on advocacy for unaccompanied minors in the next administration.

These efforts follow a trend of increasing coordination of immigration pro bono work, with law firms and corporate counsel coming together. Lawyers from Fenwick & West and Yahoo Inc., for example, recently participated in a DACA workshop in East Palo Alto. The potential threats ahead have accelerated that movement toward coordination. "I think we're at a moment in time where we can lift the involvement in pro bono in a way that could move pro bono forward," says Wilson.

Legal groups serving immigrants are also taking action. "We are ramping up to fight tooth and nail against their deportation," says Paul Chavez, the executive director of Centro Legal de la Raza, a legal services group in Oakland, speaking about DACA recipients. His group has fielded hundreds of calls from concerned people, he says, and is preparing to present more than three dozen "know your rights" workshops. His group has 22 lawyers and would like to hire three or four more.

V&E's Josef, who sits on the board of the Association of Pro Bono Counsel, urges firms to advocate for more funding for legal services groups, as well as dig deeper into their own pockets.

"I'm equally scared about funding and resources for these organizations," says Josef, a former legal aid lawyer. She fears cuts in federal funding. "I know how much they do on such little resources already. I can't imagine what will happen if there's any reduction," she says. "Does the panic sound in my voice?" She says she recently requested that V&E increase its support, which the firm agreed to do. Benjamin Weinberg, the pro bono partner at Dentons and the outgoing president of ABCo, says it's too soon to predict where law firms will need to focus their efforts during the Trump administration. But he's heartened by how the pro bono community has come together.

"I won't speculate about what's coming, but I've been struck in the last several weeks how pro bono at law firms has matured," he says. "We're not just individual firms working to do good. We are now an active part of the delivery services to low-income people."

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Lawyers have stepped up pro bono in 2017. Will it last?

May 1, 2017
By Emily Donovan
Law Bulletin staff writer

Since President Donald Trump took office, volunteer and public interest lawyers have emerged in force.

Hundreds of lawyers rushed to O'Hare International Airport at the end of January to assist travelers detained by Trump's first travel ban. Photos of them went viral with strangers applauding them weaving through swaths of chanting protesters with posters offering free legal help and huddling around laptops and cellphones at a table outside a McDonald's in Terminal 5. Since then, legal volunteer organizations have been flush with attorneys training in new areas like immigration law and asking what they can do to help.

"What's happening today is the alarms have all gone off," said Bonnie E. Allen, executive director of the Chicago Lawyers Committee for Civil Rights Under Law. "Lawyers are stepping up."

But a few months into the Trump administration, with a second travel ban also caught up in the courts, the question looms: Will the pro bono surge seen this year be sustained or will attorneys retreat back into the woodwork if the political controversies abate?

Legal need already far exceeded legal aid

To start with, there has never been enough legal help to go around, said Robert A. Glaves, executive director of The Chicago Bar Foundation.
The most recent report on the legal needs of low-income Illinoisans, which was sponsored by The Chicago Bar Association, the Illinois State Bar Association, the CBF, the Illinois Bar Foundation and the Lawyers Trust Fund of Illinois in 2003, found that low-income households received legal help for only 16.4 percent of their legal problems.
Even today, Glaves said most legal aid organizations have to turn away more than half of their potential clients just due to a lack of resources. The CARPLS hotline is only able to take one in three calls.

Even before the new legal needs under Trump created by the travel bans and reprioritization of which undocumented immigrants get deported, more people need an attorney than there have been attorneys to help.

Pro bono has always fluctuated

Rates of pro bono work have risen and fallen over time in waves as specific issues individual attorneys care about are threatened, said a former leader of the American Civil Liberties Union of Illinois.
"Lawyers are like people and when you see activism in the larger community, you'll see activism within the lawyers' community as well," said Harvey Grossman, who was executive director from 1980 to 2015.

Benjamin C. Weinberg, a pro bono partner at Dentons, said firms like his have been doing immigration representation by taking asylum cases through the Heartland Alliance's National Immigrant Justice Center work for years. They already care about the issues, he said.
"There's not a political switch that now that there's a different party in the office, firms are going to start doing the same thing," Weinberg said.

However, since the election of Donald Trump, some legal aid organizations have been flush with attorneys and others asking how they can help.

The NIJC had a training session scheduled for a few days after the president's first travel ban was signed on Jan. 27. Those sessions are normally offered quarterly, with 40 to 50 attorneys signing up for each one. But this time around, more attorneys registered than the room could fit, forcing the NIJC to schedule an additional training session the next month for anyone past the 130th person to sign up.

Similarly, the Hispanic Lawyers Association of Illinois, the Mexican American Legal Defense and Education Fund and the Pilsen Law Center hosted a full house of 50 attorneys at their first-ever immigration bond hearing pro bono training session in late February.

Allen said she and the rest of the Chicago Lawyers Committee for Civil Rights have gotten several calls from attorneys — often younger ones — who have never been involved with the group before. And Katherine E. Walz, the director of housing justice at the Sargent Shriver National Center on Poverty Law, said even retired attorneys have been asking how they can help.

“I am hopeful — I’m confident that once they form a relationship with us and the other nonprofits in the area, that that will have a lasting effect,” Walz said.

But while the immediate crisis “gets the juices flowing,” Weinberg said, most attorneys who work pro bono generally don’t quit their day jobs.

“They may maintain that interest, but if you’re at a law firm, you’re going back and working on a capital markets field,” he said. “You’re not tearing off your suit and saying, ‘From this day forward, I’m going to be a public interest lawyer.’”

There are exceptions, Weinberg said — like one former partner who recently left Dentons to work in the public interest for the Animal Legal Defense Fund — but attorneys won’t keep up volunteer work unless a pro bono organization keeps them coming.

“If you don’t have those lasting institutional changes, they won’t stick around,” Weinberg said .
Pro bono ‘one piece of the puzzle’

While pro bono ranks may be swelling in the near term, Glaves said effective public-interest advocacy needs more than just a lot of volunteers.

“These surges of pro bono interest don’t typically solve the problem,” Glaves said.
While hundreds of attorneys hopped on trains and cars to help travelers at O’Hare and other major airports, it was ultimately the class-action lawsuits filed by the ACLU that led to federal judges enjoining the enforcement of the bans.

Still, those legal aid organizations were put in jeopardy by Congress in 1996, which banned any legal organizations receiving federal funding from filing class-action lawsuits and cut available federal funds significantly.

“(Pro bono is) one piece of the puzzle – and it’s an important piece – but going back to the ’90s, pro bono cannot make up for a cut of hundreds of million of dollars,” Glaves said.

Organizations already exist

There are already more than 30 legal aid organizations in the Chicago area with lots of big firms and private attorneys interested in volunteering.
John M. Bouman, the president of the Shriver Center, said Chicago not meeting all legal needs doesn’t mean the city needs another organization as much as more resources to existing organizations.

“Now with the Trump administration, there's something pretty much every day,” Bouman said. “We have to coordinate, and we have to make sure we're not duplicating with each other. We're basically all on the same team.”

Preventing duplicate efforts is one of the efforts the CBF leads, Glaves said.
It’s not often that entirely new organizations form to serve a niche. A more recent example would be Illinois Legal Aid Online, which was founded in 2001 after Glaves and other legal aid leaders met and determined that there wasn’t already an organization addressing how the new technology called the internet could be used to help legal aid.

The first way the CBF has been supporting the recent wave of legal volunteerism is directing people towards existing organizations that are already working in that area of the law. Glaves said most of the recent legal needs predate the Trump administration but may have been exacerbated.

But, as major changes to legal need loom, Weinberg said the legal aid system will have to change to match it, rather than just expanding by adding numbers.

One huge need change could come with immigration. In remarks to a joint session Congress on Feb. 28, Trump said the U.S. should shift its visa-granting priority from reuniting families toward a professional merit-based system like the ones used in Australia or Canada.
"That's sort of a fundamental reordering of our immigration system," Weinberg said. "If that happens, it can't be same old same old. It can't be just a few more people show up. There has to be a different way of ordering things."

But, Glaves said, new legal need could mean a new program at an existing organization, rather than an entirely new and separate organization.

ORD Lawyers HQ, a group with more than 1,400 attorneys on an e-mail listserv, had been staffing O'Hare with lawyer and translator volunteers day and night since the chaotic weekend that the first travel ban went into effect. In March, the Council on American-Islamic-Relations Chicago launched its new Traveler Assistance Program, staffed by ORD Lawyers HQ volunteers.

Instead of the ad hoc group of volunteers — many of whom did not previously know immigration law — becoming their own organization, the pro bono efforts at O'Hare became an official program of the Chicago office of the largest Muslim legal firm in the country.
"It was only logical for a lot of lawyers on the ground to be working with the organizations that have been working with the Muslim community since day one and already have those connects to the Muslim community," said Hoda Katebi, a spokesperson for CAIR-Chicago.

The ORD Lawyers HQ e-mail distribution list will continue as a rapid-response referral service for volunteers and a tool to connect members with other legal support organizations and training opportunities.

Matthew D. Pryor, counsel for Cook County's Shakman Compliance Administrator's Office, was one of the volunteers who led ORD Lawyers HQ and is now one of the coordinators of the new CAIR-Chicago program. Pryor said the ad hoc group was never meant to become a standalone organization.

"These organizations already exist in the community and it's just a matter of getting all these attorneys and interpreters with new or renewed interest connected with these organizations," Pryor said.

'When the dust settles'

Bouman isn't sure what it will be — a new method to coordinate response to legal need, a new organization or maybe a greater commitment from private firms to do pro bono work — but he expects some sort of lasting change in public interest law.
"Something this big – there will be changes when the dust settles," he said.
For now, Allen said she thinks it's a great opportunity for legal aid organizations to raise more money.

"I mean, look at the ACLU," she said.

Before Trump, the ACLU usually got about $4 million a year in online donations. In the few weeks after Trump won the presidency, the nearly 100-year-old ACLU received an unprecedented $15 million in online donations. Then, after Trump's first travel ban was enacted, the organization received more than $24 million in online donations in one weekend.

The organization even made several red carpet appearances at the end of February, as celebrities like Emma Stone, Ruth Negga, Karlie Kloss, Barry Jenkins and Lin-Manuel Miranda sported bright blue "ACLU" ribbons at the 89th annual Academy Awards and criticizing the new president.

Chicago organizations are gearing up too, and Allen said she expects the Lawyers Committee's fall fundraiser to do especially well this year.

Allen said the Trump administration's policies have been "a wakeup call" for pro bono, but she isn't sure if it will lead to lasting change in pro bono efforts.

"I definitely think we'll see a spike,' she said. "Long term, will that be sustained? I don't know. How bad are things going to get?"

GPSolo Magazine - October/November 2005

Pro Bono: Why Bother?

By David A. Kutik

Sometimes you wonder what people think. Like the editors of this magazine. Here I am, a partner in one of the world's largest law firms. (In fact, I am that rare species of lawyer these days—I have been with the same firm for all of my 25 years as a lawyer.) Yet, a few months ago, I received a call from one of the people who help put this publication together, asking me to write an article on why lawyers should do pro bono work. What could a megafirm trial lawyer have to say to thousands of lawyers in small firms and solo practice? I don't pretend to have the slightest clue about how you run your practice or balance the demands of your career, your family, and the other things that are important in your lives.

So what were they thinking? Part of the reason that they asked me to write about pro bono may be that this year, I served as president of the Cleveland Bar Association. We initiated a number of programs at the Cleveland Bar aimed at getting lawyers more involved in pro bono and public service. And we had some success. For example, through a program called "Our Commitment to Our Community," more than 2,000 lawyers pledged to devote a total of 70,000 hours to pro bono and public service programs.

In meetings with numerous law firm managers and lawyers, I heard all kinds of reactions to my "pitch" to get lawyers involved in our community. To make our programs work, it was my job to deal with these reactions and get Cleveland lawyers to ante up. My guess is that the editors of this publication think that I can do the same with you. This article is not for those who already do pro bono; it is directed to those who haven't yet gotten involved.

First, what exactly do I mean by *pro bono?* I could give you a very legalistic definition, but because I want you to read the rest of this piece, let's spare the jargon. By *pro bono,* I mean legal services provided for free (or at a substantially reduced rate) to the poor or to nonprofit organizations that serve the community's disadvantaged.

So how can I get you to consider doing pro bono? I could appeal to your sense of guilt. But unless you were raised by my mother, I doubt that would work (in fact, now that I've passed my 50th birthday, that generally doesn't work with me anymore, either). Most us who read the legal press know about the great unmet need out there. In Ohio, for example, only one out of five low-income people who need legal help get it. The statistics in other states are not too different. So if you're not doing pro bono work already, my violin playing won't likely move you.

I could also tell you about how it is your professional obligation to do pro bono. If you're in a Code state, I could tell you to look at EC 1-1. If you're in a Model Rule state, I could tell you to look up Rule 6.1. But these rules are aspirational. It's all too goody-goody. Real lawyers don't react well to goody-goody—it's like being told to eat your vegetables.

Many "pro bono" professionals talk about motivating lawyers by using the "business case" for pro bono. That works for some lawyers, especially big-firm lawyers. Active pro bono programs help law firm business in at least four ways. First, such programs help recruit lawyers. One of the questions most asked of law firms by law students is about pro bono. Second, pro bono opportunities help build skills in young lawyers. In these days of the "vanishing trial," giving young people first-chair opportunities is a "win-win-win" situation (for the firm, for the lawyer, and for the client in need). Third, doing pro bono—especially if it involves assistance to civic or charitable organizations—can help build networks. Building networks means more opportunities for potential referrals and for business. Fourth, doing pro bono may provide recognition. Most legal aid organizations and bar associations give some type of awards or listing for lawyers involved in their pro bono programs. It isn't a bad thing to be recognized as someone who does good things.

For some of you, however, the "business case" may be irrelevant. You don't recruit. Your young people get plenty of action. You're involved in enough organizations, thank you. Being "recognized" doesn't turn your engine. In fact, you'd prefer not to be recognized at all, especially because a number of your clients are trying to turn your cases into pro bono work anyway.

I have found that the best way to get lawyers to consider doing pro bono—and to get them to actually take a pro bono matter—is to convey not what it will do for their bottom line or their reputation, but how it will make them *feel.* Talk to any lawyer who does pro bono work, and you will hear nothing but positive things about the experience. Time and time again, lawyers who do pro bono keep doing pro bono. Why?

When I try to explain the feeling lawyers experience when doing pro bono, the most apt analogy I can use is Christmas morning. I'm Jewish, married to a Catholic. We celebrate Christmas. I don't think that I've ever experienced quite the feelings as I did while watching my daughters come downstairs when they were young to "see what Santa brought." The unbridled glee in their faces and voices touched me deeply. It was the joy of giving. Giving feels good, and sometimes it feels very good.

Doing pro bono connects us to people. We make the law and the justice system work for people who have nothing to give us but their gratitude. We empower them. We give them hope; we help them when they have nowhere else to turn. It makes us feel like a lawyer. It makes us feel that our training, our experience, and our judgment can do some good. It makes us feel that we are better people. And we are.

When you do pro bono, everybody wins. Our communities are served by the most talented of its citizens. Our needy get the help that they require. And the concrete examples of lawyers doing good can counter the public's negative impression of lawyers.

Many lawyers tell me that they believe what I say about pro bono, but they can't find the time or don't have the expertise to help. My response is to tell them that there are many opportunities that involve discrete time commitments and don't require a lot of expertise. For example, in Cleveland, the Legal Aid Society and the Bar Association established a series of Brief Advice and Referral Clinics. These require four to five hours on one Saturday every four to six months. The lawyers are given manuals and other materials to help out the clients they see. We also have "mentors" (lawyers with substantive expertise) standing by. In addition, there is a program to provide legal service to the homeless at various homeless shelters around town. This, too, involves only a few hours after the close of the business day or on a Saturday two to four times a year. Less than a day's training is needed to get lawyers up to speed.

These are but two examples in one city. My guess is that a call to your bar association or local legal services agency would reveal a varied menu of programs. These organizations know that, to make pro bono work, they have to make it as easy as possible for lawyers to participate.

One of the biggest barriers preventing lawyers from doing pro bono can be summarized in one word: inertia. You haven't done it. You don't know how to do it. And you won't make the effort to learn.

But here's the funny thing. If you've taken the time to read this article, you have the time to start the process of volunteering. Take out your phone book or your bar directory and look up the bar association or the legal services agency in your town. Or find their websites. All that remains between you and being a pro bono lawyer is a phone call or an e-mail. How hard is that?

As we approach the new year, it will be the time for resolutions. You resolve to lose weight. You resolve to stop a bad habit. You resolve to be better spouses, parents, and children. You resolve to "get organized." This year, resolve to take a serious look at getting involved in pro bono activities in your community. If you keep it, it's a resolution you will never regret.

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7 Reasons To Do Pro Bono Work

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“We make a living by what we do, but we make a life by what we give," Winston Churchill once said.

Research shows that helping others and cultivating social relationships makes us happier and that generous people live longer, healthier lives. These are just a few of the countless reasons to create time in our busy schedules to do pro bono and charitable work this year. Below are a few more reasons to inspire us all to get out there and help others.

1. It Will Make You Happier

The unfortunate truth is that lawyers are a depressed bunch. Lawyers top the list as the occupation with the highest rate of depression.[1] Despite our competitive urges, this is one list on which we lawyers do not want to rank number 1.

But statistics on depression among lawyers indicate that we have work to do to relinquish that top spot. Studies have found that about 19 percent of lawyers are depressed at any given time, compared with 6.7 percent of the general population.[2] Practicing lawyers are eight to 15 times more likely to exhibit clinical anxiety and depression.[3] In his popular book, "Authentic Happiness," Martin Seligman devotes an entire subchapter to the question, “Why Are Lawyers So Unhappy?”

Depression is a complex problem, but we can take steps to enhance our resilience. Studies establish that pursuing meaning and purpose through cultivating close personal relationships, regularly practicing acts of kindness and gratitude and engaging in service to others can help stave off or reduce common types of depression.

In his best-seller, "Learned Optimism," Seligman encourages giving to others and spending “serious time, money, and effort enhancing the common good” as a depression-reducing practice. He gives specific examples such as charitable giving, volunteering in soup kitchens, visiting AIDS patients, fundraising for an alma mater, cleaning public parks and responding with sincere concern to homeless people who approach us.

Participating on such activities also provide opportunities to make personal connections with people who share your interests. Studies have established that at least a few close personal relationships to which we regularly commit time are vital to well-being. Indeed, social connection is the greatest predictor of happiness.[4]

Almost all of us would like to do more volunteer work and invest more time into social connections. The leading reason lawyers give for not doing so is lack of time. After an exhausting day, we just want to trudge home and switch our minds off in front of the TV. Studies show that this tendency toward disconnection can put lawyers at risk of depression.

If you can push yourself a little, forgo the sofa and regularly participate in acts of kindness, you may be surprised at how energized you feel. Lawyers who do pro bono and charitable work keep doing it because it makes them happier.

2. You Will Live a Longer, Healthier Life

In "Younger Next Year for Women," (there’s also a version for men) Chris Crowley and Henry S. Lodge recommend fostering social connections and volunteer work to support a long, healthy life. In "50 Secrets of the World’s Longest Living People," author Sally Beare cites research showing that generous, helpful people live longer. In "Healthy at 100," author John Robbins discusses the importance of social connection to longevity. So let’s get out there and volunteer! We’ll live longer, healthier lives.

3. People Really Need Your Help

The very purpose of pro bono work is to assist those who desperately need help with something that’s really important, but for which they have no resources themselves. If we don’t help, who will? As President John F. Kennedy said, “To those whom much is

given, much is expected."

We are fortunate to be lawyers (even if it doesn't always feel that way). Practicing lawyers make up less than 1 percent of the U.S. population. We are among the lucky few to survive all the obstacles of becoming (and staying) lawyers. We are among the few who can make the legal system work for people who have nothing to give us but their gratitude.

4. Pursue Your Passions

There is an enormous variety of pro bono and other volunteer opportunities to choose from. You likely can find causes that allow you to pursue your own interests and passions while helping others. If you're passionate about education, consider tutoring homeless children or providing legal advice to a charter school. If you love art, consider becoming a board member at a local museum. If adoption has played an important role in your life, take training on how to provide legal representation to adopting parents. If you love animals, become a foster parent to a puppy that will become a service animal for the blind.

5. Learn

Especially for new lawyers, pro bono legal work can provide a training ground. Junior lawyers in big law firms may not have much autonomy for several years. Pro bono work can provide early opportunities for depositions, building client relationships, arguing motions, first-chairing trials and other valuable work experience to build skills and confidence.

6. Connect with People

Charitable and pro bono legal work provides opportunities to meet people with very different backgrounds and interests whom you may not otherwise meet in your daily life. Fundraising for charities, serving as a board member for a nonprofit and the like will connect you with local business leaders and lead to new friends, who will increase your happiness. The networking opportunities may also have the beneficial effect of generating business for you.

7. Remember

Do you remember why you went to law school? Many of us wanted to make a difference in the world. Our jobs can provide that — but often not in the same tangible way as pro bono and charitable work can. Through pro bono work, we can empower people when they have nowhere else to turn. It makes us feel that our training and experience can do some good. When a pro bono client hugs us tightly after helping her adopt a child or after blocking an eviction from his home, we remember why we went to law school.

--By Anne M. Brafford, Morgan Lewis & Bockius LLP

Anne Brafford of Irvine is a partner in Morgan Lewis' labor and employment practice and is active in pro bono and charitable work.

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Creative Collaborations: Law Firms And Corporations

Harlene Katzman

Law360, New York (June 2, 2014, 5:14 PM EDT) -- The White House recently held a forum on increasing access to justice, bringing together leaders from the public interest legal community, the law firm pro bono community, the judiciary, the executive branch and corporate counsel. The forum had a particular focus on innovative public-private partnerships that allowed legal services agencies to leverage pro bono help from law firms and in-house counsel. The White House spotlighted what has become a growing trend of collaboration between law firms and corporations on joint pro bono projects (commonly referred to as “corporate client partnerships”). These collaborations can take different forms, ranging from teaming up to provide limited consultations to low-income individuals in clinic-type settings, to partnering on full-fledged engagements with a particular underserved community.

What makes corporate client partnerships unique are the benefits gained by both the law firm and the corporate client from having their lawyers work side-by-side using their legal skills to make a meaningful contribution on issues of access to justice. The partnerships give law firms the opportunity to demonstrate the firm’s commitment to social justice and corporate responsibility — values that corporations often look for in outside counsel. These partnerships also allow law firm lawyers to showcase their skills in a new light and interact with their clients in a way that forms deeper relationships, which ultimately can enhance the law firm’s long-term business relationship with the client.

As an example, after partial settlement of a class action brought by Morgan Lewis & Bockius LLP and the National Veterans Legal Service Program, which alleged that over 4,300 Iraq and Afghanistan veterans with post-traumatic stress disorder had been denied monetary and medical benefits to which they were entitled, the veteran class was given the right to an expedited review of their claims and was guaranteed an upgrade to their benefits. Knowing that Hewlett-Packard cares deeply about assisting veterans, many of whom live in rural communities, Morgan Lewis reached out to its client and jointly developed a project in which lawyers from both organizations would provide one-on-one counseling to veteran class members to explain the accelerated administrative relief. In subsequent years, HP and Morgan Lewis continued to work together to serve this population with applications for other military benefits and launched other joint pro bono projects, including many focused on serving low-income, rural communities that would not otherwise have access to legal services simply because of their geographic locations.

Many corporations do not have a formal infrastructure for pro bono, and partnerships with outside counsel allow them to fulfill their own social responsibility goals. Such partnerships also allow them to retain quality in-house lawyers who desire to leverage their legal skills to give back to the communities in which they practice. Many in-house lawyers began their careers at law firms with robust pro bono programs and thus view pro bono service as ingrained in the legal culture. But the absence of a formal pro bono program at a corporation means that to engage in pro bono service, in-house counsel must, on their own, forge relationships with legal services providers, find clients, identify issues appropriate for pro bono service and set up a project. This often requires a significant time investment that can be challenging on top of a full workload. By

partnering with a law firm, in-house counsel can engage in a variety of pro bono opportunities sponsored or organized by the firm. The law firm typically handles the intake, conflicts, waivers and engagement letters, organizes training and resource material, manages logistics for clinics or client meetings, and often has internal expertise in several issue areas. Most importantly, the law firm often has an established relationship with a legal services provider which screens and refers clients and provides additional legal expertise. When a corporation can rely on the law firm's infrastructure, best practices and expertise, many of the challenges of pro bono engagement that in-house lawyers face are overcome.

Take for example the Social Security Income/Social Security Disability Waiver Clinic in New York City, staffed jointly by Shearman & Sterling LLP and the compliance professionals at Credit Suisse. As long-standing business partners, Shearman & Sterling and Credit Suisse desired to launch a project to fill a specific gap in legal services for low-income communities. After meeting with the Legal Aid Society, they decided to assist individuals with disabilities who are threatened with the loss of crucial benefits due to alleged overpayments, an area not fully served by the city's legal services community. With training and mentoring from the Legal Aid Society, law firm and corporation lawyers work in pairs at makeshift clinics at the law firm to assess pre-screened clients' claims and gather information necessary to represent clients before the Social Security Administration, a piece largely handled by the law firm. To date, Shearman & Sterling and Credit Suisse have dedicated almost 4,000 hours of joint legal assistance to this vulnerable client population, enabling them to maintain an independent, modest lifestyle despite their disability.

A great example of a joint project that provides in-depth representation for low-income clients is the Domestic Violence Appellate Project, a collaboration among Dentons US LLP, Allstate Insurance Company, the Legal Assistance Foundation of Metropolitan Chicago and the Domestic Violence Legal Clinic. The project grew out of a multi-law firm pro bono clinic at Chicago's unified domestic violence division of the Circuit Court of Cook County, in which the goal was to ensure that petitioners seeking protective orders were not forced to proceed pro se. After launching the clinic, it became apparent that many progressive reforms in the Illinois Domestic Violence Statute were not being implemented in the courtroom, and therefore the court was inappropriately denying certain victims' requests for an order of protection. Working with their legal aid partners and the domestic violence advocacy community, Dentons and Allstate lawyers have secured relief for several victims through successful appeals and/or motions for reconsideration and have educated advocates and legal aid attorneys about effectively leveraging these procedural avenues in these cases. As a result of this unique partnership, survivors of domestic violence who have been wrongfully denied orders of protection now have a way of securing meaningful relief.

It helps that certain restrictions on corporate legal departments are beginning to loosen, making it easier for in-house lawyers to undertake pro bono work. Until recently, New York, as with many states, prohibited in-house counsel employed in New York but admitted to practice in another state from performing pro bono legal work in New York. In 2013, however, New York changed its ethical rules to allow in-house counsel to provide pro bono legal services in the state even if they are not admitted to the New York bar; thereby removing a significant barrier to in-house counsel's pro bono service.

Corporate client partnerships that involve a law firm and a legal aid organization also allow in-house counsel to overcome a more traditional barrier to doing pro bono work — the lack of malpractice insurance. Unlike law firms, many legal departments do not have professional liability insurance coverage. However, as most pro bono programs are created under the auspices of a legal aid organization, many of which offer insurance coverage to their pro bono volunteers, in-house counsel can take advantage of that protection to engage in pro bono work.

All of this activity has fostered a culture of pro bono, and pro bono programs are beginning to grow within corporations. This is a natural extension of many corporations' long-standing focus on corporate social responsibility. In 2010, Corporate Pro Bono, the Pro Bono Institute, and the Association of Corporate Counsel launched the Corporate Pro Bono Challenge. Signatories to the challenge commit to use their best efforts to ensure that at least one-half of their legal staff participates in pro bono. Now over 100 corporations have signed on to the challenge, and many have launched formal pro bono programs within their institutions. This new in-house focus on pro bono, fostered by corporate clients' commercial law firms, is increasing access to justice for

underserved communities nationwide. Hopefully, it will continue to grow and thrive.

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