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Proskauer: Our Commitment To Pro Bono

The following roundtable is based on Proskauer's recently recorded Pro Bono Video, which emphasizes their motto, "Doing Well, by Doing Good" and highlights the firm's deeply rooted commitment to the Pro Bono Initiative and provision of legal services to the disadvantaged and the poor. Proskauer is proud to recognize the phenomenal efforts and commitment of the colleagues who contribute their time and talents to organizations and individuals in need of legal assistance to some of these projects and experiences with you as the firm continues to serve the needs of its clients and its communities around the world. The Pro Bono Initiative is led by Firmwide Pro Bono Counsel Stacey O'Haire Fahey and the Pro Bono Initiative Committee is chaired by Senior Counsel Scott Harshbarger.

Betsy Plevan: I've always felt that what I wanted to do in my life was to make sure that I spend some of my time helping people who are less fortunate.

Mike Firestein: One of the cornerstones of Proskauer's beliefs is dedication to community and giving something back.

Stacey O'Haire Fahey: It really goes down to lawyers wanting to be good citizens.

Joe Leccese: Pro bono work benefits the community in a variety of ways, and our commitment to pro bono goes back through almost the entire history of the firm. This is part of our DNA, and it also arises out of the fact that while many of us spend our professional days dealing with large enterprises, ultimately we became lawyers because values like justice, equality and fairness mattered to us.

The defense of the individual mattered to us, and pro bono really is an opportunity for us to bring those abstract principles into the real lives of real people.

Scott Harshbarger: I think pro bono is important in a major law firm for several reasons. First, we have a major professional responsibility obligation. We are part of a profession that is committed to ensuring, as best we can, equal access to the law for everyone.

Second, the programs that we serve and work with have desperate needs, particularly in these tough economic times. They need the kind of resources that a major firm can bring. Proskauer has focused on this and has devoted major resources to pro bono work and to the Pro Bono Initiative because we want to demonstrate you can do well by doing good.

Allen Fagin: We had, over a period of years, gone through an enormous expansion of the various practices of the firm. We expanded into the international arena, and we opened new offices in the major markets of the world. We increased our practice infrastructure and thought that it was time to do the same with respect to our pro bono representation – to create appropriate infrastructure, to treat pro bono as a significant practice group within the firm, with all of the resources that a practice group required. At the same time, we thought it was an extraordinary opportunity to provide interesting and exciting training for our young lawyers.

Scott Harshbarger: Pro bono and public interest work allow you to blend your personal values and your professional skills – to make a difference on behalf of

people, who, without you, have no one. In addition, in a law firm it is a terrific opportunity for younger lawyers and partners to handle cases, to get training and experience in client development that they are not going to get any other way. This is an opportunity to test yourself, to represent people, to develop your professional skills and to make a difference in somebody's life – and maybe more broadly in society itself.

Stacey O'Haire Fahey: Last year we had over 650 active pro bono cases whose breadth and depth we are very proud of here. These presented many opportunities for our lawyers – from summer and first-year associates to senior lawyers – to participate. Our signature projects include the Iraqi Human Rights Project, our election protection efforts and many domestic violence initiatives. We have a 20-plus-year death penalty case. Our transactional attorneys work on nonprofit corporate cases, working with micro entrepreneurs, housing matters and disability benefits.

Eric Blinderman: The purpose of the Iraqi Human Rights Project is to relocate and find safe haven for Iraqi translators, drivers, logisticians, people who served with our military, our State Department, and the contractors who supported U.S. efforts in Iraq, because they are considered traitors for having collaborated with the United States during our time in the country. I spent close to three years in Iraq. We were responsible for assisting and advising the Iraqis with trials of members of the former regime for genocide war crimes and crimes against humanity. During my time there, one of my translators was murdered outside his house when leaving for work. Many of my translators were threatened; one of them was kidnapped. For me personally

For more information about the Proskauer Pro Bono Committee, please email sharshbarger@proskauer.com or sfahey@proskauer.com.

the Iraqi Human Rights Project is the fulfillment of a personal debt of obligation that I feel to those who worked with me. I had the privilege and honor of not only working with our military and the State Department, but also with those Iraqis who for whatever reason – mostly for the simple sense that they wanted to make their own country better, that they believed in the ideals that we espoused when they entered the country, that we were going to remove Saddam and help make their country a better place – risked their own lives. At its height, we had over 80 attorneys, paralegals and staff working with hundreds and hundreds of Iraqis. At this point, we have successfully relocated over 400 individuals – who served directly with military, directly with our State Department or directly with our contractors – from Iraq to the United States.

Robert Horn: A prisoner in the California state prison system was challenging the rules that allowed prison guards to segregate inmates by race, which the state of California justified as a safety measure. A federal district judge in California asked our firm to handle that case. It went all the way to the Supreme Court, and the Supreme Court ruled in our favor and struck down California's policy.

Mike Firestein: The firm used all of the fees it recovered as a result of the resolution of that case to be dedicated to the establishment of the Pro Se Clinic at the court. The Pro Se Clinic is an opportunity for the court to afford some equal access to justice for those who would be unable to afford legal services on their own. The firm has taken a number of steps to ensure the clinic's success, certainly first by its initial funding of it.

Secondly, it has made an ongoing financial commitment to the clinic, and, thirdly, it has maintained a strong relationship with public counsel in connection with interviewing, screening and eventual hiring of the Proskauer Fellows who staff the clinic on a regular basis. Court processes and justice as a general matter can be a daunting area for people not familiar with it. Our contribution to this, in terms of time, effort and money, has allowed for a smoother administration of justice and helped people understand better the rights that they have in connection with them. These are serious legal issues.

Betsy Plevan: The Social Security Administration was following a new statute that said that people who were on parole and had violated it would have their social security benefits forfeited. But what the Social Security Administration was doing was not really conducting an inquiry as to whether the person really had violated parole but was relying on the fact that a warrant had been issued by a judge calling them into court on the grounds that they had violated parole. The whole premise of the lawsuit – which several nonprofit groups had been investigating – was that this was not a sufficient basis on which to make such a determination.

Our first effort to persuade the district judge that this was wrong, made in the context of a preliminary injunction motion, was unsuccessful. We appealed, and the decision was reversed in the Second Circuit. Subsequently, the government, in an unusual move, decided to change their policy on a nationwide basis. The Social Security Administration often will only change its policy in a limited jurisdiction where a case has come down, but in this case they changed it throughout the country. It was a great victory, and we are every proud of it.

Francis Landrey: You start off by having to tell the jury, this person who stands before you has been convicted of first degree murder. You're not going to question that conviction, you're not going to have anything to say about whether that conviction is right or wrong. All you're going to decide, ladies and gentlemen of the jury, is whether he should be executed or get a life sentence instead.

We first became involved in representing JB Parker, who is an inmate on death row in Florida, in the summer of 1987. A young associate and I flew down to Florida to meet with Mr. Parker. We walked into a room – here we are, lawyers from New York – and here was this man, who has had some very difficult experiences with lawyers because lawyers in the past have not served him well. To say the least, he was somewhat skeptical of our ability to represent him effectively. But we did what we needed to do to master the case. We started getting to know Mr. Parker over the course of this representation, which has been a very rewarding personal and professional experience. We've been representing Mr.

Parker now for more than 24 years. I've been the principal lawyer on the case since the beginning.

It's not a question of why we persevered. Of course, we were going to continue, once having started down this road, doing everything we could. We made the commitment from the beginning, and I've repeated to the client on numerous occasions, "We're here and we're going to see this to the end, JB, and hopefully it will result in something other than a death sentence."

Allen Fagin: The beauty of dealing in the pro bono arena is that it allows us to go beyond our professional capacity – beyond what it is we do day in and day out for our clients – and have true, meaningful impact on someone else. I would hope that our Pro Bono program will continue to grow, that it will encompass more and more lawyers at every state of their careers, from our newest associates to our most senior partners.

Scott Harshbarger: I think that is the test of a great firm. We demonstrate that we can be an outstanding corporation, an outstanding business, but also a very responsible member of our profession. We can be very proud that we are not only still standing and growing – having had a major impact in many areas – but that we believe the best is yet to come.

Joe Leccese: I think every lawyer derives a benefit from almost any matter he or she may deal with, whether it's pro bono or for a paying client. But I think particularly with pro bono work, and particularly for our youngest and most junior lawyers, the ability to deal with real people is of the greatest benefit. It's the ability to make an impact on a real life, not through a multi-year litigation process or a multi-month deal process, but through any of the array of areas in which we help people. Whether it's making sure that a criminal proceeding is tried fairly, that a sentence is proportional, that housing is afforded to those who need it and not taken away from those who deserve it, that child custody matters are handled properly – those are matters where one can see an immediate result from one's work, and I think that that adds to the training and a sense of personal satisfaction of each lawyer who undertakes those matters.