

VOLS

PRO BONO FORUM

A Publication of *Volunteers of Legal Service*

SPRING 2007

RESULTS OF VOLS 2006 SURVEY: MAJOR INCREASE IN PRO BONO HOURS

2006 was a good year for pro bono work in New York City! In the just-completed Volunteers of Legal Service 2006 survey of New York City law firms taking the VOLS Pro Bono Pledge, 42 law firms reported performing a total of 810,470 pro bono hours during 2006, an increase of 16 percent—over 110,000 hours—compared to the 697,381 hours provided by 41 firms in 2005. Overall, the 12,158 lawyers at these 42 firms averaged 67 hours of pro bono work in 2006, compared with 11,696 lawyers averaging 60 hours in 2005.

Thirty-nine of the 42 firms reported that they had exceeded the VOLS annual goal of providing at least an average of 30 hours of qualifying pro bono work per attorney. The VOLS definition of qualifying pro bono work, with some exceptions, is limited to providing free civil legal services to poor people, or to organizations serving poor people. These legal services, for the most part, are provided through participation in the projects of public interest and legal services organizations, including VOLS projects.

For comparison purposes, 27 of the 39 firms meeting the VOLS goal in both 2005 and 2006 reported increases of more than five percent in pro bono hours in 2006, almost twice as many firms doing so as in 2005. Nineteen of these firms had increases of over 20 percent. Pro bono hours declined more than five percent at 7 firms in 2006, compared with 12 firms in 2005. Five firms reported performing approximately the same number of pro bono hours in both 2006 and 2005.

At nine of the 39 firms meeting the goal, lawyers averaged 30-49 hours of pro bono work; at three firms, 50-59 hours; at 11 firms, 60-69; and at 16 firms, 70 or more hours.

All 42 firms taking the VOLS Pro Bono Pledge expect to meet the 30-hour goal in 2007. The 39 law firms meeting, or exceeding, the VOLS Pro Bono Pledge in 2006 are:

ARNOLD & PORTER
CAHILL GORDON & REINDEL
CHADBOURNE & PARKE
CLEARY GOTTLIEB STEEN & HAMILTON
CLIFFORD CHANCE US
COVINGTON & BURLING
CRAVATH, SWAINE & MOORE
DAVIS POLK & WARDWELL
DEBEVOISE & PLIMPTON
DLA PIPER RUDNICK GRAY CARY US
DORSEY & WHITNEY
FRIED, FRANK, HARRIS, SHRIVER & JACOBSON
GOODWIN PROCTER
HELLER EHRMAN
HOLLAND & KNIGHT
HUGHES HUBBARD & REED
HUNTON & WILLIAMS
KAYE SCHOLER
KELLEY DRYE & WARREN
KRAMER LEVIN NAFTALIS & FRANKEL
LATHAM & WATKINS
LEBOEUF, LAMB, GREENE & MACRAE
MILBANK, TWEED, HADLEY & MCCLOY
MORRISON & FOERSTER
O'MELVENY & MYERS
PATTERSON BELKNAP WEBB & TYLER
PAUL, WEISS, RIFKIND, WHARTON & GARRISON
PILLSBURY WINTHROP SHAW PITTMAN
PROSKAUER ROSE
SCHULTE ROTH & ZABEL

(continued on back page)

LAW FIRM 2006 PRO BONO ACTIVITY

FIRMS were asked on the VOLS questionnaire to describe 2006 pro bono activities. A portion of their responses, together with additional material, appear below, reflecting the broad range of pro bono activity among law firms in New York City.

¶ **ARNOLD & PORTER** Lawyers from the firm are serving as co-counsel with the Brennan Center for Justice in a challenge to the constitutionality of the manner in which candidates for the New York State judiciary are allowed on the ballot. The case will be argued before the U.S. Supreme Court. The firm encourages attorneys to spend up to 15 percent of their time on pro bono matters.

¶ **CHADBOURNE & PARKE** Since 1998, Chadbourne has been sending associate externs to The Door, a youth development agency, to work there full-time for twelve-week periods. The Door's Legal Services Center offers legal advice to teenagers on a full range of legal issues. The firm's partnership with The Door was expanded in 2005 with the creation of the Chadbourne & Parke Door Fellowship. Fellows are first-year associates who work at the Legal Services Center for a year.

¶ **COVINGTON & BURLING** Lawyers at the firm are working on matters referred by the Legal Aid Society, Human Rights First and the Center for Constitutional Rights.

¶ **CRAVATH SWAINE & MOORE** In 2006, 40 lawyers and 20 legal assistants provided legal services to families of pediatric patients at the Children's Hospital at Montefiore and at the Morgan Stanley Children's Hospital of New York-Presbyterian in the VOLS Children's Project.

¶ **DAVIS POLK & WARDWELL** James W.B. Benkard, senior counsel at the firm, has been selected as the recipient of the New York State Bar Association President's Pro Bono Service Award (First Judicial District) for his work in a five-year litigation challenging the treatment of mentally ill prisoners in the state prison system. The litigation is expected to lead to a major improvement in the treatment of over 8000 mentally ill prisoners, many of whom are held in 23-hour lockdown where their mental condition further deteriorates. Mr. Benkard

was nominated for the award by the plaintiffs in the action, Disability Advocates, Inc., the Prisoners' Rights Project of the Legal Aid Society, and Prisoners' Legal Services of New York. These organizations wrote of Mr. Benkard: "All of us who have been involved in this matter have gained immeasurably due to his leadership, skills and cooperative spirit. He is an inspiration. He has boundless enthusiasm for the law, for teaching litigation skills and for the pursuit of justice."

¶ **DEBEVOISE & PLIMPTON** Debevoise lawyers devoted thousands of pro bono hours to representing asylum seekers in their bids to obtain refugee status; provided legal assistance to inner city low-income microentrepreneurs; and successfully litigated before the International Court of Justice the rights of 51 Mexican nationals on death row in the United States under the Vienna Convention on Consular Relations.

¶ **DLA PIPER RUDNICK GRAY CARY US** The firm's "New York Signature Project" focuses on improving the educational outcomes of low-income children in the city. Attorneys, in partnership with Lawyers Alliance for New York, Advocates for Children and Legal Services for New York City, and with accountants from PricewaterhouseCoopers, are participating in direct representation and policy work. The project's three components are transactional representation of Head Start programs in New York City; direct representation of public school students in disciplinary and special education proceedings; and development of educational policy initiatives.

¶ **HELLER EHRMAN** Associates work full-time in the housing unit of South Brooklyn Legal Services. Jaime J. Santos describes the experience.

As an extern, you "hit the ground running" and learn to "fly by the seat of your pants." In all cases, relationships were developed with clients on a face-to-face basis where the extern was given free reign to develop the relationship, strategize about the case, and counsel their client. My externship gave me the opportunity to learn new skills, practice old skills and witness the fruits of my labor daily. It was an adrenaline-filled and rewarding experience that I have been able to learn from and put to use in my own practice.

¶ **HUGHES HUBBARD & REED** Through the VOLS Microenterprise Project, the firm is working with the Brooklyn Economic Development Corporation in representing low-income microentrepreneurs. Advice has been given as to appropriate legal structures for proposed businesses; commercial leases reviewed; and assistance provided on licensing and manufacturing arrangements, and protecting clients' intellectual property rights. Clients have included a disc jockey, sneaker designer, computer specialist and musician.

¶ **LATHAM & WATKINS** The firm's New York attorneys averaged 93 hours of pro bono work per attorney in 2006.

¶ **LEBOEUF, LAMB, GREENE & MACRAE** In the VOLS Children's Project, 36 lawyers and five legal assistants from the firm provided legal services to 53 families referred by the Harlem Hospital Center Asthma Initiative and Public School 197.

¶ **MORRISON & FOERSTER** Lawyers are representing former and current students at Boys and Girls High School who claim they have been illegally excluded and denied the right to an education. Other matters include preparing an Archival and License Agreement for Human Rights Watch in connection with a film documenting abuses occurring in Darfur.

¶ **O'MELVENY & MYERS** Pro bono work accounted for almost 5 percent of total hours billed in the New York office.

¶ **PATTERSON BELKNAP WEBB & TYLER** One hundred percent of attorneys and legal assistants participated in the firm's pro bono program in 2006. The firm has been selected to receive the "large law firm" 2007 New York State Bar Association Pro Bono Service Award. In the VOLS Children's Project, 48 lawyers and 21 legal assistants from the firm served pediatric patients and their families at Metropolitan Hospital Center.

¶ **SKADDEN, ARPS, SLATE, MEAGHER & FLOM** A team of Skadden lawyers received a favorable settlement of low-income workers' claims against former owners of a Chinatown restaurant regarding wages, tips and overtime.

¶ **SULLIVAN & CROMWELL** For the past fifteen years, the firm has hired an associate to handle pro bono cases for one year before joining the firm's litigation group. The associate works on cases filed

pro se in the Southern District of New York, usually by prisoners alleging deprivations of their civil rights, and has full use of all firm resources, including the assistance of other lawyers.

Through the VOLS AIDS Project, the firm staffs a weekly legal clinic at New York Hospital's Center for Special Studies to provide estate planning services for indigent AIDS patients. In 2005, more than 20 lawyers and 20 paralegals staffed the clinic on a rotating basis, providing clients with wills, health care proxies, powers of attorney and guardianship advice.

¶ **WHITE & CASE** Twenty-four lawyers and three legal assistants provided legal services to families of pediatric patients at New York-Presbyterian Hospital, Weil-Cornell Campus, in the VOLS Children's Project.

Additional law firms participating in the VOLS Children's Project are Paul, Weiss, Rifkind, Wharton & Garrison, matched by VOLS with Bellevue Hospital Center; Pillsbury Winthrop Shaw Pittman, matched with New York University Medical Center; and Proskauer Rose, matched with Maimonides Medical Center.

Additional law firms participating in the VOLS Microenterprise Project include Cadwalader, Wickersham & Taft; Cleary Gottlieb Steen & Hamilton; Clifford Chance US; Dorsey & Whitney; Kaye Scholer; Kramer Levin Naftalis & Frankel; Nixon Peabody; Schulte Roth & Zabel; Shearman & Sterling; Simpson Thacher & Bartlett; Stroock & Stroock & Lavan; and Weil, Gotshal & Manges.

Among the law firms participating in the VOLS Elderly Project are Davis Polk; Milbank, Tweed, Hadley & McCloy; Kramer Levin; Clifford Chance; Fried, Frank, Harris, Shriver & Jacobson; and Willkie Farr & Gallagher.

Additional firms participating in the VOLS AIDS Project are Katten Muchin Rosenman, matched by VOLS with South Brooklyn Legal Services; Proskauer Rose, matched with the GMHC Legal Clinic; and Simpson Thacher & Bartlett, matched with the AIDS Services Center of New York City.

VOLS SURVEY

(continued from front page)

SHEARMAN & STERLING
SIMPSON THACHER & BARTLETT
SKADDEN, ARPS, SLATE, MEAGHER & FLOM
STROOCK & STROOCK & LAVAN
SULLIVAN & CROMWELL
WEIL, GOTSHAL & MANGES
WHITE & CASE
WILLKIE FARR & GALLAGHER
WILMER CUTLER PICKERING HALE AND DORR

THANK YOU COUNSEL PRESS

When VOLS published our first issue of *Pro Bono Forum* in 1996, Counsel Press agreed to print the newsletter on a pro bono basis. For the past eleven years, Counsel Press has printed every issue. We would like to take this opportunity to thank Counsel Press for its contribution and for its support of the pro bono work of lawyers in New York City.

Pro Bono Forum is published by VOLS. Your comments are welcome.



54 Greene Street
New York, NY 10013-2603

FUNDING FOR VOLS IS PROVIDED BY:

Cameron Clark Memorial Fund, Collegiate Church Corporation, Diamondston Foundation Inc., FJC (A Foundation of Donor Advised Funds), General Motors Acceptance Corporation, The Horace W. Goldsmith Foundation, Glenn N. Howatt Foundation, Interest on Lawyer Account Fund of the State of New York, Charles Lawrence Keith & Clara Miller Foundation, The Dorothea L. Leonhardt Foundation, The J.P. Morgan Chase Foundation, The New York Bar Foundation, New York State Department of State, Pfizer Inc., The Rhodebeck Charitable Trust, Robin Hood, The Scherman Foundation Inc., Martha Stewart Living Omnimedia Foundation, Isaac H. Tuttle Fund, United Way of New York City, participating law firms, and the members of the VOLS Board of Directors.

BOARD OF DIRECTORS

Thomas H. Moreland, Chairman; John S. Kiernan, President; Paul C. Saunders, Vice President; Robert J. Egan, Secretary-Treasurer; John M. Aerni, Brooks R. Burdette, Michael J. Chepiga, Lisa E. Cleary, Michael A. Cooper, Louis A. Craco, Matthew Diller, Stephen R. DiPrima, Deborah M. Greenberg, Karen L. Hagberg, Lois F. Herzeca, Marcia Horowitz, Barry Kamins, Susan J. Kohlmann, Lee A. Kuntz, Francesca Lavin, Richard A. Martin, Norman Redlich, Steven Alan Reiss, Alan Rothstein, Joshua S. Rubenstein, Michael S. Shuster, Philip M. Susswein, M.D. Taracido, Peter K. Vigeland and James H. R. Windels.

STAFF

William J. Dean, Executive Director; Sara Effron, Assistant Director; Oscar S. Straus III, Director, Elderly Project; Patricia A. Bright, Administrative Assistant; and Nelson Gutiérrez, Paralegal, Elderly Project.

We wish to express our appreciation to **Counsel Press** for printing Pro Bono Forum.