

Pro Bono – Law Firms

Pro Bono – A Top Priority At Proskauer

The Editor interviews **Scott Harshbarger**, Chair of Proskauer Rose's Pro Bono Initiative Committee, and **Stacey Fahey**, Pro Bono Counsel at Proskauer Rose.

Editor: What has Proskauer's Pro Bono Initiative accomplished over the last year?

Fahey: Since last year, we have made great strides. We have increased participation by our lawyers across the firm in all offices, including our newer offices in Paris, London and Chicago. We have continued to develop relationships with all our referral organizations across the firm. In terms of numbers, we have seen an increase both in the number of lawyers participating in pro bono and in the number of hours those lawyers are devoting to pro bono projects. Our pro bono committee remains one of our greatest assets and our designees continue to play an invaluable role in promoting and encouraging pro bono at the firm.

Harshbarger: In addition to the greater breadth and depth of our work, we are getting more complex, significant matters. We also work across offices, having a national as well as local impact. That represents a lot of hard work by Stacey as well as Lynsey Hawkins, our pro bono coordinator. One of our important accomplishments is that we have been able to continue the momentum of the Pro Bono Initiative even through these challenging economic times.

Editor: What impact has the economy had on the initiative?

Harshbarger: It has had a broad impact. One of the great challenges is to continue to advocate and support the idea that we do well by doing good – that doing pro bono work does not detract from our ability to do well as a firm but, in fact, enhances our work in terms of the professional development of our lawyers and their sense of satisfaction and accomplishment. The reality is that our partners in the community, the legal services programs and the various nonprofits, are also in crisis, since they have to provide even more services when resources are limited. With more limited resources and greater need, we not only need to balance the bottom line, but we must continue to try to meet the needs of our pro bono partner organizations.

Fahey: Many people have told us that their pro bono work has given them a morale boost. Even though we are all facing tough times, our lawyers are grateful for having been given the opportunity to help others.

Editor: Share with us some of your recent success stories.

Fahey: Our new pro bono review, *Reach. Connect. Change.*, (<http://viewer.zmag.com/publication/949fd5ab/#/949fd5ab/1>) tells of many of our successes. Of course, with over 700 active pro bono cases, we couldn't possibly include all of the great stories. One success not mentioned in the review is our representation in New York of Village Academies, an operator of charter schools in Harlem. A Proskauer team, led by Ron Sernau, co-chair of our Real Estate department in New York, has devoted more than 700 hours of pro bono work in the last fiscal year to helping them with the planned construction of a new high school at 125th Street. You can imagine the complexity that entails. Harlem Village Academies has been widely acclaimed as a premier educational



Scott Harshbarger



Stacey Fahey

environment for students from typically underserved communities. The school emphasizes both strong academics and the development of character and we are pleased to be able to assist them with opening in a new location.

Another success story here in New York involves our work with the Neighborhood Defender Service of Harlem. We are receiving an award from them in October because our lawyers have taken a lead role in going to court and representing clients. Many of our lawyers who work on this project are not litigators, yet they have taken a leadership role. Healthcare lawyer Roger Cohen, in particular, has been a driving force behind our involvement with Neighborhood Defender.

Last year, we talked with you about the Iraqi and Holocaust Reparations projects – two very successful initiatives that involved lawyers in all of our offices. In fact, Holocaust survivors came to our New York office today to meet with summer associates, lawyers and others who helped them fill out forms for reparations from Germany. These two projects remain strong, and we expect them to continue at least through the next year.

Harshbarger: We also want to highlight the Ohio Election Protection project again this year because of the historic settlement reached by Proskauer and its co-counsel, the Lawyers Committee for Civil Rights Under Law, Arnold & Porter, and Demos on behalf of the League of Women Voters in Ohio and additional plaintiffs. Since the election crisis of 2000 and 2004, this is the first major settlement with a state agreeing to make significant reforms in its election process. Proskauer's Jennifer Scullion led our involvement in this effort and directly coordinated the team of lawyers who worked on this case.

And I want to be sure to mention the 209-A project, a domestic violence initiative, and partnership suggested by Gerry Leone, Jr., District Attorney of Middlesex County in Massachusetts, a leader nationally in protecting victims of domestic violence. The project identified a major need for legal services for victims after they have gotten initial restraining orders or in the course of a criminal prosecution of the defendant, in terms of child support and other kinds of civil restraining orders. Led by senior associate Amy Crafts, the project is a rewarding one for our lawyers who get a lot of litigation and in-court experience and a chance to make a significant impact on the lives of victims.

Editor: Last year you mentioned expanding the firm's pro bono work to include the Paris, London and Chicago offices. What progress have you made?

Harshbarger: We have been pleased with this expansion because it continues the trend of each new office assuming a significant role in our Pro Bono Initiative, enabling us to reach out to new partners in new cities and countries and expand the range of things

we do. The Chicago office has been very active, but the London and Paris offices are most interesting because, in both cases, the tradition of pro bono is not quite established in those countries. The leadership we've seen from our London pro bono lawyers has been significant – their enthusiasm and enjoyment of what they do has energized all of us. They regularly participate in our meetings by video conference and have often stayed into the evening to participate in pro bono presentations.

Editor: You also mentioned that you'd like to expand your work developing partnering arrangements with community and nonprofit groups. What progress has been made?

Fahey: In Los Angeles, litigation partner and PBIC designee Lois Thompson played a large role in expanding our relationship with MALDEF, the Mexican-American Legal Defense and Educational Fund. We've also worked with AALDEF, the Asian American Legal Defense and Education Fund, on an election protection project. This partnership was one result of our increased focus on merging diversity and pro bono initiatives.

In our Boca Raton office, Senior Counsel Elaine Bucher conceived and then implemented a project to help the parents of special needs children with necessary estate planning documents, including wills and special needs trusts. Recognizing that many parents who need these documents often don't have the funds to have them prepared, Elaine reached out to local schools and arranged for Proskauer lawyers to provide their services on a pro bono basis. These are only a few examples of the ways that Proskauer lawyers are making a significant difference in the community.

Harshbarger: Over the past three years we have developed working partnerships and deeper relationships with over 60 public agencies and nonprofits. In today's environment, we've focused our resources on the partners with whom we have developed the best relationships in terms of case referrals and in meeting their legal and financial needs. These relationships will also pay off for us in handling more numerous and complex cases, and the opportunity to do more on behalf of these organizations.

Editor: In the public policy and advocacy arena, discuss the *Commonwealth (MA) v. Runyan* case and its importance in protecting the safety of children. Will the decision have an impact on gun laws outside of Massachusetts?

Harshbarger: This is the first case in Massachusetts to test the application of the Supreme Court decision in *Heller*, which found a constitutional right to bear arms. As a result, laws that were assumed to be constitutional and consistent with public safety and violence prevention, like the Massachusetts gun storage and trigger lock laws, are being challenged. We were asked to serve as *amicus* counsel to file a brief on behalf of the Brady Center in DC, as well as six other state and national law enforcement and gun-violence prevention groups, to support the Middlesex District Attorney's appeal to the Massachusetts Supreme Judicial Court seeking to uphold these gun safety laws. We argue that not only are the laws legal, but that they have in fact improved child safety and reduced suicides, and violence in Massachusetts significantly. The Brady Center views this case as very important because it will establish a precedent for national efforts

to challenge laws that have been supported by law enforcement and violence-prevention groups. We benefited greatly from the track record of our L.A. office which provided excellent *amicus* briefs in *Heller* for both the circuit court and Supreme Court cases, as well as the related *Casey* case. I was pleased to lead this effort because as Attorney General of Massachusetts we had been very aggressive in our work on gun safety and urban violence.

Editor: Is the Pro Se legal counseling clinic in the Los Angeles federal court up and running? Has it become an effective tool for those who can't afford an attorney?

Fahey: It is. They opened their doors on February 9, 2009 and as of June 9th there were nearly 500 visits to the clinic. In the long run, use of the clinic will improve the efficiency of the court system. The clinic is a product of our collaboration with Public Counsel and, thanks to the work of LA partner Bert Deixler, we were able to contribute \$500,000 in legal fees from the *Johnson v. California* matter to get this clinic started.

Harshbarger: This is a great example of the model we've been able to create, like the 209-A project in Massachusetts or the Pro Se clinic in LA, that involves our offices directly in the life of the communities in which we exist.

Editor: On a different subject involving investment management practices for charities – what kind of steps would you advise nonprofits to take to avoid the consequences of a Madoff-type scam?

Harshbarger: One of the benefits of Proskauer's broad nonprofit practice is the ability to offer detailed advice and guidance, particularly when a crisis like this directly impacts many of our clients and nonprofits around the country. In my corporate and nonprofit governance practice, I find that early intervention and prevention is the best and cheapest form of protection. So, my advice to every nonprofit is to obtain from our Web site our Alert, "Four Times Five is [Fifty] Times Six Is [Eighty]: A Discussion of Investment Management Practices For Charities in the Wake of Madoff," which provides a checklist of steps to take to avoid this type of disaster.

Editor: What challenges do you foresee going forward?

Fahey: In light of the economy, I hope that we can continue to keep our lawyers engaged in meaningful pro bono matters that make a difference to individuals and communities.

Harshbarger: The economy is not only a challenge to Proskauer, but to our entire profession, to provide legal services for those who are in need. The charge from our firm's leadership is to continue to build on the investment we've made in the Pro Bono Initiative, even in these tough economic times. We must fulfill our obligation to the community because this is a time when our clients and partners have more needs than ever and fewer resources. One recognition of our effort is that Stacey recently has been asked to be Chair of the New York City Bar Association Pro Bono and Legal Services Committee starting in September. As an active leader in the legal community, we can keep raising the bar, and seek to preserve the culture that supports pro bono efforts in law firms around the country.

Please email the interviewees at sharshbarger@proskauer.com or sfahey@proskauer.com with questions about this interview.