

VOLS

PRO BONO FORUM

A Publication of *Volunteers of Legal Service*

SUMMER 2009

RESULTS OF VOLS 2008 SURVEY: MAJOR INCREASE IN PRO BONO HOURS

2008 was a good year for pro bono work in New York City! In the just-completed Volunteers of Legal Service survey of law firms taking the VOLS Pro Bono Pledge, 42 law firms reported performing a total of 1,117,907 pro bono hours during 2008, an increase of 172,811 hours, or 18 percent, compared to the 945,096 hours provided by 43 firms in 2007. In the nineteen years that the VOLS survey has been conducted, this is the first time pro bono hours have exceeded one million. Lawyers at these firms averaged 80 hours of pro bono work in 2008, compared with 70 hours in 2007, representing a 15 percent increase.

Forty-one of the 42 firms reported exceeding 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 by lawyers through participation in the projects of public interest and legal services organizations, including VOLS projects.

Twenty-six of the 39 firms meeting the VOLS goal in both 2008 and 2007 reported increases of more than five percent in pro bono hours in 2008. Of these, 17 firms had increases of over 20 percent. Pro bono hours declined more than five percent at five firms. Eight firms experienced increases or decreases of up to five percent.

At six of the 41 firms meeting the VOLS goal in 2008, lawyers averaged 30-49 hours of pro bono work; at 10 firms, 50-69 hours; at nine firms, 70-89 hours; and at 16 firms, pro bono hours averaged 90 to 184 hours.

The 41 law firms exceeding the VOLS Pro Bono Pledge in 2008 are:

ARNOLD & PORTER
CADWALADER, WICKERSHAM & TAFT
CAHILL GORDON & REINDEL
CHADBOURNE & PARKE
CLEARY GOTTLIEB STEEN & HAMILTON
CLIFFORD CHANCE US
COVINGTON & BURLING
CRAVATH, SWAINE & MOORE
DAVIS POLK & WARDWELL
DEBEVOISE & PLIMPTON
DEWEY & LEBOEUF
DLA PIPER RUDNICK GRAY CARY US
DORSEY & WHITNEY
FRIED, FRANK, HARRIS, SHRIVER & JACOBSON
GOODWIN PROCTER
HUGHES HUBBARD & REED
HUNTON & WILLIAMS
KATTEN MUCHIN ROSENMAN
KAYE SCHOLER
KELLEY DRYE & WARREN
KRAMER LEVIN NAFTALIS & FRANKEL
LATHAM & WATKINS
MANATT, PHELPS & PHILLIPS
MILBANK, TWEED, HADLEY & MCCLOY
MORRISON & FOERSTER
NIXON PEABODY
O'MELVENY & MYERS
PATTERSON BELKNAP WEBB & TYLER
PAUL, WEISS, RIFKIND, WHARTON & GARRISON
PILLSBURY WINTHROP SHAW PITTMAN
PROSKAUER ROSE

SCHULTE ROTH & ZABEL
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

LAWYERS AND FIFTH GRADERS CONDUCT MOCK TRIAL

Summer associates at **Fried, Frank, Harris, Shriver & Jacobson** participated with fifth grade students from **Public School 146** in East Harlem in a mock trial held at the firm's office. Fried, Frank is matched by VOLS with P.S. 146 in our School-based Children's Project. Lawyers at the firm represent families with children at the school on housing, immigration and public benefits issues. As a result of their match, the school and firm have developed close relations.

The trial was based on the story of "The Three Little Pigs." The two surviving pig brothers testified, along with a paramedic who had sought unsuccessfully to revive their brother, Strawly Pig. The defendant, Ms. Wolf, known in most circles as the "big, bad wolf," was the star witness. Fifth graders served as jurors, bailiffs and as co-counsel to the prosecuting and defense attorneys.

The summer associates, who kept a watchful eye on their BlackBerries before and after trips to the witness stand, wore animal masks to match their characters. The trial was full of the complexities that one finds on a television crime show: Murder (alleged), eating disorders, and a jilted lover.

The jurors received instructions from "Judge" **Jennifer Colyer**, special counsel in the litigation department and resident pro bono counsel in the New York office of Fried, Frank. Judge Colyer instructed the jurors that the fate of the accused was in their hands. As at a real trial, some jurors found the performance of their civic duty at times "kinda boring—we only got to listen," but when the time came to deliberate, the students snapped to attention.

At the conclusion of their deliberations, the jurors returned a verdict of "not guilty" on murder charges against Ms. Wolf, citing reasonable doubt as to her intentions. (She had testified that she was a vegetarian with no liking whatever for roast pork, and that she had experienced a sneezing fit—hence the collapse of Strawly Pig's house with fatal consequences for him.)

Pizza, cookies and a discussion of life changes followed: The fifth graders are departing from P.S. 146 for a new school in September, and the summer associates are pondering their futures. José, who assisted the prosecutor, and had raised objections to some of the defense counsel's inflammatory tactics—his objections being sustained by Judge Colyer—expressed to classmates and summer associates his strong desire to become a lawyer.

JUSTICE OLIVER WENDELL HOLMES TO A
GATHERING OF UNION ARMY VETERANS ON THEIR
SERVICE TOGETHER IN THE CIVIL WAR:

**AND BEST OF ALL IT MADE US BELIEVE IN
SOMETHING BESIDES DOING THE BEST FOR
OURSELVES AND GETTING ALL THE LOAVES
AND THE FISHES WE COULD.**

VOLS TO LAUNCH UNEMPLOYMENT INSURANCE PROJECT

This fall, VOLS will launch a new project to provide pro bono legal services to claimants who have been denied unemployment insurance benefits. Lawyers participating in the project will represent clients at hearings before administrative law judges and, when appropriate, will undertake appeals of adverse rulings to the Unemployment Insurance Appeal Board.

The clients to be served by this project are in financial need, having recently lost their jobs. Some are without funds to meet the most basic expenses, like paying rent. At a time of widespread economic distress, here is an opportunity for lawyers to relieve some of the anguish and suffering being experienced by many of our fellow New Yorkers.

Both litigators and transactional lawyers are invited to participate in the project. VOLS will screen cases and provide training and experienced mentors to work with the volunteer lawyers. Ninety percent of claimants are

unrepresented at their hearings. Having a lawyer can make an immense difference in terms of obtaining a successful outcome.

Robyn Weinstein will serve as director of this project. She will start in September. Robyn graduated from Cardozo Law School this past June, where she served as president of the Cardozo chapter of the Unemployment Action Center (UAC) and Regional Co-Chair of the eight UAC chapter law schools in the metropolitan area. Her responsibilities in these positions included coordinating training sessions for law students on unemployment issues; providing students with mentoring assistance, and representing claimants at hearings.

The recruitment of law firms and lawyers for the VOLS Unemployment Insurance Project will get underway over the summer and continue into the fall. We will shortly be contacting firms concerning participation in the project.

PROJECT NOTES

- **Baker & McKenzie** becomes the sixth law firm to be matched by VOLS with a school—the **Dream Charter School** at 232 East 103rd Street—in the VOLS School-based Children’s Project. In this project, pro bono lawyers address civil legal problems facing families—such as housing and immigration—that threaten to disrupt the education of their children. We welcome Baker & McKenzie to the project!

- VOLS assistant director, **Sara Effron**, participated in panels at the National Medical-Legal Partnership Summit in Cleveland and at a meeting of the New York State Coalition of Medical-Legal Partnerships in Syracuse where she discussed the VOLS Hospital-based Children’s Project. In this project, pro bono lawyers represent families of pediatric patients on legal issues that impact on their children’s health, an example being working with landlords to remedy asthma-triggering conditions in apartments, such as falling plaster and rodent infestation. VOLS has matched six law firms with seven major hospitals in the city.

- At a recent ceremony, **Oscar Straus** was the recipient of the New York City Bar Association Legal Services Award presented to “attorneys who have, for an extended period during their career, devoted themselves full time to the direct provision of free legal services to indigent persons.” Oscar was honored for his outstanding legal work on behalf of poor elderly New Yorkers in the

VOLS Elderly Project.

- For the first five months of this year, the VOLS Elderly Project provided legal services on 684 cases. 181 of these cases were referred to volunteer lawyers. Many of the clients served by the project are homebound elderly.

- Summer law associates from **Davis Polk, Debevoise, Dewey & LeBoeuf**, and **Proskauer Rose** are accompanying lawyers from their firms on legal visits with mothers at three correctional facilities—Rikers Island, Taconic and Bayview—served by the VOLS Incarcerated Mothers Law Project. In the project, incarcerated mothers are provided legal counseling on child custody and visiting issues.

- In the newest law firm matches in the VOLS Microenterprise Project, **Chadbourne & Parke** has been matched by VOLS with the Bronx office of NYC Business Solutions and **DLA Piper Rudnick Gray Cary US** has been matched with the Queens office of New York City Business Services. The project provides pro bono legal assistance to low-income microentrepreneurs on business law matters. Law firms are matched by VOLS with economic development agencies located throughout the city’s five boroughs.

I FIND THERE IS NO WORTHY PURSUIT BUT THE
IDEA OF DOING SOME GOOD FOR THE WORLD.
—JOHN KEATS

VOLS CELEBRATES 25TH ANNIVERSARY

Twenty-five years ago, on Law Day, May 1, 1984, **Louis A. Craco**, President of the Association of the Bar of the City of New York, announced the formation of Volunteers of Legal Service. Following dramatic cutbacks in the 1980s in federal funding for legal services for the poor, a major initiative by the city’s legal community to increase pro bono civil legal services to New York City’s poor was deemed imperative.

Cyrus R. Vance, the founding chairman of VOLS, enlisted law firms to make pro bono commitments. Firms were asked to commit themselves to meeting, or exceeding, the VOLS annual goal of providing at least an average of 30 hours of pro bono work per attorney.

Our 25th anniversary will be celebrated at a reception to be held this fall on a date to be announced shortly.

VOLS BOARD MEMBERS

VOLS welcomes these new Board members: **Robert E. Crotty**, a partner at Kelley Drye & Warren and chair of the firm’s pro bono committee; **Judith S. Kaye**, of Counsel at Skadden, Arps, Slate, Meagher & Flom, and former Chief Judge of the Court of Appeals; and **Jeffrey S. Trachtman**, a partner at Kramer, Levin, Naftalis & Frankel and chair of the firm’s pro bono committee.

We extend best wishes to two founding Board members who are leaving after a quarter century of service: **Deborah M. Greenberg** and **Thomas H. Moreland**.

We deeply mourn the loss of **Brooks R. Burdette** who died far too young. Brooks’s commitment to providing legal services to the poor came from the heart.

Pro Bono Forum is published four times a year. Your comments are welcome.



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