

## Pro Bono – Law Firms

# Proskauer: Making Strides As Global Platform Expands

*The Editor interviews Scott Harshbarger, Chair of the Pro Bono Initiative Committee and Stacey O’Haire Fahey, Pro Bono Counsel at Proskauer. Lynsey Ramos is the Pro Bono Coordinator for the Firm.*

**Editor:** Scott, you have had a distinguished career in public service, having served as Massachusetts Attorney General and President of the National Association of Attorneys General and Common Cause. Why has this experience fitted you so well to lead Proskauer’s Pro Bono Initiative Committee?

**Harshbarger:** One of the major benefits of my experience in terms of the world of pro bono is that I have a fair amount of recognition and credibility with a wide variety of nonprofit and advocacy groups on the national and state level. During my career, I worked with prominent national organizations such as the Lawyers’ Committee for Civil Rights, Independent Sector, and the National Consumer Law Centers on issues related to civil rights and equal justice, public health, and urban and family violence prevention. Because of my experience, we were able to build the bridges necessary to develop partnerships and referrals quickly, and it allowed our Pro Bono Initiative to hit the ground running.

The second benefit is that internally Proskauer’s leadership valued my background and showed real enthusiasm about its potential for our public interest and pro bono work.

**Editor:** Stacey, as Pro Bono Counsel operating out of Proskauer’s New York office, please describe your role.

**Fahey:** My role is to act as an ambassador externally and to make sure that meaningful pro bono opportunities are made available to all of our lawyers. I think I have the best position in this firm.

**Harshbarger:** Stacey had a well-developed level of recognition and respect here. She understood the firm, its culture and its leaders and was selected for that reason. In addition to our committee of partner and associate volunteers across the firm, we’ve had a full-time staff, which includes not just Stacey but also Lynsey Ramos, our pro bono coordinator. That makes a huge difference in a big firm like this in sustaining interest and levels of activity, particularly in tougher economic times.

**Editor:** Scott, would you describe some of the most significant cases the firm has handled since we spoke last August? What have been some of your recent pro bono successes?

**Harshbarger:** Our pro bono roster is quite extensive – we have well over 600 active cases from a wide range of community partner referral sources, and we are very proud of all of them.

We continue to have significant successes and we are sustaining pro bono work in each of our major offices. In Boston, our Domestic Violence Initiative (done in partnership with the Middlesex District Attorney’s Office), in which associates represent victims in restraining order cases in the district courts, continues to be recognized by the district attorney, the press and certainly by associates as a very successful and needed asset to help victims deal with the tragedy and trauma of domestic violence.

This associate-led initiative continues to provide trial-level successes on a regular basis and has become an integral part of our litigation experience in the Boston office.

We also have been very pleased over the years with the success of our Election Protection Project – an effort headed by Jennifer Scullion, a partner in the Litigation Department in New York – where we work with the Lawyers’ Committee for Civil Rights. It put us in a position to be lead attorneys with the Lawyers’ Committee on the Ohio Election Reform cases, and again this year, in 2010, we will be leading, along with other law firms, the Lawyers’ Committee’s election protection activities.

Nici Eichberger in our New Orleans office has spearheaded some very successful initiatives there. For several years, we have been involved with the Homeless Experience Legal Protection Project (HELP), which has now expanded to several cities, including New York. Nici is also playing a leading role with the federal court and other local organizations to develop a pro bono program that will assist with claims and other issues that arise in connection with the Gulf oil spill tragedy. That initiative is in formation now.

Earlier this year, our Los Angeles office launched an innovative and effective adoption day program in partnership with Public Counsel. Our lawyers represent adoptive parents in completing adoptions and advocate for services and benefits for the children to be adopted. They’ve had a tremendous level of interest from associates and staff, so it’s given us a chance to involve staff as well as attorneys in a project that makes a huge difference for families in the community. This is just one more aspect of our very strong relationship with Public Counsel. Last year, we contributed the legal fees stemming from LA Partner Bert Deixler’s win in a landmark U.S. Supreme Court civil rights case to support the funding of a Pro Se Clinic, operated by Public Counsel, which provides valuable information to people who are not able to afford legal representation. That clinic has been a huge success, and we were greatly honored when Public Counsel selected Proskauer as the recipient of the Law Firm Pro Bono Award this year.

**Fahey:** In addition to these initiatives, we are still involved in a 20-year-old death penalty case led by Proskauer Senior Counsel Francis Landrey. We have been very involved in the Criminal Justice Act representation of an FBI agent criminally charged with tipping an informant that he was under investigation. The team, lead by DC Partner Matt Queler, was able to establish such a strong case that the judge granted a rare mid-trial Rule 29 dismissal, finding no reasonable jury could conclude that the agent acted with criminal intent. We’ve also been leading a major case on the same sex marriage front. In a precedent-setting decision, the New York Court of Appeals held that a family court may determine whether a woman is a child’s parent for purposes of determining child support. The case has been remanded for further proceedings, but we are thrilled with the result so far. We had a recent victory in a Social Security putative class action that we, in collaboration with the National Senior Citizens Law Center and the Urban Justice Center, filed against the Social Security Administration over its policy of suspending disability and old age benefits for individuals who have outstanding arrest

warrants for probation or parole violations and we’re still involved in the Iraqi Human Rights Project.

**Editor:** What progress have your offices overseas made on the pro bono front over the last year?

**Fahey:** We’re fortunate to have lawyers in our London, Paris and other offices leading an effort in pro bono. William Yonge, a partner in London, and Olivier Savelli, an associate in Paris, serve as major players on our pro bono committee and have really made a difference in terms of engaging those offices.

**Ramos:** Our Paris office has recently been involved in planning the European Pro Bono Forum, a PILI (Public Interest Law Institute) Program that brings leaders of pro bono programs around the world together.

**Editor:** The firm’s lawyers have also been active in asylum cases. Perhaps one of you might describe some of the types of cases that have unfolded through the dedicated work of your Proskauer lawyers.

**Ramos:** We handle several types of asylum cases: the most prominent have been those like our Iraqi cases where people are fleeing political, religious or social persecution, and we help them get asylum here in the United States. We have one case that Alex Kaplan, an associate in the New York office, just successfully wrapped up last year that had been in progress for about 16 years. We also handle unaccompanied minor cases through a new program, KIND (Kids in Need of Defense), and the National Center for Refugee and Immigrant Children, and LGBT (Lesbian, Gay, Bisexual, Transgender) asylum cases through Immigration Equality for people who are fleeing that kind of discrimination. We’re pleased to report that we have had great success with asylum cases of all types, demonstrating again what a difference pro bono law firm representation makes.

**Harshbarger:** Another category of asylum cases deals with violence against women. In Boston, we’ve had at least one client from Guatemala and a couple of cases where we represented people seeking asylum to escape a history of domestic abuse in their home countries. In a few cases we’ve used fear of domestic violence as a defense against deportation.

**Editor:** How has Proskauer’s Community Service Leave Program worked out?

**Fahey:** The leave program was an opportunity for associates in good standing across the firm to take a year and do full-time legal work beneficial to the community. Associates could propose projects of their own design, work with an established host organization, or plan a project in conjunction with the Pro Bono Department. The lawyers here who have taken the opportunity to broaden their horizons in this way do wonderful, interesting work, and have gained professionally beyond measure. When they come back to the firm they are fully integrated back into their practices with added expertise and relationships that we hope to continue to build on.

**Editor:** How has the economy impacted pro bono?

**Fahey:** It’s been a challenge because the community need is greater than ever, and at the same time the law firm landscape is changing and evolving. We are still trying to help those who need us. Our lawyers have continued to be committed to pro bono work.

**Harshbarger:** We need to be very clear that this has been a *real* challenge. Proskauer isn’t alone in trying to figure out how you balance the obvious need to ensure financial security for the firm, ensure that it continues to grow and be successful and profitable, *and* try to meet the need that is even more real in the communities with our partners on pro bono cases. It is a tough balance to strike. I would simply say, as the chair of the committee, that this is one of the major issues we face as we deal with the new economic reality for major law firms. Our partners in the community have an even greater need than they ever had. This is where the leaders of the legal profession, in my opinion, and the leaders of major law firms like ours, have a real responsibility to figure out how to meet this broad public interest need. As Stacey regularly notes, this is all still a work in progress.

**Editor:** What are the challenges going forward?

**Harshbarger:** The key in a law firm is leadership. How do the partners balance this? How can they create an environment that ensures attorneys at all levels are successfully billing time and generating revenue, yet also encouraging and sustaining an interest in pro bono work? The lesson I’ve learned is that, like in every other private, public or nonprofit organization, the tone at the top makes all the difference in how successfully a law firm meets this challenge.

**Fahey:** We cannot end this interview without noting the significant contributions of Proskauer General Counsel Steven Krane, who passed away recently. He was a former president – and the youngest – of the New York State Bar Association, and he led by example. Steve led the pro bono program here prior to the Pro Bono Initiative, which was instituted by our chair, Allen Fagin. He was a remarkable lawyer committed to public service. As bar president, he founded and led the Student Loan Assistance for the Public Interest program (SLAPI), which provides grants to help public-interest lawyers repay their law school loans. The New York Bar Foundation recently renamed the program the “Steven C. Krane Fund for Student Loan Assistance for the Public Interest” in Steve’s memory. His many pro bono ventures are a testament to how he served as a role model for younger attorneys and inspired all who knew him.

There will always be challenges to overcome, but we feel like Steve and others have put us in a position to face those challenges head-on. We have a great committee, both new members and those who have been with us since the beginning, to help bring new ideas and a fresh perspective to our pro bono work. The changes sparked by the economy have caused us to take a flexible and innovative approach to our work, and we are grateful to be part of a firm that is committed to building a strong pro bono program even in the face of these challenges.

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