

Law360 Picks 2012 Pro Bono Winners

By **Max Stendahl**

Law360, New York (August 17, 2012) -- Twenty exceptional law firms grappled with a sluggish legal market in the past year and still managed to devote an average of more than 100 hours per attorney to pro bono clients like innocent death row inmates and pensionless Holocaust survivors — work that earns them a spot on Law360's Pro Bono Firms of 2012.

Law360's third annual pro bono firms of the year series will profile 20 firms that committed a significant number of attorney hours and secured major victories in high-profile matters between June 1, 2011, and June 1, 2012.

Law360's Pro Bono Firms of 2012 are Cleary Gottlieb Steen & Hamilton LLP, Covington & Burling LLP, Davis Polk & Wardwell LLP, Debevoise & Plimpton LLP, Dechert LLP, Foley Hoag LLP, Gibbons PC, Gibson Dunn & Crutcher LLP, Orrick Herrington & Sutcliffe LLP, Patterson Belknap Webb & Tyler LLP, Paul Hastings LLP, Paul Weiss Rifkind Wharton & Garrison LLP, Ropes & Gray LLP, White & Case LLP, Willkie Farr & Gallagher LLP and WilmerHale, and for the third year in a row, Jenner & Block LLP, Morrison & Foerster LLP, O'Melveny & Myers LLP and Skadden Arps Slate Meagher & Flom LLP.

All of the firms in the 2012 series committed over 70 pro bono hours per attorney in the past year. Overall, they averaged about 104 hours per attorney.

Those statistics are especially impressive against the backdrop of a legal market that has struggled to rebound from the recession. Indeed, top law firms in general maintained a heavy pro bono workload despite the poor economy, according to a July report from the nonprofit Pro Bono Institute.

"The institutional pieces that firms need in order to do pro bono work continue to be in place," Pro Bono Institute President and CEO Esther F. Lardent told Law360.

The institute's report surveyed 134 firms that tallied a total of about 4.5 million pro bono hours in 2011 — a slight increase over 2010 and the third highest annual total since the institute began keeping track in 1995. Charitable giving by firms also rose by nearly 13 percent from a year earlier, to \$28.6 million, the report found.

At the same time, the report highlighted a few areas of concern. Service to persons of limited means — a key demographic for pro bono work — decreased by 9.7 percent from 2010. In addition, law firm associates, who typically perform the bulk of pro bono work, cut back in 2011, the report said. Firms also saw fewer referrals from legal services organizations than in the past, even though the need for such services remained high.

Still, the millions of hours spent on pro bono work in 2011 shows that firms are still eager to devote significant time and resources to the public good, according to Lardent.

"This has obviously been the longest and biggest recovery that I've seen, so we're not surprised there hasn't been a big uptick," she said. "But in terms of law firm pro bono generally, I think it's actually, in many respects, very healthy."

The health of the pro bono market was borne out in the successes of the 20 firms profiled by Law360. Their clients included death row inmates, victims of sex trafficking, disabled citizens seeking Social Security benefits and disenfranchised voters.

Law360's top firms worked on some of the year's most high-profile pro bono cases. Three firms — Foley Hoag, Jenner & Block and WilmerHale — represented plaintiffs in a suit challenging the constitutionality of the Defense of Marriage Act, a federal law that defines marriage as between a man and a woman and denies federal benefits to same-sex couples. On May 31, the First Circuit found the law unconstitutional, holding that federalism bars Congress from interfering with states that opt to legalize same-sex unions.

In another case with wide implications, Morrison & Foerster won the reinstatement of three veterans who had been discharged under "don't ask, don't tell," the military's ban on openly gay service members, shortly after Congress repealed the law.

Immigration, another hot-button public issue, was a large focus of pro bono work performed by the winning firms. Cleary Gottlieb, for example, helped to secure the largest settlement ever paid by the federal government in a suit over residential immigration raids, in the amount of \$350,000.

Of course, the winners were also standouts in matters that flew under the national media's radar. In one case, Cleary represented Erskine Johnson, who was charged with the 1985 shooting death of a Memphis grocery store owner. Johnson was released from jail without any conditions on June 1 after Cleary — whose attorneys had devoted more than 15,000 hours to the case over a period of 15 years — found new evidence that proved his innocence, according to the firm.

In another death row case, Covington & Burling represented Jesse Barnes, who was sentenced in 1972 to life in prison for a rape and murder in Baltimore. The defendant — 17 years old at the time of his conviction — was freed in December 2011 once Covington presented new, exculpatory DNA evidence.

Dechert attorneys, meanwhile, won a class action settlement on behalf of thousands of inmates in a New Jersey jail who claimed they were subjected to inhumane conditions, including oppressive heat, overcrowding and excessive use of force by correctional staff. The settlement required the jail to upgrade its infrastructure and overhaul its prison management practices, among other steps, according to Dechert.

Those are just some of the achievements that will be highlighted over the next four weeks as Law360 profiles the top pro bono firms of 2012. Aside from racking up big legal settlements and judgments, these 20 firms made the cut because of their continued devotion to pro bono work in tough times.

To continue the upward trend that emerged during 2011, firm leaders — everyone from chairmen and chairwomen down to policy committee members — should treat pro bono hours the way they treat billable hours for purposes of attorney evaluations and promotions, according to Lardent.

"Walking the walk and talking the talk — that is really important these days," she said.

Firms should also try to integrate pro bono work with professional development for young attorneys, in addition to midlevel associates and even partners, according to Lardent. And they should also not just wait for pro bono work to arrive on their doorstep, but proactively seek it by speaking with local community leaders and public interest organizations about their needs, she said.

Indeed, new opportunities for pro bono work are sure to emerge among clients like veterans returning from the wars in Iraq and Afghanistan and young immigrants given temporary protection from deportation by a recent Obama administration policy, according to Lardent.

"You really see some incredible work being done," she said. "You're showing your skills to these folks, and really deepening your relationships on a human level."

--Editing by Katherine Rautenberg.