

## Pro Bono Firm Of 2015: Gibson Dunn

By Kevin Penton

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For reversing Voting Rights Act violations in a New York county, changing how government services after natural disasters are distributed to the disabled and representing numerous unaccompanied minors in deportation and asylum cases, Gibson Dunn has earned a spot among Law360's Pro Bono Firms of 2015.

Gibson Dunn attorneys racked up a total of 124,956 hours of pro bono work in 2014, averaging 109 hours each, good for a third-place tie among the firms on the list.

Gibson Dunn encourages, but does not require, that its attorneys clock at least 60 pro bono hours annually, and the work counts towards compensation and bonus calculations, said Katie Marquart, the program's director. There is no cap on the number of pro bono hours that can count toward the calculations, she said.

While the firm works with many legal aid organizations that point it towards important cases where its legal expertise could make a big difference, many of the pro bono cases it handles are initiated by the attorneys themselves, Marquart said. Their personal commitment to making a difference on issues they feel strongly about may be one reason the firm's attorneys exceed the 60-hour recommended minimum by such a wide margin, she said.

"These are cases they feel particularly passionate about," Marquart said of the attorneys, not all of whom are associates. "Some of our busiest partners are the ones doing the most pro bono work. It's really part of our culture."

One of those partners is Mitchell A. Karlan, who worked on a case filed in 2011 that alleged that New York's Albany County violated the federal Voting Rights Act by failing to create an additional majority-minority voting district for the county's legislature in its redistricting based on the 2010 U.S. Census.

After an 11-day bench trial, U.S. District Judge Lawrence E. Kahn concluded that the county's redistricting plan for its 39 voting districts violated the VRA by not creating a fifth majority-minority district.

"While laudable progress to address racial disparities in the county has been made, the county's redistricting plan diluted the voting strength of black voters in Albany County, in violation of the VRA," Judge Kahn wrote.

Karlan, who typically works in complex commercial litigation, said he used the negotiation and litigation skills he practices daily on the pro bono case, as the government officials refused to consider a settlement. The amount of time Gibson Dunn committed to the case — with no guarantee either that it would win or that the judge would order the county to pay its legal fees — is an example of the type of work the firm is willing to do to give back to the community, he said.

“Of course we consider every client to be important, but this was obviously a matter of a different magnitude,” Karlan said. “We think it’s important that large firms give back.”

After Judge Kahn ordered the county to pay the plaintiffs’ attorneys fees, Gibson Dunn in May requested \$6.3 million in legal fees and \$115,061 in expert fees and other out-of-pocket costs, based on 12,649 hours worked and an overall fee reduction of 20 percent, according to court records. Local firm DerOhannesian & DerOhannesian billed \$522,613 in fees and \$29,859 in costs.

“No other lawyers were willing to take the case, not even the national public interest organizations that supported the prior voting rights lawsuit against Albany County,” the plaintiffs wrote to Judge Kahn, who is still considering the appropriate award. “Had plaintiffs lost, counsel would recover nothing for the thousands of attorney hours and out-of-pocket expenses the two firms incurred in championing fundamental rights when no others would.”

Elsewhere in New York, Gibson Dunn stepped in to represent disabled residents seeking to receive federal Disaster Supplemental Nutrition Assistance Program, or D-SNAP, benefits after Superstorm Sandy.

New York City and state officials doled out the food-stamp-like benefits from central locations, making minimal effort to reach out to those who could not easily get to the offices after the 2012 storm, said Goutam U. Jois, an associate who worked on the case.

For example, officials used a bus to transport people to the places where the D-SNAP benefits were being processed, Jois said. But the bus was poorly publicized, so hardly anyone used it.

“When you think of [the Americans with Disabilities Act], you typically think of building a ramp into a building,” Jois said. “In this case, someone needed to build a ramp into the program.”

As part of a settlement finalized in July, those who failed to receive the benefits because of physical issues will have another chance to apply, Jois said. Those who request home visits to process the applications will receive them, and guidelines for the D-SNAP program will also be amended to better reflect the needs of the disabled, he said.

“The immediate disaster receded from the front pages, but the issues continued for people,” Jois said of the case, which was filed in 2012. “This case was particularly gratifying because we were able to bring lasting policy change.”

On the other side of the country, Gibson Dunn attorneys have worked in recent months to represent some of the unaccompanied children from Central America who have been part of a surge of people crossing the border from Mexico since last year.

Some are seeking to be reunited with relatives living in the U.S. and are applying for residency, while other children are applying for asylum based on claims of persecution in their countries because of political, religious or criminal reasons, such as assisting in the prosecution of crimes, Marquart said.

Gibson Dunn has worked with groups such as Kids in Need of Defense to identify cases it can help with involving minors and with organizations such as Immigration Equality to pinpoint cases where individuals claim persecution in their countries of origin because of their sexual orientation, Marquart said.

“The need for pro bono lawyers in this area has increased throughout the last year,” said Marquart, who noted that the firm has served noncitizens who can't afford representation for years. “There is a big gap between the need and what is available.”

Gibson Dunn is also part of the Clemency Project, an effort among law firms to reduce the sentences of federal prisoners convicted for nonviolent offenses who have served at least 10 years and likely would receive a shorter sentence were they to be convicted today, Marquart said. The firm has dedicated more than 40 attorneys to reviewing cases to determine whether the prisoners may qualify for a reduced sentence.

In 2014, lawyers with Gibson Dunn collaborated with the nonprofit Lawyers Without Borders to facilitate a discussion in Kenya about how attorneys and judges there can better use existing laws to prosecute animal poachers, Marquart said. The session is one of several of the firm's international efforts in recent years, she said.

“As our presence becomes more international, our desire to reach out beyond our local communities grows,” Marquart said.

Jois said he is working on pro bono efforts to represent a woman in her 90s who accuses a relative of stealing hundreds of thousands of dollars from her with a power of attorney document.

Karlan said that Gibson Dunn also represented plaintiffs in Albany County after the 2000 Census making similar allegations of Voting Rights Act violations.

“We will be warming up in the bullpen,” said Karlan, on whether the firm expects to be involved in a similar case after the 2020 Census. “But I’m forever an optimist. I’m hopeful that wiser heads will prevail.”

--Editing by Brian Baresch.