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PRO BONO

Acting on Impulse

Pro Bono hours edged up in 2017 as constitutional and regulatory issues motivated lawyers into action.

BY BRENDA SAPINO JEFFREYS

LEGAL MATTERS RIPPED FROM THE HEADLINES CONTRIBUTED to lawyers at U.S. firms taking on more pro bono work in 2017 than they did the prior year, with Trump administration policies and actions inspiring lawyers and providing an outlet for the civic-minded.

“The 2016 election acted as a kind of catalyst as it awakened in many of our lawyers a sense of engagement in public service matters generally,” says Alan Pemberton, senior counsel in Washington, D.C., and pro bono director at Covington & Burling. He identifies a number of pro bono areas that were busy in 2017 that are directly related to the change in administration, such as legal challenges to changes in the Deferred Action for Childhood Arrivals (DACA) program, the travel ban applying to people from Muslim-majority countries and the ban on transgender individuals serving in the U.S. military.

The current political climate spurred lawyers to do pro bono work, regardless of whether it was directly related to politically charged issues, he says. Pemberton points to a group of female associates at Covington & Burling who decided after the election that they wanted to “do something for someone,” then successfully won an asylum case for a gay man from a West African nation.

Lawyers were drawn to pro bono work in 2017 by hot-button issues including President Donald Trump’s plan to defund the Legal Services Corp., the push to provide justice for juveniles sentenced unconstitutionally to life without parole, litigation to reverse gerrymandering, voting rights litigation and efforts to enforce adequate funding for indigent defense organizations.

Many lawyers choose to do pro bono work regardless of what’s in the news, says Andrew Vail, a litigation partner in Chicago who chairs Jenner & Block’s pro bono committee. He says his firm’s commitment to pro bono has “transcended”

NATIONAL PRO BONO

1	Jenner & Block	134.7	168.4	100.9	76
2	Covington & Burling	116.0	156.3	75.7	37
3	Orrick, Herrington & Sutcliffe	115.2	134	96.4	35
4	Patterson Belknap Webb & Tyler	111.0	121.9	100.0	147
5	Hughes Hubbard & Reed	106.6	129.5	83.8	104
6	Gibson, Dunn & Crutcher	102.7	138.7	66.8	12
7	BuckleySandler	102.2	125.4	79.1	171
8	Dechert	100.8	104.1	97.5	34
8	Ropes & Gray	100.8	119.2	82.4	13
10	Paul Hastings	98.3	98.2	98.4	26

administrations. Nevertheless, Vail says certain constitutional issues and the struggle for certain individual rights have been “pressed to the forefront” with considerable gravity. “That, I believe, has raised the passions and interests of lawyers across the country to become more involved,” he says.

Vail’s firm, Jenner & Block, repeated as the top large firm for U.S. pro bono work in 2017, and Dechert maintained its No. 1 ranking among large firms for international pro bono work, our annual Pro Bono Survey shows.

Many of the same firms returned to the top 10 spots on the national pro bono list for their domestic pro bono work. Hughes, Hubbard & Reed and Patterson Belknap Webb & Tyler once again joined Jenner & Block in the top five, with Covington & Burling and Orrick, Herrington & Sutcliffe moving into the quintet. Dechert and Paul Hastings kept their top 10 rankings, joined by Gibson, Dunn & Crutcher; Buckley Sandler; and Ropes & Gray. Irell & Manella (47th); Munger, Tolles & Olson (15th); Shearman & Sterling (11th); and Debevoise & Plimpton (20th) all fell out of the top 10.



INTERNATIONAL PRO BONO

Rank	Firm	Non-U.S. Pro Bono Score	Average Hours	% with 20+ Hours	Number of Non-U.S. Offices	Non-U.S. Lawyers	% Lawyers Outside U.S.	Lawyers in the U.S.
1	Dechert	67.3	50.7	83.9	14	354	37%	609
2	Paul Hastings	65.6	50.3	81.0	11	168	18%	764
3	Morgan, Lewis & Bockius	53.8	39.0	68.6	13	271	14%	1,699
4	Latham & Watkins t	51.9	47.0	56.8	18	827	32%	1,730
5	Cozen O'Connor	47.0	35.7	58.3	2	12	2%	689
6	Orrick, Herrington & Sutcliffe	46.1	35.0	57.1	14	317	31%	699
7	Jenner & Block	45.6	31.1	60.0	1	15	3%	536
8	Arnold & Porter Kaye Scholer	45.5	42.5	48.4	4	95	9%	942
9	Gibson, Dunn & Crutcher	44.2	49.3	39.2	10	232	17%	1,147
10	Skadden, Arps, Slate, Meagher & Flom	40.3	42.6	38.1	14	339	19%	1,469

Paul Hastings maintained its position as runner-up to Dechert in the international pro bono ranking. Others returning to the top 10 for international work are Latham & Watkins; Orrick; Arnold & Porter Kaye Scholer; and Gibson Dunn. They were joined in the top 10 by Morgan, Lewis & Bockius; Cozen O'Connor; Jenner & Block; and Skadden, Arps, Slate, Meagher & Flom. Meanwhile, Hughes Hubbard (20th); Wilmer Cutler Pickering Hale and Dorr (32nd); Morrison & Foerster (12th); and Katten Muchin Rosenman (17th) each slid down the list.

The Pro Bono Survey evaluates the Am Law 200's commitment to pro bono work, ranking firms on a metric based on the average number of pro bono hours worked by each of their lawyers, and on the percentage of lawyers at the firm who spent at least 20 hours on pro bono matters in 2017. The U.S. pro bono rankings are for work done by lawyers in the United States, while international rankings are for pro bono work by lawyers at U.S. firms who are based in offices outside of the country.

The firms that submitted information for the survey did more pro bono work in the United States and internationally in 2017 than in 2016, putting in 5.4 million hours last year, compared with 5.3 million the year before, and that despite

fewer firms responding to this year's survey. Just under half of the U.S. lawyers did more than 20 hours of pro bono work in 2017, slightly off the 50 percent posted for 2016.



AVERAGE HOURS PER NON-U.S. LAWYER SPENT ON PRO BONO WORK IN 2017



AVERAGE HOURS PER U.S.-BASED LAWYER SPENT ON PRO BONO WORK IN 2017

Internationally, 26.4 percent of the lawyers working for U.S. firms outside of the country contributed more than 20 hours of pro bono work in 2017. But firms do less work internationally than domestically. Dechert's pro bono score for international work was 67.3, which is half of Jenner & Block's domestic score of 134.7, for example.

At Jenner & Block, 100 percent of lawyers worked more than 20 pro bono hours in the United States in 2017. In fact, the firm averaged 168 hours per lawyer. Vail, the chair of the pro bono committee in Chicago, says the firm has an "extremely broad and deep" commitment to pro bono work,

and puts considerable effort into identifying pro bono opportunities for litigators and transactional lawyers.

In 2017, Vail says, the firm increased its commitment to pro bono on asylum cases, and also represented three people who alleged they were wrongfully convicted. All three of the convictions were vacated. In the firm's largest matter in 2017, Jenner & Block teamed up with Legal Services NYC to represent 11 disabled tenants in litigation alleging their current or

The struggle for individual rights has been "pressed to the forefront" post-election, Andrew Vail says.



PRO BONO, BY AVERAGE HOURS

Rank	Firm	Average Hours
1	Jenner & Block	168.4
2	Covington & Burling	156.3
3	Gibson, Dunn & Crutcher	138.7
4	Orrick, Herrington & Sutcliffe	134
5	Hughes Hubbard & Reed	129.5
6	BuckleySandler	125.4
7	Munger, Tolles & Olson	125.3
8	Skadden, Arps, Slate, Meagher & Flom	123.7
9	Patterson Belknap Webb & Tyler	121.9
10	Ropes & Gray	119.2

PRO BONO, BY BREADTH OF COMMITMENT

Rank	Firm	% with 20+ Hours
1	Shearman & Sterling	105.3
2	Jenner & Block	100.9
3	Patterson Belknap Webb & Tyler	100.0
4	Paul Hastings	98.4
5	Dechert	97.5
6	Orrick, Herrington & Sutcliffe	96.4
7	Winston & Strawn	94.6
8	Morgan, Lewis & Bockius	86.8
9	Hughes Hubbard & Reed	83.8
10	Ropes & Gray	82.4

former landlords failed to provide reasonable accommodations when they took out elevators in apartment buildings for renovations. The matter settled in the fall of 2017 after two-and-a-half years of litigation. The firm also joined with legal aid organizations to challenge North Carolina's bathroom bill, which forced people in public facilities to use the bathroom corresponding with the gender on their birth certificate.

While "it's a point of pride" to be No. 1 on the national pro bono ranking among Am Law 200 firms, Vail says the firm has been consistent in its commitment to pro bono for many years.

Covington & Burling is runner-up on the U.S. pro bono ranking. Pemberton says the 2016 election did lead to some public service matters for the firm's pro bono lawyers. For instance, he says, the firm won a federal injunction for the University of California and its president, Janet Napolitano, to prevent the federal government from shutting down the DACA program. The firm's biggest project was representing Greater Birmingham Ministries and the Alabama NAACP in a federal lawsuit challenging Alabama's photo voter ID law.

But Pemberton says most of the lawyers at Covington worked in 2017 on the same kinds of cases they were already handling before the presidential election, such as asylum,

indigent criminal defense, police practices challenges and civil legal aid matters including landlord/tenant disputes, protective orders in domestic relations cases, and the formation of nonprofits.

26.4%

AVERAGE OF
INTERNATIONAL
LAWYERS WHO
PERFORMED MORE
THAN 20 HOURS OF
PRO BONO WORK
IN 2017

49.5%

AVERAGE OF
U.S. LAWYERS
WHO PERFORMED
MORE THAN 20
HOURS OF PRO
BONO WORK
IN 2017

The firm's lawyers averaged 156 pro bono hours in 2017, and Pemberton says the firm has been close to that level in the past. The firm takes on its share of big cases that require many hours, he says, but lawyers have lately been handling more small matters. "We have opened 422 new matters in just the past 12 months, which is way more than one a day, and that's just our U.S. offices," he says, adding that the manageability of smaller pro bono matters actually encourages lawyers to do pro bono.

Orrick came in third on the Pro Bono Survey, with 96.4 percent of its lawyers doing more than 20 hours of pro bono in 2017, for an average of 134 hours. Annette Hurst, an Orrick partner in

The 2016 election was a catalyst to engage lawyers in public service matters, Alan Pemberton says.

San Francisco who is a member of the board of directors, says, like others, that pro bono is simply an ingrained part of the firm's culture. But she says the issues in the headlines in 2017 may have motivated some lawyers at the firm to do certain kinds of pro bono work. For instance, a pro bono team secured a jury verdict for a human trafficking victim from Cameroon who was exploited by a family that kept her in forced servitude for more than five



years. Hurst says some lawyers are great at traditional pro bono work representing indigent individuals, but others want to tackle bigger projects. She says the current political climate has not only reinvigorated young people’s interest in the legal profession but also made some rethink their dedication to civil rights. Big issues, such as the #MeToo movement, also have had an effect, in Hurst’s view.

“A lot of things are happening in our culture now,” she says.

Orrick has another way to motivate lawyers to do pro

bono work. For the last few years, Orrick has given each lawyer who volunteers at least 20 hours on pro bono work a 20-hour sticker. Hurst says the stickers, which hail back to the childhood reward for a good visit to the pediatrician, are a real motivation.

“We all like to put those stickers outside our [office] doorway,” Hurst says.

According to the survey, 94 percent of the U.S. firms that responded have a pro bono coordinator and 92 percent of the firms give associates credit for pro bono hours. Also, 48 percent of the firms sponsor pro bono fellowships.

HELPING GLOBALLY

Suzanne Turner, a partner at Dechert in Washington, D.C., who is chair of the firm’s pro bono practice, says the firm’s pro bono numbers are high, in part, because the firm requires each lawyer to do at least 25 pro bono hours a year. “You have to do it. It’s 25 hours over the course of 365 days. When you think of it in those terms, it’s relatively de minimis,” she says.

Turner says the firm provides thousands of opportunities for

pro bono work domestically and internationally, but the offerings differ among offices because of the skills of the lawyers in those offices and the work available locally. Internationally, Turner says, the firm’s lawyers are moving away from work helping small charities get established and toward more individual representations, especially as government legal aid

INTERNATIONAL PRO BONO WORK IS ON THE RISE, ESPECIALLY IN EUROPE, AMY HEADING SAYS.

budgets are being cut in foreign countries. Also, there’s more work available internationally because of pro bono clearinghouses that help firms find work and projects.

“Nationally, we are doing a lot of the same, just more of it,” she says. The firm focused in 2017 on immigration work and voting rights cases, she says. Turner is optimistic about the attitude of future generations of lawyers toward pro bono work. At an orientation for summer associates, Turner says “the energy was pretty palpable” and there was a big appetite to do pro bono work.

Amy Heading, who is head of international pro bono for Orrick and is based in London, says international pro bono work, particularly in Europe, has increased over the last 10 to 15 years. Part of it is the influence from U.S. firms that opened offices internationally or merged with firms in European countries, she says. But other factors are involved, including an uptick in clearinghouses to match firms with work, as well as the decrease in state-sponsored legal aid. Heading says the common practice in the United States of dedicating lawyers or staff to a pro bono program is now gaining steam in Europe. She says the same trends are starting to take hold in Asia as well.

“The progression that has happened, specifically in the last five to 10 years, is incredible,” she says, “so I’m really excited to see what is going to happen in the next five to 10 years.”

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JENNER & BLOCK LLP