

PRO BONO

Treading Water

Average pro bono hours by Am Law 200 firms dipped in 2014, our annual survey finds. One likely reason: more paying work.

BY MP McQUEEN

FOR THE SECOND CONSECUTIVE YEAR, CHICAGO'S JENNER & BLOCK tops The American Lawyer's survey of U.S. pro bono legal work and Washington, D.C.'s Arnold & Porter is second, though the business uptick at Am Law 200 firms last year may be reducing pro bono hours generally.

The two firms often hover at or near the top of our survey. Jenner & Block averaged 130.5 hours per lawyer, down from last year's 175, which was a 20-year high. "Although Jenner did not again reach record numbers for total pro bono hours in 2014, our passion and commitment to pro bono remained unwavering," said Andrew Vail, co-chair of the firm's pro bono committee, in a statement.

Arnold & Porter's average was 126.7, down from 139.5. Paul Hastings was in third place, replacing Wilmer Cutler Pickering Hale and Dorr in that spot.

Our survey ranks Am Law 200 firms on the basis of the average number of pro bono hours its lawyers perform, and the percentage of lawyers with more than 20 hours of pro bono work. Our domestic rankings are based on work by lawyers in the U.S.; the international rankings are based on work by lawyers at U.S. firms who are based outside the U.S.

Morrison & Foerster and Debevoise & Plimpton moved into the top 10 on our rankings this year. Morrison & Foerster jumped to eighth place from 23rd in last year's survey, and Debevoise rose to 10th place from 32nd.

Arnold & Porter led in international pro bono. Its attorneys outside the U.S., who are based in London and Brussels, performed an average of 75.9 hours last year, and nearly 96 percent of its 49 overseas lawyers did 20 or more hours of pro bono work. Dechert, which imposes a worldwide pro bono minimum of 25 hours per lawyer, took second place. Paul Hastings was third, and McDermott Will & Emery was number four.

In this year's domestic survey, 11 law firms reported an average of 100 or more hours of pro bono per lawyer, down from 15 a year ago. In order of their overall ranking, the 11 are Jenner & Block; Arnold & Porter; Debevoise & Plimpton; Wilmer; Foley Hoag; Morrison & Foerster; Gibson Dunn & Crutcher; Paul Hastings; Covington & Burling; O'Melveny & Myers; and Dechert.

Firms performed a total of 4.75 million pro bono hours in 2014, a decline of 5.88 percent from 5.05 million hours in 2013, though the number of firms that responded to the survey fell to 156 from 171.

AVERAGE
PRO BONO HOURS
PER LAWYER

55

IN 2014

38

IN 2011



The survey also asked firms about other public service initiatives, such as funding fellowships at nonprofits and legal aid groups. Of 142 firms that answered the question, 57 firms said they had funded fellowships last year; 85 firms said they did not. A year ago, 159 firms answered the question; 58 said they funded fellowships and 101 did not.

Mark O'Brien, executive director of Pro Bono Net, a national nonprofit that matches lawyers with projects, says a pickup in business, combined with leaner firm ranks, may be responsible for the decline in pro bono hours. "A lot of factors go into whether from year to year firms have capacity, or don't, to take on pro bono work," he says. "Anecdotally, it is my impression that firms have contracted somewhat in overall size and those that are busy are very busy."

Gabrielle Sigel headed Jenner & Block's most hours-intensive project, a suit against Chicago's water district. The firm topped this year's pro bono rankings.

Prominent cases at top-ranked Jenner & Block included the representation of debtor Stephen Law before the U.S. Supreme Court in *Law v. Siegel*. The court ruled unanimously in March 2014 that a California court exceeded its authority when it ordered Law, who filed for Chapter 7 bankruptcy in 2004, to use \$75,000 in home equity protected by the state's homestead exemption to pay the legal fees of trustee Alfred Siegel. Law had been representing himself; the firm took the case before it went to the U.S. Court of Appeals for the Ninth Circuit. "There isn't any greater satisfaction than winning a case in the Supreme Court on the behalf of someone who



couldn't have brought the case himself," says Jenner & Block litigation partner Matthew Hellman, who made oral arguments in the case in January 2014.

Jenner & Block's biggest investment of time, 1,553 hours, in 2014 was its ongoing representation of environmental groups including the Alliance for the Great Lakes and Natural Resources Defense Council in a Clean Water Act suit against the Metropolitan Water Reclamation District of Greater Chicago over its discharge of raw sewage into area waterways and Lake Michigan. At press time a ruling was pending from the U.S. Court of Appeals for the Seventh Circuit.

Partner Gabrielle Sigel presented oral arguments in the case last February. "If we win, this will change the Chicago rivers from a giant sewage conduit to the swimmable and fishable waterways that the Clean Water Act requires," she says.

Arnold & Porter's most time-consuming case last year was *Cunningham v. Federal Bureau of Prisons*, a class action on behalf of mentally ill Supermax prisoners ["Maximum Effort," July 2014]. In 2013 the firm started a new project, defending military and civilian victims of sexual abuse by U.S. service personnel. It has represented more than a dozen sexual assault survivors, and is opposing efforts by military defense attorneys to get and use victims' sexual histories and private psychotherapy and medical records.

Arnold & Porter counsel Ryan Guilds, who is heading the project, says he recognized a need for special representation of victims of military personnel while advocating for domestic and sexual violence victims generally. Guilds also testified on behalf of victims before the Military Judicial Panel recommending improvements in the armed services' response to sexual assaults. "At the end of the day, our representation isn't judged by whether there is a guilty verdict or plea but the victim's empowerment," he says.

MOVING ONTO THE TOP 10

The two firms that cracked the top 10, Debevoise and Morrison & Foerster, did so by ramping up their lawyers' pro bono hours. Craig Bowman, co-chair of Debevoise's pro bono committee, attributed the firm's gain to "internal initiatives," including giving more recognition to its lawyers' pro bono work. Its lawyers spent an average of 122.9 hours, up from 85.8 a year earlier, on pro bono, and about 56 percent of lawyers spent more than 20 hours, up from about 52 percent.

Last year, Debevoise spent 10,902 pro bono hours assisting the

Eleven firms reported an average of 100 or more hours of pro bono work per lawyer, down from 15 a year ago.

Connecticut Coalition for Justice in Education Funding with its court challenge to the state's education funding formula for public schools, alleging that it violates the state constitution. A 12-week trial is scheduled to begin in Hartford this fall. In an email, Mary Beth Hogan, co-chair of Debevoise's litigation department, said that the project "exemplifies how Debevoise pursues pro bono matters with the same intensity as billable work."

Morrison & Foerster's lawyers spent an average of 113.4 hours on pro bono work in 2014, up from nearly 94 hours a year earlier, and 71 percent spent more than 20 hours, up from 63.5 percent. Much of the work was on California criminal justice matters, including representing victims of alleged civil rights abuses.

But the firm's top project by number of hours spent was a federal civil rights suit against the Clark County, Nevada, foster care system. The case, which the firm worked on with Oakland, California's National Center for Youth Law, resulted in a \$2.08 million settlement for seven former foster children who alleged that they suffered physical abuse and improper medical treatment.

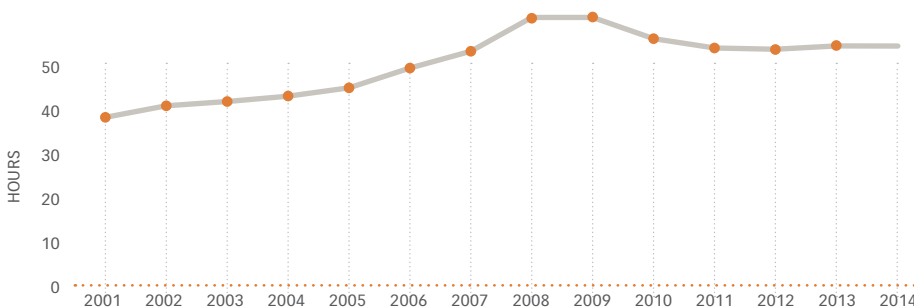
"We are hopeful that it is going to spark deep-seated reform in the foster care system of Las Vegas," says Morrison & Foerster IP litigation partner Mark Danis, who headed the case. The firm's lawyers spent nearly 3,000 hours on the case in 2014.

TOP-RANKED GLOBAL FIRMS

Arnold & Porter topped the rankings for international pro bono again this year. The largest share of its hours, 484, were spent researching legal issues surrounding HIV self-testing kits and coordinating advice from

LONG TERM TREND

After peaking in 2009, average hours per lawyer have dropped slightly.



MOVING UP

Firms with the biggest yearly increase in pro bono rank.

Firm	2014 Rank	2013 Rank	Change
Michael Best	96	141	45
Dinsmore	123	167	44
Fish	67	106	39
Fenwick	64	100	36
Blank Rome	98	133	35
Goulston & Storrs	41	76	35
Goodwin Procter	25	55	30
Cadwalader	106	134	28
Armstrong Teasdale	86	113	27
Sheppard Mullin	109	136	27

Rankings are based on firms' domestic pro bono scores.

SHOWING SOME SLIPPAGE

Firms with the biggest yearly decrease in pro bono rank.

Firm	2014 Rank	2013 Rank	Change
Thompson Coburn	140	89	51
Lewis Roca	108	72	36
Dickstein Shapiro	77	47	30
Brown Rudnick	98	69	29
Weil	43	16	27
Davis Wright	111	85	26
Fried Frank	47	21	26
Jackson Walker	134	110	24
Snell & Wilmer	75	51	24
Curtis	134	114	20
Simpson Thacher	79	59	20

other countries in the region for the Southern African AIDS Trust in a project led by London-based partner Ian Dodds-Smith and associate Catherine Young. Lawyers in the U.K. and the U.S. examined laws regulating medical devices, privacy, consent, liability and human rights in the region.

Dechert placed second. With the nonprofit group Oxfam, Dechert lawyers based in the U.K. are supporting the Raising Her Voice project supporting gender rights in Africa. Thirteen partners and associates from Dechert's London office assisted colleagues in Africa to produce a legal analysis of the Maputo Protocol on the Rights of Women in Africa and its adoption in Kenya. "The work we did on Kenya has had a real impact," says Suzanne Turner, chair of Dechert's firm-wide pro bono practice. She says the analysis of Kenya's compliance with the protocol will be used as a model for other countries in Africa.

Paul Hastings was third. One of its largest global projects involved working with Reporters Without Borders, a French NGO, on a handbook examining international laws and treaties on freedom of

expression. A second phase of the project will examine freedom of expression laws in individual countries.

Pro Bono Net's O'Brien says the hours donated by law firms to public service still can't do justice to the need. "Law firm pro bono is extremely important," he says, "but in terms of volume of hours and how we address the justice gap in the country, the hours are never going to be enough to make up the difference." The real question, he says, is, "How do we direct the hours in the ways so that they are having the biggest impact?"

In that regard, he says he thinks the firms are doing better than they were a decade ago. "They have a deeper appreciation of what the needs are in their communities and have taken more time to deepen relationships" with legal aid services and nonprofit boards, he says. They also are employing the use of full-time pro bono professionals at firms, he notes. "I think [firms] are doing a better job of thinking about what their role is and how they can best be of service."

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