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* Supporting Law Firms



Lynn Girton



Samantha Morton



Leiha Macauley

Healthy Homes For Healthy Families Project For Children

The Editor interviews Lynn Girton, Chief Counsel, Volunteer Lawyers Project ("VLP") of the Boston Bar Association, Samantha Morton, Deputy Director, Medical-Legal Partnership for Children ("MLPC") and Leiha Macauley, Associate, Day Pitney LLP.

Editor: Samantha, please give our readers some background on the history of the Medical-Legal Partnership for Children, which started at the Boston Medical Center in 1993.

Morton: The Medical-Legal Partnership for Children was a creation of the chair of Pediatrics at Boston Medical Center, Dr. Barry Zuckerman, who grew very frustrated in attempting to treat his young, vulnerable patients medically, when he found that many of their ailments could only be resolved through legal intervention for which he was not professionally trained. Fifteen years ago, with assistance from Greater Boston Legal Services, he hired a lawyer to start MLPC, then known as the Family Advocacy Program. MLPC's mission is twofold: to transform the way that health care is delivered by instilling a culture of advocacy in the health care setting, and also to promote access to legal services for vulnerable patients by creating a one-stop shopping experience in a clinical setting, allowing for the identification of legal issues before they become legal and health emergencies. After 15 years, its local office has grown from one attorney to a legal staff of ten. MLPC has also become a national model with 80 sites around the country engaging in some form of medical-legal partnership in over 120 healthcare settings.

Editor: Because of a grant from the Boston Bar Foundation of \$75,000, your organization and the Volunteer Lawyers Project of the BBA have laid the groundwork for a project entitled "Healthy Homes for Healthy Families." Would each of you tell our readers what your respective roles are in this new organization?

Girton: The grant enabled us to hire a staff attorney who spends half of her time at VLP and half of her time at MLPC. Her presence has allowed the two programs to become interlinked in a way that simply would not have happened without the grant. The focus of her work and that of a number of our staff has been on how to use the housing laws to make healthier homes for children. We've done this by increasing the participation of professionals on our pro bono panel and also by relying on various firms that staff the health centers. Organizations don't always work together in a collaborative and complementary way, but in this case I'm so proud of the kind of relationship VLP, MLPC and the private bar with the help of the Boston Bar Association have developed. I think it's an unbelievable model in this city.

Morton: One explicit goal of the grant was to leverage the well-known expertise of VLP for pro bono service delivery, as well as MLPC's expertise in the delivery of legal services in clinical settings. The staff attorney made possible by the grant has truly brought about a wonderful marriage of those two groups of experts.

Macauley: My firm, Day Pitney,

adopted a health center that is a part of the Healthy Kids Network. Also, I am a trustee of the Boston Bar Foundation.

Editor: Has the initial response to this project been everything you expected?

Girton: This has been more than we expected. The thing that I've been happiest about is the way that we've been able to identify systemic issues that affect VLP clients but also the patients that are seen by doctors and pediatricians in health care centers and at Boston Medical. For example, we've had several cases where people have lived next to smokers in their Boston Housing Association apartments. Our collective response has been to bring together a group of both legal advocates and doctors to help raise the consciousness of the legal community about the devastating effects of smoking on children, particularly children who have chronic lung problems. We've done similar work particularly around issues about the impact of violence on children and the access to utility services by low-income families. Lawyers in private practice on our panel are drafting affirmative conditions complaints that will make homes safer for people. Those are just some of the examples that we've been able to identify, just by coming together.

Editor: When was the Healthy Homes Project started?

Morton: It started in September of 2007, though private bar involvement in

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Healthy Homes

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the medical-legal partnership predates that by several years. In the first nine months, over 150 cases on behalf of low-income families treated at partner health centers and hospitals have been placed with pro bono attorneys who are members of VLP's and MLPC's pro bono panels. We've also trained more than 150 attorneys and over 200 health care professionals on the connections between unmet legal needs and child and family health.

Editor: How do lawyers bring an added dimension to serving the needs of impoverished children? What can they offer in addition to the services performed by pediatricians?

Morton: Some physical ailments impacting children respond to medical interventions that are appropriate and effective, but other ailments require legal intervention to be cured. For example, Foley Hoag, which has adopted the South Boston Community Health Center, had tremendous success representing a vulnerable family where not only did both parents have profound mental health problems with which they were struggling alongside poverty, but one of their two sons had recently been diagnosed with autism and his symptoms were progressing quite severely. This family was living in public housing

in South Boston in a two-bedroom apartment, but it became clear that the health of the younger non-autistic child who was sharing a bedroom with his older brother was being negatively impacted by sharing a bedroom with his brother. Seeking authorization from the Boston Housing Authority to transfer to a three-bedroom apartment was a legal challenge for this medically vulnerable family; only with the help of the Foley Hoag volunteers was this family able to get the relief that they not only needed but were legally entitled to.

Macauley: One hurdle to recruiting attorneys to work in a medical setting is that lawyers are often concerned that they lack expertise to provide these families with effective representation. Partnering with MLPC and VLP allows law firm attorneys to overcome this hurdle. Day Pitney handled a case involving a single mother whose daughter was legally blind. The mother was unable to work full time and had not been able to pay her utilities bills timely. The family's electricity was shut off. Winter was approaching. Day Pitney and MLPC worked with NSTAR to establish a payment plan, thereby ensuring electricity and heat through the winter.

Editor: How do you recruit lawyers into a clinical setting?

Morton: In fact, we are greeted by prospective partners with enthusiasm, in

no small part owing to the extensive support provided by VLP. The feedback we get from participating volunteers is that it is very exciting to work with medical professionals in a non-adversarial context. It also is empowering for volunteers to know that when their pro bono clients present them with unmet social, medical, mental health or substance abuse needs, they actually have an existing pathway for referral to experts, and they don't feel isolated as a pro bono volunteer attempting to resolve things for which they don't have professional training. We also get feedback that it is very efficient from the pro bono volunteer's perspective to work on cases where the clinical evidence that is so crucial to the case's success is available from the very beginning of the case. For example, in many types of legal matters, such as substandard housing conditions cases, disability benefits appeals, and domestic-violence-based immigration cases, one needs testimony or affidavits from health care professionals both to assess the merits of the case and also to be successful in the proceedings.

Editor: How does the shift of legal and medical resources to that of a prevention model better serve the welfare of children?

Girton: To the extent that the Medical-Legal partnership focuses on prevention and not picking up the pieces after the

fact, they do a great job of identifying the entire range of problems that a family may face. It's not that they can necessarily fix every problem, but they are well connected to a lot of other agencies who can be helpful. Our clients come with a multiplicity of problems, not just bad housing conditions alone. Viewing the family in a holistic framework is a whole different way of looking at the delivery of legal services to low-income people.

Macauley: A Medical-Legal Partnership provides opportunities for transactional attorneys to participate in pro bono matters. The legal issues presented often simply require chain of command advocacy with a particular administrative agency for resolution – something that any well-trained lawyer can accomplish. There is a very high impact for vulnerable families when they work with lawyers from many different types of practices on the Healthy Homes for Healthy Families Model.

Morton: The prevention model not only serves the welfare of children, but also may serve the administration of justice. The legal systems in the Commonwealth and around the country are contending with many cases that present in an emergency posture. If there is a way to shift resources upstream before a cataclysm hits the family, it could be a win-win for many stakeholders.

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Please email the participants at samantha.morton@bmc.org, lmacauley@daypitney.com and lgirton@vlpnet.org with questions about this interview.

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Denniston

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You have to go well beyond that basic set of characteristics to achieve the kind of quality that you want and that you would see in some large law firms. You have to have practice groups focusing on specific areas of expertise. For example, we have practice groups in export, in litigation, in EHS, in M&A, and in a variety of other disciplines. Those practice groups focus on initiatives to enhance their expertise in ways that will better meet GE's company-wide needs.

Additionally we have "pole" groups based on global regions such as Asia, Latin American and Europe. These act as a form of practice group because they meet independently to talk about common problems and share best practices. That sharing benefits everybody.

Sharing best practices in these ways is a strong GE characteristic. Litigators have a particular type of expertise. Commercial lawyers have a different type of expertise. Those types of expertise are available to GE people globally because of those various integrating mechanisms that I spoke of, like the practice groups and the "pole" organizations.

Editor: Another thing that Ben mentioned is the lawyer's role in early warning systems that enable them to identify and address emerging issues.

Denniston: The early warning approach, which varies by the type of problem, involves processes to identify emerging trends by tracking various sources – for example, complaint letters, external litigation occurring with respect to other entities, speeches by regulators and a variety of other sources. When a development that might affect the company is identified, it is given more detailed consideration. Sometimes we use external experts to help. This process allows people to take action ahead of emerging trends. The process is systematic and repeatable, so that it isn't episodic. It's a continuous process.

Editor: In GE's 2007 annual report, there is a reference to the fact the GE didn't get involved with CDOs and SIVs. Does this reflect GE's effective risk management?

Denniston: We have a sizable, skilled and able risk organization within the GE capital businesses, Commercial Finance and GE Money, and the function of that organization is to look at both the risk of individual transactions and systemic risk. It is because of such risk strength that we didn't have any significant CDO or SIV exposure.

Business people own the risks as do the lawyers. Sometimes, in a particular compliance risk, the leader will be a business person or what we call the policy owner or policy coordinator. When it comes to compliance with the policies, we expect the business executives to be as responsible as the lawyers or compliance people. They own those compliance risks.

Editor: Explain GE's commitment to early dispute resolution coupled in many cases with ADR.

Denniston: Our philosophy is to look at early dispute resolution as a fundamental discipline, but that doesn't mean that we think every case is suited to it. There are some cases which we think from the beginning are cases we have to dispute for various reasons. But, for the most part, cases of all kinds are susceptible of early dispute resolution on the theory that most cases get resolved and historically most cases get resolved late, either just before trial or during trial. That's a tremendously inefficient way to do things, which has collateral consequences, involving friction with your adversary, who might be a customer, an employee or a supplier; cost; and the possibility of engendering other cases, publicity or a variety of other collateral consequences. For reasons like those I mentioned, ADR makes basic business and legal sense.

We are disciplined to find ways to sensibly resolve cases using mediators in many cases. We try to measure when it's done, how often it's done, what the cycle time is from the beginning of a case to the end of a case and what the costs are.

Editor: As reflected in the interview we did with the President and CEO of CPR, Kathy Bryan (See July issue page 22), I gather that your strategy includes supporting an organization, or joining with a group of other companies, to build a community of people who have common good citizenship objectives?

Denniston: There is no question that it first requires a willingness in the other party to go along with ADR and many are, but some are not. Some distrust it, some don't have much experience with it and some are just stubborn. But a lot of people believe in it and they use it where appropriate. Mediation is by far the most effective way to resolve cases early. It results in the highest satisfaction if it's done with good mediators. You can mediate with a less-than-able mediator, but the results aren't going to be as effective.

Kathy and her organization have been helpful in persuading others that mediation is a good thing and in broadening the community of mediators. We try to do that in the U.S. and we try to do that globally, where it is a longer road because there's less of a history of it.

Editor: Is it fair to say that GE doesn't necessarily take things for granted, but seeks ways to change things where that might improve the situation, whether it's supporting anticorruption measures, ADR or other good causes that improve the business climate?

Denniston: I think it's a basic responsibility of GE lawyers to take on causes like that to improve the way we operate and do business – and frankly to improve the rule of law.

Editor: Looking at the reputation of business, not only in the U.S., but also

abroad, it's been taking some hard knocks recently. Yet, an overwhelming number of companies operate with great integrity. Perhaps, we could spur our readers to encourage their own CEOs to speak out if we interviewed CEOs of companies with an outstanding record of high performance with high integrity.

Denniston: I think that's a good idea. I think there's a tremendous amount of cynicism about business and always has been. That cynicism goes up or down over time, and in stressful times it's always worse. In the nineties it was probably somewhat less, now it's somewhat more. In all of those contexts there is rarely much attention and analysis given to the socially useful benefits of

companies, and I think that's a shame; I think there are a number of ways to change that, including, as you suggested, getting the viewpoints of prominent CEOs, but what people sometimes miss in all the cynicism is that companies create real jobs, and they're great jobs. We have 320,000 employees. Those are good jobs all over the world and in the United States. We're one of the top five hiring companies in the U.S. We spend a lot of time on change that we think is positive, not just for us but for all people – things like anticorruption, things like the rule of law, things like alternative dispute resolution – that story is not often told, and it deserves a voice, it deserves more attention than it gets, and it deserves a more balanced presentation than is seen.

Healthy Homes

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Editor: How does the adoption by law firms of local health clinics supplement this program?

Morton: I would like to take the opportunity to acknowledge Leiha Macauley as absolutely critical to the successful launch of that model several years ago.

Macauley: In February 2006, I was a recent graduate of the Boston Bar Association's Public Interest Leadership Program, which educates new lawyers on Boston's pro bono legal landscape. Through PILP, I learned about MLPC. Day Pitney was hoping to increase the pro bono opportunities for its lawyers. With guidance from MLPC, we became the first Boston law firm to take on a weekly legal intake clinic. As a result of Day Pitney's adoption of the East Boston Neighborhood Health Clinic, more families have access to legal aid. We have served nearly 100 families, working closely with Jennifer Goldberg, staff attorney for the Healthy Homes for Healthy Families Program and MLPC.

Editor: How do you measure outcomes in both this program you've described at the health clinic as well as for Healthy Homes?

Morton: We record not only the placement of cases with pro bono volunteers but also the outcomes of those cases,

which I can confidently tell you are successful in almost 100 percent of cases. We also record data regarding our training of health care professionals, accumulating information on how the training may impact their knowledge, attitude and behavior in terms of screening for unmet legal needs in the course of their medical practices. Finally, our ability to engage in systemic work is a barometer of the success of our individual case work, since the work of pro bono volunteers on behalf of patient-families exposes emerging structural issues that require redress at a broader level.

Editor: How do you see Healthy Homes for Healthy Families growing over the next five years?

Morton: We see it growing steadily but smartly because it relies on continued investments from the pro bono and legal aid community. We are in conversations with several law firms that are very interested in exploring the adoption of health clinics. We expect that interest to remain strong and to help interested legal partners be paired with interested health center partners.

Girton: The collaboration between VLP and MLPC and the private bar is well established. We talk to each other literally every day. I have to say that I have endless gratitude to both the Boston Bar Association and the Boston Bar Foundation for having nurtured us and believed in us.

Partners Notes

Goodwin Procter's Efforts On Behalf Of Asylum Seekers Recognized

Goodwin Procter LLP has announced that the firm will be honored in Boston with the 2008 Pro Bono Law Firm of the Year Award, given annually by the Political Asylum/Immigration Representation Project (PAIR). PAIR is a nonprofit organization committed to providing legal services to secure the safety and freedom of asylum-seekers and to promote the rights of immigration detainees.

During the fiscal year 2007, 30 Goodwin Procter attorneys dedicated

over 750 hours of pro bono legal assistance working on behalf of 14 clients referred by PAIR.

* * *

Goodwin Procter has entered into a partnership with the Posse Foundation, a national nonprofit that recruits, trains and sends high-achieving urban high school students to elite universities in supportive, multicultural teams, or "Posses." The firm hosted Posse's annual board retreat and reception for scholars, alumni, career partners and friends.