



Maintaining Momentum

The 2011 Pro Bono Institute Annual Seminar and Forum on In-House Pro Bono

March 3-5, 2011

Grand Hyatt Washington

2011 Pro Bono Marketplace of Ideas

The 2011 Pro Bono Institute Annual Seminar and Forum on In-House Pro Bono once again featured a “Marketplace of Ideas” session, a fast-paced opportunity for presenters to share cutting-edge pro bono projects and for attendees to learn about new opportunities, offerings, infrastructure, and other pro bono developments. A recurring theme and trend reflected in many of the projects presented was a focus on strategic partnership and collaboration. The four presenters identified real-world legal needs and explained how their projects are successfully addressing them. We have assembled a brief summary of the presentations with contact information, and are pleased to share these ideas with the hope that they may serve to guide and inspire others to think creatively and strategically about pro bono.

This session featured Bob Sheehan (facilitator and moderator), Of Counsel at Skadden, Arps, Slate, Meagher & Flom LLP*; Ellyn Josef, Pro Bono Coordinator/Staff Attorney at Vinson & Elkins LLP*; Emily Merolli, Associate at Perkins Coie LLP*; Eric Schwimmer, Vice President, Chief Legal Officer, Human Resources at Prudential Ins. Co. of America; and Kevin Stepanuk, Associate General Counsel at Exelon Corporation**.

Vinson & Elkins/Texas Children’s Hospital Project

Ellyn Josef described how she observed that a significant number of mentally disabled adults were receiving treatment at Texas Children’s Hospital (TCH). When she asked how the hospital obtained consent to treat them, she learned that there was no established policy or procedure. Once disabled children turn 18, parents have to go through a legal process to retain guardianship rights, including the right to make medical decisions. Having identified this problem and legal need, Ellyn led the way to create [the V&E/Texas Children’s Hospital Project](#) to help parents re-establish or maintain guardianship.

The firm successfully integrated the hospital’s in-house lawyers and social services staff into the project. They trained TCH lawyers on how to begin the proceedings, although firm lawyers handle almost all of the in-court representation, and they trained social services staff to recognize and refer cases to the project.

The matters are generally discrete, time-limited, and inexpensive for the firm. The paperwork takes about 3-4 months to finalize, and most costs are avoided, because court fees are waived for indigent families below the poverty line. Ordinarily a firm would maintain a continuing duty to provide legal representation to the guardian, but the court routinely grants the firm’s requests to waive that requirement.

This project illustrates how looking at an ordinary, everyday situation with fresh eyes may reveal a compelling need for pro bono assistance. It also serves as a useful reminder that courts are willing to take steps to make pro bono easier for firms when possible. The partnership between V&E and TCH, an existing firm client, has resulted in not only excellent pro bono help for deserving families, but a closer firm-client relationship.



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For more information about this partnership, which could be replicated in other communities, please contact [Ellyn Josef](#).

Friends of the Sea Otter/Environmental Protection

Emily Merolli discussed her pro bono work for the environmental nonprofit [Friends of the Sea Otter](#), an organization dedicated to species protection and restoration. The firm has been working closely with Friends of the Sea Otter and other environmental organizations, including Defenders of Wildlife and Monterey Bay Aquarium, to support the use of zonal management as a means of species recovery for the southern sea otter under the Endangered Species Act (ESA). Their goal is to allow for natural expansion of the species to achieve sufficient distribution and population size to allow for recovery and delisting under the ESA.

Their representation is holistic and the work is often collaborative. They have spent considerable time writing administrative comments, meeting with administrative agencies, and engaging in consensus building and lobbying regarding the issue. They have worked with federal and state agencies, interest groups, and expert scientists to develop consensus positions, which they have then shared with federal agency decision-makers and Congress. Occasionally, they pursue litigation to force administrative regulatory action under the ESA.

Through a variety of pro bono engagements and partnerships with environmental organizations, as this project reflects, pro bono lawyers can have a significant and meaningful impact and be at the forefront of current and ongoing environmental legal efforts. Environmental protection and related legal issues are fertile ground for lawyers and law firms looking to develop or expand their pro bono practice. Because this is an area that many people feel especially passionate about, you may be able to excite and engage a large segment of your attorneys, including some who may not have previously been the most active pro bono volunteers. Moreover, the range of environmental pro bono opportunities is broad and deep, with options for both small and large-scale projects and those that would appeal to litigators and non-litigators alike.

For more information about this representation, please contact [Emily Merolli](#).

Consumer Debt Project

Eric Schwimmer shared Prudential's recent experience helping to launch a consumer law clinic. Prudential has partnered with New Jersey Volunteer Lawyers for Justice (VLJ), the City of Newark, AT&T, Merck, McCarter & English, LLP, and others [to launch the Newark Legal Advice and Resource Clinic for Consumers \(NLARCC\)](#). This collaborative, public-private partnership provides legal counsel and limited-scope representation to self-represented debtors dealing with consumer-related legal issues. The project was created as a response to the increased needs of consumers facing difficulties in the wake of the economic downturn. Courts have been inundated by these cases, and in an effort to support the clinic, the Essex County Superior Court serves as a host three times a month.

Prudential's lawyers receive training sufficient to understand the state statutes governing basic consumer rights. The NLARCC is an inspiring example of different parts of the legal profession coming together to proactively and meaningfully respond to an emerging and critical legal need. With appropriate training, lawyers can lessen the burden on courts and help otherwise pro se litigants settle their debts under terms respectful of their full rights. Even basic knowledge and guidance from lawyers regarding debtors' rights and obligations can be life-changing for the many clients served.

For more information about this collaborative effort, which could be replicated in other communities, please contact [Eric Schwimmer](#).

Birth Certificates for the Homeless Project

Five years ago, at the 2006 Pro Bono Institute Annual Seminar and Forum on In-House Pro Bono, Kevin Stepanuk, learned about a company that forewent its annual business meeting and spent that time doing pro bono work. He liked the idea and reached out to law firms to investigate potential pro bono projects. He learned that a nonprofit organization that works with the homeless was being inundated with birth certificate requests. So, Exelon developed a partnership with the Homeless Advocacy Project and Morgan, Lewis & Bockius LLP to [hold a birth certificate clinic](#) in lieu of the legal department's annual meeting. They estimate that they processed almost 250 birth certificates during their first clinic, which was held at the Philadelphia headquarters of its PECO Energy Company. The project turned out to be a perfect fit for in-house lawyers: it is a discrete, time-limited activity with monumental impact. Birth certificates are necessary for many aspects of life, including getting a driver's (or other) license, health insurance, or a job.

Eventually Exelon succeeded in convincing eight other corporate legal departments to send lawyers to participate in subsequent clinics and engaged the help of a law firm to deal with any complicated out-of-state birth certificate requests. Word spread and the success of the clinic began to draw homeless people from farther and farther away. Currently, Exelon continues to work with legal services providers to attract clients, and with law firms to help staff the clinics. This project shows how a one-time successful pro bono activity can expand into an enduring project that uses the skills and resources of corporations, law firms, and legal services organizations.

This project also illustrates that even well-established projects can be tweaked and adapted to address emerging needs. For example, in an attempt to stop identity fraud, Puerto Rico declared all birth certificates printed before July 1, 2010 invalid, leaving many Puerto Ricans living in the United States without a valid birth certificate. In response, Exelon held a special clinic dedicated to helping low-income Puerto Ricans get new birth certificates. Exelon currently strives to host four clinics a year in both Philadelphia and Chicago, its primary locations.

For more information about this clinic model, which could be replicated in other communities, please contact [Kevin Stepanuk](#).

Senior Attorney Project

As an added bonus, Bob Sheehan reported on developments regarding senior lawyers in New York. New York's lawyers have a proud history of helping those in need. It is in that spirit that the court system, spearheaded by Chief Judge Jonathan Lippman, has created a new attorney registration status – Attorney Emeritus – to encourage experienced attorneys to volunteer their legal skills and experience to help the growing number of New Yorkers who cannot afford counsel. The new Attorney Emeritus Program is designed to facilitate pro bono by any lawyer who is at least 55 years of age, has practiced law for a minimum of 10 years and is willing to provide at least 30 hours annually of unpaid, pro bono legal assistance under the auspices of qualified legal services providers, bar associations, and court-sponsored volunteer lawyer programs. Bob emphasized that many senior lawyers who get involved end up doing hundreds of hours of pro bono work per year.

As [PBI](#) has long recognized, when we combine the vast numbers of baby-boom attorneys who will be in career transition over the next several decades with the enormous systemic unmet legal needs of the poor and disadvantaged, the legal community is in a unique position to leverage these experienced lawyers to create a profound impact on public interest organizations, legal services providers, and their clients. The professional

transitioning of baby-boom lawyers presents both enormous opportunities and challenges with regard to maximizing their pro bono and public interest potential.

The Pro Bono Institute commends the creativity of all of the “Marketplace of Ideas” participants and their pro bono ideas, developments, and achievements and thanks the presenters and moderator for participating in this session and for providing updates for this summary. We look forward to learning more and sharing other ideas and projects at the 2012 Seminar/Forum in Washington, D.C. on March 28-30, 2012. We invite those wishing to serve as presenters to submit brief proposals in advance describing their initiatives, to ensure adequate time and capacity for all presentations. Please send submissions to [Tammy Taylor](#), director of the Law Firm Pro Bono Project.

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