

The Metropolitan Corporate Counsel

www.metrocorpcounsel.com

Volume 19, No. 8

© 2011 The Metropolitan Corporate Counsel, Inc.

August 2011

The Akin Gump Pro Bono Legacy, More Robust Than Ever, Lives On

The Editor interviews Steven H. Schulman, Pro Bono Partner, Akin Gump Strauss Hauer & Feld LLP.

Editor: As a leader of Akin Gump's worldwide pro bono practice for the past five years, what is the most memorable of all the pro bono cases undertaken by the firm?

Schulman: I would have say it's one we are working on right now – so it's not yet really "memorable"! This is the nine-to-zero Supreme Court victory that my partner, Patricia Millet, won last year at the Supreme Court on behalf of five Somali nationals who were either attacked or lost family members in the violence in northern Somalia during the 1980s. Our clients had been fighting this case through the appellate levels for a long time, and Pattie took it up to the Supreme Court, where she won an impressive landmark decision finding that individual officers of foreign government are not immune under the Foreign Sovereign Immunities Act. While this may seem a somewhat technical finding – as it is an obscure statute – it was nonetheless a critical human rights decision and, more importantly, critical to our clients as they continue to seek justice.

The case was sent back down to the trial court, and we continue to work on it. Two of my colleagues, Jon Robell and Joe Decker, were just in Hargeisa in Somaliland, and another partner, Dave Nelson, is going there as well. These clients are so inspiring: rather than turn to violence in Somalia, they have turned to our courts here to see that the former defense minister Muhammad Ali Samantar – who has been living in Fairfax, Virginia, for well over a decade – is brought to justice.

Editor: We have talked previously about the manner in which pro bono work is

inculcated into the culture of the firm. Remind our readers of the history of why it holds such a dominant position as a way of thinking about the practice of law.



Steven H. Schulman

Schulman: Founding partners Robert Strauss and Richard Gump came out of government service; Mr. Strauss has served at all levels of government over the years. The firm has always held up the ideal that lawyers must go beyond working for paying clients to become leaders in the community and agents of change in public life. One way that we do that is through our pro bono practice, which has grown incredibly over the last five years. I believe it lives up to the legacy Mr. Strauss created.

Editor: What training in pro bono work is afforded to first-year associates and lateral hires?

Schulman: We give training on pro bono topics, such as asylum law, social security, disability – you name it, we can supply the classroom training necessary. But probably the most critical training is the on-the-job experience that young lawyers can get through pro bono work. Early on in their careers, they have a client they can call their own and a matter they can see through from beginning to end; they have a sense of ownership, learn how to take initiative and develop client relationships. These are all incredibly valuable skills that will serve them well throughout their Akin Gump career.

Editor: Has the recent economic downturn caused any pulling back of resources from the pro bono program?

Schulman: We've had no pullback at all in our commitment to our pro bono practice. The pro bono hours logged by our attorneys have remained very consistent, between 80 and 86 hours per attorney over the last four years. I believe this trend holds true for a number of firms, because the law firm community recognized during the downturn that if people had extra time they should be spending it on pro bono work.

Editor: You recently wrote an article entitled "We Need to Protect Children at the Border." Would you describe the thesis of the article?

Schulman: Congress became very concerned that Mexican children who came to the border unaccompanied were not being given the appropriate scrutiny to determine whether: 1) they should be returned to Mexico; 2) they had some right to be here in the U.S.; or 3) they should be treated in a way that would guarantee their safety upon repatriation. With the Trafficking Victim Protection Reauthorization Act (also known as the Wilberforce Act), which passed in late 2008, Congress sought to end the revolving door at the border, where Mexican youths were sometimes sent back to situations in which they were vulnerable to trafficking, domestic violence or other forms of abuse. What we found through our work with Appleseed and the law firms Mayer Brown and DLA Piper was that Customs and Border Patrol was not honoring the spirit of the law – if not the word of the law – in screening Mexican children adequately at the border. Congress clearly meant to impose this mandate on the Department of Homeland Security, and hopefully the DHS will honor that commitment.

Editor: Please discuss the case of *Mamani v. Sanchez Berzain*. Has this case gone to an appellate court since we last spoke?

Please email the interviewee at sschulman@akingump.com with questions about this interview.

Schulman: We represent nine Bolivian families who lost family members as a result of military violence in Bolivia in September and October of 2003, killings which took place far away from any government protest or type of violence. The individuals we represent are all of the Aymara ethnicity, an indigenous minority in Bolivia. We allege that the victims were intentionally killed as a way of intimidating the Aymara population.

The case was initially filed in the fall of 2007. We just had an argument in the 11th Circuit and are awaiting a decision on certain arguments that the defendants made about the judge's denial of their motion to dismiss. Unfortunately, we are still waiting to proceed with discovery and the rest of the pretrial work, but we are optimistic that we will proceed with that once the 11th Circuit comes out with its decision.

Editor: Please share with us news as to how your lawyers have been helpful to a very well-known national charity, KIPP (Knowledge is Power Project).

Schulman: KIPP is a national non-profit charter school organization with a network of 99 charter schools in operation and at least ten more to open later this year. We are their national outside counsel pro bono, and KIPP is now our firm's largest pro bono client. Last year our lawyers devoted more than 4,300 hours to various KIPP matters in all areas of our practice, including financing, employment and real estate issues, and ranging from litigation to corporate transactional work. We had 130 lawyers from around the firm working with KIPP. It has been a model relationship both for us and for KIPP.

Editor: Where do they get their funding? Who attends KIPP schools?

Schulman: Like most charters operating as public schools, they get their funding primarily through public tax dollars and also some through private donations. They are free, open-enrollment public schools; students are chosen by lottery, not by financial means or academic ability. KIPP schools, which are located in some of the nation's poorest rural and urban areas, do a miraculous job with their kids: about 90 percent of their students go on to four-year colleges.

Editor: Each year your office oversees numerous humanitarian projects affecting asylum seekers, victims of trafficking and public interest litigation. Please describe some of the other cases that have come to your office's attention over the past two years.

Schulman: We do asylum cases and violence against women cases all over the firm. One client that comes to mind is a young boy name José, from Guatemala. My colleague Domingo Llagostera met José while we were doing the Appleseed report on children at the border. Domingo was impressed by José's intellect and persistence; Jose had fled domestic violence in his homeland of Guatemala and had come up through Mexico. Domingo met him at the shelter and very much wanted to help him, so Domingo developed a strategy to get José a state guardianship. In the meantime, José was released to a family in Florida. Working with another associate in our Houston office, Michael Reeder, Domingo was able to convince a Florida court to rule that José was a dependent in Florida and that he had been abused, abandoned and neglected in his homeland. In June José was granted residence here in the United States.

Editor: I understand Akin Gump has been singled out by Law 360 as one of the law firms that tackled some of the most pressing public issues of the day. Please describe the reasons behind this selection.

Schulman: It is an honor, for sure. There are a lot of firms doing wonderful pro bono work, and we are certainly happy to be listed in that elite company. I would say that the honor was given to us for our broad and deep pro bono practice rather than for any single achievement.

However, if I were to give an example how we have addressed a current pressing issue, I would mention our representation of a woman whose husband was a commander of an IED disposal unit in Iraq. Her husband lost a lot of men and women under his command, and he had a very hard time dealing with that when he returned to the United States. Ultimately he drove himself to a VFW post and committed suicide in the parking lot. Because he committed suicide, his widow was denied significant VA benefits. The Akin team, headed by my partner John Dowd, got that decision reversed by acquiring a posthumous diagnosis of PTSD, for which there was clearly compelling evidence, and the widow's benefits were reinstated. In addition, my partner Danny Golden, who heads our financial restructuring practice in New York, was able to get her debts restructured – her car was about to be repossessed and her home foreclosed on – and keep her on solid footing.

Editor: I understand Akin Gump's Washington office has been the site of the Summer Pro Bono Scholars Program, and that the program has now been extended to your New York and Dallas offices.

Schulman: I should start by explaining what the Pro Bono Scholars program is. It's a two year summer program designed for law school students who exhibit a strong interest in pro bono work as part of their law firm careers. The proudest part of the program is that we now have three attorneys in the firm who are graduates of the program. This past January, three members of the first 2008 pro bono scholars class became associates – J. P. Howard and Jake Weixler in our Washington office, and Jake Phillips in our Los Angeles office. It really is great to see that class expand to six members – three in DC, two in Dallas and one in New York.

The Summer Pro Bono Scholars Program has been a great way for us to meet young law students who share the firm's values. The program has proved to be an extremely effective tool for identifying great recruits, especially so in the sense that some applicants who had not been selected as Scholars but who were nonetheless outstanding candidates came back to the firm as second-year summer associates. In our Washington office summer associate class this year, we not only have the three former 2010 pro bono scholars, but also three others who'd applied to the program.

Editor: How much of the firm's pro bono work is referred by non-governmental legal services organizations? What portion is brought in by individual lawyers who wish to pursue some worthwhile charitable endeavor?

Schulman: A significant portion of our matters come from legal services organizations such as Human Rights First, the Tahirih Justice Center, the Dallas Volunteer Attorney Program, Public Counsel in Los Angeles, and inMotion in New York.

That said, some of our most successful pro bono matters are those that people at the firm bring to me because it is their own passion. I recently had lunch with the head of an organization called Melwood, which is a fascinating organization that serves individuals with mental and physical disabilities. Among other things, Melwood provides these individuals with employment opportunities, sometimes bidding on government contracts for services such as landscaping, maintenance or custodial services. Recently Melwood landed a large contract to do landscaping here at Fort Meade in Maryland. That project was brought in by my partner Brady Dugan, who happens to have an interest in this organization. To my mind, this type of work is the greatest success we can have.