

# The Metropolitan Corporate Counsel®

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## Pro Bono – Law Firms

# Rendering Pro Bono Service: A Life-Changing Activity

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

**Editor:** How has the pro bono culture of the firm provided you with the foundation for inspiring the firm's attorneys to be so committed to pro bono work?

**Schulman:** Akin Gump has a very interesting culture, in part because we are a first-generation firm with our roots in Texas. While our attorneys are very independent people who find their own way, at the same time we have a culture of great teamwork. There is no such thing as a single "Akin Gump" way of doing things – but as a team, our individuals work very well together. For the pro bono practice, this culture has played out in several ways. One way is that people are very willing to work together as teams, across offices. They also are independent and have their own interests. That's been both a challenge for me, but also an opportunity – finding projects people are interested in and enjoy doing.

**Editor:** It is quite a feat to organize very talented people to work together. As Akin Gump's Pro Bono Partner for the past two years, what achievements in pro bono cases have brought you the greatest sense of accomplishment?

**Schulman:** It would be difficult to choose which case by itself would be the most important. Every day, our lawyers are advocating for individuals; in the end, that is the most tangible and personally satisfying result for our attorneys. We represent individuals on a wide variety of matters. For example, attorneys in our Washington office secured social security disability benefits for a man earlier this week; a couple of weeks ago two of our summer associates were able to obtain asylum for a man from Somalia in a project we set up with an organization called ProBAR in Harlingen,

Texas. We've also had some very high-profile successes. The two that come to mind are out of our New York office. Andrew Rossman scored a nine-to-nothing victory in the United States Supreme Court this year with the *Lopez Torres* case, which was really a remarkable achievement. The case involved the nominating process for New York Supreme Court judges. Andy took on the case from the trial court, to the Second Circuit, and then won at the Supreme Court. His only win was at the Supreme Court, but that's the one that counts. In another matter, my partners Jim Benjamin and Rich Zabel had a large team of attorneys working on a very important report for Human Rights First – an examination of the ability of the U.S. criminal justice system to handle terrorism cases. Again, this was a project that Jim and Rich undertook on their own. Other than helping with staffing for the latter project, I had nothing to do with either case – and that's a great point of pride for me, that I have so many partners who take a leadership role in our pro bono practice.

**Editor:** You are lead counsel in the case of *Mamani v. Sanchez Berzain*. Please tell our readers about the case and the partnership you have formed with the Harvard Law School International Human Rights Clinic.

**Schulman:** We took on this case with Harvard's International Human Rights Clinic, with which I've had a relationship for several years. In the fall of 2006, I approached the Clinic about working with the faculty and students on a variety of cases. A lot of the credit goes to my colleague, Jeremy Bollinger, an associate in our Los Angeles office, who has taken a leadership role in the relationship.



**Steve H.  
Schulman**

Jeremy and I were invited by the Harvard Clinic to accompany them on a trip to Bolivia. We went to La Paz and the Highlands above La Paz, where during the presidency of Gonzalo Sanchez de Lozada several military massacres occurred. We met with families who had lost family members during the time of protest known as the Gas Wars. The family members who were killed were not participating in protests but were innocent people in their homes, on farms and in other places, and we believe they were intentionally shot under the military command of Carlos Sanchez Berzain, the Defense Minister, and Gonzalo Sanchez de Lozada, President of Bolivia at the time. These families lost daughters, sons, husbands, and wives to these intentional killings. The case is being brought under the Alien Tort Statute alleging crimes against humanity and extrajudicial killings. We brought one case in Maryland, where Sanchez de Lozada lives, and one case in Florida, where Sanchez Berzain lives. The cases have been consolidated in Miami and we are in the process of briefing the defendants' motions to dismiss the cases right now. This case means a lot to me personally. I've worked on many asylum cases over the years, but meeting day after day with people who had lost family members, going into the fields and into hills and seeing where people had been shot, was one of the most emotionally wrenching things I have done as a lawyer. It really has motivated us to seek justice for these people here in the United States and we certainly hope we are successful in this case.

**Editor:** In this case, how would you define justice?

**Schulman:** Showing the world that Sanchez Berzain and Sanchez De Lozada are responsible for these killings. They fled the country after these killings were committed and they refuse to return to Bolivia to face justice. Working with my firm, the Harvard Clinic, and a team of incredibly talented human rights

lawyers from the Center for Constitutional Rights and other organizations, we're going to try to get our clients justice here and show that those two are responsible for the killing of their innocent relatives. Because this is a civil case, we can seek only monetary damages. Although the history of Alien Tort claims shows that victims have had a fair amount of success on the liability side, on the damage side it is very hard to collect from these kinds of individuals. The President of Bolivia, for example, doesn't even own his home in Maryland under his own name, but under the name of a British Virgin Islands corporation. Collecting money damages is less of our goal than giving our clients a forum to voice their grievances against their former government.

**Editor: Do most of the pro bono cases that the firm undertakes relate more to asylum, immigration and human rights? This seems to be a favorite area for concentration of effort.**

**Schulman:** It is a favorite area of mine, but we undertake a variety of different projects. While I believe that the poverty work that we do is very important, including social security work and landlord-tenant work, there is something really special about winning an asylum case for someone and making sure that the client is not going to be returned to persecution. I have found that attorneys are often very interested in those cases, often because they can have a huge impact on people. My first significant pro bono matter was an asylum matter for a man from Nigeria in 1998. I don't think that a day has gone by since then that I haven't been working for an asylum seeker or a refugee. The clients are very sympathetic, and the impact that you can have on a client's life is tremendous. We just won asylum for a woman from Kenya who feared genital mutilation if she returned to her country. You realize that you change not just the mother's life, but also that of her family. In fact on a different front, we have been handling a death penalty case and just learned that our client accepted a plea of life without parole instead of the death penalty. This is a case that we took all the way to the Supreme Court, culminating in a big victory.

We also work on cases involving military personnel. Many of our attorneys are very interested in helping our military personnel. We represented the father of a Marine who had been shot outside of Fallujah, and we helped him in his guardianship proceeding.

**Editor: You also mentioned in your previous interview that you work mainly through nonprofit organizations that screen the cases and provide mentoring and advice, but that you have also undertaken to assist KIPP, which was introduced to you by one of your partners.**

**Schulman:** KIPP is the "Knowledge is Power Program," which is a nationwide network of charter schools that now includes more than

fifty schools educating more than 15,000 students across the country. KIPP's goal is to prepare their students, many of whom are behind in reading and math, for college, and about 80 percent of them attend college. KIPP has a lot of organizational needs, which cover transactional matters and real estate advice. Our lawyers in San Antonio spent a substantial amount of time helping KIPP set up a very sophisticated mortgage financing vehicle that will allow them to finance the building, renovation, or leasing of schools across the country. We have donated more than a million dollars in legal services to KIPP over the last year and a half.

**Editor: Do you attempt to tailor pro bono activities according to the preferences of local offices?**

**Schulman:** Yes, absolutely. Probably the biggest challenge in running a pro bono practice is responding to the needs of the community, but also responding to the interests of your attorneys. Although we do give full credit for pro bono work because it is client work and we treat pro bono clients like any other clients, the work is entirely volitional. My job is to make that experience as worthwhile as possible because if someone is enjoying their work, they are going to do an even better job and want to do it again.

**Editor: Tell us about the Washington office's Pro Bono Scholars Summer Program.**

**Schulman:** This is a real point of pride for us. Dennis Race, who is our hiring partner, and I developed this idea last summer as we were talking about our Summer Program for first-year law students. We were thinking about what we could do a little differently. Although Dennis approached it from the recruiting side, and I approached it from the pro bono side, we both appreciated that we could do something really special. We have six pro bono scholars this summer, and the program places them at legal services organizations or pro bono clients. For example, one of our summer scholars, Shannon Sanders of Georgetown University, is at KIPP. After getting to know the firm at our Washington office for three weeks, then having these experiences with pro bono clients during the first summer, these 1L associates will return to the firm their second summer and be full-time summer associates. When they come here as lawyers, they will bring with them experiences that will be incredibly valuable to our pro bono practice. In addition to Shannon, our 2008 Pro Bono Scholars are Jake Weixler, who is at the University of Michigan, working at New Schools for New Orleans, which is another pro bono client of ours; Jake Phillips from the University of California, Berkeley Boalt Hall School of Law at the Children's Law Center in DC; J.P. Howard from Georgetown at Tahirih Justice Center in Falls Church, Virginia; Michael Addis from Harvard

at the Manhattan District Attorney's Office, and Hanseul Kang from Harvard at the DNA Legal Services for the Navajo Nation on the New Mexico/Arizona border. I am hoping that this program will help to build the future of the firm.

**Editor: What kinds of training programs do you hold for new associates and lateral hires and established attorneys?**

**Schulman:** We have firm-wide and local training. For example, we invite legal services organizations to come into the office and do trainings. Also, I make presentations to our new attorneys and, of course, talk to lateral hires about our pro bono practice. In terms of established attorneys, we try to match their interests. We are currently doing an internal pro bono survey that I will use to determine in what areas we should provide training.

**Editor: Your firm has achieved the enviable goal of 60 hours of pro bono service on average for your attorneys. This must be a source of great pride for everyone in the firm. How do you manage to maintain that kind of dedication?**

**Schulman:** The way to do it is to expand the base. What we've really been concentrating on are the folks who haven't been doing as much pro bono work, particularly our transactional attorneys who aren't always given the same opportunities to do pro bono work as our litigators. We are looking strategically at what we can do with our tax attorneys and global transactions attorneys. Several of our lawyers here in Washington have been representing the government of Liberia in negotiating a biofuels concession. The way we stimulate interest is by getting more people involved, and through our summer program and our first-year program, making sure that everyone understands our commitment to pro bono and maintaining that commitment.

**Editor: What are the elements that set Akin Gump apart from other law firms in terms of its dedication to public service and humanitarian goals?**

**Schulman:** I think it goes back to the founding of the firm by Bob Strauss and his idea of public service. He has always been a leader in serving his country. He has shown us all that a lawyer is more than just a representative of corporations, but one who gives back to his community. There are a lot of great pro bono programs out there, so I make no claim that we are unique or completely different on the pro bono side. But, I do think what sets us apart is a real blending of people who subscribe to the notion that being a lawyer is not just working hard for commercial clients, although of course that is necessary and an important part of being a lawyer, but being a part of your community. I am hoping that this program will help to build the future of the firm.