

## Pro Bono Firm Of The Year: Akin Gump

By Aaron Vehling

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In its work helping to hold the French national rail system accountable for transporting Jews during the Holocaust, advancing the arguments in favor of same-sex marriage, and helping immigrant women and children gain asylum, Akin Gump Strauss Hauer & Feld LLP has earned a spot among Law360's Pro Bono Firms of 2015.

Akin Gump's dedicated practice — led worldwide by pro bono partner Steven H. Schulman and pro bono counsel Fiona Brett — has this past year tackled a wide array of actions, including immigration and asylum cases, helping to change the legal marriage landscape for gays and lesbians, and taking on those complicit in the Holocaust.

Under Schulman, hired in 2006 to be the firm's first full-time pro bono partner, the firm's attorneys average 93 hours annually dedicated to pro bono efforts. Akin Gump has achieved that number without any sort of minimum amount of hours required of its attorneys.

"I think what we've established here is a culture where lawyers now feel very empowered, that when they see an injustice or something of interest to them, they can get involved," Schulman said. "What makes a pro bono practice really special is when people realize that they have the license and power and the ability to pursue something they feel passionate about."

Brett, who joined in April, underscored the level of buy-in firmwide with respect to the pro bono practice.

"Attorneys here, from associate level up to the most senior partners, have an incredible sense of ownership over the pro bono practice," she said. "The entire practice is really driven by attorneys and staff — sometimes the ideas come from the entire Akin Gump community."

In one case that resolved this year, Akin Gump took on Societe Nationale des Chemins de fer Francais, the French national rail company that transported Jews to concentration camps at the behest of the Nazi regime.

In what ultimately became a policy win, the firm secured \$60 million from SNCF to compensate Holocaust survivors, whom the company had transported, and their families. One of the survivors, Leo

Bertholz, stood out, according to Schulman.

Before the end of World War II, the Nazis had contracted with SNCF to ship about 76,000 Jews and “undesirables,” including U.S. soldiers, to camps, Schulman said.

Bertholz was riding in one of the train cars, en route to a concentration camp. Over the course of two days on the train he had pried open the wood panel of the car and, along with a French Jewish man, leapt from the train to freedom.

“He was dashing place to place throughout the war, and ended up living in Maryland,” Schulman said.

Bertholz and others filed suit against SNCF because it became apparent that it hadn’t been co-opted by the Nazis so much as it acted as a service provider.

“The more you research, you realize the railroad was complicit,” Schulman said.

When the Nazis were booted out of France and Charles de Gaulle took over the provisional government, SNCF sent a bill to the De Gaulle government for the transport services, according to Schulman.

The case against SNCF, brought by several firms, hit a wall because, as an instrumentality of the French government, the railroad was protected by the Foreign Sovereign Immunities Act, Schulman said. So Akin Gump stepped in and flexed its legal and lobbying prowess.

Ultimately, after pressuring Congress, advocating to local governments poised to enter into high-speed rail contracts with SNCF’s American subsidiaries, and after some diplomatic gymnastics, the French government and the U.S. State Department signed a bilateral accord setting up the compensation fund. Akin Gump partner Raphael Prober, who helped lead Akin Gump’s efforts, was at the signing ceremony, according to Schulman.

Bertholz, who had testified before Congress about his experience with SNCF, died before the case was resolved, according to Schulman.

“He lived a nice long life,” Schulman said.

Other wins for Akin Gump last year include securing \$21 million in compensatory and punitive damages for Somali clients stemming from torture, war crimes, crimes against humanity and other human rights abuses committed by former Somali prime minister and defense minister Mohamed Ali Samantar.

On the criminal defense side, the firm’s pro bono team saved Stephon M. Carter, a 19-year-old accused of killing a cop during a traffic stop, from the death penalty. Instead, the team helped him get a life sentence after securing a plea deal.

Akin Gump has also played an active role in helping to ensure equal marriage rights for gays and lesbians, representing the plaintiffs in *De Leon et al. v. Perry et al.* In that case, Akin Gump secured a win in Texas federal court and had the Fifth Circuit leaning toward upholding the lower court before the U.S. Supreme Court’s *Obergefell* ruling obviated a decision from the panel.

In *Obergefell*, the Supreme Court held that marriage is a right guaranteed to same-sex couples by the due process and equal protection Clauses in the 14th Amendment — before the resolution of the Fifth

Circuit case.

Akin Gump partner Daniel McNeel Lane Jr., who was a major part of a team of the firm's attorneys representing Cleopatra De Leon and others, wrote in one brief in September that the Texas ban "defied logic" and assailed the state's procreation-related arguments.

"Even accepting procreation as a legitimate state interest, it defies logic and the undisputed evidence to claim that preventing lesbians and gay men from marrying will encourage heterosexual marriage or, conversely, that allowing lesbians and gay men to marry will discourage heterosexual marriage," he wrote.

The Fifth Circuit panel hearing Texas' appeal was skeptical during oral arguments in January.

Lane said he would have liked for there to be a decision in the Fifth Circuit, but lauded the Obergefell decision. As an attorney from a long-line of lawyers with civil rights leanings, he also lauded Akin Gump for taking up the case.

"Being in a firm as equally committed to the principles I'm committed to makes the work so much easier to do," he said.

He has been busy after Obergefell — a "decision that some people resisted" — fighting to get a client's name on his partner's death certificate and working to get the state to allow same-sex parents on a birth certificate.

"Depriving gays and lesbians of their rights had been a political ploy for years," Lane said. "We knew it wouldn't all be over [with Obergefell]."

In addition to helping with major cases, the Akin Gump pro bono practice partnered with several organizations in August 2014 to help address the surge of Central American women and children coming across the border from Mexico who ended up in detention in Karnes City, Texas.

The Karnes City Immigrant Family Pro Bono Project, formed with the University of Texas Law School Immigration Clinic, the Tahirih Justice Center, the American Immigration Lawyers Association and Human Rights First, provides legal representation to the more than 500 women and children seeking asylum and release on bond.

"Almost all of the women and children had very similar stories and claims," Schulman said. "They were all escaping gangs or domestic violence."

Schulman has been involved with Karnes, negotiating with the local Immigration and Customs Enforcement office to expand access to legal representation, including the streamlining of security clearances for entry and greater availability of technology for attorneys meeting with detainees.

Brett said that Akin Gump is filling a major need.

"The key is the women and children held in detention, under law, have no right to an attorney," she said, noting that many of the women detained can't afford private counsel in lieu of government-provided representation.

So far, Akin Gump attorneys and staff have donated more than 6,100 hours of pro bono time and secured the release of more than 30 people at Karnes.

Akin Gump Chair Kim Koopersmith even allowed a new associate named Lauren Connell to dedicate her entire first four months at the firm as a pro bono attorney for the families at Karnes, Schulman said. Connell, transferred to the San Antonio office from Manhattan, went to the Karnes facility four to six times a week to help out, he said.

Whether it's life-changing cases or relationships with community organizations, the firm's pro bono practice is an integral part of its operations and attorneys find the pro bono work to be an important part of their practice. In fact, Schulman said, he and Brett often aren't the ones coming up with ideas for new cases. He said he had an associate see a story in a recent newspaper article about abusive bail requirements and email him to ask about pursuing that issue.

"That's exactly the kind of pro bono practice I want to have," Schulman said. "Colleagues see something like that — an invitation to make a difference — that brings all of our skills and passions to bear."

--Editing by John Quinn.

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