

Pro Bono Firm of 2016: Akin Gump

By Adam Rhodes

Law360, New York (September 12, 2016, 9:49 PM ET) -- Lobbying for millions of dollars in childhood cancer research, fighting to hold Bolivian officials responsible for human rights violations and working to restore a deaf man's dignity after he was wrongfully jailed for weeks have earned Akin Gump a spot as one of Law360's Pro Bono Firms of 2016.

Akin Gump's pro bono practice, which is helmed by partner Steven Schulman and pro bono counsel Fiona Brett, is jokingly referred to within the firm as both its largest and smallest practice group. Brett, Schulman and a nonattorney coordinator are the only full-time members of the practice. Yet attorneys at Akin Gump, who aren't required to do pro bono work, worked a total of 73,832 hours last year, averaging 93 pro bono hours per attorney.

"At Akin Gump, pro bono is integrated into the culture," Brett said. "Our firm founder made public service a very strong part of our culture and our leadership has focused on public service and pro bono in such a profound way that it's quite wonderful for Steve and for me that we're not always pounding the drum and trying to get people to do pro bono or believe in pro bono."

One of the key advantages for the firm's pro bono practice, Brett said, is the attorneys' array of experience and expertise, whether it's from State Department veterans or human rights experts.

Schulman's own expertise in immigration, asylum and human rights law helped the families of civilians killed during protests in 2003 in Bolivia win a victory at the Eleventh Circuit against former Bolivian government officials. The June ruling allowed Torture Victims Protection Act claims to proceed against the former officials in the nearly decade-old suit.

Akin Gump teamed up with Harvard's International Human Rights Clinic to bring the suit alleging that former President Gonzalo Sanchez de Lozada and ex-Minister of Defense Jose Carlos Sanchez Berzain signed off on the military's use of



deadly force against protesters that left 58 dead and wounded more than 400 in 2003.

The unanimous decision found that the claims are ripe in federal court because the family members had exhausted their remedies in Bolivia. The officials had unsuccessfully argued that because the family members received compensation from Bolivia, their claims in the United States cannot proceed.

In a case that saw a rotating roster of Harvard law students every year, Akin Gump's role, Schulman said, provided stability and litigation experience.

While this was not Schulman's first human rights case, he still finds himself emotionally affected by the case.

"When I went down in 2007 and visited the sites and met with the people who've lost family members, that was probably, emotionally, the hardest time I've had," Schulman said. He recalled seeing the bullet hole in a wall from the shot that killed a woman whose family he represents.

Another particularly poignant moment from the case was when Schulman sat at the deposition table in 2015 with a family member and the former president sat before them, answering questions under oath about the crimes he allegedly committed.

That, he said, solidified what the long-running case was truly about: getting justice and holding the officials accountable for their loved ones' deaths.

Akin Gump's pro bono work extends outside of the courtroom as well. Another team of attorneys, partner John Jonas and senior counsel Karen Thiel, are in the midst of what they hope will be a decade-long push for more than \$120 million for childhood cancer research funds from congressional appropriations committees.

The pair is representing the Smashing Walnuts Foundation in its lobbying effort before congressional subcommittees to receive \$12.6 million annually that will aid the National Institutes of Health in its research of childhood cancer and structural birth defects.

The foundation began when a 9-year old girl, Gabriella Miller, was diagnosed with a terminal brain tumor after a walnut-sized growth was found in her brain. Though she died less than a year later, the foundation helped push the Gabriella Miller Kids First Research Act to President Barack Obama's desk. As a result, a childhood disease research initiative through the NIH Common Fund was authorized for \$126 million over the next 10 years. But even though the legislation was passed, it hadn't guaranteed money from appropriations. That's when Akin Gump stepped in in 2014 to aid the lobbying effort.

For the past two fiscal years, the Akin Gump team has won \$12.6 million from the committees. Now, Jonas and Thiel are working on the 2017 fiscal year push. But getting the money isn't as easy as simply asking for it, Jonas said.

"It's not so much overcoming the reluctance of the appropriators — there's enormous competition for new money, because we essentially needed new money — but budget caps and the hesitancy on the part of the NIH as to how they receive earmarked money," Jonas said.

Akin Gump attorneys are also in the midst of another ongoing case with the National Association of the Deaf. In January 2015, attorneys Jon Goodrich and Carolyn Perez helped file an Americans with

Disabilities Act suit against a Virginia sheriff on behalf of a deaf homeless man who was arrested and held at a Virginia jail for six weeks for allegedly stealing an iPad.

For those six weeks, the suit alleges, Abreham Zemedagegehu was held without accommodation for his deafness, repeatedly missing meals because of the jail's sound-only alerts. Zemedagegehu, a native Ethiopian, also has a weak grasp of the written English language. After not being able to read a consent form for a tuberculosis test, he was held down and a needle was forced into his arm. Goodrich said that forcible test was the "most frightening aspect" of Zemedagegehu's ordeal.

To escape these conditions, Zemedagegehu struck a plea deal and was released on time served. Even though his accuser later recanted his accusation, the charge still appears on Zemedagegehu's record. He and his Akin Gump team still hope to clear his name.

"Whether it's a pro bono client or not, once you're a client of the firm you're just a client and we pursue the case with the same determination and integrity as we do any type of case," Goodrich said.

Akin Gump's commitment to Zemedagegehu is unaffected by his homelessness, his disability or his status as a pro bono client of the firm, he added.

"I saw someone who was a very proud and optimistic person but who had really suffered a hit to his dignity from just the lack of being able to communicate for such a long period," Goodrich said.

Difficulty in communication continued into their representation, though it was overcome as much as possible with an interpreter paid for by Akin Gump. But without that interpreter, Zemedagegehu and his attorneys were at a loss.

Perez recalls a time when the interpreter left for the restroom and for two agonizing minutes, she was out of reach of her client in the most basic way.

"I desperately wanted to communicate with him through rudimentary notes or simple words or hand gestures and we, despite our strong desire to communicate, had no ability to understand each other at all. So it just hit me how horrible it must have been for him to be in jail for six long weeks without being able to communicate with anyone while he was there," Perez said.

In February, the sheriff and Zemedagegehu reached their own confidential settlement in principle. Right now, the case is stayed so the parties can work with the DOJ to settle the department's investigation into the case. Goodrich believes the case will be settled by the end of the fall.

For Perez, Zemedagegehu's case was what pro bono work is all about.

"I don't think there's a better use of an attorney's time than to give a voice to a population that is often voiceless."

--Editing by Bruce Goldman.