

What's New in Law Firm Pro Bono...

Law Firm Pro Bono Project

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For the Public Good: Pro Bono in the Aftermath of September 11th

by
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Editor's Note: This issue of *What's New* is dedicated to the memory of those who lost their lives in the September 11 attacks. This first piece originally appeared in *Legal Times*. The "Point of View" article beginning on page 4 expands on some of the work mentioned in this article.

The unthinkable horrors of Sept. 11 have changed our nation and its people. This nightmarish tragedy that resulted in the loss of so many has also cost us – perhaps permanently – the sense of security, optimism, and unlimited possibility that characterizes the American spirit.

Times of great pain and uncertainty take the measure of a people – and of a profession. The events of Sept. 11 have galvanized Americans. In a society that some commentators have described as increasingly isolated, materialistic, and narcissistic, Sept. 11 triggered an extraordinary outpouring of generosity and community spirit. So many people sought to give blood in the days after the tragedy that hospitals had to turn away many donors. In the weeks that followed, volunteerism and charitable giving have continued at a pace not seen since World War II.

ANSWERING THE CALL

Like other Americans, the nation's lawyers have stepped forward to help in unprecedented numbers. Individual lawyers, law firms, and legal departments clamored to assist the victims of Sept. 11 and their families and loved ones in any way that they could. So many New York lawyers sought admission to training events for *pro bono* counsel sponsored by the Association of the Bar of the City of New York that hundreds of volunteers were turned away. Lawyers have come forward to assist families in the emotionally wrenching process of obtaining an expedited death certifi-

cate – and found themselves in tears. They have provided immediate and desperately needed assistance to low income small business owners financially devastated by the destruction in downtown New York. They have created manuals to help victims' families navigate the many and complicated legal issues resulting from the Sept. 11 tragedy. Washington D.C. attorneys have stepped up to assist the families of those killed and injured in the attack on the Pentagon.

The desire to make a difference knew no boundaries. Lawyers around the nation, not simply those in the areas directly affected by the terrorist attacks, sought and found ways to help. They have participated in hot lines, providing a constant and immediate source of assistance. The Association of Trial Lawyers of America, an association of plaintiffs attorneys, has for the first time in its history established an organized *pro bono* effort, Trial Lawyers Care, to provide assistance to families using alternative claims processes to obtain compensation for victims. And, in a clear statement that times have changed, in-house counsel and members of the defense bar – those most often at odds with the plaintiffs bar – joined in the effort.

Many have been first-time volunteers. All stepped up and put aside thoughts of economic pressures, billable hour requirements, personal prominence, and even personal pain. Most notably – perhaps, especially – the lawyers who were closest to the tragedy felt the need to reach out to others.

Law firms located on Maiden Lane and in offices at and adjacent to the World Trade Center could have understandably focused all their energies on their immediate

Continued on page 13

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Continued from page 1

concerns – locating alternative offices, retrieving documents, and helping their lawyers and staff deal with the trauma that they directly experienced. They did all that. But, somehow, they also have found time for *pro bono* efforts.

For instance, the legal department at **Morgan Stanley**, the biggest single tenant at the World Trade Center, had begun to develop a structured *pro bono* program before Sept. 11. Despite the tragedy, which included the loss of several of the company's own employees, the department quickly returned to finalizing and implementing its commitment to *pro bono* service. (The company and its employees – like so many others – also donated their time, money, and services to nonlegal endeavors.)

HELPING ALL VICTIMS

Such stepped-up *pro bono* legal efforts have been so important, in part, because Sept. 11 hit hard those most in need of legal assistance. New York's Legal Aid Society, which provides a wide range of legal help to those who need but cannot afford it, was located directly across the street from the World Trade Center. Though the Society's employees survived, they dispersed to other offices, inevitably to the detriment of clients. A Society spokesperson, referring to documents relating to deathpenalty cases still in the building, exclaimed soon after the attacks, "God help us, there are documents up there that are irreplaceable." The state's Division of Disability Determinations was housed in a nearby damaged building, jeopardizing as many as 15,000 pending applications for disability benefits. Also, the toppled World Trade Center destroyed the communication link that New York state used to coordinate payment of welfare benefits, leaving the intended recipients, figuratively and literally, out in the cold.

And, of course, the economic downturn that was slowly building before the attack has now fully reared its head. A report from late in November shows that 29,000 people in New York are sleeping in municipal shelters and welfare hotels every night, a city record. These people, and all of the "indirect" victims of Sept. 11, need help – including legal help.

And, as horrible as the pain and loss of Sept. 11 was, the sad reality is that millions of our people suffer terribly every day, independent from the events of September. In this, the most prosperous and powerful of nations, parents see their children go hungry, women are forced to live with constant physical abuse, immigrants seek asylum from persecution and torture in their native lands, and families search for a place to live.

One lesson of Sept. 11 is that lawyers have the capacity to accomplish real good. We alleviate pain, help knit broken lives, make our nation and our world more humane and fair. After all the lawyer jokes, after the questioning and the self-doubt and the debates about the value of our work, this is what it all comes down to: We are needed, and we make a difference. We are a helping profession.

A GIVING MEMORIAL

As the immediacy of Sept. 11 abates and the pain recedes, what will happen to the legal community's extraordinary spirit of community and commitment? Will it fade as everyday pressures and old habits return? Or can we somehow preserve the lessons learned so painfully on that day about what truly matters? Can we maintain the urge to help wherever and whenever we can?

We have an obligation to ensure the good that came from that day not be completely lost. What more fitting memorial to those who lost their lives to the enemies of democracy and the rule of law than to celebrate these uniquely American gifts? Each of us – individual lawyers, law firms, legal departments, law schools, judges – can take the time to renew our commitment to service and to using our gifts to make a difference in the lives of those around us by committing ourselves to *pro bono* service. Maybe we can do it collectively, every Sept. 11, as a day commemorating not only our loss but our revived community spirit. Or maybe we can do it individually, as a regular part of our lives. Either way, by remembering in this way, we enrich our lives, our profession, and our nation.

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