

Pro Bono Firm Of 2014: Morrison & Foerster

By Kurt Orzeck

Law360, Los Angeles (October 15, 2014, 2:53 PM ET) -- Morrison & Foerster LLP has landed a spot on Law 360's Pro Bono Firms list each of the five years since it started publishing, but a new policy ensuring that every Morrison & Foerster attorney participates in such efforts has further boosted the firm's bona fides in pro bono work.

Morrison & Foerster changed its company policy in 2013 from "we strongly urge every lawyer to be involved in at least one [pro bono] matter per year" to "we expect every lawyer to be regularly involved in pro bono work and to average at least 25 hours per year," according to senior pro bono counsel Jennifer K. Brown.

Brown also told Law360 that the firm's efforts are bolstered by chair Darren Nashelsky, who champions Morrison & Foerster's pro bono work. "He doesn't miss an opportunity to praise the work, the lawyers involved and to encourage everybody," Brown said.

Nashelsky told Law360 that the firm's lawyers "are dedicated to serving others in need through pro bono work, and that includes taking on tough assignments."

While the firm has prided itself on being a consistent leader in making pro bono contributions, it stood to ensure that each of its attorneys, in all practice areas, was contributing. The firm amassed more than 100,000 hours of pro bono work, with the average number of pro bono hours contributed by each attorney from June 1, 2013, to June 1, 2014, totaling 116.

"We could see a number of lawyers who weren't engaging in pro bono, and we wanted to make sure they knew that pro bono is part of what it means to be a [Morrison & Foerster] lawyer," Brown told Law360. "I don't think there's anybody here who doesn't want to do pro bono work, it's more a matter of making space for it among competing priorities."

Brown, who oversees Morrison & Foerster's firm-wide pro bono efforts, as well as those in the East Coast, China and Singapore, works in tandem with Rachel P. Williams, who manages the firm's pro bono work in Northern California and Europe, and Dorothy L. Fernandez, who leads the efforts in Southern California, Denver, Sacramento and Tokyo.

Brown noted that several years ago, two mega-cases, both involving veterans' rights, alone accounted for a significant portion of the firm's pro bono hours.

Those cases included *Veterans for Common Sense et al. v. Shinseki et al.*, which involved civil rights claims from two nonprofit military groups that alleged their members face intolerable delays in receiving veterans benefits. While the firm initially won the case in the Ninth Circuit, the court in May 2012, in an en banc opinion, said Congress has largely barred federal courts from addressing such matters.

The other large veterans case, *Vietnam Veterans of America et al. v. Central Intelligence Agency et al.* — a class action in which veterans claim the Central Intelligence Agency, Department of Defense, U.S. Army and other government institutions breached their duty of care to veterans by using them as guinea pigs to test thousands of potential chemical and biological weapons and leaving them with various diseases and ailments — is currently before the Ninth Circuit, Brown said.

"Now our hours are coming from a wider array of significant cases, not just one or two big cases," according to Brown. "That's a healthy development for us."

In one of its most significant pro bono cases over the past year, Morrison & Foerster in February negotiated an interim settlement in a class action challenge to solitary, implements sentencing guidelines for disciplinary infractions and sets the stage for broad reform.

"As the new sentencing guidelines are implemented, we will be watching for substantial improvements in the transparency and consistency of solitary confinement sentencing throughout New York State," lead attorney Kayvan Sadeghi told Law360. "Those guidelines will provide a uniform framework for assessing the reasonableness of future sentences. We are optimistic that the guidelines and monitoring adopted under the interim settlement will provide a foundation for ongoing reform, and may provide a model for reform in other states."

In another, the so-called Balazo Restaurant Cases, Morrison & Foerster lawyers in May prevailed in a lengthy battle to stop the government from deporting people based on information obtained illegally in a workplace immigration raid.

"The Bay Area legal community isn't going to sit still if the government engages in extra-constitutional methods of immigration enforcement," lead attorney Jason Bartlett said. "We got these results because of the commitment of lawyers who refused to let the government do this easily, quickly or quietly."

The firm also in August 2013 won a Tenth Circuit court decision recognizing a constitutional due process right of access to public transportation, in *Brown v. Eppler*.

"The Tenth Circuit has recognized a constitutionally protected property interest in the right to access public transportation in Tulsa, Oklahoma," lead attorney Ian Kellogg said. "This will make it considerably more difficult for the governing body of mass transit in Tulsa, the Metropolitan Tulsa Transit Authority, to ban bus riders in the future, and help ensure that those who do face exclusion receive due process before their rights of ridership are revoked."

Meanwhile, in *Doe v. Wood County Board of Education*, Morrison & Foerster won the first-ever ruling that Title IX requires "clear and affirmative assent" by parents before their children can be placed in single-sex programs at public schools and then, in July 2013, solidified the victory with a consent decree ensuring that any future single-sex programs comply with the Constitution and federal law.

In December, the firm won emergency relief to bring a Cameroonian woman and child out of hiding and to safety in the U.S. to be reunited with the woman's partner, and is securing asylum for the whole family.

In a key criminal justice case, *People v. George Souliotes*, the firm in July 2013 won freedom for a man who served 16 years after being wrongfully convicted of murder when the prosecutor in the California state court case accepted a no contest plea to lesser charges, and George Souliotes was finally freed on July 3, 2013. Orrick and the Northern California Innocence Project handled earlier stages of the case and assisted with trial preparation.

In another, *Davis v. Walker*, Morrison & Foerster in March won a clear ruling from the Ninth Circuit on the duty of federal judges to ensure assistance for litigants who lack mental competence to pursue their civil actions. The court identified steps that judges should take to satisfy what the court termed their “obligation” to ensure that such individuals’ interests in litigation are adequately protected.

Also, in April, Morrison & Foerster — in *Reed v. California*, in California state court — achieved the settlement of an education rights case that provides \$67 million in new resources for 37 poorly performing schools in Los Angeles.

--Additional reporting by Jeff Overley. Editing by Richard McVay.

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