

## Pro Bono Firm of 2016: Morrison & Foerster

By **Fola Akinnibi**

*Law360, New York (October 3, 2016, 4:20 PM EDT)* -- Morrison & Foerster's long-standing commitment to pro bono work has now gone global, with its attorneys around the world making a contribution to cases including a challenge to the U.S. government's treatment of immigrant detainees, earning the firm a spot on Law 360's Pro Bono Firms of the Year list for the seventh straight time.

The firm has always had a strong pro bono culture, and that continued in the period from May 2015 to May 2016, according to partner James Schurz, who chairs the pro bono committee. During that period, the firm averaged 107 pro bono hours per attorney, with many lawyers putting in far more than that, according to Schurz, who has been with Morrison & Foerster for 25 years.

As the firm has expanded its reach globally, its pro bono practice has grown in kind, Schurz said. Now, the firm's lawyers in London, Berlin, Tokyo and other places around the world are also major contributors to its pro bono work, Schurz said.

"Our international lawyers are working and contributing to pro bono programs in the same way that lawyers in San Francisco, in New York and other places are," he said. "That's sort of an exciting development and speaks well for the program."

Morrison & Foerster has taken an international approach to one of its biggest pro bono cases in the past year, involving U.S. Customs and Border Protection's treatment of detainees in border patrol facilities.

The lawsuit, filed in June 2015 in conjunction with the American Immigration Council, the American Civil Liberties Union and the National Immigration Law Center, alleges that detainees in these facilities are held for days in cold, unsanitary concrete cells and are deprived of beds and nutritious food.

Colette Reiner Mayer, a partner and the vice chair of the firm's pro bono committee, is helping to lead Morrison & Foerster's efforts on the case, which she says is a massive undertaking because the litigants are challenging the U.S. government. Reiner Mayer has spent more than 500 hours on the case herself, and estimates that the firm has spent thousands of hours on the matter.



The firm was able to secure class certification and beat the government's motion to dismiss the matter in January. In August, it was able to secure the release of photos from the facilities, a move the government had been fighting vehemently, showing the detainees packed in rooms and wrapped in Mylar blankets.

"Really they didn't want anybody to see what was going on," Reiner Mayer said. "When you see the pictures [you think], 'Oh my God, I can't believe this is happening in America.'"

Help from the firm's Tokyo office, Reiner Mayer said, has made the case much more manageable. The Tokyo team has been able to provide help with discovery and other tasks from across the Pacific, and the firm is more than willing to fly members over to participate in person, Reiner Mayer added.

"It's a pretty big cost, but we think it's worth it," she said.

Time commitment and cost are not king when it comes to the firm's pro bono activities. Lawyers are encouraged to take on and immerse themselves in cases, according to partner Alex Lawrence.

Lawrence regularly works several hundred pro bono hours per year and recently, he has been involved in a reproductive rights battle that has gone all the way to the U.S. Supreme Court. His work on a challenge to a Texas statute that would peel back abortion rights for women in the state received favorable rulings at the district and appeals court level. The law in dispute would require doctors who perform abortions to have admitting privileges at nearby hospitals and for abortion clinics to meet hospital-type surgical center standards.

Last year, Lawrence helped win a stay of an injunction blocking the provisions, pending a cert petition, and in March 2016 it was argued before the Supreme Court.

"Over the years, I've spent a considerable amount of my time on pro bono work," Lawrence said. "I've always received nothing but encouragement and support, and some of the fights that I'm involved in aren't the most popular in certain circles."

That sense of commitment and immersion paid off in a big way this year, when a partner helped secure the release of a man who served 20 years in prison after being wrongfully convicted of murder.

Richard Rosario was imprisoned in 1996 after being convicted of a murder in the Bronx based on faulty eyewitness testimony — even though he was in Florida at the time of the killing. Morrison & Foerster partner Chip Lowenson picked up the project in 2004 and faced numerous losses, setbacks and denials over the years, according to Schurz.

After one of the most recent denials, a petition for further investigation led to Rosario's exoneration and release on March 23, after 20 years in prison.

"It was the ability to stay with that case for that period of time that made a difference," Schurz said. "This could not have been done in a year, two years or even 10 years. The ability to participate in that sort of pro bono engagement is exciting for a firm."



Going forward, Schurz said he does not expect much to change for the firm's pro bono practice. Instead, as always, the firm will continue to look to be responsive in the communities in which it lives and works.

This includes continuing its partnerships with public interest organizations, which help bring in some of the firm's biggest pro bono cases.

"Our prior success breeds better opportunities," Schurz said. "I can look at a range of the impact cases right now. They all have their seeds or their roots in prior work that we did with those organizations."

Additionally, issues surrounding immigration, refugees, human rights, reproductive rights and education will continue to be areas of focus for the firm going forward.

"If you look over the history of this program, the level of involvement and engagement, we've always had a strong program. And with each year, it gets stronger," Schurz said.

--Editing by Jill Coffey.