



PLACEMENT

THL MEDIA REVIEWS

TEXAS TRAVEL

HOUSTON EVENTS

HEALTH

HOUSTON CHRONICLE Headlines

5 bodies, 1 headless, found in van in Ciudad Juarez
posted on August 06, 2009 10:08:00 am

2 dead in Fort Bend crash on Texas 6
posted on August 06, 2009 09:26:00 am

Heat advisory for Houston as temps again near triple digits
posted on August 06, 2009 08:52:00 am

Aerosmith's Steven Tyler falls off stage during concert in S.D.
posted on August 06, 2009 07:41:00 am

[BACK TO INDEX](#)

May/June 2009

Building a Base for Pro Bono

For this special issue on volunteerism, The Houston Lawyer decided to take a look at how pro bono programs are structured at various-sized firms and a law school. We selected a small firm (Yetter, Warden & Coleman, L.L.P.), a medium firm (Jackson Walker L.L.P.), a large firm (Baker Botts L.L.P.), and Thurgood Marshall School of Law to represent the law schools. Each firm and the law school was asked to discuss how their pro bono program is structured and to describe a pro bono area of significance, whether it be an ongoing project or one-time-only volunteerism of note. Their summaries are presented below.

Baker Botts L.L.P.

Baker Botts typically takes on new pro bono matters from one of two sources: referrals from the firm's regular pro bono partners or a Baker Botts lawyer's particular involvement or interest in a project or matter. As to the first source, Baker Botts has cultivated relationships with pro bono partner organizations that provide regular referrals of cases to us. Our largest pro bono partners in the Houston office are the HBA's Houston Volunteer Lawyers Program, Texas C-BAR, Catholic Charities, and the YMCA. Each organization has a key contact person at the firm, and potential referrals are regularly sent to that contact for consideration and then typically distributed within the firm to ascertain the level of interest in the case.

Outside of our regular pro bono partners, referrals of potential pro bono matters come from the involvement of our lawyers or our clients in various community organizations. For example, if a lawyer volunteers to serve on the board of a nonprofit organization and the organization subsequently needs legal assistance, our lawyer will often bring the matter to the firm for consideration as a pro bono matter.

When a pro bono matter is referred to the firm, each office has a pro bono committee that reviews and approves new pro bono matters. Pro bono matters are subject to the same conflicts checks applicable to any matter, and there is a special pro bono intake process that allows the pro bono committee to gather standardized information before approving the new matter. The pro bono committee in each office is charged with providing general supervision of the pro bono program, so that those undertaking pro bono work are given the support, resources, and guidance they need.

In terms of typical matters, our trial lawyers typically volunteer their time and experience on problems ranging from adoption, child custody and other family law concerns to death penalty, civil rights, and federal and state constitutional law issues.

Transactional lawyers at Baker Botts volunteer on everything from matters requiring contract, corporate, and tax advice to cases involving nonprofit agencies that provide services to children and families in need. In addition, our transactional lawyers also work with community development corporations and financial institutions that are striving to help impoverished neighborhoods and individuals, and they also donate their time and effort to an array of community and nonprofit organizations.

Baker Botts strongly encourages our lawyers to devote time to pro bono legal work, and the full resources of the firm are available to serve pro bono clients. In year-end evaluations, time recorded by the lawyers on pro bono matters is valued on an equal basis with legal services provided to fee-paying clients. We encourage and recognize pro bono contributions because they are important for our firm and the communities in which we live.

Veteran's Affairs Issues

Veteran's issues have been of particular focus in the firm's pro bono efforts over the past several years. Baker Botts partner Jeff Stonerock, resident in the Washington, D.C. office, serves on the board of directors of the Veteran's Consortium Pro Bono Program, which pairs veterans with lawyers willing to represent them at the U.S. Court of Appeals for Veterans Claims. Numerous Baker Botts lawyers have taken cases through the Veteran's Consortium, and Baker Botts co-hosted a national training program in October 2008 at its Houston office for lawyers interested in taking these cases.

The Veterans Consortium Pro Bono Program recently asked Baker Botts to take the case of an 80-year-old widow of a veteran. The Veterans Administration had severed the widow's dependency benefits, a decision that had been affirmed by the Board of Veterans Appeals. Baker Botts took the case, identified two errors in the Board's affirmation of the VA's decision, and filed an appeal on behalf of the widow with the United States Court of Appeals for Veterans Claims.

In the appeal, Baker Botts first pointed out that the Board analyzed the severance of the widow's benefits under the incorrect standard. Rather than putting the burden on the VA to show clear and unmistakable error in its previous determination that the widow was not entitled to the benefits, the Board erroneously put the burden on the widow again to prove her entitlement to the benefits. Second, Baker Botts pointed out that the VA failed to comply with its twin duties to inform and assist the widow before severing her benefits. In particular, after the widow indicated that her tax returns supported her entitlement to the benefits, the VA neither informed her that she should submit her tax returns nor assisted her by obtaining those tax returns on her behalf.

After the parties filed their briefs, the Court of Appeals ordered that oral argument — discretionary in these cases — be held in Washington D.C. Less than one week prior to the oral argument, however, the VA's lawyer called Baker Botts with an offer to settle the case.

In addition, Baker Botts lawyers have also provided significant support to the Houston Bar Association's new Veterans' Legal Initiative, established by Baker Botts partner Travis Sales as the focus of his administration as the 2008-2009 HBA president. Harris County is home to the second largest concentration of veterans in the nation, and the Michael E. DeBakey VA Medical Center in Houston serves 350,000 veterans each year. Baker Botts, in partnership with CenterPoint Energy, has helped staff several of the monthly veterans' legal clinics sponsored by the Houston Volunteer Lawyers Program and held at the DeBakey VA Medical Center. In September 2008, Baker Botts hosted a training program for nearly 100 lawyers who wanted to learn more about representing veterans on disability issues. To date, 15 Baker Botts lawyers have volunteered for the Veterans' Legal Initiative, and 10 Baker Botts lawyers volunteered for one of the first two legal clinics for veterans held at a VFW Post and at an American Legion Post, simultaneously, on February 28, 2009.

Baker Botts is proud of its strong tradition of helping those in need of legal assistance, and we look forward to continuing to be an integral part of pro bono efforts in Houston and in every city that is home to a Baker Botts office.

Rob Fowler, Rachel Koenig, Sheila Bickel and Keri D. Brown contributed to this summary.

Jackson Walker L.L.P.

Jackson Walker encourages and expects its attorneys to render public interest legal service, usually through taking on at least one pro bono matter each year. We have a Pro Bono Committee responsible for monitoring and reporting the quality, quantity, and diversity of these activities. Our pro bono program is the subject of an extensive written policy.

The pro bono activities in which Jackson Walker attorneys engage includes federal court appointments, representation of low income individuals through various legal aid organizations such as the Houston Volunteer Lawyers Program, voluntary and uncompensated service as guardian ad litem or court-appointed special advocate for children brought into protective care, and assisting nonprofit organizations in transactional matters.

Among representations Jackson Walker undertook in 2008, six attorneys volunteered as ad litem in the largest child-removal case in Texas history, by representing the interests of 11 of the many children removed from the Yearning For Zion Ranch near Eldorado. Jackson Walker also

participated as one of the largest supporters in Texas of the "Project Salute" program, which assists veterans with their benefit issues.

Our associate attorneys are each awarded 50 "citizenship hours" every year. Those awarded hours supplement billable hours in the annual evaluations of associate performance. Citizenship hours may freely be used for pro bono work. In other words, associates are encouraged early in their careers to get into the habit of doing pro bono work, and they may do so with no adverse affect on the tally of their billable hours. Also, on a case by case basis, Jackson Walker may pre-approve credit toward an individual attorney's billable hour requirements for unusual pro bono matters requiring an unusual or significant time commitment.

During calendar year 2008, Jackson Walker attorneys recorded 7,143 pro bono hours, and more than 40 of our 300 lawyers each recorded over 50 hours. At a modest average billing rate of \$300 per hour, the total value of these hours exceeds \$2 million. We believe that attorneys are duty-bound as professionals to contribute to the welfare of the community, to assist in the development of the legal profession, and to broaden the access to justice for all people. In a society governed under the rule of law, attorneys are obliged to make sure the legal system works, especially for the disadvantaged. Pro bono service provides valuable experience opportunities for our attorneys and gets them actively involved in the community at the same time. In our periodic attorney evaluations, we consider the level of pro bono activity as part of the measurement of maturity and professionalism we so highly prize.

Finally, we recognize the obligation of law firms such as Jackson Walker to contribute financially to organizations that provide legal services free of charge to persons of limited means. We regularly make such contributions and encourage our attorneys to do so as well.

Fred A. Simpson authored this summary.

Yetter, Warden & Coleman, L.L.P.

An investigation of our State's stressed foster care system, a high-profile Supreme Court challenge to aspects of the Voting Rights Act, assisting in a habeas appeal for a mentally challenged death row inmate, a suit objecting to a new state driver's license program that targets non-citizens, and amicus briefs on critical federal circuit court appeals — these are just some of the diverse pro bono work that Yetter, Warden & Coleman, L.L.P., a 27-lawyer litigation boutique, provides in serving the public interest. Despite the firm's small size, it considers legal representation for the underprivileged a top priority and is willing to tackle pressing matters of public concern. From personal representation to impact litigation, the firm assists clients in forums ranging from local probate court to the U.S. Supreme Court.

The firm utilizes a broad array of avenues to locate potential pro bono cases and clients. An HBA Equal Access to Justice Champion, the firm obtains lists of cases through the Houston Volunteer Lawyers Program and represents needy individuals in lawsuits. It also participates in several HBA pro bono activities, including LegalLine, the annual Will-A-Thon, and monthly HVLP intake clinics. Additionally, the firm accepts appointments to represent indigent criminal defendants on appeal and, in one matter, persuaded the government to confess sentencing error. Colleagues in the legal profession have requested the firm's pro bono services to author amicus curiae briefs for cases in state and federal courts, including in the U.S. Supreme Court. The firm also coordinates with national public interest organizations as well as local government entities to advance civil rights and constitutional liberties.

Attorney pro bono coordinators in the Houston and Austin offices seek out information about new pro bono opportunities and ensure that cases are adequately staffed. Additionally, all attorneys are welcome to bring to the firm's attention any pro bono opportunity they would like to pursue. Once a pro bono client is engaged, attorneys and staff devote the same unwavering diligence and attentiveness to pro bono cases as to any other matter. Attorneys undertake pro bono assignments on a voluntary basis, contributing their time and expertise to pressing issues of personal and public concern.

The firm's attorneys possess diverse ideological beliefs, engendering a pro bono program that is exceptional in both its breadth and its bearing. As an example, in April of this year, attorneys were assiduously engaged in investigation of Texas's foster care system, oral argument before the U.S. Supreme Court in a suit challenging the constitutionality of Section 5 of the 2006 reauthorization of the Voting Rights Act, and preparation for a trial concerning statewide restrictions on immigrants' travel rights. Counsel from the Firm has assisted the municipal utility district in Austin, Texas from the outset of its legal proceedings, now before the U.S. Supreme Court, contesting restrictions on its autonomy in voting and polling decisions. Likewise, the firm has enjoyed multi-year working

relationships with prominent civil rights organizations in advocacy efforts on behalf of abused and neglected children.

Yetter, Warden & Coleman values its professional duty to serve the greater community and provide pro bono representation to individuals in need. Through a combination of perseverance, sensitivity, and ideological tolerance, the firm strives to be a catalyst for change, altruism and justice.

Dori Kornfeld Goldman and Anna Rotman contributed to this summary.

Thurgood Marshall School of Law: Clinical Legal Studies Program

Since the early 1950s, Thurgood Marshall School of Law has provided clinical education to students and services to the community through its Clinical Legal Studies Program. The Clinical Legal Studies Program is firmly rooted in the advocacy and assistance of those underrepresented in our society. The legal clinics are designed to provide each participating student with a quality clinical experience. The Clinical Legal Studies Program is divided in categories to include a classroom component, externships, and live-client representation.

During their third year, students have an opportunity to participate in a variety of clinical programs. The Clinical Legal Studies Program ensures that students have various avenues to work on real cases as part of their legal education. Students work and interact directly with individual clients in one of our live-client clinics or by close observation and hands-on participation in one of our externship clinics. Our legal clinics offer students an alternative method in learning the lawyering process that is not obtained from substantive law courses. Our goal is to prepare students for a profession that requires both substantive and skills knowledge.

Twice each year, the clinic hosts an Open House, inviting rising 2Ls to learn more about the clinic and to apply for one of a limited number of slots in both the live-client and externship clinics. Following an intensive interview with supervising attorneys, students are selected for participation in the program. As with any high level interview for positions in the legal field, admission to the program is based on grades, extracurricular activity, professional and/or educational background, and performance during the interview.

The supervising attorneys for each of the four live-client clinics represent an educational and professional cross-section of the Houston legal community, with expertise in criminal, immigration, family, probate, guardianship, and landlord-tenant matters.

Clients are selected on a case-by-case basis and each client has to meet the clinic's requisite poverty guidelines—currently 125 percent of the federal poverty level. Determinations to accept cases are often based on the difficulty of the matter, the availability of clinic resources, as well as space on the requisite clinic docket.

One area of the Clinical Legal Studies Program of note is the TSU Criminal Law Clinic, which began in 2002. In this clinic, law students represent defendants in Class A and B misdemeanor cases. The students have tried four cases to a jury, with two victories under their belt. Judge Jean Spradling Hughes of Harris County Criminal Court at Law No. 15 has had an opportunity to observe the students in her courtroom, and notes that “the clinic provides a much needed service to the community but moreover, the students have an opportunity to learn what practicing law really entails, including litigation and everyday court practice. I thoroughly enjoy watching their progress and the knowledge and confidence they develop.”

Lydia D. Johnson, TSU Clinical Legal Studies Director, authored this summary.

[< BACK TO TOP >](#)