

How Jenner & Block Is Living Up To \$250M Pro Bono Pledge

By **Marco Poggio**

Law360 (February 23, 2024, 1:36 PM EST) -- After pledging four years ago to provide \$250 million in free legal assistance through 2025, the co-chair of Jenner & Block LLP's pro bono committee told Law360 recently that the firm was already 80% of the way toward its goal as attorneys tackle matters involving immigration, humanitarian parole, voting access and more.

In a recent report on its pro bono activity over the last year, Jenner & Block said its attorneys logged over 82,000 hours of pro bono work in 2023. Spread across its team of approximately 500 attorneys across the U.S., it comes to an average of 164 hours per person — more than three times the 50 hours of annual work that the American Bar Association recommends as a minimum.



Debbie L. Berman

And according to Debbie L. Berman, the co-chair of Jenner & Block's pro bono committee, the rate of engagement will see the firm easily meet its five-year goal of providing \$250 million in legal aid services by the end of 2025.

Berman said the firm, which has a decades-long history of coordinated pro bono efforts, made the pledge in 2020 in response to the spike in legal need that grew out of the COVID-19 pandemic and the nationwide civil unrest following the murder of George Floyd by police officers in Minneapolis.

In a recent interview with Law360, Berman talked about the scope of the firm's pro bono program, its legacy, and what she thinks makes it different from those of other large firms. This interview has been edited for length and clarity.

Tell me about the firm's five-year pledge. What motivated the firm to commit those resources?

We're at the height of COVID. We're at the height of the racial unrest after George Floyd's murder. We decided we needed to be more open with our commitment, hopefully to inspire other law firms to do the same thing. We thought by being quite public about what we do, and how much we do, that it might inspire others in the industry to join us — and that includes clients. We have a great partnership program where we do pro bono work together with over 30 clients.

How do your pro bono partnerships with clients work?

A lot of our in-house clients really want to be able to do pro bono, but they don't have the apparatus

within their corporations to be able to do that. They don't have a pro bono coordinator, or dedicated attorneys like we do.

So we meet with clients that are interested, we find out what their mission is, what kind of pro bono they want to try to do to amplify their corporate mission, and then we give them sort of a menu of different options. Then, Jenner lawyers partner with their in-house lawyers to work on those projects.

A couple examples: One of them is transgender name changes. We'll work with an in-house team to prepare the petition and go to court for an individual to be able to change their names so they can be identified by who they want to be. We've worked with clients on [Deferred Action for Childhood Arrivals] renewal applications. We've worked with clients trying to get visas for people — often women, though it doesn't have to be women — who have been victims of crime and have helped law enforcement.

Because we can't possibly do all the pro bono work that's out there, we have in-house people who really want to do good, but don't have the means to do it. So we do it together, and it's a really fabulous program.

Every firm does pro bono work differently. Is there anything about the pro bono program at Jenner & Block that stands out?

I think there are a couple of ways. One is that we've been doing pro bono for decades. Pro bono was going on at Jenner & Block long before I came here and long before many other major law firms did pro bono.

The second is that almost all of our lawyers have 50 or more pro bono hours. We're not a firm where we hire a single individual or a few individuals to do a whole bunch of pro bono.

It is an expectation that all the lawyers will do it. We attract people who want to do that kind of work in addition to their billable work. They're actually very happy that they have the opportunity to do that kind of pro bono work in a big private law firm setting.

When we're recruiting lawyers, one of the things that we're going to talk about is the firm's generous commitment to the community. People who don't share that commitment won't be attracted to Jenner & Block. During orientation, we tell people the expectation is 50 or more hours.

So that's one big difference: Everybody is all in at Jenner & Block on pro bono, not just a small group of people.

Another significant difference is that most of our pro bono is grassroots, meaning that our lawyers do what they care about and what they're passionate about, as opposed to a marquee project that everyone has to work on, or a senior partner having their favorite area that everyone has to work on.

There are so many different types of pro bono that we do because we want it to be meaningful for the lawyers. And so they define what's meaningful for them. Either they can bring in pro bono matters themselves, or we'll help them find something that they're interested in.

Have the firm's pro bono priorities shifted in the last few years? If yes, how so?

The firm does not identify areas of priority for pro bono that everyone should work in. Has our pro bono mix shifted? Yes. That's one of the wonderful things about Jenner & Block: Lawyers will rise to the occasion when they see a need.

We'll continue to represent wrongfully convicted individuals in criminal cases, we'll continue to represent people in asylum cases. But then there are new areas where we may not have done so much work before. Obviously, in the reproductive rights space, our work has increased. Our work on behalf of transgender, LGBTQ+ individuals, with drag show bans, bans on transgender treatments and all those things — those causes have spoken to our lawyers and so they wanted to work on that. When the U.S. pulled out of Afghanistan, over 50 lawyers across every single one of our offices raised their hands to help people there get humanitarian parole.

We run the whole [gamut] of pro bono. Some of it will be stuff that we've done for 50 years, and some of it, like reproductive rights or the LGBTQ+ or transgender, we may be doing more now than we've done in the past.

Do you see any trends going on across BigLaw in pro bono?

We don't change what we do for pro bono based on what other firms do. We try to be an example for others. The good news is a lot of firms have increased their pro bono, and that's a win for society. There are lots of people who need legal services, way more people than anybody could possibly assist, and when firms step up to do more, that's a good thing.

One of the things that some other firms do that we don't is having a single person who does 1,800 pro bono hours, so other people don't have to. That's not our philosophy. It's not our shared value.

What kind of return does the firm get from doing pro bono work?

We think there are some benefits from it. There are extra benefits we get in helping associates develop their skills. I argued in front of the [U.S. Court of Appeals for the Seventh Circuit] at the beginning of my second year of practice. I don't know anybody in my law school class who did that unless they worked for the government.

People will get jury trials, civil litigation skills, they will get the opportunity to incorporate a not-for-profit, or, if they're on the corporate side of the house, handle governance matters much earlier than they may in a large paying matter.

Also, I think pro bono helps everyone feel good about the work that they're doing. If you're helping an individual, and you can immediately see the impact for that individual, that inspires all of us as to why we went into the profession.

And then the last benefit is that we get to do good with our corporate clients. We give them an opportunity to be able to do good. You know, if you win a motion to dismiss in a business dispute, you'll high-five each other and it will be really great. You'll celebrate with your in-house clients. But if you get asylum for an individual, or if you're able to let that individual change their name so they can be recognized by how they want to be called, that shared experience is different. It's a wonderful bonding experience that you can have with your in-house corporate clients in a different way than you do even with a very large victory on a large paying matter.

What is the most memorable pro bono project you've worked on?

I've done a lot of very meaningful pro bono projects over the last 35 years. I can tell you that, last week, one of my Afghan clients got asylum. So that is top of mind right now. He's part of a family who was in Afghanistan. We applied for him and his brother and sister. He has heard, and now we're waiting to hear about the brother and sister. It was a very, very difficult and very rewarding project. It has filled my heart to know that we did the right thing for him, and hopefully his brother and sister eventually, too, and really have given them a new life in the United States.

One of the other things that I just recently did with some of my colleagues was an amicus brief we filed in the Texas Supreme Court on behalf of the National Council of Jewish Women about the right to abortion. That's a very important issue to me, personally: women's reproductive rights.

I don't want to downplay anything else that I personally have done, because that's part of the really wonderful thing about doing pro bono. You are often changing someone's life. They're all very emotional and moving, and I'm just so thankful that I get to do that.

--Editing by Robert Rudinger.