Pro Bono Part I – Law Firms

A Willkie Lawyer’s Pro Bono Experience

By Michael C. Carroll

Big firm corporate practice sometimes means that the things we want to do often give way to things we are called upon to do, such as participating in impromptu conference calls, meeting tight deadlines or flying off to parts unknown at the drop of a hat. This is nothing we, or our family and friends, should be surprised about — it goes with the territory, for better or worse.

For me, one of those things I wanted to do was to participate in meaningful pro bono work or non-legal community service. However, the demands of practice make this exceedingly difficult. After canceling three New York Cares training seminars due to pressing work obligations, I wondered if it would ever work out. I never blamed my law firm, just the corporate law culture. In fact, Willkie Farr provides many opportunities to participate in pro bono work. But corporate practice, especially as a relatively young associate, is simply not very friendly to regular outside commitments. And, pro bono assignments tend largely to be litigation-oriented. Litigation associates gain valuable courtroom experience in working on pro bono matters, where the stakes are not as large in dollar terms as they may be in multimillion dollar lawsuits. There is no analogous philosophy in corporate departments.

So what’s a corporate lawyer wanting to get involved in community service to do? Can we still make a difference, and at the same time better ourselves, and our firms, as lawyers? I’d like to think my recent experience at MFY Legal Services, Manhattan’s premier legal services organization, sheds light on these questions.

Willkie Farr & Gallagher extends an opportunity to associates in all departments to take a paid four to six-month leave and work for MFY Legal Services as a staff attorney. When the position opened, I jumped at the chance. On a personal level, it was one of the most gratifying experiences of my life. And from a professional point of view, the five months I spent at MFY representing the city’s poor and elderly did more for me as a corporate lawyer than I ever expected.

Corporate lawyering calls for a thorough understanding of the issues, quick but precise thinking, and a proactive, win-win mentality. Failing to satisfy any of these requirements often leads to a breakdown in the negotiation process, which in turn ultimately leads to poor client representation. Housing Court, around the corner from City Hall in lower Manhattan and where I spent many days working as a staff attorney for MFY, is a perfect place to master these techniques, all while helping those who need it most.

In Housing Court you are not quibbling over abstract items such as walk-away rights, indenture carve-outs, or whether Mary Doe, when her dot-com goes public, makes $6.7 or $7.8 million in the IPO. It’s a little more startling than that, maybe a little closer to home, like standing between 76-year-old Shirley Williams (pseudonym) and her four grandchildren, on the one hand, and her landlord who wants them out on the street, on the other. It’s knowing that well you’re negotiating on-the-fly in the hallways and addressing over-worked judges in their over-crowded courtrooms can mean all the difference to something so real.

Shirley and her kids were in a tough situation. A fire had burned down her apartment building and when it was restored she moved back in. Over a year later, the landlord, smelling yuppiefied profits in the newly gentrified East Village, moved to evict her, citing non-payment of rent. In fact, Shirley had paid rent during the time she was out of the apartment during the fire restoration, and a credit was surely owed. The evidence was scant, but it was there. The landlord and his attorney denied the payments and alleged all sorts of lease violations and breaches against Shirley in an attempt to break her. For six weeks, she huddled on her cot around the courthouse without a lawyer with the landlord’s attorney pressuring her to sign her rights away and leave the apartment, leaving her on the street.

No tender offer ever prepared me for this. I did my homework, figured out our position, their position and our plans A, B and C. Surprisingly, the practice of landlord-tenant law is perfectly suited to corporate training because it’s about six parts negotiation, three parts creativity and one part law. The proceedings can seem to have a circus-like atmosphere, and many of the participants have the attitude of a subway commuter rushing to make his train. You call out for your adversary in the courtroom, take him out to the hallway, and do battle. Ultimately, you draft a stipulation contract of settlement, by hand. Point by point, with your adversary peering over you, you resolve the issues before you. In Shirley’s case I paired up with this seasoned landlord attorney at about ten in the morning and went at it with him—we argued, yelled, went to lunch, walked away and walked back. By the end of the day we cobbled together a seven-page settlement that gave him something but gave Shirley something even more valuable: her apartment. Through persistence and gamesmanship, I was able to forge a settlement that left the family intact in their home. It’s an experience I’ll never forget, and there were many of them like it.

How did I benefit from the experience? Coming back to the firm, once I regained my corporate sea-legs, things were clearly different. I felt more confident in my ability to stand my ground to an adversary, even to one with far more experience. Identifying issues and poking holes in assignments came easier to me and I wasn’t afraid anymore to ask questions if I didn’t understand a concept. Most importantly, I sensed an increased level of client and partner satisfaction with my work efforts. While some of this might be chalked up to the mere passage of time, most of it relates to practicing at MFY Legal Services, where you know the stakes are far higher than the highest values on the corporate Richter scales.

And while I was bettering my skills, I was bettering my community and myself. I urge corporate associates and their law firms who wish to participate in community service not to give up on that desire and seek out a similar experience.