

Pro Bono – Law Firms

Pro Bono: The Measure Of A Law Firm's Values

The Editor interviews Hal Segall, Principal of Beveridge & Diamond, PC, Washington, DC, chair of the firm's pro bono program, as well as a member of its Management Committee.

Editor: Mr. Segall, would you tell us something about your background and experience?

Segall: I have been a litigator for nearly twenty years. I have spent most of my career based in the District of Columbia with cases throughout the country. My undergraduate degree is from Yale, and I went to law school at the University of Chicago.

Editor: How did you come to Beveridge & Diamond?

Segall: I was a second year associate at another firm, and I wanted to litigate. At the time, Beveridge & Diamond had more work than it had litigators, and that presented a great opportunity. As it turned out, I was taking depositions, doing oral arguments and trying cases at a very early stage in my development as a lawyer. That pattern – one of an expanding set of opportunities – has continued throughout my career at the firm.

Editor: Please tell us about your environmental and litigation practice.

Segall: I am first and foremost a litigator. A substantial percentage of the litigation is environmental, but my litigation practice also includes commercial and construction litigation involving highly technical issues. Over the past ten years I have also had a growing transactional practice, which involves the purchase, sale, development and financing of contaminated properties.

Editor: How were you introduced to pro bono activities?

Segall: In a sense it began before I went to law school. One of the reasons I took that step was because I thought that law had the potential to be used to right wrongs. The University of Chicago Law School had an excellent clinical program, and that gave me the opportunity to argue motions in civil rights cases, and conduct a trial in an employment discrimination case while still in law school. When I came to Beveridge & Diamond, the firm already had a strong pro bono commitment, and I was assigned to pro bono cases from the beginning. That commitment continues, among both the principals and the associates.

Editor: As chair of the firm's pro bono program, you carry considerable responsibility in addition to your practice. What does this entail? How is the program managed?

Segall: The program was in place when I joined the firm, and it has evolved to meet changing circumstances and needs. As chair of the program, I am responsible for the pro bono work we do in all of our offices – the District of Columbia, Baltimore, New York City, and San Francisco – as well as for the firm's charitable donations. However, the work of the firm's pro bono committee is largely done by the



Hal Segall

lawyers who serve on the committee. We currently have three associates and three partners, and this includes representation from each of the firm's offices. The committee ensures that the firm has a full pro bono caseload, determines what projects the firm should undertake, and decides what charitable contributions we should make.

Editor: Is there a particular orientation to the program? Say, litigation or the environment?

Segall: As it happens, most of our pro bono work is not environmental. Most of it involves civil rights issues and representation of the poor in litigation. We have developed particularly strong relationships with a few community service organizations. These relationships have enabled us to develop expertise and focus our talents in a few carefully-targeted areas. As a result, our value to these organizations is greater. They reciprocate by sending us some of their more difficult cases from time to time.

One organization with which we enjoy a very strong relationship in the District of Columbia is the Whitman-Walker Clinic. Many years ago the firm helped this organization set up a wills clinic to provide estate counseling and draft wills for people who have HIV and AIDS and who could not otherwise afford such a service. This is something that is extremely important for people in these circumstances because they do face the prospect of imminent death. As a consequence of that work, at least in part, Whitman-Walker has entrusted us with impact cases. When a person with AIDS was refused care in a hospital's emergency room, for example, we brought a claim against the hospital, and that led to the implementation of a set of procedures to ensure that people with AIDS were treated properly at that facility. We also represented a person with AIDS who sought political asylum on that basis. He was a Bolivian national, and it was very controversial as to whether a medical condition could be a basis for political asylum. We were able to demonstrate the discrimination he would face in Bolivia were he forced to return, and the U.S. government allowed him to stay in the United States. The Whitman-Walker Clinic has been very generous in their recognition of the firm and of individual Beveridge & Diamond lawyers.

We also have a long-standing relation-

ship with the Washington Lawyers Committee for Civil Rights Under Law, and over the years we have taken on numerous civil rights cases from that organization. My colleague, Ben Wilson – whom you recently interviewed on the place Beveridge & Diamond occupies in Washington – serves as the co-chair of the governing board of the Lawyers Committee.

Another organization with which we have strong ties is the Migrant Legal Action Program, which is concerned with the plight of migrant workers in our country. We have had the opportunity both to litigate and counsel through this relationship.

We have taken cases from the Washington Legal Clinic for the Homeless from time to time for many years. This past winter, we represented a homeless person with a medical malpractice claim concerning the death of her husband. She had had no opportunity to be represented, and this was not the kind of case that would have attracted a contingency lawyer. Three of our associates handled a jury trial from start to finish. They did not prevail in the end, but they did enable a homeless woman to have her day in court, and they received great praise from the presiding magistrate for their efforts. They also benefited from an extraordinary courtroom experience and behind the scenes guidance from one of our principals with extensive trial experience.

Editor: Would you tell us about some of the successes of the program in recent years?

Segall: Just this year we won a case on behalf of a child who needed special education in a Maryland county that was very resistant to providing what federal law requires. The issue was whether the child, who had mental and learning disabilities, was entitled to a special education in a private school, which the county consistently refused to finance, while, at the same time, refusing to provide the appropriate educational program in a public school setting. In U.S. District Court in Maryland we obtained a ruling requiring the county to maintain the child in a private school at the county's expense. The case was significant because the school system seemed determined to overwhelm those who sought federally mandated special education with a hard-line litigation approach.

This year, we also obtained a ruling of contempt against the U.S. Department of Agriculture based on its failure to protect the rights of migrant workers and comply with a judgment that we had obtained previously. The Department of Agriculture had failed to enforce mandatory rules requiring farmers to provide free housing for farm laborers where governmental funding had been advanced for that very purpose. The finding of contempt by a federal court in Michigan came after oral argument by an associate who had never argued a case in court before.

Editor: How do you go about recruiting for your various pro bono projects?

Segall: Cases are brought to our attention by the community organizations with which we have relationships, the local courts, and our attorneys. If a case appears appropriate, we circulate it among those

we believe might be interested and capable of lending a hand. Invariably we are able to find volunteers to staff the cases. Each year a majority of Beveridge & Diamond's attorneys engage in pro bono work.

Editor: Do you give your attorneys billable hour credit for their pro bono efforts?

Segall: Associates are given full billable hour credit for their pro bono work. We calculate hours on the basis of a single figure, which is called billable and pro bono, and we do not focus on which is which in determining productivity.

Editor: If a lawyer does not participate in the program, is he or she penalized?

Segall: No. We believe that no one should be forced to do something like this, and that taking on a pro bono case should be a matter of personal choice. As a practical matter, this isn't an issue for us because we always have the volunteers we need.

Editor: What about the opposite? How do you handle the situation where a lawyer is drawn into a pro bono project and winds up devoting an extraordinary amount of time to it?

Segall: That does happen. The three associates who handled the jury trial I mentioned put a tremendous amount of time into this project. As a firm, we understand that this sort of thing happens, and we accept it. The valuable experience that our lawyers obtain from such an investment of time offsets, at least in part, the time that might have been devoted to a billable transaction, quite aside from the fact that we see our pro bono work as a moral and professional obligation. We give pro bono work the same professional commitment that we give our billable work.

Editor: Pro bono activities are a reflection of the firm's culture and of the value it places on being a good citizen in the communities in which it operates. Would you tell us about the connection between pro bono work and firm morale?

Segall: People engaged in pro bono work feel good about what they are doing, and good about the firm because it supports them in their efforts. Our firm – including both our lawyers and staff – take pride in our pro bono accomplishments and in the firm for supporting them. Lawyers who want to take on pro bono work are attracted to our firm, and they tend to be the kind of people with whom the rest of us want to work and spend time,

Editor: What about the future? Where do you wish the program to be when you hand over to your successor?

Segall: I would hope the future would be a continuation of what we have done in the past. In the past year the portion of our pro bono work that concerned impoverished clients or civil rights matters represented over 5% of our billable hours, which exceeds the target set by the ABA. I would like to see us get to a point at which every lawyer at the firm takes on some pro bono work during any given year.