

# Lowenstein Sandler Sets the Standard for Pro Bono Initiatives

By Anthony Birritteri, Editor-in-Chief

In the early days of his career, Michael L. Rodburg, managing director at the Roseland-based law firm of Lowenstein Sandler PC, recalls young lawyers begging to take on cases pro bono. Today, attorneys around the country are not as committed as earlier generations in providing free legal services “for the public good.”

“Perhaps it’s a sign of the times we’re living in,” says Rodburg, who obtained his law degree in 1971 from Harvard University. “Today in the profession, a lot of lip service is being paid concerning the need for social responsibility, while law has become more of a business – and more profitable. We seem to have shrunk from our traditional commitments.”

Perhaps it is for these reasons that Lowenstein Sandler is greatly committed to, and stresses, pro bono service. On an annual basis, the 250 attorneys at the firm contribute a total of 15,000 pro bono hours. This equates to \$4.1 million in services. *The American Lawyer* ranks the firm as first in New Jersey, among the nation’s largest law firms, in providing pro bono services. In addition, the firm is continuously recognized by the *New Jersey Law Journal* as a leader in pro bono initiatives.



Robert C. Boneberg (left) and Michael L. Rodburg of Lowenstein Sandler PC.

The commitment to pro bono goes back to the firm’s founding by Alan V. Lowenstein and the creation of its partnership agreement, which states that lawyers must give back to the community. “So from our beginnings, our culture recognizes that pro bono is part of our institutional purpose,” says Rodburg.

These days, the growing law firm likes to take on “high impact” pro bono cases, those whose outcomes affect social issues or benefit a greater number of people. Among the more famous cases in New Jersey, Lowenstein served as pro bono co-counsel with Children’s Rights, Inc. on behalf of 11,600 foster children in New Jersey’s Division of Youth and

Family Services (DYFS). The state agency was accused of harming foster children due to systemic deficiencies within the organization. The case began in 1999 and a settlement was reached in 2003 that mandated sweeping reforms in the child welfare system. Lowenstein Sandler had the right under civil statute to seek attorney fees. “We had \$1 million in attorney fees coming to us (approximately 7,000 hours of service), but we wanted Governor McGreevey to put the money back into DYFS to help in the reform process,” says Rodburg.

In 2004, the law firm served as co-counsel for plaintiffs with the Legal Action Center in *Doe v. Children of the World* (an adoption

agency). This was the first known case in the country challenging a private adoption agency's refusal to provide services to a couple because one member of the family was HIV-positive. Children of the World violated federal and state laws prohibiting discrimination against people with disabilities, including HIV/AIDS. A settlement was reached last year that required the agency to publish a public apology in *The Star-Ledger*, implement anti-discriminatory policies and training and compensate the couple for damages.

The firm also has assisted foreign individuals seeking asylum in the United States. According to Robert Boneberg, chair of Lowenstein Sandler's Pro Bono Committee, many of these people would be tortured or killed if they went back to their country. In one such case, Lowenstein Sandler defended a gay man threatened with death in his native South American country. "The finding revealed there wasn't sufficient grounds to grant him asylum," Boneberg recalls, "but through administrative appeal in the third circuit court, we won and the man was granted asylum."

The law firm also donates its professional time to Essex-Newark Legal Services through the Alan V. Lowenstein Public Interest Fellowship. Here, a second-year associate from the firm works at the Legal Services office in Newark for six months, while remaining on the Lowenstein Sandler payroll.

"Unlike the more 'impact-orient-

ed' pro bono cases, legal services issues are more about individuals who have come in conflict with the justice system, i.e. criminal matters, parental rights issues, landlord/tenant issues etc., who cannot afford a lawyer," says Rodburg.

One of the benefits of young attorneys working for Legal Services is that they return to Lowenstein with "street smarts" because of the hands-on courtroom experience. "Even with the high impact cases, there is a training component," says Rodburg. "These are constitutional and civil rights issues where lawyers get to write, research and give motions that have significance."

Recently, the law firm was honored by the Pro Bono Institute during the Institute's 10-year anniversary. In a publication recognizing law firms that have excelled in meeting the Institute's "Law Firm Pro Bono Challenge," Lowenstein was the only signatory among New Jersey-based firms. In the challenge, participating law firms must pledge three percent of their annual billable hours to pro bono service.

Lowenstein Sandler was one of the original founders of the Pro Bono Institute, which is based at the Georgetown University Law Center. "The idea for the Institute was that, over time, more law firms would take the pledge: that has happened," says Rodburg. "Our goal is to meet the challenge every year."

In addition to being one of the founding members of the Pro Bono

Institute, the law firm has ties to The New Jersey Institute for Social Justice (NJISJ). Founded by Alan Lowenstein, who received a masters degree in social work from the University of Michigan, the NJISJ contributes, through legislative and legal efforts, to the assurance of basic human needs (housing, food and clothing), freedom from discrimination, job training, equal educational opportunities and equal access to the judicial system at all levels. Once housed at the law firm's offices, the NJISJ is now located in Newark.

Lowenstein Sandler places a minimum, but not a maximum, in the number of hours its attorneys can work pro bono. "We try to serve a client to the best of our ability," says Boneberg. "We're not going to place a cap on a client's time if it's a major case." In addition, the hours of pro bono work are included in a lawyer's total billable hours.

The firm's pro bono committee, which includes eight associates, is responsible for approving all pro bono matters, checking on the firm's capacity to handle such matters, discerning people's needs and looking for ways to further develop the firm's pro bono culture and philosophy.

With an impressive commitment to pro bono work, one can only guess at what interesting cases Lowenstein Sandler will take on in the future, all for the "greater good." §