Pro Bono Profile: ABA President-Elect Michael S. Greco

President-Elect Michael S. Greco has been a trial lawyer, mediator and arbitrator for 32 years and an active ABA member since 1974. Throughout his career, he has taken a special interest in issues of pro bono and public service.

In Massachusetts, Greco was president of the Massachusetts Bar Association, the New England Bar Association, and the board of trustees of Massachusetts Continuing Legal Education. As MBA president, he and then-Gov. Michael Dukakis appointed a blue-ribbon Commission on the Unmet Legal Needs of Children. The report and recommendations prepared by that commission led to enactment of new laws protecting the legal rights of children in the state. He also chaired the first-in-the-nation Massachusetts Legal Needs for the Poor Assessment and Plan for Action, and was co-founder and co-chair of Bar Leaders for Preservation of Legal Services for the Poor, a national bar leader grassroots organization that helped preserve the Legal Services Corporation in the 1980s.

President-Elect Greco has been a member of the ABA House of Delegates since 1985, and Massachusetts State Delegate since 1993. In addition to serving as chair and member of many committees, after September 11, 2001, he was appointed to the ABA Task Force on Terrorism and the Law, which helped develop ABA policy on the government’s use of military tribunals and its treatment of detained persons and prisoners.

Now, as President-Elect Greco prepares to become the president of the American Bar Association at the association’s Annual Meeting in August 2005, the Pro Bono Committee talks to him about his connection and commitment to pro bono and public service.

**Pro Bono Connection:** Why do you do pro bono work?

**President-Elect Greco:** I do pro bono work for several reasons. First, I strongly believe that it is the professional responsibility of every lawyer to provide legal representation to people who are in need, regardless of their ability to pay. Lawyers enjoy a privileged position in society and thus have a responsibility to give back to their communities. But more fundamentally, I do pro bono work because it gives me a chance to make a difference in the lives of those who need—in some cases desperately—legal assistance to vindicate their rights or protect their families, health, or businesses. And the satisfaction that comes from providing pro bono representation helps me remember why I became a lawyer in the first place—to serve the public, to solve problems, and to help those with limited resources and nowhere else to turn.

**Pro Bono Connection:** How did you first get involved in doing pro bono work?

**President-Elect Greco:** The first pro bono case I worked on as a first-year associate demonstrated to me the power of lawyers committed to righting wrongs. It was a class (continued on page 2)
2005 Equal Justice Conference, Austin, Texas

This year, the Equal Justice Conference took place in Austin, Texas and had over 750 attendees, the highest number of people attending the conference since 2000. The great food, music and culture of Austin surely generated excitement. But, a significant attraction was the dynamic programming and important theme of “Celebrating the Pro Bono and Legal Service Partnership” that was woven throughout the conference.

The Equal Justice Conference is jointly sponsored by the ABA and the National Legal Aid and Defender Association and is the largest conference in the country in terms of attendance and program scope which focuses on the civil legal needs of the poor. This year, the EJC in Austin highlighted keynote speakers such as syndicated columnist Molly Ivins, domestic violence advocate Sarah Buel and ABA President Robert J. Grey, Jr.

The conference provided a forum where the private bar, law school leaders, corporate counsel, judges and other stakeholders in the delivery of legal services to the poor could come to learn from each other and with the legal services and pro bono communities. This year, the EJC had 69 law school representatives attending the conference, which was a significant increase from the prior year.

Profile of Michael Greco

(action lawsuit brought against the Commonwealth of Massachusetts on behalf of hundreds of mentally retarded young people living in substandard, often inhumane, conditions in state-operated institutions.

In the years I worked on that case, I came to know many of those young people and their families, and to understand their suffering. The successful conclusion, which resulted in the Commonwealth expending millions of dollars to improve these institutions, and other reforms, was a great victory for the people we represented. But it was also highly satisfying for the lawyers who had worked on the case—as memorable and rewarding as any large verdict secured on behalf of a regular client.

Pro Bono Connection: Who or what influenced you to do this kind of work?

President-Elect Greco: I knew as early as junior high school that I wanted to become a lawyer. I saw that the lawyers in our town were the problem solvers, the respected counsellors, the community’s leaders, because they took the time to be engaged in the life of the community, to serve on town boards and committees, and to help people with legal problems even if they did not have the ability to pay.

When I entered Boston College Law School, Father Robert Drinan, former member of Congress and recipient of the ABA Medal, was Dean. Father Drinan viewed the law as an instrument of social justice, and he and the excellent law school faculty instilled that view, and a spirit of public service in the students.

Pro Bono Connection: What obstacles have you had to overcome in doing pro bono work?

President-Elect Greco: Throughout my career, I have been fortunate to work in law firms that have valued and supported pro bono work. At the late, and great, firm of Hill & Barlow in Boston, I was encouraged to jump in feet first to pro bono work as a young lawyer. My mentors helped give me the tools and the time to pursue my pro bono work, which continued throughout my tenure at the firm. When I joined Kirkpatrick & Lockhart Nicholson Graham in 2003, I was pleased to discover the same kind of environment and commitment to pro bono.

But even at the most pro bono-friendly law firms, lawyers face challenges in doing the amount and type of pro bono work they would like to do. The demands of the practice of law have increased exponentially over the course of my career, as the practice of law has evolved into more of a business. Reconciling billable hours demands with the desire—and obligation—to perform pro bono and public service work is a constant concern for me and many other lawyers.

Pro Bono Connection: How do you intend to promote pro bono and public service during your term as ABA President?

President-Elect Greco: I am calling for a “Renaissance of Idealism” in the legal profession—a recommitment to the noblest ideals that have guided the practice of law since the founding of our nation. I want to help reinvigorate and reenergize this commitment to pro bono and public service work—and then nurture and expand it for generations of lawyers to come.

In order to realize this goal, lawyers must strike a balance in their lives and practices. The key to that balance is time—freeing up time for lawyers to perform public service and pro bono work—in law firms, in government offices, in any setting where a lawyer practices law.

I will commit the resources of the ABA to make the case with decision-makers in America’s law offices that it is in the best interest of the lawyer, the lawyers’ place of employment, the profession, and the American people, that we free up time. Time to help people in need, to participate more fully in our communities, and to give lawyers greater fulfillment in their professional lives. I believe that lawyers have no higher calling, and that our profession is ready and eager to expand its commitment to pro bono and public service work.

I have appointed the ABA Commission on the Renaissance of Idealism in the Legal Profession to help to implement this initiative. Led by the Honorary Co-Chairs, Supreme Court Justice Ruth Bader Ginsburg and Theodore C. Sorensen, legal adviser to President John F. Kennedy, and Chair Mark D. Agrast, the Commission will devise strategies for enhancing lawyers’ pro bono and public service work.)
Pro Bono Policy News from Around the Country

Mississippi Revises Rule 6.1 to Include Mandatory Pro Bono Reporting

On March 21, 2005, the Supreme Court of Mississippi adopted a new Rule 6.1 of the Mississippi Rules of Professional Conduct that now requires attorneys to annually report the number of hours they dedicate to pro bono legal services. The new Rule 6.1 states that the pro bono obligation is aspirational in nature—not mandatory—and that failure to do pro bono service is not a basis for discipline under the Rules of Discipline for the Mississippi Bar.

The rule states that an attorney may satisfy the pro bono obligation by:

1. providing 20 hours annually of pro bono legal services to the poor; or
2. providing 20 hours annually of pro bono legal services to charitable, religious, civic, community, governmental or educational organizations for the purpose of giving legal counsel to the poor; or
3. making an annual contribution of $200 to the Mississippi Bar for the purpose of providing legal services to the poor through legal aid organizations. The old Rule 6.1 suggested a 50 hour annual goal for pro bono service and had no reporting requirement or option for making a financial contribution in lieu of pro bono work. The new rule also allows lawyers to carry forward any hours over 20 to meet this professional responsibility for two years. The revised rule also allows law firms to collectively satisfy these obligations.

New York State Bar Association Adopts New Definition of Pro Bono

On April 2, 2005, the New York State Bar Association House of Delegates adopted a new definition of pro bono that expands the scope of activities covered under “pro bono publico” to include legal services to a variety of nonprofits serving the public good; activities to improve the law or the legal system; and financial contributions to nonprofits serving the basic needs of persons of limited means. The revised definition emphasizes that pro bono legal services for the poor are the primary focus of a lawyer’s pro bono obligation.

2005 ABA Pro Bono Publico Awards

The Standing Committee on Pro Bono and Public Service is presenting five awards to individual lawyers in the legal profession that have demonstrated outstanding commitment to volunteer legal services for the poor and disadvantaged. The awards will be presented at the Pro Bono Publico Awards Luncheon on Monday, August 8, 2005 at the ABA Annual Meeting in Chicago, Illinois. The keynote luncheon speaker will be Colonel Will Gunn, the Department of Defense Chief Defense Counsel for the Guantanamo Bay detainees.

The Pro Bono Publico Awards program seeks to identify and honor individual lawyers and small and large law firms, government attorney offices, corporate law departments and other institutions in the legal profession that have enhanced the human dignity of others by improving or delivering volunteer legal services to our nation’s poor and disadvantaged. These services are of critical importance to the increasing number of people in this country living in a state of poverty who are in need of legal representation to improve their lives.

There are certain lawyers whose contributions have made a difference in the lives of many. Their commitment, energy and new approaches to the delivery of pro bono serve as models for others in the legal profession. Award recipients are legal professionals who commit their talent and training to improve the quality of justice for those unable to afford a lawyer. They are chosen for their lifetime dedication to the delivery of pro bono legal services to the poor.

The Standing Committee on Pro Bono and Public Service was truly impressed with the Pro Bono Publico Award nominations received this year. Having considered all of the nominations, the Committee selected as recipients of the 2005 Awards the following lawyers for extraordinary contributions of legal services to those who cannot afford representation.

J. Philip Burt has demonstrated his dedication to the delivery of legal services on a pro bono basis on many levels. In Fort Wayne, Indiana, where he is a partner in the law firm of Burt, Blee, Dixon, Sutton & Bloom, Mr. Burt leads by example and represents countless pro bono clients, mainly in consumer and bankruptcy areas. He has maintained three or four pro bono cases a year for at least 44 years. Long before there was an organized volunteer lawyer initiative in Fort Wayne, Mr. Burt helped to establish a... (continued on page 4)
Publico Awards
(continued from page 3)

pro bono assistance program through a local church. On a state level, Mr. Burt has been a member of the Indiana Pro Bono Commission since its creation in 1999 and has served as the Chair since 2002. Prior to the creation of the Commission, Mr. Burt was a key architect of the state’s IOLTA Rule that directed funds to statewide pro bono programs and assisted in the development of local pro bono districts to build a statewide pro bono infrastructure. In his role as Chair, he has spearheaded many new initiatives, including a law school pro bono and mentoring project through the state Pro Bono Commission that brings together lawyers and law students from the four law schools in Indiana.

Deborah Ebel is this year’s Ann Liechty Child Custody Pro Bono Award recipient. Ms. Ebel is the Pro Bono Coordinator and a litigation partner at McKenna, Long & Aldridge in Atlanta, Georgia. Ms. Ebel was the co-founder of the Atlanta Volunteer Lawyers Foundation’s (“AVLF”) Guardian Ad Litem (“GAL”) program, the first of its kind in Georgia. Her law firm served as the program’s initial sponsor, and supplied the first group of volunteers. Her firm remains the primary sponsor and regularly offers its offices and resources for GAL trainings. To date, the AVLF program has served as GAL in over 1,300 cases, and is a national model for programs advocating for children in private custody cases. Ms. Ebel herself has accepted almost thirty GAL cases through AVLF, more than any other GAL and totaling many thousands of pro bono hours. Since the program’s inception, she has regularly donated her time both in developing new materials for the GAL Training Manual and in training new volunteers. She has participated in over twenty GAL trainings and has traveled throughout Georgia to help other jurisdictions develop similar programs.

Ms. Ebel also has improved the quality of GAL advocacy in Georgia, recently playing an invaluable role in developing statewide guidelines for lawyers representing children in private custody cases.

Lawrence J. Fox is a partner at the Philadelphia, Pennsylvania law firm of Drinker, Biddle & Reath. Mr. Fox has served as the Chair and a Steering Committee Member for the ABA’s Death Penalty Representation Project continuously since 1996. In this capacity, he has recruited more than a dozen law firms to handle death penalty cases on a pro bono basis and engaged both state and federal judges to host pro bono recruitment events. He has written and spoken extensively throughout the country on the critical need to provide defendants on death row with qualified and effective legal representation. In addition to his advocacy work, Mr. Fox has represented two death penalty clients himself and has been involved in many other cases as counsel for amici, strategic advisor, or both. In other substantive matters, he has recorded over 650 pro bono hours on a class action lawsuit filed on behalf of public housing residents in Chester, Pennsylvania with the goal of rehabilitating and improving public housing. As a pro bono lawyer, he has taken on diverse issues such as child welfare, election law, and prisoners’ rights at Guantanamo Naval Base.

Elizabeth McCallum, a partner at Howrey, Simon, Arnold & White’s Washington DC office, billed almost 800 pro bono hours in 2004 and since joining Howrey in 1995, over 4,000 hours. She has worked to improve the lives of poor school children through her advocacy to ensure that students of the Baltimore City School District receive a “thorough and efficient education” as guaranteed under the Maryland Constitution. She has been instrumental in ensuring that public interest organizations advocating for the rights of the disabled have the right to sue state governments who are violating their rights to access. And, from the very beginning of her career, she has been a strong advocate for reproductive rights, including winning a significant victory in the Tennessee courts. McCallum also volunteers at legal clinics and assists individual clients with their legal problems. She serves as a role model for her law firm and as a mentor for many of Howrey’s associates.

Jeffrey A. Simes is a litigator and the Pro Bono Partner in Goodwin Proctor’s New York office. In 2004 he was the lead pro bono trial attorney in a class action lawsuit filed on behalf of homeless children and their parents living in Suffolk County New York. The lawsuit alleged that state and county agencies and school districts had failed in their responsibility for educating and providing social services to these children. Simes led a team of 42 attorneys and professional staff from Goodwin Proctor’s New York and Boston offices. The case settled, resulting in hundreds of homeless children in Suffolk County being given the support they need to attend school. Simes has continued his work on behalf of children’s rights to education by joining New York City’s Homeless Education Working Group and through his speaking out and testifying about the critical issues facing homeless youth. His leadership by example, in addition to his promotion of pro bono within the firm, has been instrumental in Goodwin Proctor increasing its firm-wide pro bono commitment.