Neil McKittrick: A Pro Bono Journey from Law School to Law Firm

In 2001, Neil McKittrick received a Pro Bono Publico Award from the ABA Standing Committee on Pro Bono and Public Service for his commitment as a private attorney to providing legal services to the poor, demonstrated through his work on high profile pro bono disability cases and his long history of pro bono service. Since the time of the award, McKittrick has continued to work on disability cases as well as cases in the areas of immigration, prisoners’ rights, fair housing and others. In this issue, McKittrick speaks about his motivations for doing pro bono work and his continued dedication to pro bono since the receipt of the ABA award.

Pro Bono Connection: Describe your involvement in pro bono and how this has changed and developed over time?

Neil: I have been involved in pro bono legal and community service work since law school. In law school, I did work for a legal services agency, and I was the director of the student funded fellowship program—a program that provided summer stipends to students interested in working in public interest law jobs. I also volunteered as a ski instructor for kids with disabilities. After I graduated, I chose my first law firm based in large part on its commitment to pro bono work and its long tradition of taking on significant pro bono matters. As an attorney, I began a relationship with the disability rights organization, The ARC of Massachusetts, and with this organization, I became involved in disability rights cases. The organization asked for my assistance to address what had become a social services crisis in Massachusetts—the extensive list of adults with mental retardation who were waiting for community-based residential services. As a result, we filed a class action lawsuit, Boulet vs. Cellucci, on behalf of more than 3000 adults with mental retardation and developmental disabilities who the Commonwealth of Massachusetts had placed on the waiting list for services. Most of these adults lived with their parents and had been on the waiting list for decades. The Court granted summary judgment in our favor, and agreed with our argument that, under the Medicaid Act, the State had to provide services within 90 days. Ultimately, however, because of the impracticality of implementing quality services so quickly for the whole class, we entered into a five year settlement agreement pursuant to which the State agreed to provide $114 million of services to all persons on the waiting list, even if they were not eligible for Medicaid services. During the implementation of the settlement agreement, I monitored the settlement as class counsel. I also represented individual class members in disability actions as the need arose.

While working on Boulet, I also worked on other disability rights cases. I was Counsel of Record on an amicus curiae brief filed in the U.S. Supreme Court in Olmstead v. L.C., a landmark Americans with Disabilities Act (“ADA”) case, in which the Supreme Court held that the ADA required the State of Georgia to provide treatment in the community to two adult women with mental retardation, rather than confine them to an institution against their will.

I was also co-counsel on another amicus brief filed in the Supreme Court in support of professional golfer Casey Martin in his successful ADA case against the PGA Tour, in which he sought to use a golf cart in PGA tournament play as an accommodation for his disability.

In addition to my work on behalf of individuals with disabilities, I have handled asylum, prisoners’ rights, landlord/tenant and fair housing cases. I have also worked on voting rights, death penalty, and employment pro bono cases, among others.

PBC: What benefits do you personally get from doing pro bono work?

Neil: It is a great feeling to be able to help vindicate someone’s rights and achieve justice, even in a small way. In my pro bono work, I have been fortunate to be able to help individuals or groups of people vindicate their legal rights, achieve justice and effect social change in small ways through the legal system. There can be no higher calling for a lawyer. For example, the class in Boulet would not have received services to which they were legally entitled if they had not been successful in their lawsuit. It was a great privilege to represent families who had provided care to their loved ones for years, saving the government hundreds of millions of dollars and who only wanted to ensure that their loved ones would be cared for when their families could no longer do it themselves.
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PBC: What are the biggest challenges you face in doing pro bono?

Neil: My biggest challenge has been balancing the number of hours of pro bono with my paid work. My law firm is a business, so I have to generate revenue for the firm, but there are only so many hours in the day. I have never felt pressure from my firm, Goulston and Storrs (or my previous firm, Hill and Barlow), to work on fewer pro bono matters, but the reality is that I have an obligation to my partners to contribute to the business. For lawyers in private practice to do pro bono work, you have to be in a firm that supports the pro bono work and treats pro bono cases like any other case—contributing the resources, covering the expenses, etc. I have been fortunate to be in a position in which I have been able to do more than 300 pro bono hours many years, and double that amount at the height of the Boulet litigation.

PBC: How do you choose the pro bono projects on which you work?

Neil: Many of my cases have come to me through my personal connections. I became involved with disability pro bono cases this way. I am also the Northeast Regional Co-chair for the national Lawyers’ Committee of Civil Rights Under Law, based in Washington, D.C., and I am on the board of the Boston Lawyers’ Committee for Civil Rights, and I have handled cases in the voting rights, employment discrimination and fair housing areas referred by the Lawyers’ Committee. I have also been involved in some educational adequacy cases, involving state constitutional challenges to how public education is funded through my work on the board of a Massachusetts organization known as the Early Education for All Campaign. Being involved in various civic undertakings has been the key to my being exposed to exciting, challenging pro bono work.

PBC: What advice would you give to other attorneys wanting to get involved in pro bono work?

Neil: There are many opportunities out there and unfortunately much work that needs to be done. Lawyers who are interested should choose something that they care about. They should have a passion or a particular expertise in the area. The bottom line is to just do it—it is personally gratifying and for many of us, it is the reason we went to law school in the first place. Lawyers can reach out to organizations and/or a number of firms will internally refer cases for representation. Lawyers should do whatever it takes to get themselves out in their communities and try to get involved.

PBC: How much pro bono is enough? How do you promote balancing time spent on pro bono activities with work for paying clients?

Neil: Everyone has to come to some

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balance for him or herself. Pro bono work can have a significant benefit to the business even though it does not generate income. It can generate positive feelings about the firm in the community. There is also the important PR impact of pro bono work. Pro bono work is good for a firm’s image, and it can be a useful tool for recruiting associates.

PBC: Any last words?

Neil: Being a lawyer means more than being involved in work for paying clients. As officers of the court, we have an obligation to work for the furtherance of justice. Part of the way lawyers can further justice is by representing clients who would otherwise not be able to vindicate their rights. By doing pro bono work, lawyers perform a vital role in society and in the legal system, and we as professionals should do everything we can to ensure that young lawyers continue to have sufficient opportunities to undertake pro bono work and continue to be committed to it.

2008 ABA Pro Bono Publico Award Recipients

The ABA Standing Committee on Pro Bono and Public Service has recognized three individual lawyers, a law school and a law firm that have demonstrated outstanding commitment to volunteer legal services for the poor and disadvantaged. As the recipients of the 2008 ABA Pro Bono Publico Award these recipients will be honored on August 11 at the Pro Bono Publico Awards Assembly Luncheon during the ABA Annual Meeting in New York City.

The Pro Bono Committee received 26 nominations for the 2008 Award. After a very thorough review the committee selected the following lawyers and law firms as recipients of the 2008 Award:

Craig Cannon
Craig Cannon of Womble, Carlyle, Sandridge & Rice provided approximately 700 hours of pro bono in 2007. Since 2006, he has served as the National Coordinator of the American Bar Association’s Disaster Legal Services Program, managed by the ABA and FEMA. Cannon was also the lead drafter of a new memorandum of understanding between the ABA and FEMA. His contributions to the recovery efforts in New Orleans included spending four weeks during the summer of 2006 as a team leader providing direct assistance to Katrina victims.

Over the past 15 years, Cannon has significantly taken leadership roles in various local, state and national projects. Since 2005, Cannon has provided pro bono legal assistance to numerous charitable institutions, including a local charter school, the local Humane Society, a local historical museum, and the local United Way.

For the past few years, Cannon has planned and helped to implement the project “When Duty Calls.” One of the focuses and goals of this project is to train as many attorneys as possible on how to effectively file disability claims on behalf of military veterans. Since the project’s implementation, hundreds of attorneys have been trained to provide pro bono legal services to over thousands of military veterans.

Fordham University School of Law (Public Interest Resource Center)
Founded at Fordham University School of Law in 1992, the Public Interest Resource Center (PIRC), guided by the leadership of Tom Schoenherr (currently the Assistant Dean for Public Interest and Director of PIRC) and John Ferrick (currently the Norris Chair of Law to Public Service), among others, and driven by succeeding classes of highly

2008 Equal Justice Conference

The 2008 ABA/NLADA Equal Justice Conference brought over 1,000 attendees to Minneapolis in May. This year’s theme “Pursuing Justice: Balancing Challenges and Opportunities” was woven throughout a range of innovative and dynamic programming. New networking opportunities such as speed networking, “want-ads”, and a poster session provided several opportunities for conference attendees to interact and to learn about various projects. By providing more than 100 different programs, the conference created a forum for members of the legal services and pro bono communities, private bar, law school leaders, corporate counsel, judges, and other stakeholders in the civil legal services delivery system to share ideas and learn about new and unique ideas for serving the legal needs of the poor. Jointly sponsored by the ABA Standing Committee on Pro Bono and Public Service and the National Legal Aid and Defender Association, the Equal Justice Conference is the largest conference in the country focused on the civil legal needs of the poor. The 2008 conference featured keynote speakers professor Peter Edelman, Congressman Keith Ellison, and ABA President William H. Neukom. Planning is already underway for a 2009 conference that will even exceed the 2008 event. Mark your calendars now for the 2009 Equal Justice Conference, to be held May 13 through 16, 2009 in Orlando.
motivated public interest law students, has established itself as a nationally heralded and emulated law school pro bono program and public interest center that is a model for law schools, not only throughout greater New York, but throughout the country.

Nearly 500 Fordham Law students each year participate in some form of pro bono or public service through PIRC, which is staffed by four full-time professionals and administers eighteen separate student-run volunteer programs. Last year, the class of 2007 contributed over 100,000 hours of pro bono or public service through PIRC organizations, internships, externships, clinics and independent projects.

Some of PIRC’s programs include: (1) the Domestic Violence Awareness Center, through which students accompany domestic violence victims to court and participate in the Uncontested Divorce Project; (2) the Death Penalty Defense Project, including pro bono legal assistance to death row inmates and public comment on capital crimes rule-making; and (3) the Housing Advocacy Project, through which students defend clients at administrative hearings and provide support to a local affordable housing legal services program fighting against evictions in housing court.

In addition, PIRC sponsors student internships with non-profit organizations and government agencies throughout the country and awards Stein Scholarships to twenty students in each class year to develop public interest careers.

Sarah Michael Singleton
Sarah Michael Singleton’s nomination was submitted by the President of the State Bar of New Mexico, with the support of the Board of Bar Commissioners, and the endorsement of no fewer than sixteen of the past Presidents of the New Mexico Bar. She also received letters of support from six separate legal services providers who spoke of the unique role Singleton has played in leading the movement to provide access to justice and legal services to New Mexico’s poor.

As President of the New Mexico State Bar in 1995-1996, Singleton convened the state’s symposium on strategies for expanding access to justice. She served on the Board of Bar Commissioners from 1989-1997. She also created the Lawyers Care Program, a program of the New Mexico State Bar developed for the purpose of referring cases to the private bar in the face of federal spending cuts to New Mexico’s legal aid programs.

Following her term as State Bar President, Singleton served as co-chair of the State Bar’s Legal Services and Programs Committee, responsible for addressing access to justice issues. She fought for and helped persuade the State Legislature to provide funding for legal services, resulting in $2.5 million in annual funding. She served as the State Bar’s appointee to the Civil Legal Services Commission, responsible for distributing those state funds to organizations serving the legal needs of the poor. Singleton has been the Co-Chair of New Mexico’s Commission on Access to Justice since its inception in 2004.

Singleton has been active in the cause of access to justice and provision of legal services to the poor beyond the borders of New Mexico. Most recently, in 2006, Singleton was appointed by the President and confirmed by the United States Senate to serve as a member of the Board of the Legal Services Corporation.

David A. Kutik
David A. Kutik of Jones Day in Cleveland, Ohio has been actively involved in pro bono efforts throughout his 28 year legal career. As a bar leader, a leader in his law firm and an active practitioner, David has advanced the cause of providing legal services to those most in need but least able to afford them.

Kutik served as President of the Cleveland Bar Association in 2004-2005, and one his primary objectives was to encourage and foster the growth of pro bono commitment from the law firms and law departments throughout the greater Cleveland area. His initiative, Our Commitment to Our Community, resulted in 2,000 lawyers from 28 law firms and three law departments delivering over 70,000 hours of pro bono service. Kutik continues to be very active in fostering a pro bono commitment. In his role as Vice President of the Legal Aid Society in Cleveland, he chairs its Pro Bono Committee. Working with the Legal Aid Society he established a Volunteer Lawyers Program which has in turn established a number of clinics providing free legal assistance to those in need. In addition, he currently chairs the Ohio State Bar Association Pro Bono Task Force. In that position, he has helped involve the judiciary in Pro Bono programs as well.

Finally, Kutik practices what he preaches. He actively participates in the Legal Aid Society’s Brief Advice and Referral Clinics, taking on family law matters at these Saturday morning clinics in neighborhoods throughout Legal Aid’s service area.

DLA Piper
DLA Piper’s pro bono program is widely considered one of the most robust and innovative models among large law firms today. According to The American Lawyer’s 2007 pro bono survey, more than 95% of DLA Piper lawyers in the US worked 20 hours or more on pro bono projects, making the firm #1 for pro bono participation in the AmLaw 200 that year. Lawyers at the firm worked an average of 89 hours of pro bono in 2006. DLA Piper has developed innovative strategic projects in partnership with nonprofit organizations, academic institutions, foundations, and corporate clients. Some of DLA Piper’s signature projects include: Access to Education, The Fight Against Hunger, and Serving Those Who Serve Our Country.

One project that deserves special recognition is Chicago’s Signature Project in Juvenile Justice. This project grew out of the firm’s desire to enhance the impact of its pro bono work by concentrating significant resources in a particular area of law. In all, the firm donated over 23,000 lawyer hours, worth nearly $6.5 million, to representing young people in conflict with the law and to examining particular laws and public policies that impede these young people’s abilities to turn their lives around.

Over the past three years, DLA Piper lawyers have zealously represented scores of children in legal proceedings; undertaken a major policy initiative aimed at helping court-involved children return to school; and drafted and introduced legislation in the Illinois legislature that will positively affect thousands of young people’s lives.