

DIALOGUE

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On August 6, 2012, the five recipients of the ABA Pro Bono Publico Award were honored at the Pro Bono Publico Awards Assembly Luncheon held during the ABA Annual Meeting in Chicago. In this issue, we highlight how this year's recipients became involved in pro bono and the contributions they have made to serve the poor.

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Neal Minahan

In only eight years of practice, Neal Minahan has accomplished an extraordinary amount of pro bono for a young lawyer. In particular, Minahan has devoted over 2,500 hours of pro bono service to a series of landmark civil rights cases affecting institutionalized people in Massachusetts. His successful pro bono representations have resulted in broad institutional reforms and have set important precedent for the rights of incarcerated people.

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Minahan's pro bono cases have ranged from fighting for the religious rights of Muslim inmates serving life sentences, to securing medical care for a transgender person who was civilly committed as a sex offender. As with many prison cases, his clients' pro se complaints languished for years before they found pro bono representation. In each case, Minahan was able to secure his clients' rights despite fierce opposition and the unpopularity of the cause.

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One of Minahan's landmark cases spanned half a decade and sparked statewide prison reform. The case involved two Muslim inmates who had filed a pro se complaint to secure their right to daily Halal meals (meals that meet the dietary requirements of Islam). At the end of trial, the Court issued a decision requiring the Massachusetts Department of Corrections (DOC) to provide Minahan's clients with Halal meals and access to religious services. The ruling led to the DOC revisiting its religious policies and providing Halal meals and religious services to Muslim inmates on a system-wide basis.

Minahan also represented a civilly committed, transgender inmate in her suit to secure prescribed medical treatment for her gender identity disorder. This case was unpopular due to the nature of the treatment and the plaintiff's underlying criminal offense. After years of litigation with complex constitutional issues, Minahan was able to obtain access to treatment for his client. The decision was upheld by the U.S. Court of Appeals for the First Circuit where it was a case of first impression; the case significantly advanced the rights of transgender people and those seeking medical care while incarcerated.

Aside from his pro bono representation of disenfranchised populations, Minahan serves as President and Chair of the Board of the Boston Alliance of Gay, Lesbian, Bisexual and Transgender Youth, Inc. (BAGLY), a 30 year old nonprofit organization promoting educational, social and leadership opportunities for lesbian, gay, bisexual and transgender (LGBT) youth in Massachusetts, as well as spearheading state and national advocacy around LGBT youth issues.

Amy Lorenz-Moser

Amy Lorenz-Moser has been a tireless and extremely effective advocate for

victims of domestic violence for most of her adult life. Her advocacy began in college when she tried to assist a cafeteria worker who she observed being beaten by her abuser. She became a legal advocate when she entered law school at the University of Missouri in Columbia and enrolled in the Domestic Violence Clinic. The Clinic was involved with the Missouri Battered Women's Clemency Project, a collaborative effort of a wide range of organizations. The Clemency Project was working to obtain clemency for 11 battered women and, as a law student, Lorenz-Moser represented one of these women. Her client was granted clemency by the Governor.

The Clemency Project arose out of injustices that occurred in domestic violence influenced murder convictions. Most of the women convicted received sentences of life without the possibility of parole for 50 years. Through the efforts of Lorenz-Moser and others in the Clemency Project, several women obtained their freedom through pardon, parole, or clemency.

Lorenz-Moser did not stop there. She is now representing two other women who faced unspeakable abuse, feared for their lives, and murdered their abusive husbands. For one of these women, she is garnering public support for clemency through a video explicating the horrendous abuse and the woman's lack of options.

Lorenz-Moser has conducted her advocacy for women victims of domestic violence who have been convicted of murder pro bono (often covering the court costs), while simultaneously carrying a demanding private practice caseload and raising a family. She epitomizes the best a lawyer can be – zealously representing those who have few resources and have faced terrible injustice in their lives, and assisting them in finally finding some justice.

Howard Goffen

The Legal Assistance Foundation of Metropolitan Chicago (LAF), the largest provider of free legal services to low-income individuals in the Chicago area, refers to Howard Goffen as its most committed, talented, dedicated and selfless pro bono volunteer. Goffen became a pro bono attorney with LAF in 2005 after an illustrious 40 plus year career in the private sector. Over the last seven years, Goffen has given more than 7,000 hours of pro bono legal services to individuals and families from across the Chicago region through his work with LAF. Each week Goffen spends between 20–30 hours working with LAF clients and staff, all of it uncompensated. He has also provided countless mentorship and professional development opportunities for LAF staff.

Goffen increases LAF's capacity to provide quality representation and legal services to Chicago's neediest individuals. He has been primary counsel or co-counseled more than 120 cases with LAF, many of them complicated and time-intensive consumer matters. He has also reached countless numbers of other clients either through the intake process, or by providing advice and brief services.

Recently, LAF underwent a strategic multiyear reorganization. As a result, Goffen is now assigned to the Consumer Practice Group in an office farther from home. He attends meetings, trainings, task force meetings and maintains a full caseload. Goffen also agreed to learn bankruptcy law even though he had very little familiarity with it in his prior practice, because of the great need for bankruptcy attorneys. Since the time of his training, Goffen has filed over 40 bankruptcies.

Goffen treats each client with whom he works with dignity and respect. He speaks to his clients as partners in solving their legal problem, and with an eye toward empowering them with the tools necessary to avoid consumer fraud and personal debt in the future. The only complaint that LAF has about Goffen is that "there is only one of him." He is described as the embodiment of a model pro bono attorney.

Akin Gump Strauss Hauer & Feld LLP

In 2011, Akin Gump's lawyers, advisers, paralegals and summer associates devoted more than 67,000 hours to the firm's pro bono clients, spread

among 815 active pro bono matters. On average, lawyers in the firm's U.S. offices worked 84 hours for pro bono clients in 2011. While the firm's pro bono practice spans many different areas, from representing charter schools and other nonprofit entities to counseling international development organizations, its primary focus is on low-income individuals, both in traditional poverty law matters and in immigration. The firm has shown extraordinary dedication to the most vulnerable members of society, improving its pro bono commitment from 38 hours per U.S. attorney in 2006 to more than 80 hours per U.S. attorney in each of the past four years, with a substantial pro bono practice in each U.S. office.

Walmart's legal department has worked closely with Akin Gump over the past two years to develop the first corporate counsel medical-legal partnership (MLP) in the United States. Akin Gump not only helped Walmart structure its in-house pro bono program, but also identified legal services partners and trained Walmart lawyers to serve pediatric patients and their families at Arkansas Children's Hospital. Akin Gump did not limit itself to helping Walmart develop the MLP at Arkansas Children's Hospital. The firm also used what it learned through this experience to develop MLP programs in its New York and Dallas offices.

The firm's marquee pro bono practice is in immigration, working with legal services providers such as the Tahirih Justice Center (DC/Houston), American Gateways (Austin), Human Rights First (NY/DC), Human Rights Initiative (Dallas), Immigration Equality (NY) and the Scholar Rescue Fund (NY). The firm's immigration practice focuses on Violence Against Women Act petitions and asylum. The firm is particularly known for taking on difficult asylum cases, including representing individuals potentially barred from asylum for allegedly providing material support for terrorism. In recognition of the firm's efforts, each of the above organizations has honored Akin Gump for its commitment to refugees in the past three years.

Several of Akin Gump's pro bono efforts have expanded legal services to help underserved communities. The firm's work has allowed life-changing organizations such as the Knowledge in Power Program (KIPP) charter schools to obtain valuable legal counsel on a wide range of complex issues and has provided help to members of the U.S. armed forces, who are typically unable to access traditional legal services. Akin Gump has provided more than 13,500 hours of free legal services to KIPP, and through its amazing efforts, has helped to ensure that all children, particularly those from disadvantaged communities, gain access to high quality community schools.

Supreme Court of the State of New York, Appellate Division, Fourth Department

Judicial promotion and support of pro bono can lead to greater access to the court system and a willingness of more attorneys to involve themselves in pro bono. In a time when many judges feel constrained by an erroneous assumption that ethics rules prevent them or their employees from becoming involved in pro bono, the Appellate Division's Fourth Department has set a new model of pro bono engagement. In 2009, the judges of the Fourth Department, under the leadership of Presiding Justice Henry J. Scudder, established the Fourth Department's Policy Statement on Pro Bono Legal and Volunteer Services, the first pro bono policy for appellate court attorneys and staff in New York State. The policy encourages appellate court attorneys to set a personal goal of at least 20 hours of pro bono service per year, in accordance with Rule 6.1 of the New York State Rules of Professional Conduct.

Since the time the policy was implemented, Appellate Department, Fourth Division Court attorneys have provided pro bono service to over 200 low income clients through Volunteer Legal Services Project's (VLSP) Family Law Clinic, Pro Se Divorce Clinic, Alternatives for Battered Women Clinic, Wills Clinic, and Consumer Law Hotline. Court attorneys have also accepted full case referrals in employment insurance benefit denials and wills for seriously ill clients.

The justices of the Appellate Division, Fourth Department timed the implementation of the new pro bono policy with the ABA's first National

Celebration of Pro Bono in October 2009. That year, and each year subsequently, the court's judges and lawyers have participated in various ways in this annual event.

The dedication demonstrated by the Appellate Division, Fourth Department attorneys is all the more impressive because they are government attorneys. In general, recruitment of government attorneys is difficult because there is a prevailing attitude that government attorneys cannot do pro bono. There is no doubt that volunteering at VLSP clinics and accepting pro bono cases pose challenges. However, the Appellate Division, Fourth Division Department Attorneys make pro bono a priority.

In addition to developing and implementing New York State's first pro bono policy for appellate court attorneys, Justice Scudder promoted innovative approaches to pro bono delivery by working with the local county attorney to develop a pro bono policy for Monroe County attorneys. In addition, Justice Scudder, as well as senior members of the Court's staff, readily accept offers to serve as ethics CLE presenters, despite the demands of their schedules. For these reasons, in 2011 the New York State Bar Association presented its prestigious President's Pro Bono Service Award to Presiding Justice Henry J. Scudder and the attorneys and staff of the Appellate Division, Fourth Department.

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