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## Pro Bono: Helping To Instill Confidence In The Legal System And In Society

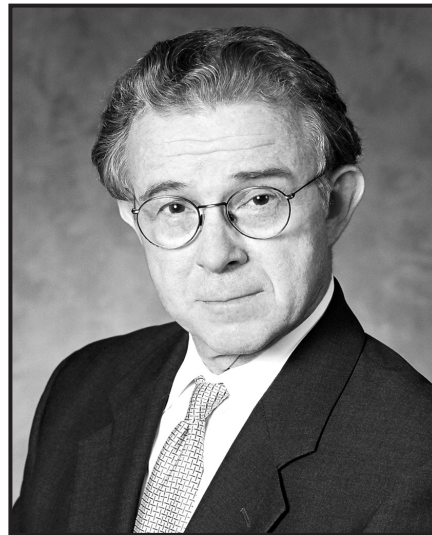
*The Editor interviews Robert Crotty, Pro Bono Committee Chair and Partner of Kelley Drye & Warren LLP.*

**Editor:** Please describe your professional background and your practice. How did you become interested in pro bono matters?

**Crotty:** After graduating from Cornell Law School, I came to New York and worked for the Law Department in the City of New York and then clerked for the Hon. Lloyd F. McMahon in the Southern District of New York. I have been a commercial litigator at Kelley Drye ever since and became a partner in 1982. My practice has concentrated on trials and appeals in state and federal courts, and domestic and international arbitrations. Shortly after I became a partner, I was asked to head up our Pro Bono Committee, which I have done now for well over 20 years. I became interested in pro bono work as a result of the concepts of social justice I learned at home and in my education, all of which – prior to law school – was at Catholic schools.

**Editor:** Please tell us about some of your firm's pro bono activities.

**Crotty:** Kelley Drye works with many of the pro bono organizations in the metropolitan area. Our offices outside of New York have also been very active in pro bono work. In addition to working with pro bono organizations, we encourage our lawyers – partners and associates – to reach out for pro bono work that is of interest to them; as a result, we represent many organizations who come to us



**Robert Crotty**

because of the specific interest of an associate or a partner.

Kelley Drye has been successful in obtaining asylum for several people who suffered political persecution in their home countries, and we are representing now an Afghani woman who was terribly physically abused in her home country. Asylum work is quite prevalent these days. And, we have had success in habeas corpus litigation in the federal courts. We have done a great deal of work for indigent women who have matrimonial or child custody issues.

Here is a recent example of what we do. At the request of a client, we took on a child custody case for a woman in Family Court. That case resulted in extensive briefing and motion practice, a trial and ultimately a settlement. That case may have lingered in the system without effective representation. As it was, our efforts helped the parties and

the court to reach a fair settlement relatively expeditiously. The associate who worked on this case not only did a great job for the client but also learned a lot about how to take a case from the client interview, through the trial and ultimately to a settlement.

I submitted an *amici curiae* brief in the New York State Court of Appeals for ten New York State senators and ten New York State assemblymen in support of a woman's appeal under Correction Law 752. The Court of Appeals recently upheld our position.

I also serve as vice chair of the board of Brooklyn Legal Services Corporation A, and I am on the board of the Volunteers of Legal Services. Among my partners, Neil Merkl is on the board of the Legal Aid Society, Bill Escobar is on the board of MFY and Sarah Reid is on the board of the New York Lawyers for Public Interest. Other partners devote a great amount of time to religious, community and public service-type organizations.

**Editor:** What are some of the ancillary benefits of a pro bono program in terms of, for example, training associates or building goodwill for the firm? How does this affect firm morale?

**Crotty:** There are so many benefits that accrue from the pro bono program. Training is a benefit, personal satisfaction is a benefit, but the greatest benefit goes beyond the lawyer, and even the client. The greatest benefit may be to the legal system itself. It is widely accepted that good legal representation will ensure that the issues – both factual and legal – will be identified and presented to the court in a fair and cogent way. This should help

*Please email the interviewee at [rcrotty@kelleydrye.com](mailto:rcrotty@kelleydrye.com) with questions about this interview.*

the court make a decision that is prompt, makes efficient use of the court's time and resources, and most important, is one that is fair to the parties and to society and can act as a precedent for future settlements or rulings. That instills confidence in the legal system in society. There is perhaps nothing that will undermine our legal system more surely than an impression that the parties are not getting a fair hearing and that courts are not able to do substantial justice because proper legal representation is not available.

Any lawyer will have a great deal of personal and professional satisfaction when he or she sees their hard work result in a favorable outcome for the client. So, training in the form of actual experience is always a big benefit of pro bono work. Also, working closely with the client brings home how much the law affects all of our lives, how the courts are faced with very difficult social problems and how much the courts need to have good lawyers to present the issues in a fair and cogent way. In short, good legal representation makes for a better justice system. As officers of the court, every lawyer has an interest in making our legal system work better for everyone. That instills confidence in our legal system throughout society. To the extent that we can enhance confidence in our legal system through pro bono representation, pro bono work is a major benefit to our society.

**Editor: Formerly, it was the case that pro bono work was largely undertaken by litigators, but these days lawyers of many stripes can get into the action. Which practice areas do you see most needed these days?**

**Crotty:** Pro bono work is still largely undertaken by litigators, but the type of litigation is getting broader. For example, VOLS recently set up a program to deal with the huge volume of worker's compensation cases that has resulted from the extensive layoffs following the economic downturn. These cases can be handled much more efficiently and achieve better results when there is a lawyer to present the case to the administrative judge. That helps to ease the burden on the system as

well as benefiting the client. In the immigration area, many judges have also expressed an urgent request for more pro bono help in this area. In hard economic times, of course, there is always a major concern with housing and with family problems that arise when the parents do not have a steady income and steady employment.

**Editor: Many organizations help law firms find organizations with whom to partner for pro bono work. Do you work with any of these?**

**Crotty:** Kelley Drye works with a large number of pro bono organizations. It is very difficult, of course, to work with all of them because the demand is so great, especially in hard economic times. In addition, to the pro bono organizations on whose boards Kelley Drye lawyers serve, we do work for the Human Rights Committee, inMotion and Lawyers for the Arts and many others.

**Editor: How do you "recruit" attorneys to engage in pro bono programs? Is it a hard sell?**

**Crotty:** Putting attorneys to work on pro bono cases has never been a problem or a hard sell at Kelley Drye. Lawyers see the benefits of pro bono work; they see others getting the experience and want that same experience for themselves. There is nothing like appearing before a judge and saying "Good morning your Honor. I represent etc.," to make you feel like a lawyer. Even if one does not want to litigate for a career, it is important to have some courtroom experience and to have at least a basic understanding of what it is like to be in court. It is, after all, the courts which decide our legal disputes or provide the context for settling our disputes. Another reason that pro bono work is not a hard sell at Kelley Drye is that we allow our lawyers to find the type of pro bono work they want to do and for organizations that they know.

**Editor: You have been active in pro bono work with Brooklyn Legal Services Corporation A. How did you become interested in that area?**

**Crotty:** I have been active with pro bono with Brooklyn Legal Services Corporation A. Brooklyn Legal Services started in the late 1960s as a community-based law office. At that time the community-based offices were the paradigm. Over time there has been a centralization of pro bono work. Brooklyn Legal, however, has maintained the community service model and has become an important part of the community in Williamsburg, East New York and other parts of Brooklyn. I became interested in Brooklyn Legal Services Corporation A when I received a call from them 15 or 20 years ago asking if Kelley Drye could help out with some aspects of its corporate organization. We did the work, and I established a relationship with Marty Needleman, Paul Acinapura and the late Dennis Berger. Marty and Paul and all of the staff in Brooklyn Legal are very talented lawyers and are very much committed to the community and the legal work that they do for that community and other community organizations. Marty and Paul asked me to go on the advisory council some years ago, and, shortly thereafter, I became a member of the board.

**Editor: What would you say to an associate about the worthiness of pro bono work, both in terms of personal and professional growth?**

**Crotty:** I believe I have already answered this question but just to recap. Pro bono work is beneficial to the pro bono lawyer, to the pro bono client and, just as important, it is beneficial to our legal system because it helps to make the legal system work better for everyone. A pro bono lawyer not only has an immediate learning experience through direct contact with the client and the courts and with all the issues that arise during the course of a litigation but also becomes aware of the huge number of cases in our courts that have nothing to do with the commercial litigation which is a main part of our practice. That is a good lesson for us to learn and relearn because it makes us understand our commercial cases need to be presented to the courts with the understanding that the courts have many different types of problems to deal with.