

THE NATIONAL LAW JOURNAL

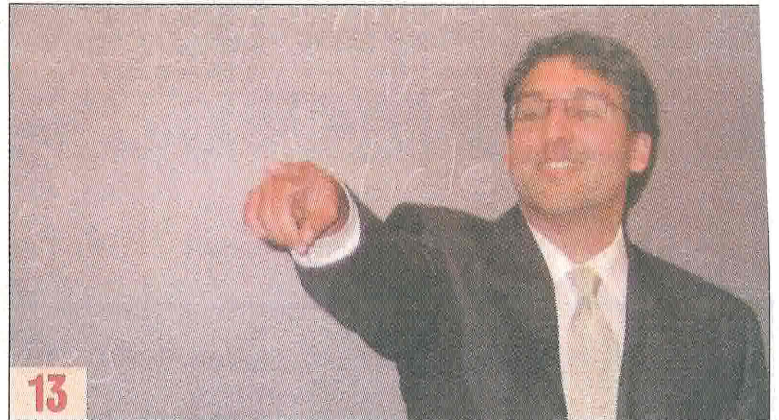
WWW.NLJ.COM

THE WEEKLY NEWSPAPER FOR THE LEGAL PROFESSION

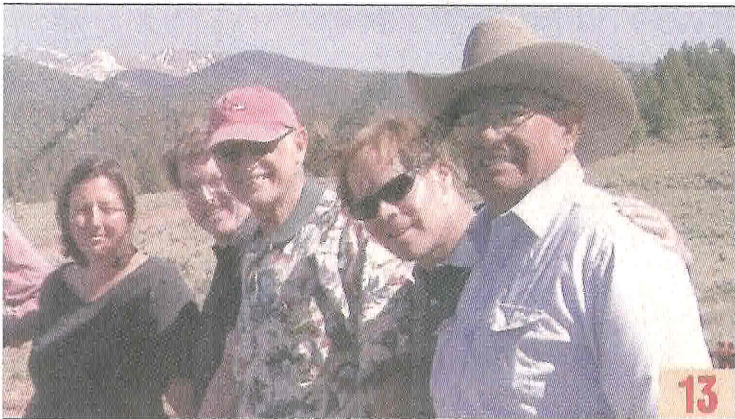
ALM



15



13



13



14

Pro bono finds a new edge

PRO BONO WINNERS OF 2004

One lawyer's 24-year battle to help settlers' descendants gain access to ranch land. **13**

A law professor with a "different take" on Guantanamo Bay detainee rights. **13**

Attorneys enter the political maelstrom of so-called "partial birth" abortion. **14**

A small firm comes to the rescue of 9/11 firefighters and their families. **15**

Firms more willing to take on controversial pro bono actions.

By Dee McAree
STAFF REPORTER

THE MULTIPLICITY OF pro bono cases in 2004 was matched only by the weightiness of the legal issues they encompassed.

While the past year's pro bono work touched on familiar issues, including death penalty representation and civil rights, there were plenty of

issues in 2004, such as same-sex marriage, election protection, and representation of "enemy combatants" in military tribunals at Guantanamo Bay, Cuba.

"Firms are more willing to take matters seen as controversial," said Esther Lardent, director of the Pro Bono Institute.

There are several reasons

■ SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO

Rescuing firefighters after Sept. 11

By Lindsay Fortado
STAFF REPORTER

SOMETIMES, EVEN firefighters need to be saved.

When hundreds of victims and their families were left struggling with impending health problems and emotional instabilities after the World Trade Center attacks, personal injury law firm Sullivan Papain Block McGrath & Cannavo came to the rescue.

The New York firm represented 362 firefighters and families of deceased firefighters, recovering around \$265 million from the September 11 Victim Compensation Fund.

And they did it all pro bono.

"We were just not comfortable charging fees," said Michael Block, a partner at Sullivan Papain and the head of the firm's fire litigation unit. "We made a commitment, perhaps not really knowing what we were getting into, but we stuck to it."

Close to home

For the firm, the tragedy of the World Trade Center attack hit too close to home.

The firm's office overlooks the site. Most of the attorneys in the firm witnessed the attack firsthand. Their office was shut for three weeks, but the burning stench lasted long after that, partner Andrew Carboy said. The connection goes still further. The firm has acted as general counsel to the Uniformed Firefighters Association (UFA) for more than two decades.

"For the first year or two, [Sept. 11] paralyzed people," Block said. "They'd call and not show up. I think it took an emotional toll on all of us. Some firefighters and widows wouldn't come in [because of the firm's location]. To this day they still won't....To be able to at least

give some financial stability to the firefighters and their families means so much."

Leo Boyle, the then-president of the Association of Trial Lawyers of America, called Block after Sept. 11, 2001. The airlines were seeking immunity, he said, and he was concerned that the rights of the firefighters were in jeopardy.

The firm and the UFA lobbied Congress to create a fund, promising that pro bono services would be offered, and that it wouldn't be a "lawyers' get-rich scheme," Block said. When Congress created the victim compensation fund (VCF), Block held to his word, offering pro bono services to all firefighters and their families to handle their claims.

"Some of [the victims and their families] probably were wondering, 'How could they work so hard for us if they're working pro bono?' But at any time, there was at least six attorneys, six paralegals and three secretaries working on the cases," Block continued. "We stood by our commitment. Everybody chipped in."

They committed the entire 33-attorney firm, which rotated working on the project on a seven day a week, 9 a.m. to 11 p.m. schedule.

The firm spent thousands of hours working on the project, which began in late 2001 and continued into the summer of 2004.

"[Sullivan Papain lawyers] were very instrumental in helping us out," said James Slevin, vice president of UFA. "I think it was extremely difficult work, and I think it really stripped the resources of the firm to the max....They went above and beyond."

Block concedes that the hardest part may not have been the hours spent working—the firm sacrificed money by dedicating much of itself to pro bono

work for nearly three years.

"How do you evaluate an injured firefighter's life?" he said. "It was hard on all of us....You see the widows, and to this day, they're hurting. Some of them still won't come in to the office because of the location. We had to go to them."

A new magnitude

The firm had never tackled pro bono work of this magnitude before, Carboy said.

Anthony LoMeli, a New York firefighter for almost 22 years who was involved in search and rescue at the World Trade Center site for several months, noted that, like most of the firefighters, his biggest concern is his health.

Sullivan Papain represented him for his claims with the fund.

"We didn't have the right protective equipment, so we knew something was going to happen as far as our health is concerned," LoMeli said. "Mike [Block] and his staff were very concerned about the situation. They know what we go through every day as firefighters....The concern was down the line, that we protect our families and our health. What good is all this money for me if I'm dead?"

He said that being represented pro bono was "a pleasant surprise, to say the least."

LoMeli, 45, has since retired. He said his asthma has worsened since the rescue mission, and that some of his colleagues have thyroid cancer that he believes is related.

"We, as firemen, I don't want to say that we're callous, but we're always thinking that everything's gonna be cool," LoMeli said. "We always assume that everybody's going to be OK, and then certain things happen....We never thought [Sept. 11] would have happened. Who ever thought that the buildings would come down?"

"I can't tell you how much [Sullivan Papain] helped." **NLJ**

