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Pro Bono – Law Firms

Pro Bono Service: “It Makes Us Both Better Lawyers And Better Citizens”

The Editor interviews Michael C. Lasky, Davis & Gilbert LLP.

Editor: Mr. Lasky, you have spent quite a few years at Davis & Gilbert. Would you tell us something about the firm?

Lasky: In an era of law firm mergers and consolidations, Davis & Gilbert is unique in that we are a community of 100-plus colleagues, many of whom have practiced together for decades, in all areas of law, from a single office location, with an unparalleled reputation in the advertising, marketing and communications industries. This year is particularly significant for us in that we are celebrating our 100th year in practice.

Editor: How has your practice evolved over the course of your career?

Lasky: I have been in practice for 28 years, and 22 of those years have been with Davis & Gilbert. Early in my career, I had the privilege of serving as a law clerk to a federal district court judge and developing my litigation skills at Paul Weiss. Today, I am co-chair of Davis & Gilbert’s Litigation Department, with an extensive practice in commercial, employment and IP-related disputes. I did realize early on, though, that one of the keys to being a successful lawyer was right in front of me – my very own colleagues. If I view the depth and diversity of their experience and expertise as assets I can draw on or resources I can



Michael C. Lasky

tap into, then I can, in effect, become a gateway to clients in all areas, on any issue. So, if you were to ask my clients, I think many would call me their counselor, as well as their advocate. I enjoy both roles very much.

Editor: You have also been involved in Davis & Gilbert’s pro bono efforts. Would you give us an overview of the program?

Editor: The program consists of three general categories which reflect the diverse interests of the firm’s attorneys.

Predictably, one area of our pro bono work draws upon the firm’s expertise in advertising, marketing communications and intellectual property law.

A second area consists of work on behalf of bar associations, government agencies or in the service of the court system, where some of our lawyers are selected to serve as special masters or court-appointed mediators.

The third and final area involves work for a variety of non-profit organizations, and the type of work is equally varied. It includes the incorporation of organizations, preparation and negotiation of contracts, real estate and leasing matters, employment law counseling and litigation. We provided these services for non-profit organizations as varied as Cystic Fibrosis Foundation, The Civil Association Serving Harlem, Lymphoma Research Foundation, The National Center for Learning Disabilities and St. Francis Friends of the Poor. Just about all of the services we provide for our for-profit clients are available to our pro bono clients.

Editor: Given the particular focus of the firm’s practice, have you encountered any problem finding projects for the people who wish to handle pro bono cases?

Lasky: Actually, our pro bono program is driven in large part by our attorneys and their interests. They bring pro bono projects to the attention of our department heads and the firm’s Management Committee, on which I serve. As I said, we are a diverse and dynamic community of colleagues, and our pro bono initiatives reflect that.

Please email the interviewee at mlasky@dglaw.com with questions about this interview.

At the moment, one of our employment litigators is serving as a Special Assistant Corporate Counsel representing the City in a class action case filed by guards at juvenile detention facilities, claiming that the City did not properly pay overtime.

Another lawyer at the firm is working with the Immigration Women and Children Project of the City Bar Association, representing an alien who wishes to leave her abusive U.S. citizen spouse and still maintain her eligibility for lawful permanent residency.

Two of our lawyers provide ongoing advice to Bide-A-Wee Animal Shelter. Our real estate lawyers are engaged in drafting and negotiating leases – typically one of the most difficult (and costly) items facing non-profits in this City.

And several of our lawyers represented the wives and survivors of New York City uniformed service personnel killed on 9/11 in processing claims before city, state and federal agencies and to obtain insurance benefits. We also provided trust and estates counseling to these families.

Editor: The firm's most recent summary report on pro bono activities covers an astonishing range of activities.

Lasky: I mentioned three categories of pro bono work. In the advertising and marketing law area, an example of our efforts is the *amicus* brief we submitted to the United States Supreme Court in 2003 in *Nike, Inc. v. Kasky* on behalf of the American Association of Advertising Agencies, the Association of National Advertisers and the American Advertising Federation.

This case derived from a number of allegations that Nike was mistreating and underpaying its workers at the company's overseas facilities. Nike responded to the charges with press releases and related statements about its labor practices which were the subject of significant public debate. A California resident then sued Nike claiming that Nike's press releases and related public statements were false and deceptive and actionable under a California unfair competition law. Nike sought to dismiss the

case as a matter of law, arguing that its statements were not commercial speech and were deserving of full First Amendment protection. The California Supreme Court found that Nike's responses constituted commercial speech and that the lawsuit could proceed because Nike's statements were not entitled to First Amendment protection. D&G's United States Supreme Court brief focused essentially on the First Amendment consequences of permitting the California Supreme Court decision to stand.

Another notable example of our pro bono work utilizing our intellectual property expertise is handling domestic and international trademark work for CARE, the international humanitarian relief organization. CARE's name and mark are widely recognized around the world... and it is our job, along with the great people at CARE, to keep it that way.

Our public service work includes court appointments under which some of our attorneys serve as mediators and special masters. I have several of these assignments each year, and I find each assignment from the Court to be unique and rewarding.

Another example of our public service work is our participation in a variety of reading programs in elementary public schools, including a Corporate Read-Aloud. This past winter, over 20 people from the firm participated in this program, going into the school to read pre-selected books with the class.

The third area of pro bono service – that which involves supporting charitable and non-profit organizations – is perhaps the most diverse and the most extensive in its reach. New York is host to literally thousands of worthy non-profit organizations, and most of them are in need of the experience and expertise that lawyers bring to the table. Among the organizations that our lawyers serve are public charities, private foundations, hospitals and healthcare organizations, museums, social agencies, educational institutions, and so on, and the services that our lawyers provide are as varied as the organizations themselves. The list is as diverse as our 110 lawyers. There is something for everyone.

Editor: Does the firm's pro bono pro-

gram help in recruiting law school graduates and young lateral hires?

Lasky: I believe it does, but that is not the reason we do it. When I am asked about the possibility of pro bono work or our program by a candidate in an interview, I stress the importance of pro bono service not only as a civic responsibility of the profession, but also as an opportunity to sharpen our skills in new ways. Pro bono work takes us out of the confines of our everyday life and exposes us to challenges to which we might not otherwise be exposed. *That*, I believe, deepens our experience as human beings and transcends whatever it is that we may do, if we're lucky, while we're doing some good. We are learning things like thinking outside the box, which will make us better lawyers.

Editor: How about the connection between pro bono activities and firm morale?

Lasky: It's something of an old saw, but when people are happy with themselves and what they are doing, they do a better job for all their clients. They also tend to think highly of a firm that places value on their pro bono activities. Again, this is not the reason Davis & Gilbert has a pro bono program, but it is certainly a very positive consequence of that work.

Editor: And the personal rewards of pro bono service?

Lasky: The rewards are intangible but nonetheless real. In my case, what I do for the firm's for-profit corporate clients is act as an advocate for their interests, and this is a partisan activity, as it should be. Pro bono service permits me to step into a different arena, however, and to take a broader and more wide-ranging look at the issues. Taking on different types of experiences is how we all grow as lawyers and as citizens.

Pro bono service gives us an opportunity to use our skills and talents to reach out and impact someone's life for the better, to really make a difference in that person's life. Those rewards, I venture to say, are beyond measure.