

OUR 2018 PRO BONO HOT LIST

Celebrating law firms that do well by doing good.



THE LAWYERS ON THIS YEAR'S PRO BONO HOT LIST HAVE TAKEN ON SOME OF THE BIGGEST issues of our time, including President Donald Trump's travel ban and Deferred Action for Childhood Arrivals (DACA), representing both institutions and individuals. They challenged the money bail system covering the nation's third-largest jail in Harris County, Texas, and the bond system for noncitizen detainees in Los Angeles. They secured a win in a major case involving Pennsylvania gerrymandering. And when it came to the U.S. Supreme Court, they dominated, with a partner at one firm arguing three pro bono cases in four weeks. The outcome? He won them all-unanimously. These are their stories.

-Lisa Helem, Editor-in-Chief

ARNOLD & PORTER

Firm Earns Win in Pa. Gerrymandering Case

ARNOLD & PORTER KAYE SCHOLER scored a major pro bono victory in early 2018 in a Pennsylvania gerrymandering case with national implications.

The Pennsylvania Supreme Court in January struck down as unconstitutional under commonwealth law the congressional district map drawn in 2011. The court ruled that district lines were drawn with partisan bias, in violation of the Pennsylvania Constitution's "free and equal elections" clause. The court ordered the Republican-controlled legislature to draw new maps in time for the May 2018 primaries. In March, the U.S. Supreme Court denied a stay of the decision. The case could be influential nationally for providing a template for similar challenges in other states. The new map also is expected to result in some key districts flipping in 2018.

The Arnold & Porter team of senior counsel David Gersch, John Freedman, Stanton Jones, Elisabeth Theodore and Daniel Jacobson were lead counsel in the Pennsylvania case. The Public Interest Law Center in Philadelphia served as co-counsel, representing the League of Women Voters against the commonwealth of Pennsylvania.

"Prior to our victory in this case there had never been another case that had successfully struck down and replaced a congressional district map anywhere in the country on the grounds of unconstitutional partisan gerrymandering," Gersch said.

The firm's latest victory is part of a long history of pro bono work. In the early 1950s, the firm represented blacklisted victims of Sen. Joseph McCarthy. Arnold & Porter also represented Clarence Earl Gideon in 1963 in the landmark U.S. Supreme Court case *Gideon v. Wainwright*, which established the fundamental right to legal



DAVID GERSCH

representation for individuals accused of a crime. Arnold & Porter's pro bono hours in 2017 totaled 105,460.

Among other notable pro bono projects the firm handled last year was its successful class-action employment discrimination suit in federal district court against the Washington Metropolitan Area Transit Authority, for a criminal background screening policy that allegedly disproportionately impacted African-Americans. Thousands of individuals were affected, including some employees of WMATA contractors who lost their jobs. As a result of the settlement in December 2017, the authority, which did not admit liability, has agreed to pay \$6.5 million to compensate class members. It also agreed to change its screening policy to incorporate such factors as the nature of the offense and evidence of rehabilitation.

Litigation partner John Freedman said the matter was significant because, "we brought the suit at a time when the EEOC had lost some fairly high-

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profile decisions trying to assert that criminal background checks violated Title VII anti-discrimination laws." Arnold & Porter partnered with the NAACP Legal Defense and Education Fund and the Washington Lawyers' Committee for Civil Rights and Urban Affairs in the suit. —MP MCQUEEN

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