

Pro Bono Firm Of 2015: Munger Tolles & Olson

By John Kennedy

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In the past year, Munger Tolles & Olson LLP protected the First Amendment rights of protesters in Ferguson, Missouri, restored housing for homeless veterans and secured a law license for a Chinese lawyer who died in 1926, earning a spot on Law360's Pro Bono Firms of 2015.



Since its founding in 1962, the California-based firm has fostered a culture of public service and aims to help lawyers work pro bono cases they're passionate about, said David Fry, co-chairman of the firm's pro bono committee. The firm estimated that its attorneys averaged about 93 hours of charitable work between May 2014 and May 2015.

"The firm has been committed for a very long time to public service and the public interest," Fry said. "These are the communities we live in and people care about making the communities they live in a better place."

The homeless veterans and Ferguson cases highlight how important pro bono work is to the firm, Fry said, noting that the former case was led by one of its most senior attorneys, name partner Ron Olson, and the latter was initiated by one of its most junior, associate Thomas Clancy.

As Clancy watched protests grow after unarmed teenager Michael Brown was shot and killed by police officer Darren Wilson, he became increasingly convinced that the protesters' First Amendment rights were being violated.

He called partner Grant A. Davis-Denny, who was also disturbed about what he was seeing, and Davis-Denny offered the firm's assistance to the American Civil Liberties Union.

The ACLU's Missouri branch had just lost its bid for a temporary restraining order barring law enforcement from enforcing a rule that kept anyone from standing on public sidewalks for more than five seconds, and the firm moved in to help, Davis-Denny said.

Given that U.S. District Judge Catherine D. Perry had already denied the TRO, Davis-Denny said that it was a challenge to convince her to grant a preliminary injunction.

Collecting witness accounts that were backed up by video and social media "showed how haphazardly

and inconsistently the rule had been enforced," Davis-Denny said. The firm also brought in an expert on police practices who helped convince the judge that scrapping the rule wouldn't compromise security because it wasn't a common police practice.

Law enforcement eventually agreed to toss the rule before any litigation happened, but Davis-Denny said that the associate-led case says a lot about how much pro bono work is valued up and down Munger Tolles' roster of attorneys.

"One of our long-term values is wanting to have a meaningful impact on the world around us," he said. "I really couldn't have been more proud of their work."

Mustafa Abdullah, the ACLU organizer who served as a plaintiff, called the firm a "tremendous help" and that its resources were invaluable to moving the case along quickly.

"It's not something that the attorneys necessarily had to do for us," Abdullah said. "People here were really pleased with the investment of time and holding law enforcement accountable."

Shortly after the Ferguson decision in December, Olson's team settled with the U.S. Department of Veterans Affairs over 387 acres of land in West Los Angeles that in 1888 was designated to house disabled veterans but was instead misused.

The original suit, filed in 2012 on behalf of a putative class of homeless veterans and others, alleged that the VA failed to provide necessary housing and treatment and instead leased nearly 30 percent of the campus to private entities while leaving the rest vacant or underused.

Breaking through the VA's bureaucracy was key, Olson said, a moment that finally came when newly appointed VA Secretary Robert A. McDonald called him and said he wanted to come to an agreement.

Olson, who says he's long been an advocate for the homeless, said the firm encourages its people to take on a variety of cases because Munger Tolles is part of the community and values using its abilities to improve that community.

"I feel like there's a lot of need out there and it's my responsibility as a lawyer to address that," Olson said. "I think every lawyer out there has that responsibility."

Partner Jeff Bleich's responsibility was to right a wrong he considered "a stain on the record of the California Supreme Court": the 1890 denial of Chinese immigrant Hong Yen Chang's law license. Chang, a Yale University and Columbia Law School graduate, was denied because he wasn't entitled to U.S. citizenship under the federal Chinese Exclusion Act.

Bleich was initially contacted by Aimee Feinberg, a former Munger Tolles attorney who now works at the University of California, Davis, who asked if he and the firm could help. Law students had already been rebuffed by the California State Bar, Bleich said.

There was no concrete process for getting Chang's license 89 years after his death, and Bleich said the case could've been denied on multiple procedural grounds. His biggest fear was that the case could "put salt in an open wound" and that "losing was almost worse than doing nothing."

Instead, aided by research into Chang's life and his denial, Bleich and his team won the case in March.

The court said that even if it couldn't undo history, it could acknowledge the "grievous wrong" and recognize Chang's efforts to become the first lawyer of Chinese descent in the U.S.

The victory thrilled Chang's family, which now includes four California lawyers, and finally gave him the victory he'd always sought: to be allowed to represent clients as a U.S. lawyer even though he'd been born in China, said Rachele Chong, his grandniece.

This sort of pro bono work is what brought Bleich back to the firm after he served as U.S. ambassador to Australia and special counsel to President Barack Obama, he said.

"No one ever rests on their laurels and there's always more good work to be done," Bleich said. "You don't have to save the world. You just have to save someone's world."

--Editing by Katherine Rautenberg.