

Public Service and Pro Bono

WilmerHale maintains a steadfast commitment to pro bono representation and public service, and believes in an inherent obligation to ensure equal access to justice for underserved communities around the world.

Our commitment to providing a voice for all is demonstrated through pro bono contributions that range from cases of national importance before the US Supreme Court to litigation on behalf of individuals who lack the means to secure necessities as fundamental as housing, adequate medical care, and protection from abuse and exploitation. Through these efforts, and through community service initiatives that have grown into thriving partnerships, we work to enhance the quality of life for many in our local neighborhoods and around the globe.

We strongly believe that we have a responsibility to help strengthen our communities, and we have a long history of supporting public institutions and charitable organizations in the cities in which we practice. Accordingly, WilmerHale dedicates annual financial support to a number of law and bar-related organizations, and encourages leadership and support on the part of our lawyers through service on

boards and committees. In addition, we have various community partnerships in which we make long-term commitments, harnessing the time and talents of both staff and lawyers.

History

A steadfast commitment to pro bono representation has been a hallmark of the firm since the early 20th century, when Partner Reginald Heber Smith—considered the father of legal aid in the United States—authored the seminal book *Justice and the Poor* and galvanized the organized bar nationally to secure equal justice for those unable to afford counsel. More than seven decades later, in 1992, Partner John Pickering led the effort to establish the Pro Bono Institute's Law Firm Pro Bono Challenge and ensured that WilmerHale was its charter signatory. Today, as measured by *The American Lawyer* and other leading publications, WilmerHale's pro bono program ranks as one of the top in the country.

Our lawyers have been involved in many of the influential legal cases and social developments that have shaped the nation. In 1954, Partner Joseph Welch, assisted by lawyers James St. Clair and Jack Kimball, represented the US Army on a pro bono basis in the nationally televised Army-McCarthy hearings. In 1963, Partner Lloyd Cutler served as a leading force in creating the Lawyers' Committee for Civil Rights Under Law, at the behest of President John F. Kennedy.

The firm's pro bono efforts have also influenced historic developments around the world. Through the Southern Africa Legal Support and Education Project, WilmerHale joined with others to fight apartheid and establish the rule of law in South Africa. Our lawyers also helped write the constitutions of several central European countries after the fall of the Soviet Union.

For more than a decade, our lawyers have provided pro bono legal services to indigent persons through the WilmerHale Legal Services Center of Harvard Law School, a major clinical teaching facility that has assisted more than 20,000 individuals.

Experience

- With the American Civil Liberties Union of Massachusetts, successfully convinced the US government to release a non-citizen who had been detained by Immigration and Custom Enforcement for more than three months, separating her from her US citizen husband and 10-year-old son. This client is among many others represented by WilmerHale who are challenging the US government's efforts to separate families pursuing lawful immigration status, including a proposed class action specifically challenging the separation of married couples.
- Obtained approval from the US military on behalf of a 90-year-old client to have her 1955 discharge from the Air Force upgraded to “honorable” after finding that her separation from the service was more than likely due solely to her being a lesbian. She had been expelled from the Air Force with an “undesirable” discharge.
- Argued to the US Supreme Court that the Veterans Benefits, Health Care, and Information Technology Act of 2006 requires the Department of Veterans Affairs (VA) to restrict competition for certain contracts to veteran-owned small businesses. On behalf of a

veteran-owned business in Maryland, argued that the contracting preference was mandatory, while the United States argued that the contracting preference was discretionary. The court ruled on behalf of our client, meaning veteran-owned small businesses will receive priority to compete for billions of dollars in contracts each year before the VA can turn to other suppliers.

- Acting as pro bono co-counsel with the Massachusetts Attorney General's Office on behalf of the Commonwealth of Massachusetts, achieved a major victory when the US Court of Appeals for the First Circuit unanimously held the federal Defense of Marriage Act (DOMA) unconstitutional. That decision marked the first ruling striking down DOMA by a federal appeals court, and was affirmed by the US Supreme Court's historic decision in *United States v. Windsor*, which ensured the legality of same-sex marriage.
- Obtained a verdict on behalf of a death row inmate in a US Supreme Court case in which the Court declared unconstitutional Florida's use of a clinically arbitrary IQ test score cutoff to determine whether an individual has an intellectual disability and is thus ineligible for the death penalty—without regard for the measurement error inherent in IQ testing.
- Represented the Arizona Independent Redistricting Commission (AIRC) in a key election law case before the US Supreme Court that upheld the constitutionality of the AIRC, created by the People of Arizona using their initiative power under the Arizona Constitution to eliminate gerrymandering by elected officials. The decision affirmed the constitutionality of similar commissions created in California and other states, and acknowledged that the People of the States may reform the political process through direct popular lawmaking.
- Represented six Bosnian-Algerians who had been detained at Guantanamo Bay for seven years in the historic *Boumediene v. Bush* decision, in which the US Supreme Court ruled that detainees held in Guantanamo Bay have a constitutional right to challenge their detention in US civilian courts. Subsequently, a federal court upheld the claim that the US government had no lawful basis for imprisoning five of the six Bosnian-Algerian men at Guantanamo Bay.
- Successfully contended that the Eighth Amendment forbids the death penalty for persons under the age of 18 in *Simmons v. Roper*, one of the most significant death-penalty decisions in recent history.
- On behalf of the creator of Pepe the Frog, enforced intellectual property rights to shut down distribution of a controversial children's book that featured a character named Pepe the Frog; espoused racist, Islamophobic and hate-filled themes; included allusions to the alt-right movement; and was deliberately targeted at children. Under threat of litigation, the defendant admitted infringement and agreed to stop distribution of the book in all forms.
- Prosecuted a civil human trafficking complaint on behalf of a young woman from Cambodia alleging that the defendants in the case participated in a scheme to traffic, exploit and abuse her in violation of the Trafficking Victims Protection Act, California and Federal labor laws, tort law, and RICO. The team successfully defended a motion to dismiss and secured a favorable holding from the chief judge of the Central District of California. Trial is set for early 2019.
- For several years, along with the NAACP Legal Defense and Educational Fund, represented a single plaintiff challenging Texas' unduly restrictive and racially discriminatory voter identification requirements. The Fifth Circuit ultimately held that Texas's voter ID law had a discriminatory effect on minority voters. In April 2017, on remand from the Fifth Circuit, the district court held that the voter ID law was also passed with a discriminatory intent.
- In August 2017, filed suit on behalf of five Jane Doe plaintiffs seeking to declare that the US president's directive to categorically exclude transgender people from military service

is unconstitutional and to enjoin its enforcement. Following on several federal court rulings that blocked the president's directive, the Department of Justice withdrew its initial appeals, paving the way for transgender people to enlist in the military beginning on January 1 of the year.

Public Service

Community Service

WilmerHale hosts a range of volunteer events in its offices, with firm lawyers and staff coming together to serve the community.

- The firm promotes the academic and personal development of diverse youth through weekly enrichment programs and select career preparation workshops in Boston, Dayton, Los Angeles and Washington DC.
- Firm lawyers teach middle school students the basics of litigation in preparation for the students' mock trial presentations before sitting judges at courthouses in Boston and Palo Alto.
- The firm hires eight Boston-area high school students as interns each year as part of the Summer Leadership Institute, and works with urban young adults in Boston, New York and Washington DC through [Year Up](#).
- Lawyers and staff participate in food and clothing drives in the cities in which the firm has offices, with a particular focus on supplying healthy food and supporting sustainable local agriculture.

Legal Services Center

In 1993, the firm and its partners who attended Harvard Law School provided the funds to establish a permanent site for the WilmerHale Legal Services Center of Harvard Law School. Since then, this unique relationship has grown far beyond the initial "bricks and mortar" donation. For more information, visit the [WilmerHale Legal Services Center of Harvard Law School website](#).

For a look at the history of the center, view "[The Hale and Dorr Legal Services Center: 1993-2003: Ten Years of Creative Collaboration Among a Law School, Its Legal Services Center, and a Private Law Firm](#)," a case study by Shira Shaiman.

Pickering Fellowships

WilmerHale honors Founding Partner John Pickering's legacy and lifelong commitment to public service through the annual presentation of the Pickering Fellowship. This program allows a selected associate to spend six months working at a public interest organization. Placements have included the Medical-Legal Partnership | Boston; NAACP Legal Defense and Educational Fund; Political Asylum/Immigration Representation Project; Urban Justice Center; and Washington Lawyers' Committee for Civil Rights and Urban Affairs.

Community Partnerships

Bread for the City serves 10,000 low-income and homeless people in Washington, D.C. through a food bank, a legal clinic, a legal clinic, and social services.

See Forever Foundation/Maya Angelou Schools

Bread for the City

Recognition

2018

- The firm is recognized as a 2018 Top Charitable Contributor in Massachusetts by the *Boston Business Journal*.
- WilmerHale receives Mass Mentoring Partnership's Excellence in Empowering Youth-Adult Relationships Award.
- The firm is recognized by the Immigrant Defense Project for its work in the area of immigrant rights.
- WilmerHale is recognized by Maya Angelou Public Charter School for its tutoring program and commitment to supporting the school's mission.

2017

- The firm is recognized in *The American Lawyer's* annual "A-List" and earns the number four spot—WilmerHale's highest position in these prestigious rankings since they were first published 15 years ago. *The American Lawyer* notes that WilmerHale's "pro bono, [revenue per lawyer] and female equity partner scores are among the strongest in The Am Law 200."
- WilmerHale receives the Pro Bono Partner of the Year Award from the National Veterans Legal Services Program.
- The firm is honored by FamilyAid at its Home for the Holidays celebration for its longstanding pro bono support.
- WilmerHale receives the Foot Soldier in the Sand Award for outstanding contribution of pro bono legal services to the NAACP.

- The firm is honored with the Marvin Frankel Award for outstanding dedication to pro bono service and work on behalf of asylum seekers by Human Rights First.
- WilmerHale is recognized as the Advocacy Firm of the Year from the Human Trafficking Pro Bono Legal Center for our extensive work in the human trafficking field.

2016

- WilmerHale receives the Pro Bono Outstanding Service Award from the Political Asylum and Immigration Representation Project (PAIR) for our representation of an pro bono client who was granted asylum in the United States after an 11-year case.
- For the 13th year, the firm is recognized in *The American Lawyer's* annual "A-List," a compilation of leading US firms that recognizes overall excellence, financial success, commitment to pro bono work, workforce diversity, and the training and development of younger lawyers.
- WilmerHale is among the top 20 law firms in *The American Lawyer's* list of the top 200 firms for pro bono work, both nationally and internationally.
- Brooklyn Defender Services' Family Defense Practice honors WilmerHale at its annual benefit in New York for the firm's impressive level of support provided through monetary contributions, strategic advice and counseling, and leadership on the advisory board.

2015

- The firm is honored at DC Appleseed Center for Law and Justice's awards reception for its pro bono contributions.
- WilmerHale receives the Neighborhood Legal Services Program's Enduring Impact Award, which recognizes organizations that have a deep impact on the lives of low-income Washington DC residents and provide continued support to the nonprofit.
- For the third consecutive time, Sanctuary for Families, a service provider for survivors of domestic violence, sex trafficking and other related forms of gender violence, honors WilmerHale with an Above & Beyond Award for Excellence in Pro Bono Advocacy.
- WilmerHale is recognized among the *Vault* Law 100, an annual ranking that honors the best firms based on a compilation of factors, including pro bono work.
- WilmerHale receives the Pro Bono Law Firm Award from PAIR for excellence in and dedication to asylum pro bono service. WilmerHale has represented PAIR clients since 1989, winning asylum for indigent asylum-seekers who fled from Algeria, Cameroon, China, Colombia, Democratic Republic of Congo, Eritrea, Ghana, Lebanon, Rwanda, Sierra Leone, Somalia, Tibet and Uganda.
- WilmerHale is honored for its leadership and dedication to public service at the City Bar Justice Center's 10th annual gala. Through programs such as the Legal Clinic for the Homeless, Veteran's Assistance Program and 9/11 Victim's Compensation Fund, WilmerHale has provided pro bono legal services to dozens of homeless families, veterans, unaccompanied minors and victims of the 9/11 attack.
- Legal Aid of Western Ohio presents WilmerHale with the Signature Sponsor Award for Access to Justice, recognizing the firm's continued support.

2014

- For the second consecutive year, Sanctuary for Families honors WilmerHale during the 12th Annual Above & Beyond Event, which celebrates lawyers who have made a positive impact on the lives of

domestic violence and sex trafficking victims through pro bono representation.

- WilmerHale is included in *Financial Times*' North America Innovative Lawyers Social Responsibility list for its firmwide Community Partnership Model.
- For the third consecutive year, *Law360* names WilmerHale to its "Pro Bono Firms of the Year" list for notable successes ranging from issues affecting the United States to life-altering representations of individual clients.
- WilmerHale is recognized among the nation's top law firms for commitment to pro bono work in *The American Lawyer's* AmLaw 200 rankings.
- WilmerHale is honored for outstanding pro bono dedication and efforts at the Healing & Hope reception, an annual awards ceremony and fundraiser for the Campaign for the Fair Sentencing of Youth.

2013

- *Who's Who Legal* names WilmerHale to its "Pro Bono Leading Firm" list, honoring the firm for committing significant time and resources to strengthen local communities.
- The firm is recognized during a Women's Bar Foundation event in Boston for its longstanding dedication to representing survivors of domestic violence and assisting seniors in need of end-of-life documents

2012 and Earlier

2012

- WilmerHale receives the Pro Bono Publico Award for outstanding service to the Legal Aid Society and its clients, and is recognized for its representation of the Coalition for the Homeless as well as its partnership with the New York Legal Aid Society.

2011

- WilmerHale is among 14 law firms to receive the National Legal Aid & Defender Association's Beacon of Justice Award. This year's award recognizes firms that have innovative public-private partnerships that protect equal justice for all through appellate litigation.
- WilmerHale receives The Child Welfare League of America's annual National Corporate Advocate of the Year Award. The firm is recognized for providing unsurpassed pro bono service to fight laws that prevent gay, lesbian and unmarried families from providing care and homes to children in need.

2010

- The American Constitution Society, Boston Chapter, recognizes WilmerHale as a leader in pro bono representation on important constitutional rights issues. The firm receives this recognition for its representation of the petitioners in *Boumediene v. Bush* to successfully secure justice for inmates at Guantanamo Bay.
- The American Bar Association's Litigation Section gives WilmerHale the John Minor Wisdom Public Service and Professionalism award. The award is presented to individuals and law firms that have made "outstanding contributions to the quality of justice in their communities, ensuring that the legal system is open and available to all." Since 2001, only four firms have received the award.
- WilmerHale's International Arbitration Practice is awarded the honor of Pro Bono Team of the Year at The Lawyer Awards in London for the group's work on behalf of The Sudan People's Liberation

Movement/Army.

- WilmerHale is presented with the Maya Way Award for Community Service and is recognized as a social justice champion and community partner by the See Forever Foundation during a fundraiser to support the Maya Angelou Schools in Washington DC.
- WilmerHale is honored by City Year in recognition of the firm's 20 years of service representing City Year as its pro bono national counsel.

[View a list of our pro bono honors prior to 2010.](#)



For decades, we have been known for our record of pro bono representation and community professional mandate than advocacy for the most powerful an