



Shaken

Faced with an epic disaster in Haiti,
Am Law 200 firms responded in kind.

into Action

By Ross Todd

Illustration By Brian Hubble

FOR

MIAMI-BASED
Boies, Schil-

ler & Flexner associate Markenzy Lapointe, Haitian earthquake relief work was a homecoming of sorts. Lapointe grew up in Haiti, “in the heart of Port-au-Prince,” before moving to the United States with his family when he was 16. “When I looked at the parts of the city where I used to live, I see the pancaked buildings,” Lapointe says. “I could have easily perished in that if I had been there.”

Shortly after the quake, Lapointe called Dr. Arthur Fournier, the founder of Project Medishare for Haiti, Inc., a Miami nonprofit that provides medical and humanitarian aid in Haiti, to ask how he could use his skills as a commercial litigator and veteran of the local U.S. attorney’s office. That conversation led to Lapointe’s appointment to represent one of Project Medishare’s patients—“Baby Jenny,” an infant who had been recovered from the rubble five days after the earthquake.

Lapointe initially helped make sure that the child was receiving the proper care. He then represented her in Miami-Dade County juvenile court proceedings that helped confirm the

identity of her parents when they came forward after hearing of her rescue. Lapointe and other government and private lawyers then helped the child’s parents navigate a bureaucratic maze in Haiti to get passports allowing them to travel to Florida in May to be reunited with their daughter, who continues to get treatment there.

“Just the sheer magnitude of [the disaster]—being Haitian American certainly made it a calling on my part to participate,” Lapointe says. “But I don’t think you have to be Haitian American to say to yourself, ‘Oh, my God. This is so bad, I’ve got to help.’”

In the aftermath of January’s earthquake, which killed 200,000 and displaced millions of Haitians, Am Law 200 firms responded en masse, with more than 35 firms donating a total of almost \$3 million to relief efforts. Beyond the outpouring of funds, at least 70 Am Law 200 firms have taken on pro bono projects to further the relief effort. Am Law 200 lawyers have served as outside general counsel to relief nonprofits, aided Haitian refugees applying for temporary protected status in the U.S., and helped document the humanitarian crisis on the ground in Haiti as conditions deteriorated. The follow-

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ing accounts are a sampling of the kinds of pro bono work lawyers are doing to help rebuild the country.

SCHULTE ROTH & ZABEL SPECIAL COUNSEL Daniel Greenberg's involvement with Haiti grew out of the firm's pro bono general counsel work for the Boston-based nonprofit group Partners in Health (PIH). In the weeks after the earthquake, PIH chartered flights to get doctors and aid into Haiti. But when a donor offered to let the group use a personal jet to transport doctors into the field, PIH hit a snag that was beyond Schulte Roth's usual general counsel portfolio of business transactions, contracts, and corporate legal issues. The nonprofit had a planeload of doctors ready to go to Haiti, but the pilot PIH had hired for the flight refused to take off because the donated plane was inadequately insured.

PIH called Greenberg, who sent an e-mail to the firm's partners, asking if anyone had expertise in aircraft finance. Several partners pointed him to the head of the firm's intellectual property practice, Robert Kiesel, who had worked on equipment leasing deals. Kiesel drew up an appropriate lease between PIH and the donor, and the nonprofit was able to insure the plane and get it in the air within hours.

PARIS-BASED WINSTON & STRAWN PARTNER Patrick Murray has long been involved in pro bono projects in Haiti, also through PIH. As a college student more than 30 years ago, PIH cofounder Dr. Paul Farmer was a babysitter for Murray's children. The two have kept in touch, and over the years, Farmer has turned to Murray for help applying for grants in Europe, asked Murray to sit on PIH's board, and convinced Murray and his wife to found Zanmi Lasanté-Paris, PIH's sibling organization in France.

In fact, Murray narrowly missed the January earthquake: He had just returned from a trip to rural Haiti with Zanmi Lasanté the day before the temblor. Since then, Murray has taken the lead as the volunteer Haiti program coordinator for the International Senior Lawyers Project, where he helps coordinate volunteers on more than a dozen projects across the country.

One such project took Murray back to Haiti in late March to represent a client who runs a small bottling plant. Murray's client received a loan to make repairs to the plant through the International Finance Corporation, an affiliate of the World Bank that provides lending when private financing is not readily available. Murray helped the business secure financing and was present when the first case of beer to be bottled in Haiti after the earthquake came off the production line. "I think the reaction from the private legal sector to the earthquake has been really heartening," Murray says. "A lot of people have called to ask what they can do."

AFTER LEADING HER FIRST DELEGATION TO HAITI in March, Reed Smith pro bono counsel Jayne Fleming fielded calls and e-mails from lawyers asking how they could get involved. On that trip, Fleming had interviewed candidates for humanitarian parole, a seldom-used method of entry to the U.S. (It had been used for Vietnamese and Cuban refugees, and more recently for informants who aided U.S. forces in Iraq.) Humanitarian parole is only available to Haitians in the most desperate circumstances—people who need specialized medical care, the elderly, orphans and vulnerable children, and targets of gender-based violence.

In March, Fleming brought a total of 22 humanitarian parole cases to Reed Smith. Colleagues she had traveled with on the trip were handling 25 more. When she led a second trip in May, Fleming was accompanied by Morrison & Foerster pro bono counsel Jennifer Brown, O'Melveny & Myers counsel Jerri Shick, Shearman & Sterling counsel Jeffrey Salinger, Hogan Lovells associate Joanna Wasick, and Wilmer

Cutler Pickering Hale and Dorr associate Joyce Chen. Fleming had intended to merely continue working on her initial 22 cases during her return trip, but with people in the relief camps lining up each morning in hopes of seeing a lawyer, she picked up an additional 30 cases during her week in Port-au-Prince. "I decided the most we can do is help one person at a time," Fleming says.

Still, Fleming's return trip left her frustrated with the lack of progress. "Why do we still have teenage girls and orphans and children wandering the streets of Port-au-Prince?" she says. "I just felt so discouraged, because things have not improved. They've deteriorated. It comes as a surprise to people when I say that nobody is getting fed and babies are still sleeping in the dirt." Fleming has raised money to open a safe house for women who have been victims of sexual abuse in tent camps,



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but she also spends time keeping the crisis in Haiti visible. "It's very important to inspire people to hold aid groups accountable and to hold our governments accountable," she says.

EVEN HELPING HAITIAN CLIENTS WITH RELATIVELY routine pro bono needs can be daunting, Jenner & Block associate Wade Thomson has found. In the spring of 2009, Thomson had helped a Haitian radio journalist who faced persecution for his opposition to the Haitian government obtain asylum in the U.S. When the earthquake hit in January, he was working on a derivative asylum application for the journalist's 11-year-old daughter, who remained in Haiti. Although her petition had been approved by immigration officials in the U.S., the journalist's daughter still had to go to the U.S. embassy in Haiti for an interview to get final approval to leave the country. The date of her interview had been scheduled for days after the earthquake, and in the first weeks after the disaster, the U.S. embassy in Port-au-Prince had suspended all routine interviews to deal with emergency matters.

Thomson and his client were understanding at first, but when the interview date was stalled by weeks, Thomson worked through aides in U.S. senator Richard Durbin's office to find decision makers at the U.S. Department of State who could get things moving again. And in April, after the girl had finally been granted asylum, Thomson had to talk the airline out of canceling her nonrefundable ticket.

Later that month, Thomson finally accompanied his client to the airport in Chicago to pick up his daughter. At around 3 in the morning, he witnessed their tearful reunion. "When chaos happens, we as lawyers can't worry about stepping on toes and asking for favors and getting on planes and boats and getting things done," Thomson says.

Boies, Schiller's Lapointe echoes that sentiment. "You can easily be discouraged by the sheer magnitude of a problem," he says. "You can easily decide, this is not for me. Don't let the fact that you're just one person discourage you from doing things. Individuals do make a difference, and it is the collective weight of individual actions that can make a difference."

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