

Experienced Lawyers Lead The Way

The Editor interviews Jean C. Berman, Executive Director, International Senior Lawyers Project.

Editor: After hearing the news that Leigh Dance is donating the proceeds from the sale of her book, *Bright Ideas – Insights From Legal Luminaries Worldwide* – to the International Senior Lawyers Project (ISLP), we knew that a great deal of thought had gone into her choice. Having done some further research, we are even more impressed by her choice. (See June issue, *The Metropolitan Corporate Counsel*.)

Berman: We are very grateful for that decision, since every penny helps us a great deal. We essentially leverage donations by 12 to 15 times in terms of the value of pro bono services, so this money will be well used.

Editor: Please describe the purpose of ISLP and the year in which it was founded.

Berman: ISLP was incorporated in March 2000 by a small group of public-spirited lawyers, primarily from major law firms based in Washington. They were nearing retirement age, but feeling healthy and intellectually alert. Tony Essaye, co-president of ISLP, had been associate counsel to the Peace Corps early in his career. Bob Kapp, also co-president, had been heavily involved in pro bono work, particularly international human rights. Tony (retired from Clifford Chance US) and Bob (of counsel, Hogan & Hartson LLP) thought there were a large number of baby boomer lawyers who could be deployed to address worldwide problems of human rights, access to justice and poverty. Thus they founded the International Senior Lawyers Project to create a vehicle through which highly experienced lawyers could use their wisdom, their experience, their talent and their good will to address these very critical problems, a task recognized as even more urgent on September 11, 2001. Following ISLP's incorporation, the original organizers, including Richard Winfield, also a Clifford Chance partner, Herbert Hansell of Jones Day, and others were able to secure funding from the Open Society Institute, the Nathan Cummings Foundation and The Pew Charitable Trust to undertake a "Preparation Phase Study." They hired Barbara Swann, a media lawyer who was involved in the international rule of law work, to undertake the study.

Editor: What did the study entail?

Berman: Barbara spent about seven months interviewing hundreds of lawyers nearing retirement to ascertain their interest in this idea – lawyers involved in international rule of law work with the American Bar Association and the State and Justice Departments, as well as lawyers in private and public practice. She also traveled to Eastern Europe and South Africa to meet with NGOs and government agencies to ascertain whether they thought they could benefit from assistance from foreign lawyers.

Editor: What are the three major program areas?

Berman: We have three different program

areas: Human Rights, Access to Justice, and Equitable Economic Development. The last has two aspects – helping the poorest countries of the world improve their economies and helping organizations that work to improve the economic situation of the poor. Within these program areas, we provide four kinds of legal assistance: (1) sending lawyers abroad on long-term assignments to work with government agencies and NGOs to help build their capacity; (2) short-term training programs; (3) research and writing on human rights issues and legislative reform that is undertaken primarily by law firms; and (4) high-level counsel for transactions and corporate matters.

Editor: Please provide our readers with some examples of your human rights work.

Berman: One recent example is our work with the Institute for Human Rights and Development in Africa, IHRDA, which is a Pan-African NGO founded in 1997 in The Gambia, where the African Commission on Human and Peoples' Rights is located. IHRDA's purpose is to advance respect for human rights in Africa by increasing the effectiveness of the human rights protection mechanisms of the African Union, including providing pro bono counsel to individuals and NGOs that bring cases before the commission. ISLP provided a British human rights lawyer to IHRDA for a short-term training for lawyers from the Democratic Republic of the Congo working on issues of rights related to the impact of mining activities, including environmental impact, labor laws and children's rights. The lawyer had considerable experience using European regional courts, which he drew upon to teach the principles of enforcing rights under international treaties and conventions, the processes followed by regional courts, the kinds of plaintiffs who make good witnesses and the like.

ISLP is now providing a very experienced American senior civil rights lawyer to work with IHRDA and Nigerian lawyers on a case to enforce the rights of people within Nigeria to move from one region to another and retain the benefits of citizenship held by the local people. Nigeria has a system that favors local people in a number of ways, making it difficult to move and resulting in generations of discrimination that is essentially grounded in ethnicity and religious affiliation. Our volunteer is working with IHRDA and Nigerian lawyers to challenge this discriminatory practice.

We've done a number of projects involving assisting criminal defense lawyers for the poor. In Eastern Europe we sent lawyers to Bulgaria, Lithuania, Mongolia and Ukraine to help set up the first public defender offices there. We also work with an organization called International Bridges to Justice ("IBJ"), which trains defense lawyers in China. We sent a career public defender from Minnesota to work with IBJ for three months in the fall of 2008 to help train lawyers working in the juvenile justice system. She drafted a training manual to be used by public



Jean C. Berman

defenders in juvenile cases and did pilot trainings in different regions of the country. Her work was so highly regarded that IBJ asked her to work with them for another six months as a paid consultant, and she is returning in the fall to do that. This month, ISLP is sending its second volunteer to work with IBJ.

Editor: Please give us some examples of how ISLP lawyers have advanced economic equality.

Berman: In the fall of 2005 Liberia had its first democratic elections since the onset of the Charles Taylor civil war. Ellen Sirleaf was elected president, the first woman president in Africa. We have been providing very high-level assistance to the government of Liberia for the past three and a half years to help them renegotiate and negotiate major natural resource concession agreements – starting with the mining of iron ore by Arcelor Mittal, and a rubber plantation concession with Firestone. These were both long-term agreements, 25 or 30 years, that had been entered into by the transitional government, which had a number of weaknesses in terms of benefits for Liberia. Since the renegotiation of these two agreements in 2006 and 2007, we've been working on several other concession agreements; we've also been helping to reform their public procurement and mining laws. The first renegotiations were a pillar of Sirleaf's poverty reduction strategy, and there was a lot of positive reaction to the more favorable terms that were achieved through them.

Editor: What areas of the world have received your major focus?

Berman: Africa has the most number of projects, with the majority there being in Liberia, but we have worked in at least ten other countries in Africa. We've worked on projects in or affecting about 45 countries, including China, India, Vietnam, Cambodia, Bulgaria, Ukraine, Bosnia, and Russia, to name just a few. We now have four projects in Haiti. We are beginning to develop more projects in Latin America now that we have a group of Spanish-speaking lawyers in our volunteer database.

Editor: How many lawyers in all are involved?

Berman: We have about 570 lawyers registered in our volunteer database. In addition to registered volunteers, we have more than 30 law firms involved in our projects. In 2008 we had 57 lawyers who went abroad on assignments, some of them two or three times, as compared with 34 in 2007. This year we expect to have at least 75 volunteer overseas trips.

Editor: Where are your principal offices?

Berman: Our principal office is in New York City, where we have a staff of six. We are extremely fortunate to be the recipient of free office space provided by Clifford Chance US LLP, which has been supporting us since we were founded. We have a satellite office in Paris, with space provided by Winston & Strawn LLP, where our consulting director for Europe works. Our co-presidents are in Washington, one of whom, Tony Essaye, has office space

donated by the firm of Lawler, Metzger, Milkman & Keeney LLP.

Editor: Tell our readers about your board.

Berman: We have a board of 27 members, most of whom were founding members and have done international, high-level government or nonprofit work in Washington. In recent years we have been bringing in more New Yorkers. We also have members from Boston and Ohio, as well as two members from Europe, one from Spain and one from Poland. Several Board members have also served as ISLP volunteers.

Editor: Two Supporting Law Firms of *The Metropolitan Corporate Counsel*, Akin Gump and Wiley Rein, have been involved in microinsurance known as LeapFrog Investments. Could you describe this program?

Berman: This is an example of high-level transactional counsel for nonprofits promoting equitable economic development. LeapFrog Investments was founded by Ashoka. Ashoka is a U.S. organization that identifies people around the world who are addressing social problems in innovative ways and provides fellowships so these "social entrepreneurs" can devote their time to the problems they seek to solve. We collaborate with Ashoka in that Ashoka Fellows are alerted to the services ISLP provides and encouraged to reach out to us for pro bono help. Ashoka Fellow Andrew Kuper had the idea of setting up an affordable insurance program for low-income microbusinesses, a counterpart to microlending, to insure that such businesses can survive in the event of a serious loss. Andy's idea, LeapFrog Investments, will invest in and support microinsurance initiatives in developing countries in Africa and Asia, helping to provide financial security to a targeted 25 million people on a sustainable basis. LeapFrog Investments is a for-profit business that allows investors to make a small return. It must meet a number of complex regulatory requirements. ISLP recruited Akin Gump and Wiley Rein to structure the microinsurance organization along insurance industry requirements. Tom Brunner, the head of Wiley Rein's insurance practice, recently wrote to tell us how thrilled he and his colleagues are to be involved in launching LeapFrog.

Editor: How may U.S. attorneys nearing retirement find out more about the qualifications needed to serve as an ISLP volunteer?

Berman: They should go to our website at www.islp.org and link to our registration form, which also requests that a cv be provided. We try to take advantage of all of the different experiences and skills that lawyers bring. While the right project might not be available for an attorney immediately, we always keep in mind what our resource base is, and we look for projects that will use the experience and skills of those who register with us. In general, in addition to the specific qualifications of a project, such as language or a particular area of expertise, we look for attorneys who are very open-minded, flexible and patient, because many of the projects we undertake proceed in fits and starts. Contact us, register with us, and we will be back in touch with you.

Please email the interviewee at jberman@islp.org with questions about this interview.