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▶ For Lawyers

▶ For the Public

▶ Inside the Bar



[Home](#) > [For Lawyers](#) > [Resources](#) > [Publications](#) > [Washington Lawyer](#) > [November 2011](#)

Legal Beat

News and Notes on the D.C. Bar Legal Community

By Kathryn Alfisi and Thai Phi Le

D.C. Bar Pro Bono Program Joins Give to the Max Day

How much can nonprofits raise in only 24 hours? That question will be answered on November 9 during the first Give to the Max Day: Greater Washington, a communitywide online fundraising event for local nonprofit organizations.

Give to the Max Day was developed in response to the significant decrease in charitable donations to local organizations over the past few years. As the community struggles with problems resulting from the weak economy, legal services providers are faced with deep budgets cuts and reduction in resources.

As one of the participating organizations, the D.C. Bar Pro Bono Program is hoping to be among the top fundraisers, which would put the program in the running for possible cash awards. Awards totaling more than \$100,000 will be available to nonprofits that raise the most money and engage the largest number of supporters, in addition to other categories.

"The D.C. Bar Pro Bono Program is seeing the effects of the economy on our city every day. We see it in the growing numbers of low-income people seeking legal help at our clinics and at our court-based resource centers," said James J. Sandman, chair of the Bar's Pro Bono Committee. "I hope people will remember the Pro Bono Program on November 9 and donate generously through Give to the Max."

Give to the Max Day has had success in other locales, including Minnesota and Pittsburgh. For the District-area fundraiser, organizers aim to raise more than \$3 million from 10,000 donors in one day.

The initiative, created by online fundraiser Razoo, is organized and supported by the "Eight Neighbors," an alliance of leadership groups from business, government, and nonprofit sectors. The alliance includes the Center for Nonprofit Advancement, Greater Washington Board of Trade, Leadership Greater Washington, Metropolitan Washington Council of Governments, Nonprofit Roundtable of Greater Washington, The Community Foundation for the National Capital Region, United Way of the National Capital Area, and the Washington Regional Association of Grantmakers.

To make a donation, visit <http://give2max.razoo.com> and enter "D.C. Bar Pro Bono Program."—T.L.

D.C. Bar Partners With USI Affinity to Offer Malpractice Insurance

The D.C. Bar has partnered with USI Affinity to provide lawyers professional liability insurance program to Bar members.



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"USI Affinity is thrilled to be partnering with an association of the quality of the District of Columbia Bar. We have built our leadership position on personal service. We work closely with law firms to understand their practice and the risks they face, then obtain coverage tailored to their individual needs," said Arnol B. Kaplan, president of professional insurance solutions at USI Affinity.

USI Affinity's other clients include the state bar associations of New Jersey, New York, and Pennsylvania, and the regional bar association of Allegheny County, Philadelphia, and Boston. USI Affinity's close relationships with insurance companies nationwide allow it to offer competitively priced, quality products.

To learn more about the program, contact Mike Mooney at 800-265-2876, ext. 11441, or visit www.USIAffinity.com/DCBar to request a free quote.—K.A.

Legal Clinic Helps Nonprofits Address New Business Code

On September 15 the D.C. Bar Pro Bono Program held a legal clinic to help nonprofit organizations navigate the changes to the Nonprofit Corporation Code that will go into effect January 1, 2012.

The code was signed into law by Mayor Vincent Gray in February. It incorporates the first substantial updates to the code since 1962 and is drawn from the American Bar Association's Model Nonprofit Corporate Code, third edition. By signing the bill, the District became the first jurisdiction to adopt the new model.

The new provisions address the significant changes in best practices from corporate governance to transparency and accountability. The updated code offers more detailed descriptions of the rights of nonprofit members, provides procedures on how to communicate properly with members, and includes the steps needed to report knowledge of wrongdoing by officers, among many other issues.

The legal clinic aimed to help nonprofits explore the law's impacts on their organization and to help them come into compliance before its effective date next year. The clinic was held at DLA Piper, which cosponsored the event with Verizon.

Demand for the clinic was high, as the appointment slots quickly filled up. Thirty-six attorneys volunteered to be on hand to help 28 nonprofit organizations.

"Verizon's pro bono program is focused on finding opportunities for the company's attorneys to use their business law skills to assist needy clients, including nonprofits. Indeed, work for nonprofits is particularly valuable because assistance provided to them translates in turn to more effective services for the organizations' many clients, magnifying the benefits," said John Frantz, vice president and associate general counsel at Verizon.

"The nonprofit clinic was an excellent opportunity, working with DLA Piper and the D.C. Bar Pro Bono Program's Community Economic Development Project, for Verizon's attorneys to provide timely assistance to nonprofits in the District."

Joined by lawyers from DLA Piper, clinic volunteers individually examined how existing bylaws may need to be revised and offered tailored advice to each organization. Among those receiving help was Eric Angel, legal director of the Legal Aid Society for the District of Columbia, who met with Michael McRae, the associate general counsel at Verizon.

"[He] helped walk me through the statutory changes to the Nonprofit Corporation Code. Overall, we got a preliminary clean bill of health, which was very comforting," Angel said. —*T.L.*

CLC Honors Senator Landrieu, Jones Day Law Firm



For their work on behalf of children, the Children's Law Center (CLC) honored Senator Mary Landrieu and Jones Day during its annual Helping Children Soar Benefit on September 21.

Landrieu (D-La.) was presented the Distinguished Child Advocate Award by D.C. Superior Court Chief Judge Lee F. Satterfield, who received the same award in 2006. Landrieu is cochair of both the Congressional Coalition on Adoption and the Senate Caucus on Foster Youth. As a member of the Senate Committee on Appropriations, she has leveraged funds for programs that benefit children.

"Children's Law Center is recognizing Senator Landrieu tonight because of what she has done in the District for our children," Satterfield said.

As chair and former ranking member of the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Satterfield said Landrieu "took the time to listen to District leaders, listen to child advocates, and then she directed millions of dollars in additional funding to allow the District to strengthen our child welfare system ... and our court system."

Jones Day received the Children's Pro Bono Champion Award for its commitment to providing the District's neediest children and families with legal assistance. The firm has handled 29 cases since it began working with CLC in 2005.

"Jones Day sets a very high bar. Their partners, associates, and paralegals have been tireless in securing bright futures and safe homes for D.C.'s children," said CLC executive director Judith Sandalow.

Jones Day partner Carmen McLean, who serves on CLC's board of directors and is also founding chair of the center's advisory board, and partner-in-charge Greg Shumaker received the award on behalf of the firm.

Helping Children Soar is also a fundraising event for CLC, and this year it raised more than \$685,000.

CLC assists low-income children who have special education and health needs and those in the child welfare system. —*K.A.*

ABA Death Penalty Representation Project Marks 25th Anniversary

On September 14 the American Bar Association (ABA) Death Penalty Representation Project marked its 25th anniversary

with a program featuring retired U.S. Supreme Court Justice John Paul Stevens.

Stevens was honored with the Guiding Hand of Counsel Award for his dedication to equal justice. Although Stevens voted to reinstate capital punishment in 1976 after a four-year moratorium, he publicly declared in 2008—two years before his retirement—that he had come to believe the death penalty to be unconstitutional.

Law firms Arnold & Porter LLP, Dorsey & Whitney LLP, and Fredrikson & Byron, P.A. were honored with Exceptional Service Awards for their commitment to death penalty representation and for the pro bono work of their lawyers.

The program also featured remarks from former death row inmate Anthony Graves, who was exonerated and released last year after being imprisoned for 18 years in Texas.

The Death Penalty Representation Project works to ensure that individuals facing a possible death sentence are given fair trials and quality legal representation. Among its primary goals is to increase the number of lawyers who are willing to serve as pro bono counsel for death row inmates in post conviction proceedings.

For additional information about the project, visit www.americanbar.org or e-mail deathpenaltyproject@americanbar.org.—K.A.

Bar Members Must Complete Practice Course

New members of the District of Columbia Bar are reminded that they have 12 months from the date of admission to complete the required course on District of Columbia practice offered by the D.C. Bar Continuing Legal Education Program.

D.C. Bar members who have been inactive, retired, or voluntarily resigned for five years or more also are required to complete the course if they are seeking to switch or be reinstated to active member status. In addition, members who have been suspended for five years or more for nonpayment of dues or late fees are required to take the course to be reinstated.

New members who do not complete the mandatory course requirement within 12 months of admission receive a noncompliance notice and a final 60-day window in which to comply. After that date, the Bar administratively suspends individuals who have not completed the course and forwards their names to the clerks of the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, and to the Office of Bar Counsel.

Suspensions become a permanent part of members' records. To be reinstated, one must complete the course and pay a \$50 fee.

The preregistration fee is \$219; the onsite fee is \$279. Remaining 2011 dates are November 5 and December 6. Upcoming dates for 2012 are January 7, February 7, March 10, April 10, May 12, June 5, and July 14. Advanced registration is encouraged.

For more information or to register online, visit www.dcbbar.org/mandatorycourse.

Portraits of Washington's District Court Judges Exhibited Online

When William B. Bryant was first appointed by President Lyndon B. Johnson as chief judge of the U.S. District Court

for the District of Columbia in 1965, Facebook creator Mark Zuckerberg had yet to be born. Nearly 50 years later, Bryant's portrait and those of 83 other judges named to the District Court made their debut on the social media site.

Created by the Historical Society of the District of Columbia Circuit, the Web exhibit is a modern take on the organization's mission to maintain the history of the D.C. Circuit courts and judges, as well as a new way to expand its reach and audience.

"The Historical Society is always eager to make accessible to the public the history of the courts of the D.C. Circuit and the judges who have served on them," said Linda Ferren, executive director of the Historical Society.

Photos of the portraits and brief biographies were posted on the organization's Web site and Facebook page at the end of September. The oldest portrait is that of Thomas Johnson, the first judge appointed to the District Court when it was founded in 1801. (Johnson, however, declined the post, but he is still considered to be the court's first judge.) The exhibit also has pictures of Bryant, Washington's first black chief federal judge, and Burnita Shelton Matthews, the first woman appointed to serve on a U.S. District Court.

To complete the project, Ferren enlisted the help of American University associate professor Kathleen Franz and her graduate students from the university's public history program. While many of the portraits can be viewed in the Ceremonial Courtroom at the District Court, others are in storage and were examined by students to assess their condition.

The exhibit will continue to be updated with transcripts from ceremonies held when a portrait was donated to the District Court, as well as any additional information about the portraitists. Of the 84 portraits, 23 were painted by artist Richard C. Henderson.

To view the portraits online, visit www.dchcs.org.—*T.L.*

Continuing Commitment

On September 14 the D.C. Bar Continuing Legal Education (CLE) Program held its Annual Faculty Appreciation Reception to recognize the commitment of its faculty volunteers. Morton J.



Posner, chair of the CLE

Committee, cited the program's growth since it was developed 21 years ago and offered 86 courses. In the past year, about 10,000 attendees participated in 134 CLE courses, while 300 volunteers logged 3,000 hours teaching and preparing for class. During the reception, Kristin D. Alden of the Alden Law Group, PLLC; Posner; and Matthew S. Watson, retired administrative judge of the D.C. Contract Appeals Board, were honored for their commitment to the CLE Committee by serving a full six years, which is the maximum three terms. Pictured from left to right are current and former CLE Committee members Alden, Lalla Shishkevish, Posner, Ron Schechter, Julianne Bramesco, William Herbert, Ted Hirt, Theodore Whitehouse, Jim Langford, Virginia McArthur, and Luke Reynolds.—*T.L.*

D.C. Bar Pro Bono Program Gets Third 4–Star Rating

For the third consecutive year, the D.C. Bar Pro Bono

Program received a four–star rating for sound fiscal management from Charity Navigator, the nation’s largest independent charity evaluator.

In determining the rating, Charity Navigator evaluated the program’s overall financial health as well as its accountability and transparency. The four–star designation means the Pro Bono Program outperformed “most charities in its cause” and adhered to “good governance and other best practices that minimize the chance of unethical activities and consistently executes its mission in a fiscally responsible way.”

Of the more than 5,400 charities reviewed by Charity Navigator, only 10 percent received at least three consecutive four–star evaluations.

Charity Navigator examined the Pro Bono Program’s efficiency, which includes administrative and fundraising expenses and fundraising efficiency. It also reviewed the program’s organizational capacity by looking at its primary revenue growth, program expenses growth, and working capital ratio in years.

The evaluation was based on financial information the Pro Bono Program provides annually on its IRS Form 990. For more information, visit www.charitynavigator.org and search “D.C. Bar Pro Bono Program.”—*T.L.*

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With Bigger Space, UDC Law School Looks to Expand Reach

Katherine “Shelley” Broderick, dean of the University of the District of Columbia (UDC) David A. Clarke School of Law, talked excitedly about the truckloads of free office furniture the school was able to acquire from the

General Services Administration (GSA).

New furniture became a necessity after the law school moved into a 100,000–square–foot building at the intersection of Connecticut Avenue and Yuma Street NW, about a block away from its old home on the UDC Van Ness campus.

“When you move into a space that is about five times as big as your old space, guess what, you’re going to need furniture,” Broderick said. “When we moved here we had room for the classrooms, we just needed to furnish the classrooms so we’re very happy that the GSA has a gigantic warehouse, and both federal and D.C. government employees can avail themselves to furniture that has been deemed excess by various agencies.”

The move got off to a rocky start after classes began at the end of August. First, there was an earthquake, and then weather–related fallout from an approaching hurricane. But natural disasters aside, the transition to the new space had gone relatively smoothly. Broderick called the move a “transformative” event that will allow the school to greatly enhance its ability to serve the community and educate its students.

No More Cramped Space



The new location offers much needed extra space to accommodate a school that has tripled in size in the last



four years. Broderick said the law school was “packed to the rafters” at its old location,

and students attended lectures in the auditorium because there weren’t enough classrooms. With its new space, not only can the law school accommodate the current student body, it can prepare for future growth.

“We had 1,650 applicants and only admitted 130 students this year. We couldn’t accept more because we did not know that we’d be in a place where we’d have a classroom that would fit more than 100 people. In the future we’ll be able to accept much larger classes because we have space,” Broderick said.

Currently there are 380 part-time and full-time students at the law school, a number the administration would like to see climb to 650 within the next five years. It’s a goal that Broderick doesn’t think the law school will have any trouble meeting

“We have had way more applicants than we’ve been able to accept for years. We got the highest level of accreditation in 2005, we’ve received honors and top 10 rankings, we are affordable and accessible, we’re in the nation’s capital, and we have a fabulous mission to train public interest, public service, and public policy lawyers,” she said.

Transforming UDC’s Van Ness Campus

The law school’s move is part of an overall revitalization of the UDC Van Ness campus undertaken since Allen Sessoms became university president three years ago.

Ground will be broken in December for a new student center at the intersection of Connecticut Avenue and Van Ness Street NW, a mixed space for undergraduate and graduate students. Efforts also are underway to make the campus more “green,” which includes new roofs and vegetative spaces featuring native and adapted plants.

Part of the reason the law school had to move when it did was to allow renovation work to begin at its old location. The law school’s new location also will undergo renovation that is scheduled for completion in August 2013. Right now the law school is taking up the lower level and floors one, two, and three. The fourth and fifth floors will be renovated from March to August 2012. The school will then move onto the renovated floors when work starts on the lower level and the first and second floors between August 2012 and April 2013. The third floor will be renovated last.

“It’s a very dynamic time,” Broderick said. “Change is messy, but here at the law school we actually handle messy very well. And when you get five times the space you had, it’s worth getting a little messy to transform the experience that our students will have.”

Expanding its Reach

The recent move hasn’t been the only way the law school has expanded. This is the third year the school has offered a part-time program.

“[It] is completely mission-driven for us because it means we can open our doors to District residents who are working full-time and have families but really want a law school education and the legal credentials. They need a part-time program that they can both afford to go to and to get into. D.C. has a lot of law schools, but they are among the most competitive in the country and there are plenty of incredibly

smart people who can't afford them. So now we have a public option for them—a public school that is affordable and accessible," Broderick said.

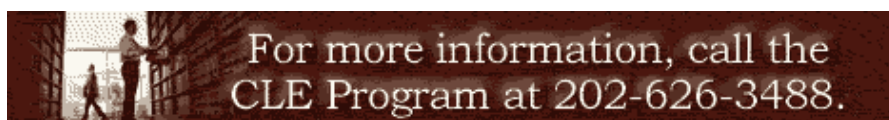
Last year the law school started a master of laws (LL.M.) degree program with concentration in clinical education, social justice, and systems changes. There are currently seven LL.M. candidates participating in the two-year program where they work in the legal clinics and represent clients while receiving instruction and guidance from school faculty.

The law school now offers eight clinical programs, the most recent addition being the Immigration and Human Rights Clinic. Every student is required to participate in two seven-credit clinical programs, which equates to 700 hours of legal services.

As the number of students and faculty grows, so, too, does the number of low-income District residents who are assisted by the school's clinical programs.

"Our ultimate goal is to end poverty and inequality, and in order to do that you need more students and faculty and LL.M candidates engaged in the process," Broderick said.—*K.A.*

Reach D.C. Bar staff writers Kathryn Alfisi and Thai Phi Le at kalfisi@dcbar.org and tle@dcbar.org, respectively.



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