

'Out of Their Wheelhouse': How Pro Bono Lawyers Got Creative in COVID-19 Response

Lawyers around the country are tackling unexpected pro bono projects related to the coronavirus as nonprofits and individuals seek legal advice in their efforts to help out.

By Brenda Sapino Jeffreys
May 6, 2020

Suzanne Utke, a medical malpractice defense partner at Weber Gallagher Simpson Stapleton Fires & Newby in Philadelphia, devoted a considerable amount of her time over the last month working as a volunteer nurse treating COVID-19 patients at a field hospital at Temple University.

Utke, a registered nurse who volunteered through the Philadelphia Medical Reserve Corps, said she started working April 1 to assist with supply issues for the field hospital. Once it was up and running in mid-April, she worked there for three 12-hour shifts a week. She maintained her law practice on the other days of the week, working remotely from home.

Weber Gallagher was quick to approve Utke's volunteer opportunity, even thought it would eat into her hours practicing law. Andrew Indeck, chair of Weber Gallagher, said in a press release that the firm is proud to have someone as dedicated at Utke on its team.

She said her responsibilities included triage, nursing supervision, infection control monitoring and discharging patients. But with patient care winding down at the field hospital, Utke said she will soon begin a two-week quarantine so she can return to the firm's office once it reopens.

The trial lawyer, who once was an emergency room intensive care registered nurse, used her medical background rather than her legal skills to battle the coronavirus crisis. But many lawyers all around the country have eagerly volunteered for pro bono projects related to the COVID-19 pandemic, some of which required some creative thinking.

In each case, the lawyers worked under tight deadlines as conditions surrounding the virus and the resulting economic effects changed rapidly. Below are a few of the unusual ways individuals and organizations looked to lend a hand in the COVID-19 crisis, and how lawyers stepped in to help.

Physician Support Line

Led by a Philadelphia partner who formerly was a practicing psychologist, Cozen O'Connor helped a group of psychiatrists establish the Physician Support Line, which provides free

and confidential mental health support to physicians serving on the front lines of the coronavirus pandemic.

"It's peer-to-peer," said Gregory Fliszar, the Cozen O'Connor partner who worked on the pro bono matter along with associate Danielle Sapega. Both are health care lawyers.

The goal is providing doctors who are "risking their lives, working 12-to-16-hour shifts" someone to talk to, Fliszar said.

Fliszar said he got a call March 27 from a psychiatrist he knew about setting up the hotline, and it was ready to launch 10 days later. He said Cozen O'Connor fast-tracked approval of the pro bono project.

Sapega said they worked on a "slew" of legal issues, including questions related to HIPPA, Good Samaritan laws, general liability and the CARES Act.

According to Fliszar, more than 600 psychiatrists across the country have volunteered to take calls from doctors working on COVID-19 cases.

A Big Law Firm's Guide for Low-Income Neighbors

In mid-March, even before most lawyers and staff started working remotely, a group of lawyers at Baker Botts started thinking about what pro bono work the firm could do in response to the coronavirus pandemic.

Wanting to lend a hand lower-income people, they group decided to create a resource guide, similar to the Harvey Crisis Response Guide the firm produced in 2017 for victims of Hurricane Harvey, which had dropped 52 inches of rain on Houston.

Keri Brown, the partner-in-charge of Baker Botts' corporate social responsibility, noted a similarity between that natural



Suzanne M. Utke partner with Weber Gallagher Simpson Stapleton Fires & Newby.

disaster and the global pandemic: “While the people who flooded in Harvey were of all socioeconomic statuses, it was really the low-income people who were hit harder.”

The firm created a COVID-19 Community Resource Guide with information about federal programs, as well as specific information for the locations where the firm has offices—Texas, California, New York and the Washington, D.C., metro area. The primary focus, Brown said, is assisting the lower-income individual who may not know where to find what they need.

The guide includes information on a range of issues including utility assistance, Medicaid, taxes, fraud, price-gouging, stay-home rules, student loans and mental health—and even where to get tested for the coronavirus.

She said lawyers from many offices volunteered on the project.

“For a lot of our lawyers, it was definitely out of their wheelhouse, but everyone came together at the end of the day. What we got is a really good work product,” she said.

Telling the COVID-19 Story

Latham & Watkins has a long relationship with StoryCorps, a nonprofit that collects and preserves oral histories that are stored at the Library of Congress.

StoryCorps brings people together by facilitating “meaningful conversation” that is recorded in a booth or through an app, CEO Robin Sparkman said. But with social distancing in place, Sparkman said her team had to quickly rethink how people could record StoryCorps conversations without being face-to-face.

The technology team at the Brooklyn-based nonprofit came up with a way to do the recordings remotely through StoryCorps Connect, and lawyers from Latham ironed out the privacy and technology transactions issues.

“We provided advice on what they needed to tell consumers,” along with privacy policy and integrating the technology programs,” said Marissa Boynton, a privacy and cybersecurity counsel in Washington, D.C.

James Smith, an associate in the same practice who worked with Boynton on the pro bono project, said the work took a couple weeks and they did it under a quick turnaround.

“They were just outstanding. They really dropped everything else they were working on,” Sparkman said.

Feeding Texas Health Care Workers

Kirkland & Ellis partner Ahmed Sidik of Houston said he didn’t hesitate when a friend called seeking help to set up a nonprofit, which would provide Houston and Dallas health care workers with meals from local restaurants.

“For me, that was a pretty exciting project to be a part of,”

Sidik said, noting that his wife is a resident physician in Houston rotating through a number of hospitals.

Sidik, along with Kirkland associate James Long, spent a week in late March assisting client Bain Consulting in forming Feed the Front Line, which provides meals for health care workers fighting COVID-19 at hospitals in Houston and Dallas, while also supporting local restaurants, which are struggling due to stay-at-home orders.

The founders are a group of young professionals who work at the management consulting firm.

The lawyers helped the new organization with its corporate structure, and they are assisting with expansion to other cities including Charlotte, North Carolina; Nashville, Tennessee; and Chicago, Sidik said. That work is ongoing, he said.

“They are doing great things. I wouldn’t be surprised if this turns into something bigger. It’s a great cause. People have really been impressed with what they’ve done so far,” he said.

Gowns from the Garment District

Lawyers from Crowell & Moring advised Garment District for Gowns, a nonprofit created to manufacture and provide medical gowns to hospitals and health care workers on the front lines of fighting the coronavirus.

Lisa Umans, a Crowell associate in New York, said the nonprofit was started by her good friend Rachel Rothenberg-Saenz, who is head of products and design for Oscar de la Renta, and she did legal work to form the nonprofit.

She said the group of fashion industry professionals wanted to design a protective gown, and the firm helped them meet guidelines set by the Federal Drug Administration. The lawyers also helped with attaining nonprofit status, governance issues and other questions that came up as they looked to scale operations.

“When you are moving that quickly, there are legal issues all over the place,” said Umans, a associate in the white-collar and regulatory enforcement practices who worked with Paul Mourning, a partner in New York who is a co-chair of the health care practice.

According to a press release, Garment District for Gowns has a goal of producing 10,000 gowns a week, which can be accomplished by expanding to several factories in New York and one in Baltimore. It also recently received a nearly \$500,000 grant from the state of New York to scale up production.

Correction: A previous version of this story misstated Boynton’s position at Latham. The error has been corrected.

Senior reporter **Brenda Sapino Jeffreys** covers the business of law in Texas. Contact her at bjeffreys@alm.com On Twitter: @BrendaSJeffreys