

INSIGHT FROM A PRO BONO PRO

The Pro Bono Institute's Eve Runyon tells Marquette law students they can and should make helping others a career goal.

Eve Runyon has been president and CEO of the Pro Bono Institute (PBI) since 2016. She received a bachelor's degree from the University of Virginia and a law degree from Yale University. The institute is a Washington, D.C.-based nonprofit that supports pro bono efforts of major law firms and in-house legal departments. Runyon spoke with Mike Gousha, senior advisor in law and public policy at Marquette Law School, for the Posner Pro Bono Exchange in the Lubar Center of Eckstein Hall on April 22, 2022. The annual event honors the contributions of the Gene and Ruth Posner Foundation in support of Marquette Law School's public service work and introduces the Pro Bono Society Induction Ceremony, where this past year 139 Marquette law students were recognized for their work. This is an excerpted and lightly edited transcript of the Posner Exchange between Gousha and Runyon.



Eve Runyon in Marquette Law School's Lubar Center.

Gousha: When did you know you wanted to be a lawyer?

Runyon: My parents met and—a normal love story—fell in love. They decided they wanted to get married and have a family. But there was a hiccup, and the hiccup was that my father is white and my mother is Black.

At the time that they met, it was illegal for interracial couples to marry. The *Loving* case [*Loving v. Virginia* (U.S. 1967)], which I'm sure you all studied in law school, was decided two months prior to their marriage. So there was a very real understanding for me growing up that the law was something that was extremely powerful and extremely important. It probably wasn't until

college that I decided I, too, wanted to be a lawyer, but there were lots of things that were relevant to me and that influenced me in coming to that decision.

Gousha: When you were in law school, how actively involved were you in the idea of pro bono, the idea of volunteerism?

Runyon: One of the reasons I chose my law school was that you were able to participate in a clinic in your first year. And I thought that that was amazing, that I would be able to practice and provide legal services at such a young stage in my development. At the time, I wasn't doing pro bono work, but I was working very diligently in the clinic,

and that was probably the most fantastic experience that I had in law school.

Gousha: What did you learn?

Runyon: The importance of service, the impact that you can have in individual lives, the impact that your experience can have on how you think about things more broadly. My clinic was a disabilities rights clinic, and we worked primarily with children who had special ed needs. We were working to solidify IEPs [individualized educational plans] and make sure that the children had appropriate accommodations in school. But we also looked at the bigger picture, and we did some policy work.

Gousha: Your first job was with Skadden, Arps, Slate, Meagher & Flom, representing major electric, gas, and pipeline companies. It may not seem on the surface that this provided a direct connection to the next part of your life.

Runyon: I was an energy lawyer. I did a lot of work involving FERC, the Federal Energy Regulatory Commission. I worked on a deal to build liquefied natural gas facilities. I worked on rate cases. That had nothing to do with pro bono, but I was at a firm that fundamentally believed in pro bono. And so, while I had a billable practice that was focused on all things energy, I also had a very active pro bono practice. It was one of the reasons why I selected the firm, and it was one of the reasons why my experience at the firm was so positive.

Gousha: You did different things in pro bono while you were at the firm. Describe for us what those were.

Runyon: I purposely chose different types of pro bono experiences because I wanted to make sure that I was challenged and wanted to make sure that I was learning. We talk about the value of pro bono as an opportunity for professional development, and I really wanted to make use of that and to experiment with my legal practice.

My first case was a death penalty case, and I was able to work on that full-time. My firm said, “Put your billable work aside for a couple of months and work on this death penalty case,” and I did that. I did a lot of family law and landlord/tenant cases—so, your traditional poverty bread-and-butter legal aid cases.

In the District of Columbia at the time that I was at Skadden, they were trying to figure out how they could more effectively provide services to tenants in landlord/tenant court, and so they were creating a self-help center. I worked with the Access to Justice Commission in D.C., which was building out the self-help center. I was doing all the first drafts of the template motions that people would be able to use.

I also spent time working on an employment discrimination case that was assigned to my firm by the district court.

So, lots of really very different, exciting things that were challenging, meaningful, and satisfied my desire to learn, and satisfied my desire to give back.

Gousha: The death penalty case—what was it like working on that?

Runyon: That was hard. To this day, I’m not sure how to talk about that case because we were not successful; our client

was executed. It was a difficult experience, but it was one that I am extremely grateful for having worked on. I actually worked on the case when I was a summer associate at Skadden and then, when I returned to the firm, I was assigned to it as a first-year associate, and I worked very closely with the partner, who had had a number of death penalty cases and had been successful in the past. I came on right at the end stages of the representation, and what I did on the project was unbelievable. I was writing first drafts of motions and briefs that were filed before the U.S. Supreme Court and before the Virginia Supreme Court. I was the investigator on the case, and so we were gathering affidavits from people who were involved in the case years before. I was traveling around Virginia, getting people to sign affidavits, which was really sort of exciting and different for a first-year associate at a big law firm. We filed for a new trial in the state court in Virginia. It was a really fantastic experience, but it was a difficult experience as a young lawyer and as a pro bono lawyer.

Gousha: Did the outcome of the case change the way you felt about the law?

Runyon: No. I think it made me understand how important pro bono is. There were things that the client wanted us to do as his lawyers that were important for him. He understood what potentially was going to happen and what did happen, and he had a lot of regret. There were things that we were able to do to give him sort of agency, to give him peace. Even though the end result was that he was executed, we were able to sort of go with

him on that journey in a way that brought him some comfort, and that was extremely meaningful.

Meeting markers on the path to becoming “a good lawyer”

Gousha: You had a wealth of experiences at Skadden. When did you know that something else was in store for you as your career unfolded?

Runyon: I knew even before going to Skadden that ultimately I would end up in public interest. I didn’t know whether I was going to go to a nonprofit organization or whether I’d work for government, the State Department or DOJ . . . , but I knew that I wanted to end up doing public interest work. I chose the firm because I wanted the experience, I wanted the training ground, I wanted to be a good lawyer and go to a place that was going to teach me how to be a good lawyer. And I thought, “I’ll be here for three or four years and then I’ll move on and go do what it is that I’ve always dreamed of doing.” It ended up being seven years, and that was fine.

Gousha: It happens.

Runyon: Oh, it happens. One of the things that was great about my firm—and a number of firms have similar programs—is that in my fourth year, they loaned me to the local Legal Aid, and for seven months, I was a staff attorney at Legal Aid. And I loved it. When I returned to the firm after my fourth year, I realized, “Okay, I really should start thinking about what I want to do next.” And I was very practical about it. . . .

There were things that I had decided you need in order to be a good lawyer, and there were experiences that I thought were important to have. I need to have taken a deposition, and I need to have negotiated a settlement, and I need to have argued a motion, and I need to have gone to a hearing. I had this checklist, and, in my seventh year, I had checked everything off. I felt like I had accomplished everything I needed to accomplish, and now I was a good lawyer and I could go off and be a good public interest lawyer.

Gousha: So how did you end up at the Pro Bono Institute?

Runyon: That was actually just luck. I knew it was time for me to look elsewhere, and I just started looking around and asking friends, “What do you do?” and “What’s your practice like?” . . . I just happened to see an ad for this position as a pro bono consultant, and I thought, “Well, that sounds amazing.” . . .

One of the things that I really enjoyed was not only were we providing services to individuals, but we were then taking that knowledge to seek policy change, recognizing that, as lawyers, we can bring about large-scale change. By being a pro bono consultant, not only was I focused on individual services, but I was focused on resources that would bring thousands of people to pro bono. I was exponentially increasing the power of pro bono, and that just sounded like an amazing opportunity.

Trying to close a chasm: The work of the Pro Bono Institute

Gousha: Help people better understand the mission of the Pro Bono Institute.

Runyon: Our mission is to improve access to justice through pro bono legal services. I’m sure that as pro bono champions, as you all are, you’re very well aware that 86 percent of the civil legal needs of low-income individuals don’t get met. So there is a huge gap—there is a chasm—in access to justice. The Pro Bono Institute’s mission is to help address this through pro bono legal services and, in particular, by working with major law firms and with the legal departments of companies in the United States and around the globe. That is what we were created to do.

When we were formed more than 25 years ago, pro bono practice at major law firms in particular was very individualized. People would follow their passions. They would go and take on landlord/tenant cases or immigration cases. But it wasn’t organized, and firms weren’t dedicating resources toward pro bono work. There wasn’t internal infrastructure within the firm that would allow volunteers to easily sign up and find opportunities.

And so that’s really what PBI was focused on doing—to help firms create infrastructure and use their resources in a way that would bring efficiency to how legal services are being developed or delivered on a volunteer basis. We then expanded our mission to include legal departments of companies.

Gousha: You feel like you're making good progress on all of those fronts?

Runyon: Yes. When we started, there were, I'd say, maybe five or so major law firms in the United States that had a full-time pro bono counsel. This is someone at the firm whose responsibility is to organize pro bono for the firm. And now there are hundreds. And it's a reflection of how institutionalized pro bono has become at law firms across the U.S. and how much it is a part of the value that law firms have.

On the company side, a very similar story: When we first started Corporate Pro Bono, which is the project that I directed, focused on companies, pro bono was very individualized. The notion that a lawyer at a company—a lawyer at Microsoft or Harley Davidson or Clorox—is doing pro bono seemed outrageous. To the extent that it was happening, it was someone who was really passionate about it and was working at their local or area legal aid organization.

We started working with companies the same way we had been working with law firms, to help them create infrastructure so that more lawyers can get involved and make the delivery of services more efficient. Now we've worked with thousands of companies.

The Pro Bono Institute has "challenge programs": we have one for law firms and one for companies. Law firms that have signed up for the challenge are committing either 3 percent or 5 percent of their total billable hours to pro bono, and they are giving their lawyers credit for their pro bono work, just like they're giving them credit

for their billable work. We have over 130 of the largest law firms that have signed up for that challenge. On the company side, since lawyers at companies don't track hours, that's not a useful metric. We use participation as our metric. Companies that are signing up for our challenge are committing that more than half of their legal staff will engage in pro bono. We've had over 190 of the largest companies sign up for that challenge.

Gousha: As the leader of the institute, where do you see the most pressing needs in the access-to-justice discussion, and have those changed since you've assumed that role?

Runyon: To some extent, it's changed. Unfortunately, there isn't one need that we can point to and say collectively as a community, "We should focus on *this*, and this is going to solve the access-to-justice gap." Right now, what we're seeing are the challenges of crises. There are the things that we are reading about every day in the news that are heartbreaking and where we, as lawyers, can have a role in bringing about change and helping individuals in need.

You have the refugee crisis, whether you're talking about in Ukraine or in Afghanistan. You have the immigration crisis, whether you're talking about at the border, or dreamers or DACA. You have the crisis that's related to the pandemic, which has exacerbated legal needs that already existed and created new needs. This includes food insecurity and large numbers of nonprofit organizations and small businesses that were struggling to stay open. You have the crisis

related to the awakening around racial justice after the murder of George Floyd, and you have natural disasters. We now have at least three times the number of natural disasters each year that we had 10 years ago—whether it's fires or floods or tornadoes or hurricanes, all of this is happening time and time and time again.

And so, you have all those things that require our attention, where we as lawyers can play a significant role. And then you have the crisis related to poverty, and the crisis related to access to justice, and those things have been persistent and, unfortunately, they haven't changed. Whether you're talking about housing and eviction and the lack of affordable housing or you're talking about domestic violence or the need for benefits—these are things that have always existed, unfortunately.

Gousha: The federal government has helped fund some of these efforts, but the funding, for a period of time, was certainly not what you and others would have hoped for. Are these kinds of efforts being adequately funded by the nation's government?

Runyon: They're not. The Legal Services Corporation was receiving in the 1980s \$300-plus million a year from Congress. As we know, the Legal Services Corporation is the largest federal funder of legal aid organizations across the United States. Right now, the level of funding is at \$600 million, and that reflects an increase in funding received last year. The Legal Services Corporation was able to

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demonstrate that, because of the pandemic, the need for civil legal aid was increased exponentially. But it is still not enough to address the need.

Teaming up to pursue more impact

Gousha: I thought it might be good for the students and their families in the room and the folks who care about them to hear about an individual project. So you did something called the Collaborative Justice Project in Minnesota. Tell us about that effort.

Runyon: Sure. So the work that we do at PBI can be lumped into three buckets. There are the individual services that we're providing to law firms and to companies. A law firm will contact us and say, "We want to be more efficient in how we're delivering pro bono services; we want to host a strategic planning session for our managing partner and our executive team, so that we can better impact the communities in which we have offices." PBI works directly with firms and with companies to provide individual services.

Then there's work to enhance the industry as a whole, where we have initiatives like our challenge program and trainings and conferences that we host, designed to elevate best practices so that we collectively can be more effective and efficient in how we deliver pro bono services.

The last thing that we do—this speaks to the collaborative justice project—is to support efforts to be creative and innovative in how we think about access to justice and how we bring about change,

how we can be more effective, how we can address persistent problems, how we can bring about policy change.

The Collaborative Justice Project is something that we launched in Minnesota. It's based on something that we were seeing happen in the philanthropic community called "collective impact." It's this idea that if you really want to address a persistent problem and make a difference, then you need to bring together representatives from different sectors of the community and come up with one plan. Instead of having people work in isolation and work on different efforts, collectively you develop one plan and focus your resources toward that plan.

That's exactly what we did in Minnesota. It's a collective impact project that is focused on reentry (from incarceration) and on trying to reduce recidivism. The folks in Minnesota selected the focus of the project. The law firms, companies, and other stakeholders felt that reentry was an important topic and that they could produce meaningful change in the community by focusing on reentry.

The project involves more than just lawyers because, as wonderful as we are, we cannot solve things by ourselves. So you have lawyers from law firms and companies, but you also have the Minnesota Department of Corrections, the Bureau of Prisons, Minnesota's U.S. Probation and Pretrial Services, Minnesota's federal reentry court, nonprofit organizations that are on the ground day-in, day-out, that are providing services to individuals who are returning to the community from state and federal facilities, and more.

So you have this collection of people who are working together. Some of the services that we provide are focused on people while they're incarcerated, recognizing that reentry starts well before a person is released. This programming focuses on developing prosocial behavior and other resources that people need while they're incarcerated. We have another effort focused on what happens after you're released. We spend a lot of time trying to identify keys to success—employment, housing, family reunification. We have an effort that's specifically focused on providing pro bono services addressing persistent civil legal needs that individuals are facing—not having a driver's license, not having identification, having outrageous child support debt, trying to reunify with kids. And then we have an effort that's focused on policy and advocacy.

There's a theme in what I've done throughout my career: recognizing that providing services to individuals is unbelievably meaningful. It's also unbelievably meaningful to take that knowledge, that understanding, and apply it to the system as a whole. So we're also working to change some of the policies in Minnesota, so that we're not just impacting individuals, but impacting all.

Gousha: Do you see measurables from that effort already? Are you making progress based on the activities you're undertaking in Minnesota?

Runyon: We are. Minnesota's federal reentry court—and there is a reentry court here in Wisconsin as well—serves

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individuals who are high risk. The recidivism rate for that community is around 76 percent. For those in the program, it has dropped to around 38 percent.

Gousha: Big difference.

Runyon: Yes. We can't take credit for all of that because we are not the only partner in Minnesota's reentry court, but we are part of the equation.

Gousha: I'm wondering if you could do something in Wisconsin. Is that possible?

Runyon: Absolutely. Actually, we were investigating bringing the project to Wisconsin right before the pandemic hit, and, of course, we had to pause because of that. There are a few things that made Wisconsin really attractive with regard to this project. One, there is a federal correctional facility, Oxford. Two, there is a federal reentry court here in Milwaukee. Three, there is a community that is committed to pro bono legal services. And those were the three ingredients that we had in Minnesota. We very much were interested in bringing the project here. Hopefully, we can return to those conversations once things turn a bit more back to normal.

The pro bono pandemic boom

Gousha: Speaking of the pandemic, I think what's really great about today is we're recognizing the efforts of so many students who did this work during a pandemic. How did the pandemic affect the work that your organization does?

Runyon: I think, like everyone, it turned everything upside down. The day that everything shut down was the day before we were hosting a national conference. We had to shut that down and had to figure out how to move all of our programming to Zoom. More importantly, we had to think about how it impacted the law firms and companies that were providing pro bono services. They had to figure out how they could do that virtually, moving their clinics and moving their other programs to a virtual environment. There was a lot of change, a lot of anxiety, and a lot of long nights.

I think what we're seeing now is collectively the legal community trying to figure out what worked well and what didn't, and in what instances we can continue to provide services remotely and in what instances do we really need to be in person. You're seeing law firms and companies having these conversations. The courts are having these conversations, as are other really important key players, trying to think through what did we learn, how can we be more effective and efficient moving forward.

For example, many of the legal aid organizations realized that in domestic violence cases, where it's really important to have that personal connection with your client to understand what type of situation that individual may be in, virtual is not the best way to provide services because you're not able to assess how dangerous that situation may be. But in other instances—for example, landlord/tenant—it's actually great to do things virtually and not to have people travel down to the courthouse. You actually had

more people participating—and so you had fewer things that were happening by default—because the parties were actually showing up.

Gousha: Did you see any change in the commitment of people to pro bono because of the pandemic?

Runyon: We did. As I mentioned, we have the Law Firm Pro Bono Challenge initiative. The law firms that are signing up for it are committing 3 percent or 5 percent of their billable hours to pro bono. We have been surveying our law firms since we launched the challenge. We've been able to track law firm pro bono engagement from year to year. We had reached five million hours per year that were being devoted by our law firm challenge signatories, which is amazing. When we first launched the challenge, it was less than a million hours. We've seen more and more lawyers getting involved, giving back, and providing services. We saw a huge increase in the number of hours that people were devoting to pro bono that first year of the pandemic. It was really quite inspiring. And this was at a time when we had no clue what we were doing, didn't know if we could actually do clinics remotely, didn't know how we were going to contact our clients and let them know that we're still providing services.

The legal aid organizations were hugely impacted by the pandemic. Not only was there the challenge of trying to provide services to your clients, but there's a challenge in that you are fundamentally an under-resourced organization. You

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don't have laptops to give your staff when you're requiring them all to go home and do work. One of the things the Legal Services Corporation did was to make sure that they received increased funding specifically so that they could give legal aid organizations the money that they needed to address the technology gap that they had. All of these challenges existed that first year of the pandemic, yet the hours in pro bono went through the roof.

"It is our duty to give back"

Gousha: I'll give you a moment or two to talk about your advice for law students as they continue on with their careers.

Runyon: So, two things. One, Ruth Bader Ginsburg was quoted at the start of the program, by Josh Gimbel, and she was an amazing justice. We had the pleasure at PBI of having her come and speak to our lawyers a number of times. She was very inspirational and shared her belief that we as a profession have an obligation to give back. Regardless of what you do as a lawyer, whether you're a corporate lawyer, whether you're a public interest lawyer, we have a unique skill, and it is our duty to give back to those who are underserved. The wonderful thing that I've seen in my job at PBI is that no matter what you're interested in, no matter what community you wish to serve, no matter what you think the barriers are to pro bono, there is an opportunity that is right for you, that will be meaningful to you, and that will be life-changing for the individual that you're serving. That's the first bit of advice that I'd give.

The other speaks to my career path. I started off at a big corporate law firm, doing really fascinating energy work, and ended up as a public interest lawyer. What you do in your first year of practice may not be what you're doing in your fifth year of practice or your tenth year of practice. And that's fantastic because this is a journey. I would encourage you to always seek to learn and to challenge yourselves and to look for new opportunities to grow, to be proactive about your career. No one's going to care more about your career than you are, so be proactive. Pro bono is a great way for you to grow as a lawyer. I would encourage you to look for those opportunities. ■



Don Manzullo



Susan A. Hansen



Annette K. Corrigan

60 Franklyn M. Gimbel received the Witness to History Award from the Milwaukee County Historical Society.

70 Don Manzullo has published a memoir, *Do Nice Guys Run for Congress? How an Obscure, Country Lawyer Kept His Faith, Beat the Establishment, and Survived Twenty Years in Congress* (WestBow Press 2022).

74 William C. Gleisner, III, received the President's Award from the State Bar of Wisconsin in recognition of his dedication to the work of the Wisconsin Judicial Council for the past 14 years and for his continued contributions to the state bar and the legal profession.

77 John E. Kosobucki received the Meritorious Civilian Service Award and medal from the Department of Defense, Office of the Inspector General, in ceremonies at the Mark Center, Alexandria, Va., in July 2022. Kosobucki serves as a senior official investigator conducting noncriminal investigations of senior Department of Defense officials.

81 Susan A. Hansen of Hansen & Hildebrand received the Lifetime Achievement Award from the Milwaukee Bar Association.

85 Kathy L. Nusslock received the Nathan A. Fishbach Founder's Award from the Eastern District of Wisconsin Bar Association.

David C. Samacki published *The Essence of Writing Persuasive Trial Briefs: Big Ideas for Mastering Mediation, Arbitration & Trial Briefs* (2022). The short, practical book is available in both e-book and paperback.

Maxine A. White published an article, "Final Thought—U.S. Supreme Court Justice Ketanji Brown Jackson Represents All Americans," in the June 2022 *Wisconsin Lawyer* magazine.

86 Michael J. Cohen, of Meissner Tierney Fisher & Nichols, received the Distinguished Service Award from the Milwaukee Bar Association.

89 Annette K. Corrigan has joined Lavelle Law, in Schaumburg, Ill. She is a trustee of the College of DuPage in Glen Ellyn, Ill.

Sonja Trom Eayrs joined Fox Rothschild in Minneapolis, Minn., as a partner in the family law department.

92 Diane M. Donohoo received a Racine County Sheriff's Office certificate of appreciation for her work on the cold-case homicide trial of Linda Laroche.

95 Derek C. Mosley received the Robert H. Friebert Social Justice Award from the Milwaukee Jewish Federation.