

Our 2020 Pro Bono Hot List

Celebrating law firms that do well by doing good.

O'Melveny & Myers

■ **Describe your firm's philosophy on pro bono service.** O'Melveny's pro bono program tackles the critical issues of our time, from immigration and housing to women's rights and veterans' affairs, from criminal justice and equitable education to protecting civil rights and building community. While our pro bono clients are often our most resilient, they often cannot access the legal system alone. It is our responsibility—and privilege—to serve these clients with all the vigor and resourcefulness we devote to our commercial clients.

■ **What are the two biggest cases your firm worked on in 2019? Tell us more about those cases and how you reached the outcome.** In October, O'Melveny won injunctive relief to stop the Trump administration from diverting federal funds to build a wall along the southern border, convincing a U.S. District Court judge that the administration's declaration of a national emergency had been unlawful. Working alongside Protect Democracy, among others, O'Melveny represented the Border Network for Human Rights and El Paso County, Texas. The U.S. Court of Appeals for the Fifth Circuit is expected to hear arguments this summer.

In May, O'Melveny persuaded a Kentucky Federal District Court to strike down a state law banning "dilation and evacuation," a medical procedure used in virtually all second-trimester abortions. Representing EMW Women's Surgical Center, Kentucky's last remaining abortion provider and a destination for women from five other states, O'Melveny and the [American Civil Liberties Union] Reproductive Freedom Project successfully argued that the law violated the 14th Amendment and posed a substantial obstacle to a woman's right to an abortion.

■ **What was the most satisfying aspect of that work?** Partner Anton Metlitsky helped lead the border wall case, and he said, "We've been grateful to work alongside outstanding lawyers from all sectors to promote the rule of law by ensuring that the Executive Branch does not usurp Congress's power of the purse." Regarding the Kentucky case, partner Leah Godesky praised O'Melveny's partnership with the ACLU and said, "O'Melveny was thrilled to secure a ruling that allowed patients to continue to access vital health care."

■ **What other pro bono matters is the firm working on?** O'Melveny had two recent victories in the U.S. Supreme Court: a ruling that nonunanimous jury verdicts in state criminal cases are unconstitutional and another that a criminal defendant need not formally object to a sentence's length at



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—DAVID LASH

trial to preserve that challenge. The firm also helped overturn convictions for humanitarian aid workers at the Mexican border. O'Melveny has myriad COVID-19 cases, including securing a temporary restraining order to prevent Arkansas from exploiting the pandemic to restrict reproductive rights, and authoring an amicus brief to protect prisoners in Louisiana. And O'Melveny's corporate lawyers are helping small businesses suffering from the pandemic's economic consequences.

■ **Why does pro bono work matter to you as a lawyer?** A lawyer has no higher calling than ensuring that democracy works for everyone. When people need a lawyer to see a doctor or to stay in their homes, an attorney truly can be lifesaving. Pro bono work is at the core of our values and essential to our pursuit of justice.

Responses submitted by David Lash, managing counsel for pro bono and public interest at O'Melveny & Myers.