

Speaker 1 ([00:06](#)):

Hi, this is Karen Hiller chair of Greenberg chart's global pro bono program and litigation shareholder in Greenburg chart's New York office. I'd like to welcome you to Greenberg charts pro bono podcast. Good in practice because everybody has a story. Our guests on the podcast today is Eric Grossman. Eric Grossman is the chief legal officer of Morgan Stanley. I first met Eric a number of years ago when he joined the board of a nonprofit that I was on called advocates for children of New York advocates for children of New York is a New York city nonprofit that works on behalf of children who are at the greatest risk for school-based discrimination or academic failure due to a number of circumstances, such as poverty or disability. From the moment that Eric joined the board, it became very clear how committed he was to pro bono work, not only how important it was to him personally, but how committed he was to having his in-house counsel get themselves involved in pro bono cases. Since that time I've seen his in-house counsel partner with numerous law firms, including Greenberg Chara on a variety of pro bono matters. I've witnessed Eric's dedication of pro bono work firsthand, and I thought he'd be a great guest on the podcast to talk about the importance of pro bono. So thank you, Eric, for taking the time to be with us.

Speaker 2 ([01:30](#)):

No, it's my pleasure, Caroline. Thank you for having me.

Speaker 1 ([01:32](#)):

Can you tell us a little bit about how Morgan Stanley encourages pro bono work with its in-house counsel? Is there a program set up? How is it organized? Uh,

Speaker 2 ([01:41](#)):

I became the chief legal officer of the firm in 2000, uh, 12 I've been doing as long time. My predecessors did not believe that the in-house legal departments legal and my case legal and compliance divisions should have a dedicated pro bono program. That, that was really the, um, the province of the law firm community. Um, that individual lawyers could of course do pro bono if they wanted to, but to devote corporate Wiki, this was his view that to devote kind of corporate resources to pro bono was, you know, just not a good use of corporate resources. Uh, when I took over the department in 2012, Morgan Stanley has four core values and one of those core values is giving back. We've really emphasized as a leadership team of the firm over the last eight to 10 years, particularly since James Gorman has been the chief executive officer, which is that giving back means a lot of different things.

Speaker 2 ([02:44](#)):

Um, it means of course, giving back to, um, your employees in the form of mentorship and sponsorship, but it also means giving back to the communities that we serve. I have always felt, and I always, uh, uh, committed to advocates for children and to other philanthropic causes because I feel, uh, immense great fortune to, you know, to be an American who's benefited from all that, uh, uh, society has offered me. Uh, and, and I know that lots of folks at Morgan Stanley feel the same way and wanted to fulfill their commitment to giving back to communities through pro bono. So we decided in 2013 that we needed an organized program. Then we, we basically asked for volunteers to lead that program. Uh, initially viewing it as something that folks could kind of do, uh, the way that people join affinity networks in the firm or, or, or other kind of ancillary firm related activities, separate and apart from their day-to-day function.

Speaker 2 ([03:46](#)):

But over time, we've, uh, we've even come to appreciate that, you know, running as law firms have that, that, that running pro bono initiatives and programs is not, uh, you know, a, not a part-time job or at least it's not, uh, uh, you know, in your spare time or off the side of your desk job, it's a real, it's a real job. So we created a formal, uh, program in 2013. Uh, it's one that we, uh, we promote in all the kinds of ways that you promote, uh, opportunities, uh, for people beyond their, uh, sort of technically paid employment job. So, uh, I speak about it at all. Open forums. Uh, we send around regular emails to the division, uh, offering opportunities to participate in particular pro bono initiatives. We celebrate successes. So, you know, in individual cases, in which, uh, Morgan Stanley, uh, uh, employees working out always as we do with law firms, you know, get great victories, I send around an email to the division saying, you know, add a boy or add a girl or, you know, whatever the great success was. And we've got some signature programs that we really lean into around core issues, important to Morgan Stanley of which children's welfare. Uh, if you look at Morgan Stanley's broader philanthropic efforts, children's welfare is the umbrella on which we operate. And of course, lots of pro bono initiatives, but in particular advocates for children fits very, very nicely under that broad umbrella.

Speaker 1 ([05:15](#)):

Yes. And I'm very familiar obviously with the work that advocates for children does having been personally involved in it, helping children with special needs, attain, appropriate educations. What other kinds of legal pro bono work, the attorneys in your office involved in, in addition to the special education work? So

Speaker 2 ([05:32](#)):

I guess the two areas that I would probably call out, uh, because I think in addition to children's welfare, which is certainly, uh, you know, one of the leading kind of buckets of, uh, collections of cases, um, asylum cases, uh, are very, very high on the interest level. Uh, you know, really starting with, uh, uh, this administration and the, um, uh, changed, uh, perspective, uh, those seeking, um, entry into the United States. Uh, there was as, as, as you well know, there was a real need for, uh, for volunteer legal assistance, everything from just, uh, yeah, filling out the right forms, uh, which are super complicated for those who are seeking asylum too. And I've done pro bono work helping, uh, uh, asylum seekers fill out the paperwork. That's probably about all I'm qualified to do, um, right through litigating cases as you know, in the asylum area.

Speaker 2 ([06:34](#)):

So, uh, asylum would be kind of the second broad category of cases beyond children's welfare. And then the third, uh, are veterans cases. So benefits, you know, medical benefits and other related, uh, issues for veterans, uh, is an area that, uh, lots of our, uh, employees, uh, gravitate to and feel a real sense of, um, you know, patriotism and pride when they, you know, when they help a veteran get what they believe a veterans entitled to under, under the law. So I think those are the three, uh, the three buckets. I mean, some of the others, uh, that I would just call out, um, uh, housing, of course we, you know, we, we, we, we absolutely focus, uh, and have lots of people who are focused on housing, particularly for the elderly and the poor in New York city, uh, helping with, uh, the NYCHA hearings, uh, in New York.

Speaker 2 ([07:29](#)):

Uh, some of the corporate lawyers spend time helping nonprofits on some of their governance related, uh, issues, you know, getting them, uh, you know, properly organized, uh, and making sure that they

meet whatever, uh, uh, state and federal requirements there are for maintaining their nonprofit status. Uh, we've got folks who are, uh, actively involved in small business assistance, uh, particularly in the employment and IP law, uh, areas. Uh, and yeah, then, uh, more recently, of course, the COVID 19 response, um, uh, has been an area where we've already got, uh, you know, dozens of matters and, you know, uh, and, and, and dozens of people, uh, working and volunteering, um, you know, uh, to help out particularly, uh, in conjunction with the city bar justice centers, prod more recent project on COVID-19. So those are some of the, those are obviously that's a lot. Um, and, you know, we, I think what we've come to appreciate it is, you know, pro bono for, uh, lots of folks is, uh, best delivered, uh, not when, uh, you know, you're sort of told, this is what, you know, you have to do, but, you know, here's a menu of things.

Speaker 2 ([08:42](#)):

What, you know, what moves you, what motivates you? What gives you a sense of, you know, having fulfilled this, uh, core commitment of giving back. And so that's why we've got, you know, a number the, you know, all these categories of types of cases.

Speaker 1 ([08:57](#)):

Yes. The response to the COVID 19 crisis in the legal community has been remarkable. I've seen so many attorneys, both at law firms and in-house counsel all across the country, really stepping up and trying to improve things for their communities that have been extremely hard hit in addition to encouraging pro bono internally in the way in which you're doing at Morgan Stanley. Does Morgan Stanley also believe that it's important to encourage pro bono work externally? And by that, I mean, when you're working with law firms on commercial matters, is it important to Morgan Stanley that the law firms that it's working with are also devoted to the communities in which they thrive through pro bono work? Oh,

Speaker 2 ([09:38](#)):

I, I mean, we try and do an annual assessment of our key providers, uh, every, uh, kind of winter spring it's, uh, encumbered a bit because it often involves, uh, you know, like a face-to-face meeting with, uh, you know, the really key relationship and leadership of the law firm. And, um, we, we try not to have very strict, I'm not a believer in, in strict requirements, uh, or quotas with respect to, you know, and frankly, anything that, you know, because I wouldn't want Morgan Stanley to be judged that way either, even though I think we do very well on lots of different metrics and quotas around giving back in the light. But if you think about a law firm retention, particularly in the litigation space, but also in the corporate space, we're making a representation to the broader community when Caroline Heller goes to court and says, uh, your honor, my name is Caroline Heller.

Speaker 2 ([10:36](#)):

Uh, I'm from the Greenberg firm. And I represent Morgan Stanley. That that is a statement to the judiciary. That is a statement to our adversaries. That is a statement to the community writ large. And so we want to be associated with law firms that we feel are good corporate citizens, the way we believe Morgan Stanley is a good corporate citizen. We take our reputation very, very seriously. And we think in many respects that our reputation distinguishes us, uh, from some of our competitors, not that knock any of them, but we just, and there's lots of great philanthropic work across the whole financial services sector, but we really do think our reputation is a distinguishing factor in a calling card. And we view the same in the law firms that we want to associate with. And, and an added element to that is, is our program only works when we partner with law firms in particular representations, right.

Speaker 2 ([11:31](#)):

And the law firms that we partner with on the projects or the law firms that we partner with on our business related matters. And it helps, you know, there's also a cementing of the relationship or, you know, that, that comes with, uh, you know, with working together on something that, that, isn't your kind of, as I said, you're sort of, you know, day job, but something that delivers for you fulfillment, uh, of that core value of giving back to the community. So yeah, we pay a ton of attention to it. It really matters a lot. And, and I think if you look at the roster of law firms that are the bulk of Morgan Stanley's principal providers, you won't see any that are graded poorly on a pro bono at all.

Speaker 1 ([12:10](#)):

So it's clear from my personal experience and from anyone listening to this podcast, how important pro bono is to you personally and professionally. Can you tell us why that is for me? Yeah. I'd love for you to share it with us. Why is pro bono important to you?

Speaker 2 ([12:26](#)):

I moved all over the country as a kid. I went to four different high schools. I, uh, I ultimately, uh, spent my last two years of high school living with my grandparents in Queens. I went to Martin van Buren high school. I got financial aid, uh, which allowed me to go to a private college in upstate New York. I got financial aid, which allowed me to go to Fordham law school. Uh, you know, I am the product and beneficiary of a nation that provides opportunity and, uh, economic resource to people of potential, which I guess I was at, you know, at various points, someone up potential, but, but with a potential, but without adequate means. And so I got a helping hand, I got a number of helping hands all along the way I was helped. And now look at me, right. So I mean, how lucky am I?

Speaker 2 ([13:23](#)):

And, uh, it, uh, nothing upsets me more than people who have had similar benefits and don't pay it forward that don't give back to the community. Um, having been a beneficiary of the community, I just don't for the life of me. I don't get, and there are lots of people like that, and I just don't get people like that now. I don't even, I don't even, I mean, yeah, I feel a sense of obligation, but it's not, but that an obligation suggests that you do it not because you want to, but because you feel obligated to do it. I don't, I think that would be unfair to me and to you and many others who I know who have kind of really been committed to pro bono. And it's too simplistic to say like, lots of people what's the right thing to do because that's, you know, like, okay, but that, you know, that that's, it's, it's a combination of all these things.

Speaker 2 ([14:19](#)):

And, you know, importantly of course it's the feeling one gets when they've helped another person either directly or intangibly and, you know, and there's lots of different ways to, you know, to give back and you can, you know, there, you can give money, you can give if you have it, and if you're lucky enough to have it, then you, you know, I try and give generously, um, you can give time. And I give my, you know, I try and give my time as generously as I can, you know, balanced all the different things that we have in our life, our, you know, our job or personal life. Um, uh, but there's, there's always, you know, there's lots of hours in the day and there's room to give. And, and then of course your intellectual capital, your thought, uh, you know, to help, you know, to help create these programs.

Speaker 2 ([15:08](#)):

And as you do lead programs and inspire others to, uh, participate in, in, in, in pro bono and have them see the light, you know, have them come to appreciate, you know, you know, that, you know, that if they don't, that they should, because they've been lucky. And so just talking to people about, you know, pro bono and, you know, you you'd be surprised at the light bulbs that go off in people's head. And then of course, as, as you do, and as, as I think I did here by creating this program, Morgan Stanley, you know, sometimes you have to put a menu in front of people and, you know, you have to, you have to lead the horse to water and, you know, that's, you know, leading the horse to, you know, I feel like I'm in a position now to lead horses to water, and I've been so pleasantly surprised when we've done that, that, that people drink and then they come back and they say, thank you.

Speaker 2 ([15:58](#)):

And that gives me, and that's another form of pro bono. I mean, I'm, that's probably, you know, that's, you know, whatever, so that's encouraging pro bono, but that's pro bono too. So, you know, I just, um, I mean, you, you, look, you go, you're, you, you know, you and I share, uh, there's a Yiddish word, kind of knock us. I don't, you know, like, you know, that, which is like that, that feeling that you get that good feeling that you get when you, people that you care about good things happen to them. And, and, and, you know, when we go to that advocates for children benefit every year, and it's such a great benefit, and we've raised money for such a great cause. And we have one of our, uh, one of our clients, advocates for clients, you know, a, a child who has succeeded and is on their way to, uh, to being a productive member of society. And we know that our work contributed in saving that child. I mean, come on, there's nothing better than that.

Speaker 1 ([16:50](#)):

There really isn't is there. And I think the leading the horse to water analogy is really accurate because people don't realize the good feeling that you get when you change someone's life until they actually do it. And then when they do do it, they're hooked. And it's just wonderful. And that's one of the reasons that I wanted to do this podcast. I'm hoping that people who may be uncertain about taking a pro bono case, we'll hear the stories of the great pro bono work others have done and how they've changed the lives of individuals and sometimes entire groups of individuals. And that there'll be inspired to do the same before we wrap up. If you still have a little time with us, I wanted to know if you had a story about an important pro bono related moment in your life, a case that you worked on a case that you've heard about one of your in-house counsel working on a success that really stands out to you. When I,

Speaker 2 ([17:44](#)):

I got very good advice in this. We didn't talk about this, but this is the practical element. When I got to Davis Polk, uh, in 1994 from dating self. So I clerked for a year, graduated law school in 93. I clerked for a year in 1984. I arrived at Davis Polk, somebody, and I, I can't remember who it was. Someone gave me very good advice and said, look, Eric, if you really want to like early in your career, you know, and I was like, every new litigation associate, you know, I wanted to go to court and I, you know, I finished clerking. So I'd been around the courthouse. I wanted to take, you know, depositions. I wanted to like, you know, I wanted to be a litigator. I wanted to be a lawyer. And, you know, I found myself on document reviews and writing briefs and memos, but I wasn't, I wasn't actually loitering in the sense, I mean, I was loitering, but I wasn't, I wasn't, I didn't have, you know, clients where I was going to court.

Speaker 2 ([18:30](#)):

So I'm like that. So someone said, get yourself, you know, get yourself a pro bono case. And so, uh, I, I started taking on right away, uh, 1983 cases, uh, for, uh, prisoners, uh, in, in, they were all, they were all, they were all in jail, um, uh, in New York city. Um, first one I actually worked on, went to trial. I unfortunately was on, uh, from related, uh, matters. Couldn't participate in the trial, which was a great bummer, but I, uh, but, but the case was tried by Senator Kirsten Gillibrand. She and I were, uh, in New York who she and I handled this case together, uh, representing an individual who was chased by police officers through a park and, uh, jumped off a wall and shattered his leg. And, and she tried to that case. And I think it ultimately settled, but that's not the case that I remember the most right shortly after that, I started representing an individually named Keith Morris.

Speaker 2 ([19:30](#)):

And, uh, Keith had been, uh, beaten up allegedly, although I believed them, he had been beaten up by, um, by guards, uh, when he was being treated transported from Rikers to a prison in upstate New York. And, uh, Keith, um, was one of the most entertaining, uh, humans I've ever interacted with. And it was just fun to be around. And, uh, oh, we, yeah, I represented Keith probably for like a year, two years. Ultimately we, uh, we had settlement discussions with the state. Might've been the state or city New York, I can't remember. And, uh, uh, I had a real good offer what I thought at the time. Cause I mean, he was beaten up, but he didn't suffer any long lasting, uh, injuries. I had like a, you know, \$250,000 form or something, you know, like it would have been key. Keith had a child, uh, you know, that, uh, you know, that he was not supporting.

Speaker 2 ([20:31](#)):

And so, you know, this was going to be money that was going to help with his kid or whatever. And, um, uh, but Keith wouldn't, he wouldn't settle in less. I, I agreed. I talked about, he had in the, in the time that I was representing me, he had filed like five more cases against everything against every other entity and every other yeah. Uh, law enforcement, uh, or correctional, uh, uh, uh, guardian come into contact with and see all these litigation's out there. And, uh, he used to, when I was representing, they used to want me to make copies of cases for him. And he was like an in-house lawyer, you know, copies of cases and stuff. So I, um, I agree. He would only take the money if I agreed not to represent him, but if I would make photocopies for him, uh, you know, in the years to come because, you know, you need like eight copies when you file a complaint.

Speaker 2 ([21:19](#)):

Anyway. So I settled the case, but I had an ongoing relationship with him for five years thereafter making photocopies. And he would send me birthday cards, greeting cards, Hanukkah cards, Valen days. So at my office, I wish if I were, if we were doing this podcast from, from my office, but we're not because I'm at home, I'd be able to pull out and read to you the most hilarious cards and letters I would get from Keith, uh, in the years thereafter. And, you know, he w I had a, I had a pen pal. I had a friend, of course, I had met him a couple of times, uh, in the course of his representation. And, you know, I feel like I, uh, a guy who I don't, you know, he ultimately got released, uh, I, I went to his parole. Um, uh, and I talked about his intelligence, which was, you know, I mean, I mean, which was, was extraordinary and his, uh, his determination and, uh, you know, there was a life that I impacted very, very early on.

Speaker 2 ([22:18](#)):

And it confirmed for me, uh, two things about, about pro bono, which is, uh, one, uh, it, for those who might be listening, you know, who are earlier in their career, it really is a great opportunity to, uh, work

on your skills of, uh, you know, whatever the particular case is. But learning how to ask questions, learning how to respond on your feet. Um, uh, getting, uh, company trouble speaking in front of other people, whether in court or at a deposition, or like, I mean, these are the opportunities you get to do it, where there isn't a partner, you know, judging you or a client, you know, really judging you cause they're often so grateful just to have your assistance. And so, you know, practice makes perfect across a wide variety of Lydia gating and lawyering skills. And so pro bono, for me, all those pro bono cases, I did early, not only brought me personal satisfaction, but they made me a better lawyer.

Speaker 2 ([23:16](#)):

And I, you know, I'm really lucky for that. And I thank Keith, all the other, there were several other, uh, clients that I had, uh, in those early days who knew I was, they knew I was brand new, uh, or relatively new. And they indulged me in my practicing of the law. I really was practicing of the law back then. Uh, and, um, and I think in almost, uh, not all it does, I did some CJA cases. Also, those always didn't have happy, but, but a lot of the civil cases did have reasonably good results for the clients as well. So, uh, that's my kind of personal

Speaker 1 ([23:53](#)):

Story. Even as a young attorney, you can help somebody who ordinarily wouldn't have access to any legal counsel. I know sometimes I hear from younger attorneys, I'm a little worried. I'm not the best at this. This is not my area of expertise. I know I'm going to get mentored, but I'm still unsure. And I try to impress upon them. The fact that just having an attorney stand up for someone in court can make a huge difference going on, represented as one of the worst things that can happen to anyone who has to face the court process, just let someone know that they're cared about and that they're giving them the best chance that they have someone cared enough about another individual to spend time with them and stand up for them. You also mentioned that you feel like when you encourage your in-house counsel to do pro bono work, you feel like you're giving back. I think that you've probably encouraged a lot of people listening to this podcast to give back. So hopefully that ripple effect will continue. Eric, we've covered a lot of topics. Is there anything else that you'd want to say to anyone listening to this podcast before we wrap up?

Speaker 2 ([25:02](#)):

Well, if the folks who are listening, uh, are, uh, in the Greenberg community to start, uh, you are, uh, extremely fortunate to have the best pro bono director in the major law firm community. So I just say you're extremely lucky. Uh, listen to her, take her up on the opportunity to work with her and the team and give back,

Speaker 1 ([25:24](#)):

Oh, thank you, Eric. I feel very lucky to have this job and also very lucky to work with the attorneys who I work with on pro bono. Thank you so much for being here today and taking the time to speak with us about pro bono. Thanks for listening to Greenberg chart's pro bono podcast. Good in practice. I'm your host, Caroline Heller chair of Greenberg shark's global pro bono program and litigation shareholder in the New York office. I hope you join us in two weeks for another pro bono story.