

Shook Hardy Pays It Forward With New Civil Rights Practice

By Tracey Read

Law360 (June 20, 2023, 4:48 PM EDT) -- Last year, Shook Hardy & Bacon LLP obtained an \$8.5 million award for a client in a prisoners' rights case involving a federal detainee in Missouri who died at the age of 42 after being denied prompt care for terminal lung cancer.

Now, the firm is using much of its fee award recovery to expand its civil rights and racial justice pro bono practice, in what one leader calls an effort to pay it forward with proceeds from the case.

Civil rights attorney Michael Harrison, who joined the firm two weeks ago as senior counsel in Houston, will spearhead the firm's civil rights and racial justice pro bono efforts. The firm said he and partner Charles Eblen will be working to transform the firm's current work in this space into a nationally recognized practice.

The firm currently has five lawyers dedicated to pro bono work, including three full-time lawyers in Kansas City, Missouri, and five paralegals who support them, doing work for unrepresented litigants in family court in the Show-Me State's Jackson County. In addition, other lawyers firmwide will be encouraged to help out more on pro bono cases.

To date, the firm's civil rights cases have been on a pro bono basis, but they are leaving the door open to some fee-generating work down the line.

Before moving to Shook Hardy, Harrison was a chief assistant district attorney in the civil rights division of the Harris County District Attorney's Office in Houston. He spent eight years investigating and prosecuting law enforcement excessive-force and corruption cases.

"This was sort of a dream come true, to be able to build something from the ground up like this coming from the criminal side," Harrison told Law360 Pulse in an interview. "It offers not only the platform to do it at a national level, but it also offers a larger scope. I'm not only limited to one jurisdiction in my community, but



Michael Harrison



Lindsey Heinz, Charlie Eblen and Brandon Gutshall celebrate with their client Lady Maakia Charlene Smith and her brother (left) Ansur Adams and her nephew (right) Jacob Hatch outside the federal courthouse in St. Louis, May 24, 2022. (Courtesy of Shook)

communities across the country can benefit from this type of work."

Harrison's hire is one major piece in the firm's practice. Scot Fishman, a Shook Hardy partner and director of the pro bono program, said the firm has been doing some civil rights and racial justice work for years now, but Harrison was brought on to make it into a more formal practice.

"The goal is to actually build this into a practice, and Michael is going to be the one to build that," Fishman said. "We want to make it a real, legitimate [civil rights and racial justice] legal practice, rather than just having people take on cases organically."

Fishman joined Shook Hardy in August 2021 — before the case began that sparked the group's expansion. In that case, federal inmate Bilal Hill, who was awaiting trial on federal gun and drug charges, died on Jan. 14, 2021, days after being granted a compassionate release in his sister's care. His sister, Lady Maakia Charlene Smith, sued for damages on his behalf.

On May 26, 2022, a jury returned a verdict against a doctor, nurse and Advanced Correctional Healthcare Inc. — the largest health care provider for jails in the United States — for a Section 1983 deliberate indifference claim and medical negligence. Fishman noted that even though Hill's was a pro bono case, the firm was able to collect fees because there was a fee-shifting statute in that area of practice.

"So when we came into the fees, we had to figure out what we're going to do with it," he added. "Since it's a pro bono case, we wanted to do something that would pay it forward."

The strategy was to set aside some fees for the next big case the firm would take, as the cost to litigate these cases can be very high. But the vast majority of the money went to fund a two-year, Equal Justice Works Fellowship for a third-year law student starting next August.

Fishman said he can't yet reveal the host organization, but the fellowship will be in Washington, D.C., and it will be another prisoners' civil rights case in the health care realm.

The rest of the Hill fee money went to hiring Harrison.

"So it is as direct a hit as you are going to get if you're thinking about the legacy of Bilal Hill, and doing really good work," Fishman said.

According to his sister's complaint filed in May 2021 in the Eastern District of Missouri, while Hill was housed at the Phelps County, Missouri, jail between Oct. 4, 2019, and April 3, 2020, he had serious medical needs that were so obvious that even a layperson would easily recognize the necessity for a doctor's attention.

Hill eventually died of complications resulting from terminal lung cancer, but medical staff failed to provide medical care within a reasonable time, the suit stated.

Fishman called the case a terrible set of facts for the family to endure. For instance, the lawsuit stated Hill — who had a history of smoking a pack of cigarettes a day — passed away despite frequent and urgent requests for help for about a year.

Eighty-one days after complaining of increasing pain, Hill, who had lost 30 pounds and had a growing

neck lymph node, was diagnosed with late stage lung cancer, the complaint stated. Other inmates advocated on his behalf to get help.

"That was one of the facts in the case that really stuck with me, that you have people with no skin in the game, nothing to gain from this, people who society has basically turned their back on generally speaking, pleading for help on behalf of one of their fellow prisoners to get medical attention," Fishman said.

J. Thaddeus Eckenrode, the lead attorney for the defendants, did not immediately respond to a request for comment on the Hill case.

Harrison said one reason he decided to work for Shook Hardy was that the firm was willing to take on a case as significant and high-profile as the Hill matter in the first place, much less win the case.

"The firm was willing to put their money where their mouth was, and I always knew I had more to offer this area of law than what I was doing as a civil rights prosecutor," he said. "And when I saw a law firm that was willing to take these steps, it was something that I wanted to be a part of, and to be quite honest, there was no way I could turn it down."

Harrison is also an adjunct professor of law at Texas Southern University's Thurgood Marshall School of Law. He graduated from the Florida A&M University College of Law.

"If you're thinking from a legacy standpoint, how can the legacy of Bilal Hill outlive the moment, I believe it's in finding more cases like this, building a practice like this," Fishman said. "This is going to be a long-term, institutionally sound program that's going to live on for many, many years."

--Editing by Philip Shea and Lakshna Mehta.