

Mark Cunningham
Jones Walker LLP
New Orleans, LA

Interviewed by Laurice M. Rutledge, Associate,
McKenna Long & Aldridge LLP, Atlanta, GA



1 What type of pro bono work you are involved in?

I am a long time supporter of, and continue to be dedicated to, the New Orleans Musicians Clinic (NOMC) and Assistance Foundation (NOMAF). I am also a volunteer lawyer and former Board Chair of The Pro Bono Project (PBP), an organization which provides free civil legal services through a network of volunteer lawyers to under-served communities in the New Orleans metropolitan area. Over the course of my career, I have also provided pro bono litigation services to nonprofits such as the Innocence Project and regularly accept pro bono appointments for individuals charged in state court with criminal offenses.

2 How did you become involved in pro bono work?

I am an antitrust lawyer by “day” and realized early on in my career that if I wanted to be a successful litigator, I needed to log hours in the courtroom because as a junior associate in a large law firm, such opportunities were hard to come by. When thinking about the types of lawyers who spend the most time in the courtroom, criminal attorneys came

to mind. As a result, I decided to begin representing indigent criminal defendants. My first criminal case was a drug possession with intent to distribute case. The more criminal cases I took on, the more confidence and experience I gained, and over the past sixteen years, I have handled over twenty criminal cases, including two capital murder cases. Although many of these cases required hundreds of hours of attorney and paralegal time, I viewed the time as very well spent.

3 You initially became involved in pro bono work to build your litigation skills. Do you view pro bono work as a significant professional development tool?

Absolutely. It has been a critical role in my professional development. Pro bono work is personally fulfilling and has made me a better lawyer. For instance, I gained valuable trial experience through my pro bono criminal defense practice, the pro bono work has raised my profile both inside and outside my law firm, and I have developed a much wider network of professional relationships than I would have, had I focused solely on my “day” job.

4 What suggestions do you have for young attorneys who may be hesitant to get involved with pro bono activities because they feel they lack expertise?

My advice is that *all* attorneys should accept pro bono cases only if they are prepared to show their clients the same level of commitment afforded paying clients. Attorneys also should aim to take on cases in areas of the law that interest them and that are well-suited to their level of experience. That said, attorneys should not necessarily turn down a pro bono opportunity simply because it would require the attorney to work in an area of law where they have little experience, as subject matter experts are almost always available to provide assistance either as co-counsel or on an informal basis.

5 Please explain how you have used your pro bono experience to help effect public policy changes.

In 2012, the public defender system in New Orleans experienced a funding shortfall. Some state court judges reacted by appointing members of the private bar to help clear their criminal dockets. This resulted in in-house, firm and other civil attorneys being called on to accept criminal defense cases even if they had no prior criminal law experience. Although I understood why the judges felt like they had little choice but to appoint private counsel, I also believed that this system raised serious due process concerns for indigent defendants who would be represented by attorneys with no criminal law experience. Working with the district public

Young Professionals

defender, I organized a consortium of the larger private law firms in New Orleans to take on indigent representations until the funding crisis could be resolved. Everyone in the legal community chipped in—the private law firms dedicated thousands of hours of attorney time, the criminal defense bar made themselves available as consultant to the private firms, West donated hundreds of criminal procedure handbooks, and the state and local bars helped recruit volunteers. All told this community effort donated well over \$1 million in attorney time.

6 How do you balance your robust pro bono practice with your full time client demands?

Well, I consider the practice of law to be more of a hobby than a job. I believe that as a member of the bar, it is my duty to provide legal services to those who would otherwise have limited access to such services, and I gain a sense of fulfillment and enrichment from the pro bono work that I do. Making a difference in someone's life is a true gift.

7 Does Jones Walker support your dedication to pro bono work?

Jones Walker's support has been invaluable in my commitment to pro bono services. The firm does not require its attorneys to perform a certain number of pro bono hours per year but instead takes an entrepreneurial approach to pro bono services. Jones Walker provides its attorneys with the monetary resources and staff to take such cases, thereby encouraging its attorneys to become involved in, and give back to, their communities. As a result, I have always felt supported and free to pursue my pro bono efforts and in turn I have been dedicated to Jones Walker and my full-time practice.

Mark Cunningham (mcunningham@joneswalker.com) is a partner with the Corporate Compliance and Litigation Team and maintains an active national trial and appellate practice focused on antitrust, intellectual property, export control, and commercial dispute. He has been annually recognized by *Benchmark Litigation*, *Super Lawyers*, *The Best Lawyers in America*, and *New Orleans City Business* for his trial work and leadership in the New Orleans legal community since 2009. His recent significant engagements include defeating an application for temporary restraining order and preliminary injunction against an international recycling concern charged with federal antitrust violations. Mr. Cunningham also recently served as lead counsel for a

software concern targeted by federal authorities for allegedly violating the embargo against Iran. Mr. Cunningham also recently obtained a preliminary injunction against a software licensee pirating software on behalf of hacker syndicate located in Eastern Europe and a not-guilty verdict on behalf of a wrongfully accused juvenile facing a mandatory life sentence. In addition to his trial practice, Mr. Cunningham serves as an adjunct professor for Antitrust Law at Loyola University New Orleans College of Law and has held numerous leadership positions in the ABA, Louisiana State Bar Association, and the New Orleans Bar Association.



Laurice Rutledge (lrutledge@mckennalong.com) focuses her practice on health care law, advising clients in connection with regulatory, compliance, and corporate health care matters, including the structuring of transactions among health care providers, confidentiality and privacy of medical records, the establishment and implementation of compliance programs, reimbursement matters, clinical research related matters, and health care fraud and abuse issues. Currently, Ms. Rutledge is the Secretary for the Law Pipeline Program, a non-profit organization that works to ensure that middle and high school students in the Atlanta community have the resources and experiences necessary to be successful after high school in hopes that they will enter the pipeline of legal professionals. Ms. Rutledge is also the Chair for the Georgia Bar's Advocates for Students with Disabilities Committee where she has worked to create the Education Advocacy for Students with Special Needs Program, which pairs low-income parents of children with special needs with pro bono attorneys. While in law school, Ms. Rutledge served as the Symposium Editor for *The Georgia State University Law Review* and was on the Moot Court Board. Prior to law school, Ms. Rutledge worked as a senior associate for LECG in Washington, DC where she helped develop the consulting firm's health care litigation sector. She received her JD from Georgia State University, 2010, *magna cum laude* and her B.A. from The College of William and Mary, 2004, *cum laude*.