

# Pro Bono Opportunities- District Court

## Pro Bono Counsel in Prisoner Cases

The United States District Court for the Western District of Pennsylvania has many civil rights cases filed by incarcerated individuals. Because many of these cases implicate disputes over material issues of fact, they proceed to civil jury trials. Trying a lawsuit with an incarcerated pro se plaintiff presents obvious difficulties for all parties as well as the Court. To assist the Court and the parties in trying these cases, the Court has instituted a program of pro bono representation in selected cases. In most of these cases the Court will not appoint a pro bono volunteer lawyer until it has been determined that there are triable issues, dispositive motions have been ruled upon and the case is ready for trial. Volunteer lawyers will be permitted discovery as necessary to prepare for trial. Fees are not recoverable even if your client is awarded a verdict in his or her favor as this is viewed as strictly pro bono service. However, the court has a fund to cover reasonable costs incurred in the representation, regardless of the outcome of the case. In addition to aiding the court, as well as an opportunity for public service, these cases are especially appropriate for young lawyers who might otherwise not have the experience of trying a civil case to a jury in federal court. If you are interested in assisting the Court in this endeavor or have any questions, please contact Mike Palus at 412-208-7573 or email him at [Michael\\_Palus@pawd.uscourts.gov](mailto:Michael_Palus@pawd.uscourts.gov)(link sends e-mail).

## Pro Bono Counsel for Pro Se Clients in Mediation

The United States District Court for the Western District of Pennsylvania has, since early 2007, been offering to its pro se litigants the assistance of pro bono counsel during the alternative dispute resolution (“ADR”) process. Through the Court’s Pro Se Pro Bono ADR Program, pro se litigants receive professional evaluation and legal advice at a critical juncture of their case, and they gain a better understanding of, and assistance through, the ADR process. This legal assistance was expanded in 2013 to include incarcerated pro se litigants who have filed civil cases with the court. The appointment is for the ADR process only and does not obligate counsel to assist the litigant with any other aspect of their case..

The Pro Se Pro Bono ADR Program has, since its inception, been administered for the Court by the law firm of Jones Day. If you would like to volunteer legal services to the Pro Se Pro Bono ADR Program, please contact the current coordinator of the Court’s Pro Se Pro Bono Program, Katelyn Matscherz of the law firm of Jones Day at 412-394-7285 or email her at [kmatscherz@jonesday.com](mailto:kmatscherz@jonesday.com)(link sends e-mail).

# Pro Bono Opportunities- Third Circuit

<http://thirdcircuitbar.org/documents/third-circuit-bar-practice-guide.pdf>

Council of Appellate Lawyers: Manual on Pro Bono Appeals Programs

[https://www.bhfs.com/Templates/media/files/CAL%20Pro%20Bono%20Manual%20Revised%20Nov\\_%202017.PDF](https://www.bhfs.com/Templates/media/files/CAL%20Pro%20Bono%20Manual%20Revised%20Nov_%202017.PDF)

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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NOTICE TO COUNSEL  
APPOINTED IN PRO BONO CASES

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To encourage lawyers to serve as appointed counsel in Pro Bono causes, the Court has authorized recovery of up to \$1,000 (One Thousand Dollars) of expenses related to representation in a pro bono matter. Recovery of expenses is limited, and should not be considered a fee for services rendered.

Reimbursable Expenses include:

- a. Travel expenses (at Government rates and per diem)
- b. Telephone calls to your client
- c. Copying
- d. Photographs
- e. Other appropriate expenses as may be determined.

A voucher for total expenses may be submitted at the conclusion of the case. Counsel may apply for interim reimbursement if necessary. Counsel should keep careful records of recoverable expenses and include invoices or documentation for any submitted

expense.

Non-Reimbursable Items:

- a. General office overhead
- b. Items and services of a personal nature
- c. Printing of briefs (Typesetting prohibited, but photocopying, “xeroxing” or a similar service are recoverable as costs.)

Transcripts

Please contact your Case Manager or Jean Thornton (267) 299-4908 for instructions regarding reimbursement for transcripts associated with the case.

THIRD CIRCUIT PRO BONO PANEL OFFERS UNIQUE OPPORTUNITY FOR SERVICE AND PROFESSIONAL DEVELOPMENT

Practitioners who want to gain marketable experience, fulfill pro bono obligations, and assist the Court should consider joining the Pro Bono Panel. To express interest in joining the Pro Bono Panel, send a letter to Marcia Waldron, Clerk of Court, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790.

<http://apps.americanbar.org/litigation/committees/appellate/articles/summer2015-0815-why-you-should-take-pro-bono-appeal.html>



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## **Pro Bono Makes Cents: The Business Case For Pro Bono**

*By Roy S. Ginsburg*

Pro bono service is frequently considered a selfless act, the “right thing to do.” But can a selfless act also be selfish? With respect to *pro bono* service, the answer is yes. While many attorneys volunteer legal services, few seem to recognize that performing *pro bono* work often yields substantial practical economic benefits for themselves, their organizations, and the profession as a whole. In short, when it comes to *pro bono* service, “it pays to be good.”

“*Pro bono*” means “for the public good.” Historically, a certain segment of the legal profession felt responsible to ensure equal access to the legal system in the hope that justice would not become a concept that was simply bought and sold. This responsibility is partially derived from a social contract between lawyers and society. Society provides an exclusive license to individuals who want to practice law, thereby offering lucrative career opportunities for many. In return, lawyers give something back to society; that “something” is *pro bono* service.

Minnesota’s Rules of Professional Conduct specifically remind Minnesota lawyers of their *pro bono* obligation. According to Rule 6.1, every lawyer should aspire to provide 50 hours of *pro bono* service annually because lawyers have a “responsibility to provide legal services to those unable to pay.” This service is not mandatory. While the rule provides no reporting or enforcement mechanism, it nevertheless underscores the importance of *pro bono* service to the organized bar.

### **DEBUNKING MYTHS**

In any argument to establish the overall practical economic benefits of *pro bono* service, it helps to first debunk the myth that every *pro bono* hour is somehow a lost billable hour. Many attorneys instinctively believe handling a *pro bono* matter is a drag on the bottom line. In their view, time spent practicing law that is not being billed to someone can always be convertible to billable time. A closer examination of the myth suggests a more complex situation.

It is as logical to presume that *pro bono* hours are like time spent marketing, handling

administrative matters, or bar association activities. With rare exceptions, when lawyers spend time doing any of these, they are not billing less time for their paying clients. One never hears about lawyers turning away paying work because they were too busy doing *pro bono* service. Nevertheless, many find the time to make sure *pro bono* service is one of the things that “get done.”

Furthermore, it’s worth questioning the assumption that attorneys who perform *pro bono* work make significant financial sacrifices. Last year, the *American Lawyer* magazine ranked the *pro bono* efforts of the nations’ major law firms based on the average number of hours per lawyer and the percentage of lawyers who performed more than 20 hours of *pro bono* service per year. Of the ten firms ranked highest, all had very healthy profits per partner, most between \$500,000 and \$1 million or more.

The same is true locally. Dorsey & Whitney, Faegre & Benson, and Robins, Kaplan, Miller & Ciresi all averaged more than 50 hours of *pro bono* service per lawyer and all three had approximately half of their attorneys doing more than 20 hours per year. Lawyers at the three firms similarly did not seem to take any significant financial hit based on their exemplary *pro bono* record; profits per partner were well into six figures at all three.

### ENHANCING SKILLS

On an individual basis, handling a *pro bono* matter provides a wide variety of benefits that can help build your practice. First, it enhances legal skills. One can either learn a new skill or sharpen an existing one. For example, in many *pro bono* cases, lawyers represent clients from more diverse backgrounds than their usual clientele. Dealing with individuals from different socioeconomic or cultural backgrounds can improve communication skills. Furthermore, *pro bono* service builds confidence for less experienced attorneys, especially those working in the shadow of senior partners. By regularly doing *pro bono* work, they quickly lose any feelings of inadequacy and grow in the realization that they can autonomously assist others with legal problems.

Some attorneys have even found that their *pro bono* service has enhanced their skill set to such a high degree that it attracts paying clients. For example, many lawyers in Minnesota know that Faegre & Benson’s Brian O’Neill has a lucrative environmental litigation practice. What many don’t know is that one of the ways that he was able to build that practice was by developing a reputation for success handling *pro bono* matters in environmental law.

### BUILDING RELATIONSHIPS

For attorneys in private practice, *pro bono* service can be strategically used for client development. For example, business law *pro bono* is a relatively new and growing area where business lawyers donate their time to assist eligible nonprofit organizations and microenterprises. Here in Minnesota, LegalCORPS, ([www.LegalCORPS.org](http://www.LegalCORPS.org)) was recently created with help from the Minnesota State Bar Association to match business lawyers with nonprofits and microenterprises with legal needs. For attorneys who take advantage of such *pro bono* opportunities, there can be collateral benefits. On occasion, a client organization may reach a level of financial security that obviates their need for free legal services. If that time ever comes, whom do you think that organization is going to call on to perform services for

a fee? Alternatively, business law *pro bono* volunteers frequently establish relationships with nonprofit board members who belong to organizations that frequently hire attorneys or are asked for attorney referrals. Here, the *pro bono* lawyer is well-positioned to get that work because of a preexisting relationship.

At first glance, some may be offended by such opportunism. But if you talk to *pro bono* leaders in the bar, many find nothing wrong with this form of “enlightened self-interest.”

Besides establishing new relationships, *pro bono* service can strengthen existing ones. Lawyers from Lindquist & Vennum and Valspar Corporation partner at a shelter connected with Sharing and Caring Hands (Mary’s Place) in downtown Minneapolis. Similarly, attorneys from Dorsey & Whitney and U.S. Bancorp work together handling *pro bono* matters at the Brian Coyle Legal Clinic in the Cedar Riverside neighborhood. The latter collaborative effort recently won the *Pro Bono* Partner Award from Washington D.C.-based CorporateProBono.org (CPBO — a national outreach program designed to enhance the participation of in-house lawyers in *pro bono* service).

For inhouse and public sector attorneys, *pro bono* service is a means to expand their personal network. The bigger the network, the easier it will be for lawyers who may become dissatisfied in their current jobs to seek out more promising new opportunities. For those who find themselves unexpectedly unemployed, the job search will be an easier one with these existing relationships already in place.

Finally, individual attorneys, wherever they work, will find that conducting *pro bono* service enhances the lawyer’s reputation within the firm or organization, within the profession, and within the extended community. After all, what’s there not to like about one who gives back to their community?

### **BUILDING THE FIRM**

Law firms with a strong *pro bono* culture, as a whole, also benefit economically. Morale improves when a large number of attorneys and staff are similarly devoted to a particular matter or cause. The firm’s cohesiveness may increase as *pro bono* service draws together individuals who do not ordinarily work together. Certain relationships could even develop into genuine mentoring opportunities.

A commitment to *pro bono* service is also often advantageous to the firm in hiring and retaining talented attorneys. Many talented lawyers in private practice have a public service orientation. This pool of attorneys is attracted only to law firms with a strong *pro bono* focus. Not only do these firms have a competitive edge in recruiting, they also retain *pro bono*-oriented lawyers and avoid turnover and its accompanying costs.

Just as *pro bono* service enhances an attorney’s personal reputation it similarly enhances a law firm’s reputation. In the post Sarbanes-Oxley world, many corporate clients want to retain law firms with a broader social agenda than simply billing the most hours at the highest possible hourly rate. Locally based Target Corporation has earned an excellent reputation based in large part on its history of giving back to the communities it serves. Companies with such a strong culture of volunteerism want to hire law firms similarly committed. Firms that do not will frequently lose out on business.

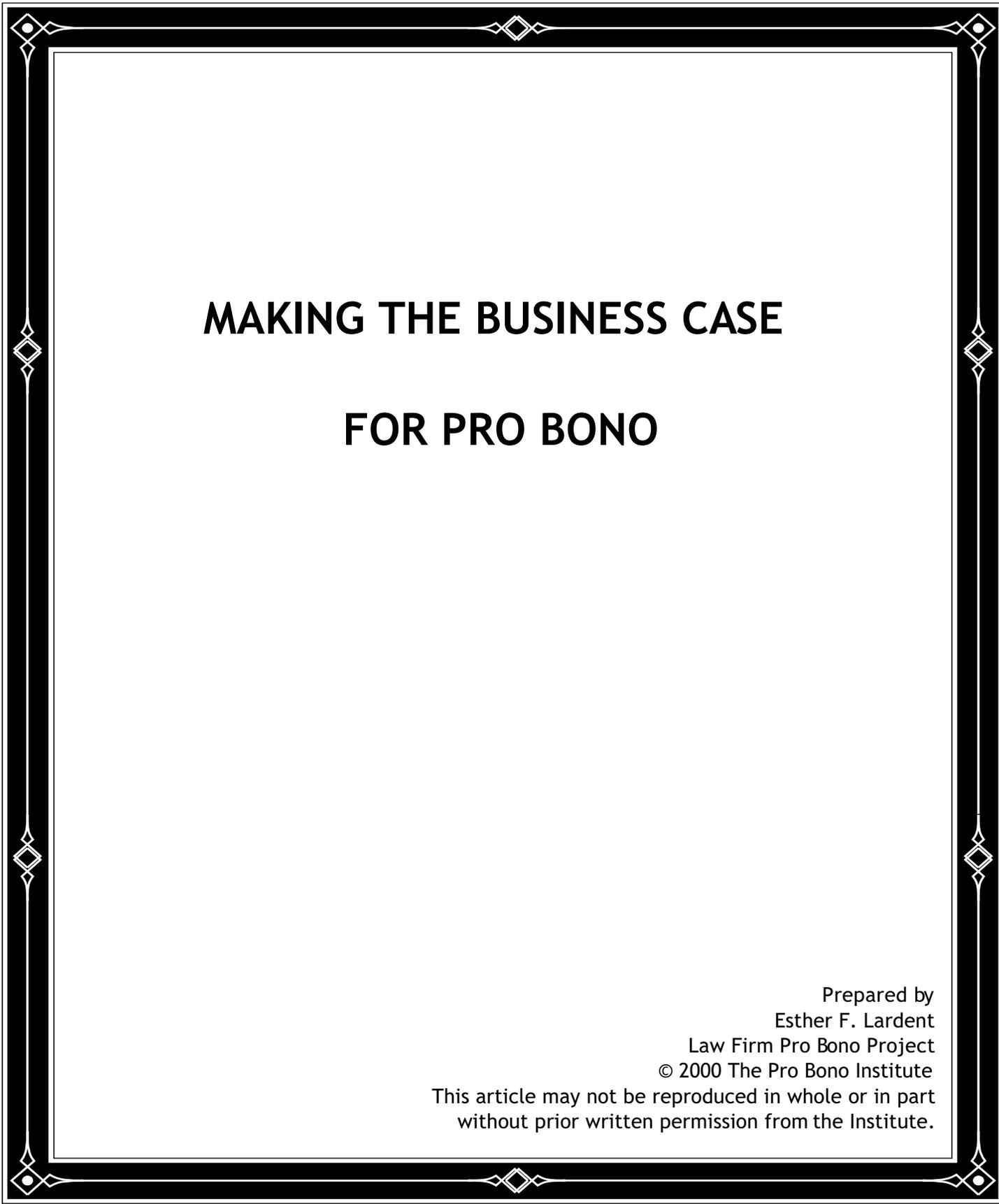
## CONCLUSION

Finally, *pro bono* service benefits the entire legal profession. The public's confidence in the legal system remains low. Many lawyers fail to appreciate how good they really have it. Society grants them a monopoly to provide a service that enables many to gain powerful positions and wealth in their communities, subject only to self-regulation of the profession. The legitimacy of our legal system is largely dependent upon the meaningful participation of all citizens. *Pro bono* service ensures such participation, thereby preserving the system's legitimacy.

In sum, *pro bono* service provides a multitude of practical economic benefits for attorneys, their organizations, and their communities. Not only will you feel better because you helped someone less fortunate, but you will also feel better because you helped yourself.

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# **MAKING THE BUSINESS CASE FOR PRO BONO**

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## ***INTRODUCTION***

In making the case for why lawyers – and legal institutions – should undertake *pro bono* work, supporters of *pro bono* service typically focus on the compelling need for such assistance.

Countless national, state, and local studies have detailed the appalling gap that exists between the millions who need, but are unable to afford or obtain, the specialized knowledge and skills of legal professionals to protect and vindicate basic human needs and fundamental rights versus the shockingly limited resources available to meet those needs.

Others focus on the ethical underpinnings of *pro bono* service – every lawyer’s fundamental responsibility to ensure equal access to justice. Linked to this ethical imperative is the pivotal role played by *pro bono* in maintaining the professionalism of the legal profession. As lawyers seeking to preserve the highest ideals of our profession, we must concern ourselves not only with the bottom line, but also with the greater public good.

Given the profound changes in and enormous pressures of law firm practice today, however, it is essential that *pro bono* supporters, without abandoning the moral and ethical principles at the heart of *pro bono* service, can confidently identify those elements of *pro bono* practice that, when appropriately structured and integrated into the fabric of the firm, result in positive benefits for the law firm and its attorneys, as well as for the clients and communities served. These benefits support a hard-headed business rationale for *pro bono* work and for institutional law firm support for that work. While some of the benefits are relatively easy to quantify, others are not. While some pluses resulting from a firm culture that is supportive of *pro bono* will be immediately apparent, other beneficial results will become known only with the passage of time. This brief monograph is designed to outline the means by which an investment in *pro bono* can and will, in the long term, strengthen the firm’s ability to attract and serve its commercial clients.

## ***PRO BONO AND PROFITABILITY***

In a 1995 study of the relationship between economic performance and *pro bono* activity at large law firms, Marc Galanter and Thomas Palay, professors of law at the University of Wisconsin Law School, used data on firm finances and *pro bono* scores of the nation's largest 100 law firms published in *The American Lawyer* between 1990 and 1993 to analyze the connection between these two measures. While the sample of firms studied was relatively limited (involving 59 law firms for whom complete information on both measures was available for all four years), the study results are notable. Galanter and Palay found that:

- *Pro bono* at these high-producing firms increased substantially between 1990 and 1993. Total *pro bono* hours increased 45 percent, while average hours per attorney increased almost one-third (31 percent). The number of attorneys at major law firms reporting twenty or more hours of *pro bono* time increased by almost 60 percent over the period of the study, and the percentage of attorneys at the firms reporting twenty hours or more increased by 34 percent.
- In looking at the intersect between law firm *pro bono* activity and measures of economic performance and growth, including gross revenues, profits per partner, and estimated profit margin, the authors found that “the data suggest that the larger the firm and the greater its gross revenues the more willing it will be to encourage or permit *pro bono* activity.”
- The relationships between changes in *pro bono* activity from 1990 to 1993 and changes in the [firms' economic] performance data over the same period were positively correlated, though not strongly.

Unfortunately, Galanter and Palay have not produced an updated version of their analysis (the Law Firm Pro Bono Project would enthusiastically welcome volunteers with statistical expertise

to undertake a comparable analysis of more current data on *pro bono* and profitability as well as a longitudinal study of major law firm performance on both measures). However, even a cursory examination of information included in 1998 firm performance, as reported in the July, 1999 issue of *The American Lawyer* appears to reaffirm the conclusions of the Galanter/Palay study.

According to that information, lawyers at the nation's most profitable and largest law firms, on average, donated 40.8 hours of *pro bono* service during the past year. And the approximately 90 law firms on the AmLaw 100 list that reported their *pro bono* hours, in total, contributed almost 1.6 million hours of *pro bono* time or the equivalent of almost 900 full-time advocates.

Even for *pro bono* supporters, the results of the Galanter/Palay study may be surprising. Since *pro bono* matters do not, except in unusual circumstances, generate fees, it has been generally assumed that *pro bono* service is a financial drain on law firms and, as such, that it may create an economic disadvantage for firms that are high *pro bono* producers. In his seminal 1997 article on the economics of *pro bono* work, which is attached, Jack Londen of Morrison & Foerster makes a compelling case for *pro bono* work as, at worse, a marginal expense for law firms. More typically, he argues, even the strongest and most expansive law firm *pro bono* programs are either revenue neutral, or, potentially, even a revenue enhancer. Londen's argument, which is consistent with the Galanter/Palay research, is three-fold:

- The customary measure of the economic impact of *pro bono* work – the amount of revenue that the *pro bono* hours would have generated – is not a valid measure;
- Even when properly measured as a cost item rather than a revenue drain, the true cost of a *pro bono* program comprises a much smaller fraction of a firm's budget than a superficial analysis might suggest; and
- The indirect effects of a *pro bono* program can have a positive impact on revenue by enhancing and supporting firm goals and activities that create a competitive edge for law firms.

Londen's arguments echo the findings of a 1991 study that charted the growing commitment of major corporations to volunteer and community service programs. Corporations, in that study, reported that they support volunteer efforts, not only because they view themselves as stakeholders in their communities, but also because they address important business goals, including attracting and keeping a quality workforce and improving their image and appeal with consumers of their goods and services.

### ***USING PRO BONO TO SUPPORT CRITICAL FIRM GOALS AND ACTIVITIES***

When properly planned and structured, law firm *pro bono* work can do double duty, enhancing a wide range of important firm goals and functions. These include:

#### **1. Recruitment of New Associates and Laterals**

In an environment in which the competition for legal talent – including recent law school graduates, mid-level associates, and partners – is fierce, firms that support effective *pro bono* programs enjoy a competitive advantage with many potential new firm attorneys. Although there have been no national surveys to date of changes in law school/young lawyer attitudes, anecdotal information and related developments, such as the increase in law school public service projects and the growth of fellowship and rotation programs, confirm the heightened interest in *pro bono* among the younger generation of attorneys. As firm hikes in compensation for new associates are quickly matched by other firms, factors other than pay – including quality of life issues, effective mentoring and supervision programs, and expanded *pro bono* opportunities – often become the deciding factors in choosing among firms for top tier lawyers. For more senior attorneys, while business considerations undoubtedly play a larger role, the ability to do *pro bono* work can also be an important factor in selecting a firm.

## 2. Retention of Productive Partners and Associates

Mobility has become the rule among lawyers at all levels of seniority at larger law firms. A recent survey reported that, on average, 18% of associates at major law firms left their firms for other employment during the past year. Some firms lost 40% of their associates to other firms or employers during that period. Costs associated with the failure to retain effective lawyers represent the single greatest nonproductive personnel expense incurred by law firms. Some observers have estimated that the cost of replacing one departing attorney – including inefficiencies due to transition and delay as well as the substantial costs associated with screening and hiring a new attorney and getting that attorney up to speed – can equal or even exceed the annual salary for that position. Some qualities – rapport with clients, highly specialized expertise – are virtually irreplaceable at any price.

The decision to leave a law firm, of course, is often based on many factors. For many lawyers, however, dissatisfaction with the atmosphere and workload at the firm and a sense of being an anonymous cog in a very large wheel are key elements of the determination to move elsewhere. A strong *pro bono* culture, as discussed below, can contribute greatly to a sense of the firm as a unique place, one that embraces the individuality of its partners and employees, provides effective mentoring and oversight, and stimulates teamwork in support of the needs of the larger community. New York's Shearman & Sterling has recognized this by including paid leave to undertake full-time *pro bono* work as one of the longevity incentives it provides to senior associates.

For partners, strong firm support for *pro bono* as a part of the day-to-day work of all lawyers at the firm, regardless of seniority or prominence, also reinforces their loyalty to the firm. For lawyers who have been in practice for some time and enjoy proficiency in a highly specialized area of the law, *pro bono* participation offers an opportunity to engage in the critical policy issues of our day or to serve individual clients – aspects of law practice that may not be available in their everyday practice.

### 3. Training and Professional Development

One of the chief complaints expressed by many junior attorneys in larger law firms is the lack of opportunity to develop the skills and expertise needed to advance in the firms. Greater demands on partner time and the growing unwillingness of corporate clients to pay for associate training and apprenticeship have all but eliminated the informal “second chair” training experiences enjoyed by associates in the past. In “The Effective Associate Training Program: Improving Firm Performance, Profitability and Prospective Partners,” published by the American Bar Association Standing Committee on Continuing Education of the Bar, lack of effective training and professional development opportunities are identified as directly responsible for unproductive or unsatisfactory performance that leads to excessive write-offs, partner frustration and inefficiency, low associate morale, client dissatisfaction, and costly turnover.

Using carefully selected *pro bono* opportunities as a training vehicle will enable law firms to provide a wide variety of high-quality skills training at a very low cost. In addition, since younger lawyers are typically afforded greater autonomy in *pro bono* matters, they also offer meaningful work experience and accelerated professional development opportunities that benefit both the individual attorney and the firm.

The ABA publication cited above identifies basic skills that must be acquired by all successful lawyers. These include:

- Interviewing
- Planning
- Problem analysis
- Investigation
- Research
- Recognizing and handling professional and ethical issues
- Statutory interpretation (and textual interpretation generally)

- Client relations
- Client counseling
- General advocacy
- Negotiation
- Trial advocacy
- Writing with clarity and precision
- Designing and drafting contracts and other legal documents
- Case management
- Time management
- Diagnosing the client's problem
- Dealing with difficult clients
- Counseling clients

In addressing the skill sets necessary for large firm lawyers, both business lawyers and litigators, it is apparent that many *pro bono* engagements offer the opportunity for in-depth, on-the-job skills training. For example, the average landlord/tenant matter is likely to involve diagnosis, factual and legal research, discovery, witness preparation, statutory interpretation, negotiation, client counseling, drafting pleadings, trial preparation, and trial advocacy, and, in some instances, appellate advocacy and brief preparation. Even the most mundane of transactional *pro bono* matters – securing 501(c)(3) status or reviewing a lease – offers training in interpretation of statutes and other controlling authorities, client counseling and diagnosis, presenting and weighing alternative solutions, negotiation, etc.

Not only are *pro bono* matters highly effective training tools, they offer, by their very nature, the opportunity for firm attorneys to exercise skills and judgment far more independently and at an earlier stage than comparable work for commercial clients. Many associates report dissatisfaction with the gap between the level and type of work they are actually assigned and the experience and expertise they are required to demonstrate to advance in the firm. In *pro bono* matters, younger

lawyers are actually able to try cases, to work personally with a client board of directors, and to handle appeals, albeit with appropriate supervision.

In light of the role that *pro bono* engagements can play in providing excellent training opportunities, it is not surprising that a number of firms are consciously integrating their training and *pro bono* functions. Chicago's Mayer Brown & Platt, for example, recently hired a seasoned law school clinician/public interest lawyer to oversee both the firm's *pro bono* program and its clinical skill training efforts. At other firms, the *pro bono* leadership works closely with the firm's training committee and staff, so that each facet of the firm's operations supports the other.

A number of commentators have noted that, beyond the development of specific skills, *pro bono* work makes better lawyers overall. Lawyers engaged in such work have the opportunity to go beyond their immediate and narrow specialties and garner a broader sense of this society and how it works – or doesn't work. A 1991 survey of almost 200 major corporations found that a growing number of corporations sponsor and encourage volunteer programs, in part, because of the benefits to the employees and the corporation. These companies reported that volunteer work promotes personal and professional growth, encourages characteristics that improve the quality of their work force, such as creativity, trust, teamwork, productivity, and persistence. These companies' commitment to voluntarism is real – it is increasingly recognized in performance reviews and incentive plans.

#### **4. Evaluation, Supervision and Mentoring**

Associates, in citing the causes of dissatisfaction, often point, not only to the nature of the work assigned to them and the lack of opportunity for skills development, but also to the lack of feedback and oversight available to them from more senior firm attorneys. Firm leaders, in turn, have sought, with some frustration, effective tools to evaluate, as early as possible, the aptitudes of associates and the means by which to establish truly meaningful supervision and mentoring programs.

Because of the nature of *pro bono* work, it offers the opportunity for far more effective evaluation of the skills and maturity of young associates. Evaluation based solely on associates' commercial practice will provide insight into some skills and abilities – such as drafting and a commitment to hard work – but will not enable the firm to assess the associates' communication skills, abilities as advocates and negotiators, maturity, ability to work effectively with clients and to deal with opposing counsel, judges, and juries. For this reason, as well as to provide greater visibility to *pro bono* work, a number of law firms now explicitly include reviews of work undertaken in *pro bono* matters as a critical part of the evaluation process. That is, the evaluation not only assesses the lawyers' *pro bono* commitment as evidenced by the amount of *pro bono* work undertaken, but also uses that work to evaluate the attorneys' legal skills, maturity, and judgment.

Law firms, in response to associate concerns, have developed a variety of supervision and mentoring programs, designed to replace the informal mentoring and apprenticeship that often occurred spontaneously in the past when the pace of practice was less pressured. In putting these programs in place, however, many firms have discovered how difficult it is to establish a meaningful mentoring and supervision program. Partners, already overcommitted to client work and non-client firm administrative tasks, are sometimes unable or unwilling to devote sufficient time to their mentees. A number of firms, however, have successfully used a *pro bono* team or practice group approach to provide meaningful oversight and feedback from partners. Partners who are involved in a *pro bono* team working on a specific case, matter, or project are engaged in the matter and, therefore, far more likely to take the time to work closely with the junior members of the team.

## **5. Enhancing Firm Morale and Loyalty**

All large institutions struggle to achieve a sense of uniqueness and a commitment by individuals to the larger whole. Today's major law firms are particularly prone to fragmentation and isolation, due to the pace of growth and change, their sheer size, the complexity of firm structure, including specialty units and growing numbers of geographically distanced offices, unintended

consequences of technology, and the isolation that often characterizes the way that law is practiced. *Pro bono*, however, can be the glue that holds the firm together. *Pro bono* matters offer the opportunity for lawyers – and other staff – who would otherwise hardly even know each other – to work together as a team for a greater good. Firm-sponsored clinics and *pro bono* recognition events, whether humorous or formal, offer opportunities for social interaction and good will. Victory memos and annual reports instill a sense of pride and an appreciation for the difference that the firm, as an institution, is making and for the quality of its people.

## **6. Marketing the Firm**

In the current highly competitive environment, firms are increasingly focused on marketing their services to retain current clients and attract new ones. Firms are expanding their marketing staff, hiring public relations firms, and committing substantial resources to advertising and to “branding” that differentiates their firm. As with other firm functions, *pro bono* work can be a highly effective marketing tool. Bill McBride, managing partner of Holland & Knight, one of the nation’s fastest-growing law firms, has noted that every dollar his firm spends on *pro bono* generates ten times its value in good publicity and heightened visibility for the firm. *Pro bono* is an effective marketing tools for several reasons:

### *a. Greater Credibility*

Unlike firm brochures, press releases, advertisements, and similar vehicles, *pro bono*-related publicity is less likely to be viewed as self-serving. Even though law firms may consciously place stories about *pro bono* achievements, the very nature of the work involved makes the stories more credible. In addition, in many instances, publicity about a *pro bono* matter is generated by a public interest group involved by the matter or attracts media interest because of the issue involved. Such placements are viewed as inherently more credible than paid advertisements.

### *b. Greater Visibility*

Even the most interesting and important commercial work undertaken by law firms is unlikely to receive broad coverage and publicity beyond the legal media. Major *pro bono* matters, or smaller cases with great human interest, are far more likely to receive extensive coverage. Holland & Knight, for example, received highly favorable and extensive coverage of its work in the *Rosewood* case, including a glowing front page, above the fold, article in the *Wall Street Journal* and *People*. Hogan & Hartson, similarly, received a great deal of play in the media concerning its representation of African-American plaintiffs alleging that Denny's restaurants had discriminated against them. In both instances, the firms undertook these time-consuming, controversial cases because it was the right thing to do. However, their creative, successful lawyering became a front-page story. In addition, *pro bono* contacts can become business contacts.

### *c. Improved Client Relationships*

An increasing number of law firms jointly undertake *pro bono* work in conjunction with the legal departments of corporate clients. Some corporate client relationships these days are fraught with tension and uncertainty, as clients transfer business, aggressively bid work out, negotiate for reduced rates, pare down the list of firms with whom they work, and closely scrutinize and question bills. Joint *pro bono* ventures offer an opportunity to interact socially and professionally with clients on matters of common concern outside the commercial arena. Since firms, for the most part, are far more experienced in the substantive law and venues involved in *pro bono* work, these joint ventures offer a subtle but effective opportunity for law firms to demonstrate their skills and capacities. In addition, jointly sponsored clinics and clients are an opportunity for teamwork that can lead to closer personal and professional relationships.

### *d. Good Deeds as a Business Generation Tool*

Increasingly, major corporations are viewing good corporate citizenship and strategic philanthropy as important elements of the culture of an effective institution **and** as solid business

practice. Major law firms, which may be among the largest institutional employers in their communities, should take note of the increased interest in good works among leading corporations.

A 1999 report issued by Cone, Inc. and the Roper survey research firm found, for example, that hundreds of corporations are increasingly committing substantial resources to good cause campaigns. They are doing so because they seek to make a positive difference in the communities in which they locate their facilities and market their products. However, these corporations are also doing so because research has determined that association with good causes is good for business. In a survey of consumers, the Cone/Roper report found that two-thirds of the respondents reported that, if price and quality of a product are equal, they would switch to a brand or retailer associated with a good cause. Sixty-one percent thought cause-related marketing should be a standard business practice, and 84 percent noted that they have a more positive image of companies that support a cause they care about. The report further cited that companies now undertake “cause branding,” making a long-term commitment to causes that become part of the corporate identity and culture.

A similar 1999 study prepared for Hill and Knowlton by Yankelovitch Partners also found that corporate good citizenship was an important consideration. When those respondents were asked what philanthropic activities were considered most impressive, the two top answers were “donating products and services” and “volunteering employees to help.”

In restructuring to achieve greater efficiencies, productivity, and profitability, larger law firms have often looked to the corporate community for examples of good business practices. An analysis of the benefits of *pro bono* in the law firm context, as well as the greatly enhanced commitments by corporations to voluntarism, reinforces the argument that *pro bono* is not only right, it is, indeed, good for business.

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