

BUILDING A PRO BONO BASE

Dedicating Resources Proves to Be Good for Firms and Clients

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THE NATION'S BIGGEST LAW firm, Baker & McKenzie, made a big hire in January when its Chicago office brought in public interest lawyer Angela Vigil from Northwestern University School of Law. One of California's biggest firms, O'Melveny & Myers, made a big hire, too, in April when the Los Angeles office brought in David Lash, who had been executive director of Bet Tzedek, a prominent legal services nonprofit there.

And Shook, Hardy & Bacon, known nationally for its

products liability defense work, recently made a significant inside hire in its Kansas City office when a fifth-year associate became of counsel in a newly created position as director of pro bono services. That's the same area of service in which Vigil and Lash will spend at least some of their time.

Law firms doing pro bono work is nothing new. Appointing certain lawyers in firms to oversee pro bono work isn't all that new, either. But more and more firms are institutionalizing their pro bono work, dedicating full-time lawyers or others to oversee it and developing formalized structures and infrastructures with the same kinds of best-business practices they already have in place where the money rolls in.

The reasons are many, but the simplest is that, in the words of Esther Lardent, president of the Pro Bono Institute, "Pro bono is good for business." It is good for recruiting and training; it is good for making a name and making an impact; it is good for client relationships; and it is good as a glue within the firm.

So it makes good business sense to do it right. It is one thing for a law firm to say it encourages pro bono work, but it is quite another to make it doable for lawyers who stay so busy on money-making matters that it is often inefficient or impossible for them to find appropriate pro bono projects.

"Now, law firms are being rated on their pro bono work," says Bernard W. McCarthy, a litigator with New York City's Chadbourne & Parke since 1968 and the first holder of the title "pro bono partner," beginning in 1999.



Baker & McKenzie's Angela Vigil: "We want to take inventory and build bridges between our various offices and pro bono or public interest groups."

Those ratings come in various forms. Lardent's organization developed the Pro Bono Challenge, signing on 160 of the 850 largest law firms to commit a certain percentage of work to pro bono matters. *American Lawyer* magazine ranks the amount of pro bono work by the 100 largest firms; various bar and special interest groups prepare similar listings.

"It has become competitive in a sense, with firms using these rankings for recruiting purposes," says McCarthy. "This has all become increasingly more important, and doing it on an ad hoc basis just doesn't get it done."

McCarthy works nearly full time on managing pro bono efforts but also has a nonlawyer assistant who is the firm's pro bono coordinator. "There's a real advantage to having the title 'pro bono partner,'" he says. "There's an advantage to being a partner who can walk into someone's office and talk about freeing someone up for some work."

Chadbourne & Parke was one of the early signatories to the Pro Bono Challenge and has developed an extensive infrastructure for the work. The management committee decided that as many as 100 hours of pro bono work can count toward a lawyer's yearly goal of 1,900 billable hours. That pro bono allowance is 50 hours more than what McCarthy recommended.

Statistical monitoring of the firm's pro bono work led to successful calls for a better balance in the kinds of matters handled by the firm, McCarthy says. It had been 80 percent litigation oriented, but last year 50 percent of the work was transactional.

There is plenty of help for law firms that want it for setting up and running their pro bono initiatives. For example, the Pro Bono Institute, based in the Georgetown University Law Center in Washington, D.C., offers the Law Firm Pro Bono Project, a joint effort with the ABA Standing Committee on Pro Bono and Public Service. The project is an information clearinghouse that provides models, guides and other help for developing a pro bono infrastructure in a law firm.

The Internet has eased the matching of lawyers and pro bono opportunities, with services such as Probono.net, started in 1998 in New York City and now expanded to Minnesota, Washington, D.C., and San Francisco.

Lardent says there are four key elements to institutionalizing pro bono efforts in law firms and corporate in-house law shops:

- The tone is set at the top. There has to be a strong message that pro bono work is an integral part of the firm's way of doing things, and that message is strongest when coming from the highest leadership.

- There must be an institutional commitment. The institute's Law Firm Challenge seeks a commitment of either 3 percent or 5 percent of the firm's total number of billable hours. The lower number is an entry threshold for firms that want to make the commitment but can't yet make the big leap to the higher number.

- An infrastructure is necessary for support and assistance. This can range from information and resources on an intranet to an awards program.

- Oversight must come from within the firm's gover-

nance. Committees and representatives from all departments are needed to ensure that all have the opportunity to be involved and that the work is actively managed.

Institutionalizing pro bono can help law firms grow in ways that have an impact on the paid work as well. Shook, Hardy & Bacon is more than just competitive when it comes to product liability defense work, especially for tobacco and pharmaceutical companies. The firm is focused and formidable. Now it's discovering how pro bono work builds connections.

Paul W. Rebein, a tort litigator in the firm's Tampa, Fla., office, took over as chair of the pro bono committee last year. Since then, he has worked at combining the resources of Shook Hardy's various offices around the country on specialized pro bono projects. They range from representing unaccompanied minors in immigration matters to helping parents of disabled children battling school boards for educational programs.

"I saw how other large firms were making an impact by combining their forces on pro bono matters, much as we've always done in the money-making areas," says Rebein. "People are working together who haven't known each other or spoken to each other. It's helped us establish connections between our offices—a glue."

The firm has not yet joined the Pro Bono Challenge with a commitment of a specified number of pro bono hours, but "our goal is to one day meet that," says Rebein. But a commitment is there nonetheless. The firm recently named Jolie Justus, a fifth-year associate, to an of counsel position as director of pro bono services.

WIDE-OPEN FIELD

THE POSSIBILITIES FOR PRO BONO POSITIONS IN LAW FIRMS vary widely. O'Melveny & Myers' recent hire, David Lash, did not come on board solely as a pro bono lawyer. Lash had been executive director of Bet Tzedek, which is Hebrew for "house of justice." Lash joined O'Melveny as a commercial litigator but with the expectation that he will play a significant role in developing the firm's pro bono practice.

"David has a high profile in community pro bono work, and he will attract high-quality, high-impact pro bono cases," says Chris Hollinger, chair of the firm's pro bono committee. "Some attorneys like taking cases that help ordinary individuals, and some like path-breaking cases. David gives us a more effective opportunity to get both."

The Chicago office of far-flung Baker & McKenzie joined the Pro Bono Challenge a couple of years ago. Some of its international offices have done pro bono work such as helping start chambers of commerce, which surely helps the business side of the practice. In January, the firm began to institutionalize its pro bono efforts in North America by hiring Angela Vigil, who was director of the Children's Law Pro Bono Project at Northwestern.

"We want to take inventory and build bridges between our various offices and pro bono or public interest groups," says Vigil. "And I'm a bridge. A lot of it is having someone around who only talks about pro bono. And I'm a blast at parties." ■