

5 Tips For Getting The Most Out Of Your Pro Bono Work

By **Andrew Strickler**

Law360, New York (May 20, 2014, 7:47 PM ET) -- The legal industry's desire to get the most bang for its buck doesn't stop at paid client work. But even as pro bono programs are becoming more and more central to firm recruiting and marketing and a higher priority for many younger lawyers, the trends aren't all positive for BigLaw pro bono.

The industry's contribution of free legal service has leveled off in recent years after taking a fall following the 2008 financial crisis, prompting more firms to take a hard look at where they can bring more discipline and efficiency to pro bono management.

Experts say that even well-run programs can do a better job of promoting the social benefits or flexibility of the work and match pro bono work to lawyers' individual interests. With a little creativity and a sharper pitch, program coordinators can also lure in more senior lawyers with intellectually engaging or high-profile work, while still serving up one-size-fits-all matters that can make a real impact on under-served communities.

Here are five tips for jump-starting your pro bono program:

Develop an Institutional Client

The bread-and-butter of pro bono work remains discreet, single-client matters such as a landlord-tenant dispute or criminal defense for an indigent person. But experts said firms looking to boost their pro bono practices should also be developing institutional pro bono clients.

Institutional clients like a school or nonprofit health facility tend to have a range of legal needs, particularly for nonlitigators, many of which can be handled on a flexible schedule or by people in distant offices. The long-term relationship lawyers can develop working with a big nonprofit with national reach or deep roots in a community can also be particularly satisfying.

Akin Gump Strauss Hauer & Feld LLP's pro bono representation of KIPP Public Charter Schools began with a cold call in 2006, said global pro bono practice head Steven Schulman. In addition to a wide array of pro bono work for the organization, that relationship has also provided associates with client service experience that is highly relevant to the firm's corporate clients.

"What you need is that full pro bono menu, and what these kinds of clients can offer are a range of projects," he said. "We're looking at the client-development side for associates as well."

As an added benefit, a firm's long-term relationship with a well-known institution helps promote the firm through its network. It also sends an internal message at the firm that institutional pro bono opportunities are valuable.

"I'm always surprised at what partners are doing in terms of board service, and a lot of those are organizations we would want to do pro bono work for," Schulman said.

Start a Pro Bono Clinic in Firm Offices

A central challenge of any pro bono program is finding meaningful legal work that lawyers feel they can handle successfully around a busy schedule. While many firms partner with legal service groups and provide opportunities for lawyers to give pro bono services at regularly scheduled clinics, some have also found success working pro bono in firm offices.

Nine years ago, Simpson Thacher & Bartlett LLP launched a pro bono clinic that pro bono counsel and director Harlene Katzman credits with keeping some heavily committed lawyers involved.

Working with New York City pro bono service group Volunteers for Legal Services, firm lawyers meet twice a week with two prescreened clients, providing short-term, limited-scope advice on launching or growing a business. Last year, the firm also started taking referrals from Start Small Think Big, a New York nonprofit focused on supporting low- and moderate-income entrepreneurs.

In 2013, more than 60 Simpson Thacher attorneys dedicated 600 hours in the clinic. The program also got some favorable press last year when a mom-and-son team launched Harlem's first vegan soul food restaurant based on a business plan started with the firm's pro bono support.

"When we're in a very busy period, I try to create more discreet and short-term opportunities and make it easier for more of our attorneys to participate," she said. The small business clinic "is one of our most successful pro bono projects and is well-matched to the schedule, skills and expertise of our transactional attorneys."

Sell It Face-to-Face

Firmwide email solicitations for available pro bono work are simple and fast — and easy to ignore.

When it comes to getting some of the most recalcitrant lawyers more involved, pro bono experts say the personal touch can go a long way. But before the hard sell begins, pro bono coordinators should know exactly what legal experience the lawyer has and what kinds of previous pro bono work they've done.

Schulman suggests that pro bono heads also get familiar with lawyers' personal backgrounds and look for overlap between lawyers and available pro bono work. At Akin Gump, he said, a significant number of lawyers have served in the military, which has been a natural bridge to representations that support veterans and their families.

"Figure out what people in your firm are interested in and build expertise around that," he said. "Once you have a cadre of people involved, others will follow."

For practice heads and senior managers who may feel over-committed, Schulman says he sells the need

for management expertise, along with the legal contribution.

“What I say to them is that they’re valuable as good mentors, as good supervisors and as lawyers with excellent legal judgment,” he said. “I also tell them what I’m not expecting is for them to get involved in every little decision in the day-to-day.”

Evaluate Referral Sources

The bulk of BigLaw pro bono matters start as referrals from local legal services groups or as offers to collaborate with a nonprofit.

While every major city has long-established groups with deep institutional knowledge about pro bono and their communities, they may also suffer from staff turnover, skimpy budgets and an overabundance of clients. That in turn can lead to a lack of diligence on screening potential clients or in a pitch for pro bono work.

“The truth is that most of the legal service providers who do this really well have a full-time person, usually a lawyer, who is occupied primarily with pro bono and who takes the time to evaluate the work and to know what the law firm can handle,” Katzman said.

In addition to legal staff, Katzman said pro bono practice heads should consider the breadth of the services the referring group provides and their particular cultural and community experience. That is particularly important for groups that support victims of violence or abuse, or anyone in crisis.

“We look for a partner who is very well-versed in their issue and offer holistic support to their clients,” she said. “Clients often need lots of social service support — maybe they need doctors, maybe they need economic assistance or job training — and those are things the firm isn’t suited to provide.”

Give Credit Where Credit Is Due

Firms have a keen interest in keeping up their pro bono stats, but that shouldn't mean that time a lawyer spends working on the board of a nonprofit should be counted along with pro bono work.

While such volunteer efforts are laudatory, said Jeffrey Kopyy, chair of the pro bono committee at Jenner & Block LLP, they don’t fall within even a broad definition of pro bono, and crediting them dilutes the overall impact of the industry's volunteer work. In order to further the cause of better legal access and promote a program as having a real impact, Kopyy recommends that the firms use discipline when it comes to giving pro bono credit.

“The obligation of pro bono work is really an obligation of the legal profession to donate their unique professional skills to those who couldn’t otherwise afford them, and you don’t have to be a lawyer to sit on a board,” Kopyy said. “For firms that are considering their pro bono programs or expanding their pro bono programs, they should expand them into real legal services.”

--Editing by Elizabeth Bowen and Philip Shea.