

Trends in Law Firm Pro Bono: Highlights of the 2004 Pro Bono Institute Annual Seminar

Held on February 20-21, 2004, the 2004 Annual Seminar lived up to its theme: (Pro Bono)³: A Formula for Great Results. Building upon the extraordinary spurt of growth, creativity, and heightened visibility of pro bono at major law firms in recent years, the 2004 event's goal was to take law firm pro bono to an even higher level of performance, sophistication, innovation, and quality, explore new dimensions in pro bono practice, and provide practical and effective guidance that firms could tailor and replicate. Was that goal achieved? The glowing evaluations from Seminar attendees and, most important, the real world impact of the ideas and approaches introduced at the Seminar and now being implemented at law firms around the nation and around the world, are a testament to its success.

Although this brief recap cannot do justice to the excitement, intensity, camaraderie, and sheer energy that made the 2004 Annual Seminar so rewarding, we hope that these highlights will bring back memories of a great "pro bono family reunion" for those who attended the Seminar and will offer a taste of the Seminar's themes and learning for those unable to participate. We hope to see many of you – both new participants and long-time Seminar attendees – at next year's Seminar on March 4-5, 2005.

Is Bigger Better?

We hope so . . . because the 2004 Seminar attracted the largest ever attendance in the event's history by far. To be fair, there were some downsides to the spike in Seminar size, as anyone waiting for the Willard's second floor elevators during the breaks between sessions will attest. Discussion group rooms were crowded, with some participants unable to attend their first choice sessions. On the plus side, Seminar

participants could choose from more than fifty intriguing and cutting-edge programs. Not only were there more people at the 2004 program, many were new faces, from firms, legal departments, and public interest groups that were participating in the Seminar for the first time. More people, different experiences and viewpoints, firms that ranged widely in size, culture, and pro bono perspective – all led to a richer learning environment.

Networking, Networking, Networking

As rewarding as participants found the substantive sessions at the Seminar, they often cited the ability to meet and connect with other pro bono supporters as one of the event's greatest strengths. PBI consciously structured the program to include a wealth of formal and informal networking opportunities, despite the intensity of the Seminar schedule. We were struck this year by the number of participants who used networking time at the Seminar to get together either with other attendees from their firm (a growing number of firms sent multiple participants – a definite trend at the 2004 program) or with participants from other firms, legal departments, and public interest groups from their home cities or states. Although it appears counter-intuitive at first blush, it seems to be easier to gather local or statewide pro bono supporters together at the Seminar when everyone is fully immersed in pro bono and away from the pressures of being in the office.

Old and New Together

For several years, we have held pre-Seminar sessions for law firm pro bono leaders new to their positions and for "mature" firm leaders. In 2004, we held the largest-ever

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orientation session for new pro bono leaders and managers, Law Firm Pro Bono 101, featured an expanded program for representatives of mature law firm pro bono programs . . . and, for the first time, brought the two groups together for an informal networking (yes, that word again!) luncheon. The lunch was fun – as unsuspecting “volunteers” were asked to give their on-the-spot reaction to the query “what did you wish you had known/done when you first assumed leadership in your firm’s pro bono program” – and poignant, when, in answer to a question about the most difficult aspect of leading a pro bono program, one attendee responded that it was saying no to people in such desperate need. We hoped that informal contacts would lead to new friendships and mentoring opportunities . . . and they have!

Partnerships Rule!

For the second time, CorporateProBono.Org, with the support of **LexisNexis**, gave its annual Pro Bono Partner Award – in 2004 to the long-standing partnership between **Prairie State Legal Services** and the legal department of **State Farm Insurance Companies**.



CPBO Partner Award supported by LexisNexis given to Prairie State Legal Service and State Farm Insurance

For more than twenty-five years, State Farm has partnered with Prairie State to provide legal services to low-income persons and families. In addition, as the company over the years has become familiar with Prairie State’s staff, operations,

and financial needs, the legal department has provided financial support and has worked with the legal services program to broaden and diversify its sources of revenue.

Partnerships – between public interest groups and legal departments and between and among law firms, legal departments, and NGO’s – were a major Seminar focus and the subject of several well-attended sessions. The Seminar introduced the concept of “preferred partnerships” – in-depth partnerships that incorporate some of the salient elements of effective in-house/outside counsel relationships, such as having each entity participating in the partnership designate a relationship partner (i.e., a high-level attorney who has the capacity to generate resources and assign work for the partnering organization) and investing substantial time in learning more about the culture, leadership, and operations

of each participant in the partnership. One important caveat that participants in successful partnerships underscored: partnerships demand time and resources.

One of the best attended Seminar sessions focused on a unique partnership between a law firm, a public interest organization, and two of the firms’ business clients (the companies themselves, rather than their legal departments) which resulted in a multi-service community center addressing the needs of Vietnamese immigrants in Boston. With interest in creating partnerships at an all-time high but the creation of actual partnerships still in its infancy, much of the discussion at the Seminar focused on how to get started. The keys to success – from those who have established and sustained effective partnerships – are efforts that meet the needs or pique the interests of all parties to the relationship, address real, critical client and community needs, have sufficient resources and administrative infrastructure, and ensure meaningful roles for each party, as well as ongoing, candid communication. Partnerships conducted in conjunction with a signature/thematic project appear to enjoy a higher likelihood of success, in part because their tailored focus makes them more manageable. In addition, signature projects by their very nature (*see discussion below*) are keyed to both community need and volunteer interest, incorporate substantial resources and infrastructure, and offer meaningful pro bono opportunities to lawyers (and often other staff) regardless of seniority or area of expertise.

One other model that is growing fast in popularity is partnering between law firms and law schools. The Seminar session on this topic highlighted one example of such a partnership – the strong relationship between **Hale and Dorr** and the **Harvard Law School**. However, the discussion identified a wide range of models and partnership arrangements described by law firms and the substantial number of law school representatives who attended the Seminar in 2004.

Is Pro Bono Becoming More Business-Like?

The answer is clearly yes. A number of sessions at the 2004 Seminar exemplified the growing trend toward a more “business-like” approach to pro bono. What are the lessons learned from business? And how are they best applied in the pro bono context? Attendees demonstrated a high level of interest in using strategic planning in the design, implementation, and revamping of law firm pro bono programs and in consciously aligning pro bono work and planning with the firm’s overall strategic business objectives. While some expressed scepticism about the value of business plans in the

pro bono arena and worried that a pro bono business plan might create expectations that cannot be met or devalue important aspects of pro bono work that cannot easily be defined and assessed, Seminar sessions revealed that a growing number of firms are engaged in pioneering efforts to develop pro bono business plans. Closely related to strategic business planning is the effort to establish metrics for law firm pro bono programs. At Seminar sessions on the topic, firms reported that they have begun the challenging task of developing quantifiable measures of the effectiveness and impact of their pro bono efforts.

Other programs that addressed the business aspects of pro bono included a session on pro bono leadership, with a particular focus on successorship and broadening ownership of pro bono at firms. Regardless of the staffing and governance structure employed by firms, there is a growing concern that pro bono may be vulnerable to what some have termed the “founder syndrome” – i.e., the over-identification of pro bono with one person – or a very small group – at the firm. A number of firm “founders” – those responsible for establishing their firm’s first formal pro bono program or for substantially enhancing the firm’s pro bono presence – are now seeking to identify new – and younger – pro bono leaders who can broaden the appeal and impact of pro bono at their firms. Many firms are re-assessing their current pro bono staffing and governance structure, particularly in light of changes in firm size and number of offices, and are developing more active and carefully constituted pro bono committees to extend the reach of pro bono to all lawyers in these firms.

Even those who disdain law firm marketing recognize its importance in today’s legal economy. The Seminar featured a fascinating session on “marketing for non-marketers” that included three representatives of a single law firm: a pro bono leader opposed to marketing, a marketing director, and a pro bono administrator who views marketing as an important tool in recruiting and rewarding volunteers. Another business-oriented session – “pro bono glue” – focused on the role of pro bono in addressing the critical need at larger law firms for a sense of identity, shared purpose, and teamwork. Both panelists and participants indicated that pro bono has become an important and useful tool for integrating new offices and new hires. Pro bono recognition ceremonies, publications and other communications, and, perhaps most effective, multi-office signature projects and other major pro bono initiatives create a sense of shared purpose, goals, and pride at multi-office firms. And, for those concerned that a more formal and centralized pro bono effort may dampen “grass roots” enthusiasm, the

2004 Seminar featured a session on “top down and bottom up” pro bono that clearly demonstrated that greater formality and more centralized oversight are wholly compatible with efforts that take full advantage of the passions and creativity of individual firm lawyers.

As Business Becomes More Focused on Voluntarism and Pro Bono...

While some leaders view the trend toward “business-like” pro bono with mild (at times, more than mild alarm), Seminar participants were uniformly delighted and fascinated with the clear trend in the business community toward good corporate citizenship. Undoubtedly stimulated in part by the heightened emphasis on compliance and transparency in the wake of highly publicized corporate scandals and the passage of Sarbanes/Oxley, the convergence of business and good works offers some important lessons for pro bono supporters. Several sessions provided an introduction to the concepts, principles and practices of “corporate social responsibility” and how those principles can be applied to pro bono in the law firm or corporate setting. The parallels are becoming clearer and closer, as evidenced by the fact that a growing number of corporate legal departments are including their pro bono work as part of their company’s CSR reporting and are increasingly inquiring about the pro bono practices of their outside law firm “vendors.” Sessions that applied learning from the corporate perspective included a program on how to effectively link pro bono and charitable giving, an area where corporations have established solid best practices that are adaptable to the law firm context, and tips on how to effectively integrate pro bono and community service programming to insure that the unique skills of lawyers and legal institutions are valued and highlighted.

One of the best-attended and liveliest sessions at the Seminar (and, given the size, expertise, and intensity of the Seminar’s participants, that is high praise indeed!) was a session, presented for the first time in 2004, on the intersection of pro bono and diversity. Led by a nationally recognized civil rights leader and the first-ever diversity partner at a major law firm, the program began an important discussion on the nuanced, complex, yet vital, relationship between diversity and pro bono that will continue and evolve at next year’s Seminar and in the work of the Law Firm Pro Bono Project in years to come.

To Signature Or Not to Signature

Several sessions at the Seminar drew large crowds eager to learn how to identify and design a successful pro bono signature project. (For those who were not able to get into

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these oversubscribed sessions, we can now reveal the signature project formula: **C** (commitment of substantial time and resources) + **I** (firm or law department institutional support) + **T** (a targeted effort, focused on a particular subject area, client group or neighborhood, that enables the firm or department to acquire in-depth expertise) + **B** (a broadbased effort that involves lawyers and, often, legal staff, at all levels of seniority and from all types of practices) + **P** (undertaken in partnership with the appropriate community or public interest organization) = **S** (success).

The number and nature of signature projects continues to grow. And, as these projects evolve, they clearly demonstrate their value – both for the firm or legal department and for the community and clients in need. Firms that have put signature projects in place with adequate breadth, planning, and resources have also discovered that one articulated concern – that these projects might overwhelm and diminish other pro bono work at the firm or department – is simply not a problem.

Thinking Bigger

One of the most notable themes of the 2004 Pro Bono Institute Seminar was the growing appetite at major firms for substantial pro bono projects. Over and over, we heard from firms, regardless of size and location, of their eagerness to take on major efforts, both litigation-based and transactional. The session on “hot button” pro bono, which focused on best practices in taking on high-profile, controversial matters, was crowded and exhilarating, as law firm leaders squarely faced the additional issues and hurdles created when firms take on “hot button” issues and clients and focused, not on the obstacles, but on their intense interest in locating such matters.

And, having successfully increased pro bono participation among associates, firm pro bono leaders in 2004 turned their attention to involving more partners more meaningfully in pro bono work as well. Since signature projects and major litigation and transactional matters are highly effective means of increasing both the number of partners participating in pro bono and their levels of participation, it is no surprise that those sessions were a major draw at the Seminar.

Also well attended was the session that dealt specifically with increasing partner participation. The key elements, it was reported, are:

leadership (top firm leaders engage in hands-on pro bono and strongly urge their partners to do so as well);

opportunities (finding pro bono work that is challenging and interesting to more experienced lawyers and is tailored to their individual interests);

rewards (partners need and appreciate rewards and recognition too); and

structure (an effective infrastructure to identify, promote, and support pro bono work).

One World of Pro Bono

The growing presence of pro bono leaders from other countries at the Seminar underscored the transformation of pro bono into a global phenomenon. With large contingents from Canada and the United Kingdom (and the largest ever Australian presence), non-U.S. participants, coming from different legal systems, helped to probe and challenge the assumptions and conventional wisdom underlying U.S. pro bono efforts. They also demonstrated that innovative and effective law firm pro bono can and does work in other nations. These law firms are entering into preferred partnerships, offering rotation programs, undertaking signature projects, and integrating pro bono and “good citizenship” efforts – exciting initiatives that offer food for thought for their U.S. counterparts. The 2004 Seminar offered three “planet pro bono” sessions – a reflection of the prominence of pro bono globalization.

Recognizing Pro Bono Giants

As always, the Seminar reception in the Great Hall of the Supreme Court of the United States offered good feeling, good food, and good fellowship. After a welcome and introductory remarks from Debora de Hoyos, a former member of the Law Firm Project Advisory Committee and Managing Partner of **Mayer Brown Rowe & Maw**, which sponsored the reception, Jim Jones, Chair of the Board of Directors of the Pro Bono Institute, and Bob Sheehan and John Hamilton,



Debora de Hoyos welcomes guests

Co-Chairs of the Law Firm Project Advisory Committee, the PBI Zelon Pro Bono Award was presented to Georgetown University Law Center Dean Judith Areen by her friend Justice Ruth



Justice Ginsburg presents Dean Areen with the Zelon Award

Bader Ginsburg, in recognition of her long and passionate commitment to pro bono and public service and her service to the Pro Bono Institute.

The most emotional moment of the Seminar was undoubtedly the announcement – by Esther Lardent of PBI and Steve Hanlon of **Holland & Knight** – of a new award established by PBI, Holland & Knight, and the Smith family to honor the memory of Chesterfield Smith, a great lawyer and great pro bono champion who died in 2003. Justice Ginsburg, who presented the Zelon Award to Chesterfield at the 2001 reception, shared her memories of Chesterfield in her remarks. (see page 2.)



Steve Hanlon with Chesterfield Smith Award

The Intersect of Business and Pro Bono Redux

In keeping with tradition, the Seminar closing luncheon featured a business leader who has been a leader in promoting corporate good citizenship. This year’s keynote speaker, Arnie Hiatt, is an extraordinary example of the role that business can play in promoting the public good. Hiatt was the longtime CEO of StrideRite, which, during his tenure, was consistently identified as one of



Arnie Hiatt at the Closing Luncheon

most community-oriented businesses in the United States and, in 1992, founded Business for Social Responsibility, a global organization that helps member companies achieve success in ways that respect ethical values, people, communities and the environment. Arnie’s remarks – reprinted in this issue of *What’s New* – underscore the almost

uncanny parallels between the corporate social responsibility movement in the business community and the transformation of pro bono at major law firms and legal departments.

The Seminar was all of the above . . . and so much more. The Pro Bono Institute would like to express its deepest gratitude to the many people and organizations that made it all possible: our committed and inspiring volunteer leaders; the extraordinary and tireless PBI staff, as well as the many volunteers and PBI alums who come back to be part

of the Seminar every year; Justice Ginsburg and the marshalls and other Supreme Court staff; the law firms and legal departments that provide the financial support that makes the Seminar a reality; panelists and moderators who made the Seminar’s substantive programming so useful; and the firm, corporate, and public interest leaders who make time, despite their wildly busy schedules, to attend the Seminar and who do so with a spirit of cooperation and excitement. We hope to see all of you on March 4-5, 2005 for another great event!



Opening plenary, Seminar 2004



Friday's Marketplace Luncheon