



PILI Law Firm Pro Bono Roundtable

Tuesday, January 26, 2015; 12:00 – 1:30 p.m.

Sidley Austin LLP

One South Dearborn, Chicago, IL 60603

Present: Johnathan Baum of Katten Muchin Rosenman LLP; Sarah Bernstein of Barack Ferrazzano Kirschbaum & Nagelberg LLP; David Bryant of Bryant Legal Group; Daniel Greenfield of Sidley Austin LLP; Kelly Huggins of Sidley Austin LLP; Kimberly McClain of Seyfarth Shaw LLP; James Morsch of Butler Rubin Saltarelli & Boyd LLP; Natalie Nathanson of Jackson Lewis P.C.; Lee Ann Russo of Jones Day; Marina Santini of Reed Smith LLP; Todd Soloman of McDermott Will & Emery LLP; David Sudzus of Drinker Biddle & Reath LLP; Kelly Tautges of The Chicago Bar Foundation; Elise Tincher of Kirkland & Ellis LLP; and Tedd Warden of Morgan Lewis & Bockius LLP.

Also present were Michael Bergmann, PILI's Executive Director; Lauren Harper, PILI's Development & Communications Associate; and Katie Pieper, PILI's Program Manager.

I. Welcome & Introductions

Pro bono leaders from area law firms introduced themselves and shared recent pro bono-related successes and challenges.

II. Information and Idea Exchange

Roundtable participants engaged in an information and idea exchange, where pro bono leaders led short discussions on the below topics while sharing insight into lessons learned from their own pro bono programs. The following topics and ideas were discussed:

1. Incorporating Nontraditional Track Attorneys in Your Pro Bono Program

More firms are moving away from traditional models and hiring contract and part-time/hourly staff attorneys. Formalized pro bono policies and practices have not necessarily considered or incorporated these attorneys. When it comes to pro bono policies and practices, firm leadership has to determine whether these attorneys will be credited for pro bono hours; any tax consequences for pro bono hours provided; whether there is an interest in providing pro bono services by the attorneys themselves; and how to best track any pro bono work completed for reporting purposes. Formal and informal policies should address any specific goals and limits to pro bono hours that will be credited for billable hours. Where there is a stated goal or cap on credit for pro bono hours, firms may adjust them based on part-time status. One law firm was approached by a part-time attorney who wanted to provide pro bono service. Their pro bono committee updated their policy to address this interest, based on the firm offering credit for up to 100 hours of pro bono service for associates. The policy reads:

Part time attorneys who are on salary will receive credit for pro bono work on a prorated basis. For example, a part time attorney whose salary is based on an expectation that he or she will work half time, will receive credit for up to 50 hours of pro bono work.

Part time attorneys who are compensated on an hourly basis will receive credit for up to one hour of pro bono work for every 20 hours billed, up to a maximum of 100 hours, in any year in which they bill at least 500 hours.

Generally, credit systems for pro bono hours do not extend to partners, since they have ownership in the firm and shouldn't need the incentive. However, without discernable incentives or consequences, there is often less pro bono participation from partners than pro bono leader's desire. One firm has set a goal in their current strategic plan to identify ways to incentive pro bono for partners. Another firm announced at a partners meeting that if every partner had provided 20 hours of pro bono over the year, it would have impacted their status on the American Lawyer's list of top Big Law firms for U.S. pro bono commitment. Rather than top-down shaming between colleagues, many millennials are expecting more to be done by their firm leaders, and spurring pro bono action from the bottom-up.

When considering the pro bono interest of part-time staff and attorneys with dedicated roles, such as knowledge management, identifying projects in their wheelhouse can be a challenge. Kirkland & Ellis has worked to find appropriate memo projects specific to attorney experience and interest.

2. Securing a Financial Commitment and Leveraging Firm Resources for Pro Bono Programs

Depending on the firm, pro bono leaders may not easily secure both access to a firm's internal resources and financial resources for pro bono programs. Pro bono leaders seeking funding should cast as wide a net as possible, and identify all the budgets that potentially intersect with the firm's pro bono work. For example, pro bono projects might pull funding from budgets related to LGBT and gender-related initiatives. Being strategic about individual attorney support is important too. Client-drive requests can increase individual giving, and encouraging partners to serve on a wide array of boards helps to build advocates for securing funding and pro bono case placements. Engaging as many groups as possible to maximize staff time is an important asset in pro bono work. This can mean use of paralegals and assistants, as well as staff involved in finance, IT, marketing, and professional development. The way a firm classifies charitable work can impact the type of resources allocated towards a pro bono program. In the past, firms were sharing their PLI subscriptions and access to ICLE's as resources, but since that time the Chicago Bar Foundation has negotiated with PLI to make it available to all legal aid organizations.

3. Models for Recognizing and Awarding Pro Bono Volunteers

There are many different ways that firms provide recognition for pro bono achievements internally and externally. Firms shared the methods they have used and considered, and identified key considerations. First, it's important for firm leadership to express the importance of pro bono service, the goals for the year and the resulting pro bono achievements. The worldwide managing partner at Jones Day addresses pro bono in his monthly newsletter.

Secondly, public recognition and competition can be significant motivators. In the past, recognition for time spent on pro bono rather than billable work was viewed as a "kiss of death" for attorneys. Attitudes have shifted, and some firms even post a "no bono" list with the names of attorneys who haven't provided hours. One popular tool to recognize pro bono attorneys amongst each other and clients is to add a tag to the nameplate of all pro bono

attorneys. Firms have also sent out emails with a pro bono honor roll and posted the names of pro bono attorneys in their lobby.

Finally, recognizing and awarding pro bono matters and individuals as a firm does billable cases can send an important message about the value of pro bono service. One example of this is Sidley, which awards a most-notable account of the month firm-wide, and recognizes pro bono victories and efforts in the same manner.

III. Other Ideas and Discussion

Seyfarth Shaw shared a copy of their newly published “Pro Bon Appétit: A Menu of Pro Bono Opportunities”. This internal guide to Chicago’s pro bono community was written by their Pro Bono & Philanthropy Department. The menu breaks down the one-day legal clinic and workshop opportunities; long-term pro bono opportunities; legal aid partners; and rewards for pro bono service. A copy of this menu is available by contacting Kimberly McClain at kmccclain@seyfarth.com.

IV. Adjournment