

THE PATH TO
PRO BONO

AN
INTERVIEWING TOOL
FOR
LAW STUDENTS



Standing Committee on Pro Bono and Public Service
and the Center for Pro Bono

INTRODUCTION

The American Bar Association House of Delegates adopted a resolution in 2006 urging law schools to require legal employers that recruit on campus to disclose, and to make available, specific information regarding their pro bono policies, practices and activities. In an effort to help you assess your prospective employer's commitment to pro bono, the ABA Standing Committee on Pro Bono and Public Service is pleased to present this brochure.

Pro bono is an important part of your future career. It will provide you excellent training and an opportunity for front line experience that may be more difficult to realize in other cases. You will also achieve the professional satisfaction of actually making a difference in the life of an individual, a family, or even a community, by being the last hope of the least fortunate among us.

One of the forces driving law firms to do pro bono work is their desire to recruit law students. Your commitment to serving the poor can and does drive the profession to do the right thing. Whether you know it or not, you have substantial market power in this area. If law firms perceive that law student recruits care about pro bono, the firms will improve their pro bono programs. You should thus make sure to include pro bono in your discussions with potential future employers.

Many law firms have established innovative pro bono programs. This guide is designed to assist you in evaluating a firm's pro bono culture, to encourage your search for firms actively engaged in pro bono work and to help you ask the questions that will lead law firms to maintain or increase their commitment to the poor.

As the next generation of lawyers, you are in a critical position to translate your idealism into action and to influence the future course of this profession. Now, more than ever, you can make a difference. So, please, ask the questions at the end of this brochure. Ask them again and again, every chance you get.

WHAT IS PRO BONO?

Pro bono comes from the Latin phrase *pro bono publico* and means "for the public good." In a law school setting, pro bono may have many meanings. For the practice setting, the American Bar Association has set forth a lawyer's pro bono responsibility in Rule 6.1 of the Model Rules of Professional Conduct, which encourages lawyers to render at least 50 hours of pro bono legal services per year without fee or expectation of fee to:

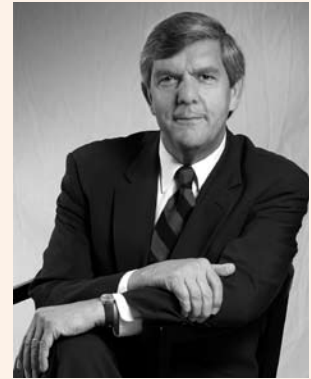
- Persons of limited means; or
- Non-profit, governmental, civic, community or religious organizations in matters designed primarily to address the needs of persons with limited means.

A lawyer may also provide additional services through:

- The delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure civil and/or public rights and liberties or charitable, religious, civic, governmental and educational organizations;
- Delivery of legal services at a substantially reduced fee to persons of limited means; or
- Participation in activities for improving the law, the legal system or the legal profession.

Additionally, Model Rule 6.1 encourages lawyers to contribute financially to organizations that provide legal services to the poor.

In emphasizing direct legal services to the poor, the Model Rule recognizes that lawyers and only lawyers can secure access to justice for the poor. It recognizes as well that we have a special responsibility to do so and a corresponding duty to ensure that justice is not rationed by ability to pay.



MICHAEL S. GRECO

President

American Bar Association 2005-2006
Boston, MA

Pro bono work defines the lawyer's role. Winston's Churchill's words are apt – "We make a living by what we get, but we make a life by what we give." I have derived much personal satisfaction from using my legal training to help individuals protect rights that are basic to human existence. Pro bono work provides equal access to justice to those unable to pay for legal representation. Nothing that a lawyer does is more important. I respect law offices that enable their lawyers to perform pro bono work. This guide helps identify those admirable law offices and lawyers.

Make sure to consider the sample interview

THE ABA'S COMMITMENT TO LAW FIRM PRO BONO

Model Rule 6.1 applies to all lawyers regardless of how and where they practice - in big firms, small firms, corporate legal departments, law schools or elsewhere. At the 2006 ABA Annual Meeting, the House of Delegates adopted a policy urging law firms to participate in pro bono and public service activities.

The American Bar Association recommends that firms adopt written policies and practices that support and reward pro bono work, including policies and practices that:

- Count pro bono hours as billable hours.
- Consider attorneys' commitment to pro bono activity as a favorable factor in advancement and compensation decisions.
- Set annual goals regarding the number of hours contributed through firm pro bono programs and the number of attorneys who participate.
- Establish and maintain systems that ensure that firm pro bono programs are managed effectively, that participating attorneys receive training and guidance, and that the highest levels of firm management oversee and participate in their programs.
- Provide opportunities to participate in pro bono through sabbatical and part-time pro bono programs, fellowships, or rotation programs.

Beginning with the 2008 recruitment season, the National Association of Law Placement (NALP) will begin to compile essential pro bono information recommended by ABA policy. The information initially will be collected through the Workplace Questionnaire via the NALP Directory of Legal Employers. See www.nalpdirectory.com. This will provide students access to key information regarding employer pro bono policies and practices in one centralized place.

THE IMPORTANCE OF EVALUATING A LAW FIRM'S COMMITMENT TO PRO BONO

Why is it important to ask questions about pro bono opportunities offered by a law firm?

- As a prospective employee, it is important to understand the firm's culture and what will be expected of you as an employee. It is important to distinguish between those firms that claim to support pro bono and those that actually do so.
- Asking questions about pro bono lets employers know that pro bono is important to prospective associates. If you do not ask questions about pro bono, firms may assume that prospective associates do not care about their commitment to pro bono, which could decrease their incentive to adopt and maintain pro bono policies.
- Law firms compete vigorously for good law students. If enough law students express an interest in pro bono, law firms will strive to make their pro bono program a selling point for the firm. The way firms accomplish that is by doing more pro bono work, and doing it better.
- Even if you are hesitant to ask questions about pro bono during the initial interview - and you should not be - you should ask once you receive an offer. The reason you should not be hesitant is that most law firms value lawyers who demonstrate a moral and ethical commitment to their community. By asking about pro bono, you make yourself more attractive to a firm.



James D. Holzhauer
Chairman
Mayer Brown LLP
Chicago, IL

Pro bono work is an important part of every attorney's career, at every stage of their development. People with an interest in serving the public as lawyers are extraordinarily desirable to us as recruits. To better attract these lawyers, we want to make sure that our pro bono program is viewed as one of the best in the world. We were one of the first large firms to create a pro bono strategic plan. We maintain firmwide and office-specific pro bono committees, fully credit the hours worked on pro bono matters and take on matters as an institution. As Chairman of the firm, I am a vocal proponent for pro bono.



William T. Quicksilver
Chief Executive and Managing Partner
Manatt, Phelps & Phillips, LLP
Los Angeles, CA

You have invested tremendous resources in your legal education and energy into becoming a well-rounded person. When law firms recruit you, they look for exceptional academic credentials and demonstrated excellence in other endeavors. You should expect no less of your potential employer. When examining pro bono culture and comparing law firms, rankings can be helpful, but the real story usually lies beyond raw numerical data. Ask us what resources we invest in our pro bono and community programs: Do we have a full time program director? What type of infrastructure have we built to sustain this practice? Ask each interviewer what kind of energy he or she personally devotes to active pro bono service. In a firm that truly fosters pro bono involvement and competence, every person on your interview slate should be able to answer these questions (and others in this brochure) quickly, passionately and in detail.



Suma V. Nair
Associate
Goulston & Storrs
Boston, MA

Many firms say they are committed to pro bono work, but it is difficult as a law student to determine the true level of a firm's commitment. Asking questions about partner and associate participation in pro bono matters, the level of support and supervision provided to junior associates who take on pro bono work, and the willingness of the firm to find pro bono opportunities in an associate's specific practice area (and award full credit for those hours spent) helped me to get beyond the glossy marketing and find a firm that is truly committed to both pro bono work and its associates' professional development.

SAMPLE INTERVIEW QUESTIONS TO EVALUATE A LAW FIRM'S COMMITMENT TO PRO BONO

The following are questions which students may utilize to elicit a firm's pro bono commitment. Suggested questions include:

- If the firm has a billable hours target, does pro bono work count towards billable hours? Does the firm have a maximum number of pro bono hours which may be applied toward the billable requirement?
- How does pro bono factor into compensation, performance reviews and partnership decisions?
- Does the firm have a written pro bono policy?
- If the firm has adopted a pro bono policy, has the firm made any recent changes to its policy? If so, why?
- Does the firm have a structured pro bono program? For example, does it have a pro bono committee?
- Does the firm have a pro bono coordinator? Is this person an attorney? Is this person a partner? Does this person work full or part time on pro bono matters?
- What percentage of the lawyers in the firm did pro bono work last year? What percentage of the partners? What percentage of the lawyers who made partner this year handled a pro bono case?
- What other resources does the firm make available to attorneys who perform pro bono work? For instance, is training available? Is support staff permitted to work on pro bono cases?
- How does the firm define pro bono work?
- Do partners supervise pro bono work?
- How does the firm decide which pro bono cases the firm will accept? If an attorney brings a pro bono case for possible consideration by the firm, who makes decisions about whether the organization will handle the matter?
- Does the firm have a signature project or focus on a particular issue?
- How is pro bono work assigned/distributed?
- Does the firm encourage or require attorneys to perform a minimum number of hours of pro bono work?
- In addition to a pro bono policy, does the firm have other programs encouraging public service — e.g., summer rotation, split summers or post-graduate fellowships?

American Bar Association Standing Committee on Pro Bono and Public Service and the Center for Pro Bono



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