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## How Firms Are Getting The Most Out Of Their Pro Bono Work

By **Marco Poggio**

*Law360 (November 28, 2022, 1:05 PM EST)* -- From BigLaw to boutiques, each law firm has its own way of integrating pro bono. Some make their pro bono commitment public. Others choose to fly under the radar, forgoing the public relations value pro bono can bring. But overall, the goal is the same: making an impact while developing a strong firm culture.

The Law360 Pulse Social Impact Leaders is the first part of a larger project looking at how firms in the U.S. measure up. Check back on Dec. 5 for our next release, the Law360 Pulse Prestige Leaders, and mark your calendars for Dec. 12 to see where your firm lands on our ultimate ranking, the Law360 Pulse Leaderboard.

Jenner & Block LLP is among several firms that, following the George Floyd protests in 2020, announced publicly that it would pour resources into racial justice legal work. The firm said then it would do \$250 million worth of work over five years across its pro bono portfolio. Today, the firm is on track with that commitment, Debbie L. Berman, the co-chair of the firm's Chicago office pro bono committee, told Law360 Pulse.

"That's a floor. I expect that we will exceed it," she said. "We did that because we wanted to inspire other law firms to stand up and do pro bono work, because the needs are so great."

By contrast, Miller & Chevalier Chtd., a firm with fewer than 100 lawyers, rarely publicizes its pro bono engagements.

"We don't do pro bono as a marketing tool," Kathleen Wach, the firm's pro bono counsel, told Law360 Pulse. "We just do it."

A Law360 Pulse survey compiling data from more than 200 law firms ranging in size from 100 or fewer attorneys to BigLaw law firms of over 600 found that nearly 80% of them have worked on supporting nonprofits. Other areas of strong pro bono involvement include child and family programs, criminal justice and prisoners' rights, civil rights and immigration. Only about 28% of the responding firms said they have worked on reproductive rights.

Some of the first firms to create full-time pro bono positions, according to Wach, were based in Washington. Miller & Chevalier, along with its much larger capital peers Covington & Burling LLP and Crowell & Moring LLP, were among those few.

"It was very, very unusual for a firm of this size to take pro bono seriously," Wach said.

Wach, who maintains long-standing relationships with Washington's vast constellation of nonprofits, legal clinics and the D.C. Bar Pro Bono Center, directs attorneys to areas with a high need for legal representation, such as housing court. Attorneys at Miller & Chevalier are expected to meet the American Bar Association's recommendation, and encouraged to exceed its standard of 50 hours, she said.

Several of the firms surveyed by Law360 Pulse registered a 100% rate of attorney participation in pro bono work. These include BigLaw firms Morgan Lewis & Bockius LLP and Duane Morris LLP; Jenner & Block and Barclay Damon LLP among firms with 600 attorneys or fewer; and Davis Graham & Stubbs LLP and Patterson Belknap Webb & Tyler LLP among firms with up to 250 lawyers.

### These Firms Are Crushing It in Pro Bono

Seventeen firms boasted a pro bono attorney participation rate of 90% or higher.

<b>Rank</b>	<b>Firm</b>	<b>Total U.S. Attorneys</b>	<b>Participating Attys</b>	<b>Participating Attys (50+ hours)</b>
1	Jenner & Block	471	<b>100%</b>	82%
2	Davis Graham	139	<b>100%</b>	70.5%
3	Patterson Belknap	178	<b>100%</b>	55.6%
4	Morgan Lewis	1,689	<b>100%</b>	39.4%
5	Duane Morris	731	<b>100%</b>	28.5%
6	Barclay Damon	271	<b>100%</b>	4.1%
7	Hunton Andrews Kurth	848	<b>99.8%</b>	30.4%
8	Orrick	690	<b>99.1%</b>	46.4%
9	McDermott	1,006	<b>98.1%</b>	19.1%
10	WilmerHale	982	<b>94.5%</b>	43.1%
11	Ropes & Gray	1,431	<b>94.5%</b>	30.3%
12	Gibson Dunn	1,403	<b>93.7%</b>	

13	Blank Rome	653	<b>92.6%</b>	26.2%
14	Paul Hastings	853	<b>92.5%</b>	37.2%
15	Arnold & Porter	925	<b>92%</b>	45.5%
16	Winston & Strawn	858	<b>90.8%</b>	31.4%
17	Miller & Chevalier	86	<b>90.7%</b>	40.7%

Among firms with 100 attorneys or less, Selendy Gay Elsberg PLLC, a New York City-based litigation boutique, reported the highest pro bono hour average per lawyer: 145.

Caitlin J. Halligan, the firm partner in charge of pro bono, said Selendy Gay has assisted people at parole hearings and in employment discrimination suits. But first and foremost, the firm focuses on issues that are shaping the country, she said.

"We are taking on a lot of matters that we think really affect a lot of folks," she said.

Alongside the Legal Aid Society, Selendy Gay is representing tenant advocacy groups in a suit brought by New York City landlords seeking to strike down rent stabilization laws as unconstitutional. Currently, over a million housing units, nearly half of the city's rental stock, are rent-stabilized, according to official figures. The case is now before the U.S. Court of Appeals for the Second Circuit.

"That's a case that both has significant local impact, but also has been an opportunity for our associates to really take leadership and get very meaningful opportunities themselves," Halligan said.

Selendy Gay has also served as co-counsel in *Trump v. Vance*, where the U.S. Supreme Court decided that the Manhattan District Attorney's Office could obtain former President Trump's tax records. The firm is representing a group of U.S. Capitol Police officers who were injured in the deadly Jan. 6 riot.

Halligan said the firm's pro bono portfolio is driven by the associates' interests, but partners are also significantly involved in shaping it. Associates gain meaningful trial experience, including taking depositions, trying cases and arguing motions. The firm becomes more cohesive through the shared experience of pro bono, she said.

"We think that giving back is a really important part of the way we spend our day," Halligan said. "I think our associates are very much aligned with the firm's values in that respect, and I think it's probably one of the reasons that some of our associates who join us come."

Law360 Pulse, which ranks firms' pro bono efforts combining criteria such as attorney participation, number of pro bono hours, and the share of attorneys who meet the ABA recommendation, gave Orrick Herrington & Sutcliffe LLP the highest pro bono score for firms with more than 600 attorneys. More than 99% of Orrick's lawyers engage in volunteer legal work.

Rene Kathawala, Orrick's pro bono counsel, said even the firm's executives are expected to take pro bono work. In determining bonuses, partners are asked in compensation memos to describe how they've contributed to pro bono, and if they haven't, why not.

"There's a carrot-and-stick approach," he said. "If you do your pro bono, you get rewarded. If you don't, there's a presumption that you weren't a good corporate citizen."

Kathawala said the firm's pro bono program is designed to include all types of lawyers, not just litigators. For instance, the firm's impact finance and investment group, which employs almost exclusively transaction attorneys, regularly provides basic legal services to poor people pro bono.

"People feel good because whether you're a transactional lawyer or a courtroom lawyer, you can have a major impact," he said.

High participation is crucial, Kathawala said. All the positive returns firms get from working pro bono — professional development for associates, mentoring opportunities for partners, client relationship, improved retention, help with recruiting — don't materialize unless a large share of attorneys pitch in, he noted.

Intellectual property boutique Fish & Richardson PC assists nonprofits that don't have a budget for outside counsel, in addition to representing low income individuals and taking on cases involving civil rights or matters of public concern.

In 2021, the firm contributed over 18,000 attorney hours to pro bono work, with nearly 79% of attorneys participating. The firm offers its attorneys up to 200 hours of billable credit each year, Lawrence Kolodney, the firm's pro bono program chair, told Law360 Pulse.

"Psychologically, that really makes it a lot easier for attorneys to take on cases where they're not sure how much time it's going to involve," he said. "They don't have to worry about falling behind on their billable goal because they invest a certain amount of time in the pro bono matter."

Kolodney said Fish & Richardson's pro bono engagements make a difference in peoples' lives. In September 2021, the firm helped free a Mississippi man from death row after exculpatory DNA evidence cast serious doubts on his conviction. Over the course of nearly two decades, over 25 of the firm's attorneys assisted the man, Sherwood Brown, who was wrongly convicted of the murder of a 13-year-old girl and continued to profess his innocence.

Kramer Levin Naftalis & Frankel LLP, which has over 300 attorneys and is headquartered in New York, has longstanding relationships with legal service providers in the city. For instance, it allows associates to represent indigent defendants in New York State courts as part of a Legal Aid Society program. The firm reported an 86% participation rate in 2021, according to the Law360 Pulse survey.

But the firm also draws some of its pro bono engagements from clients. Kramer Levin has worked with in-house attorneys at Deloitte on assisting disabled veterans obtain medical benefits, Jamie A. Porco, the firm's pro bono director, told Law360 Pulse. The firm has also partnered with Sirius XM Radio to assist eight artists and small business owners on matters such as licensing, corporate contracts, corporate formation and intellectual property, and with Johnson & Johnson to help LGBTQ people and people who are HIV-positive apply for asylum in the United States.

"We try to pick the opportunities that not only our attorneys are passionate about, and that are important issues of the day, but also ones that we feel will provide them great training," she said.

Alan A. Pemberton, a senior counsel at Covington, said pro bono is an inherent part of the attorneys' practice as well as an obligation. Covington recorded the highest average annual pro bono hours per attorney — over 190 — among the firms surveyed by Law360 Pulse.

"It is a very important part of the quality of professional life for virtually all of our lawyers," he said, adding that every attorney has an individual way of honoring the commitment.

Covington's pro bono program involves substantial outreach, Pemberton said. Four attorneys reporting to Kelly Voss, the program's director, are tasked with contacting attorneys who join the firm and asking them about their interests. The information is collected in a database that is then used to steer lawyers to pro bono opportunities that match their ambitions and qualifications.

"Pro bono is, really, featured as part of the conversation with the firm starting at the recruiting level," Voss said. "People early on get a strong signal that it's just part of their regular day-to-day life at the firm."

In recent years, Covington has focused its pro bono efforts on criminal justice reform, taking on cases involving police brutality, stop-and-frisk and excessive bail. In August 2021, the firm helped a man roughed up by New York Police Department officers during an arrest reach a settlement. The firm has also been active in cases involving press freedom abroad.

"We've always done and still do a great deal of indigent criminal defense, but we've also been taking on cases involving what might be called the criminalization of poverty," such as excessive bail and police practices like stop-and-frisk, Pemberton said.

Morrison Foerster LLP, which was ranked third among BigLaw firms with more than 600 attorneys in the survey, has done substantial volunteer work on abortion rights, and plans to continue to do so in the future, Jennifer K. Brown, the senior pro bono counsel at the firm, told Law360. The firm is also helping Afghan evacuees resettle in the United States following last year's withdrawal of American troops from Afghanistan.

Brown reaches out to attorneys with pro bono opportunities, but also allows them to pitch in with their own cases, often in response to timely events. Overall, responding to the world's sudden crises can be challenging, she said.

"It always takes time to figure out the pro bono legal response that's needed," Brown said. "We hear from lawyers saying, 'This is happening now, what can I do?'"

--Editing by Pamela Wilkinson, John Campbell and Xavier Chauvis. Graphics by Ben Jay.