

Why Lawyers Give Back

A window into drivers and barriers of
lawyers' engagement in pro bono work

March 2011

What can law firms do to encourage more attorneys to take up pro bono matters?

A survey of small and large law attorneys suggests that, even as firms adopt a more systematic approach to pro bono with an eye toward professional development, recruiting and other business drivers, it is worthwhile to explore more personal factors that might encourage attorneys to engage in pro bono work.

The survey, conducted by LexisNexis and Pro Bono Net, was fielded among more than 200 small and large law attorneys. It asked active pro bono attorneys what most influenced their participation, and lawyers who are not engaged in pro bono what prevented them from getting involved.

With an overwhelming majority of 75%, pro bono lawyers made it clear that their commitment to pro bono work is mainly driven by *Personal Fulfillment*. This was followed by a distant second influential factor—*Commitment to a Specific Cause* with 43%—and, in third place, with only one-third of lawyers citing it—*Meeting an Ethical Obligation* (37%).

In line with these findings, individual comments provided by survey respondents revealed a strong sense of personal satisfaction combined with ethical or moral obligation.

"It is satisfying and I feel a sense of responsibility to the less fortunate to share my good fortune in learning this craft."

"It's my obligation and duty, I love doing it, and usually good things come from pro bono work."

"Moral obligation to help those less fortunate."

Respondents highlighting specific causes focused on personal relationships and interests:

"I do it to support non-profit groups whose work I admire."

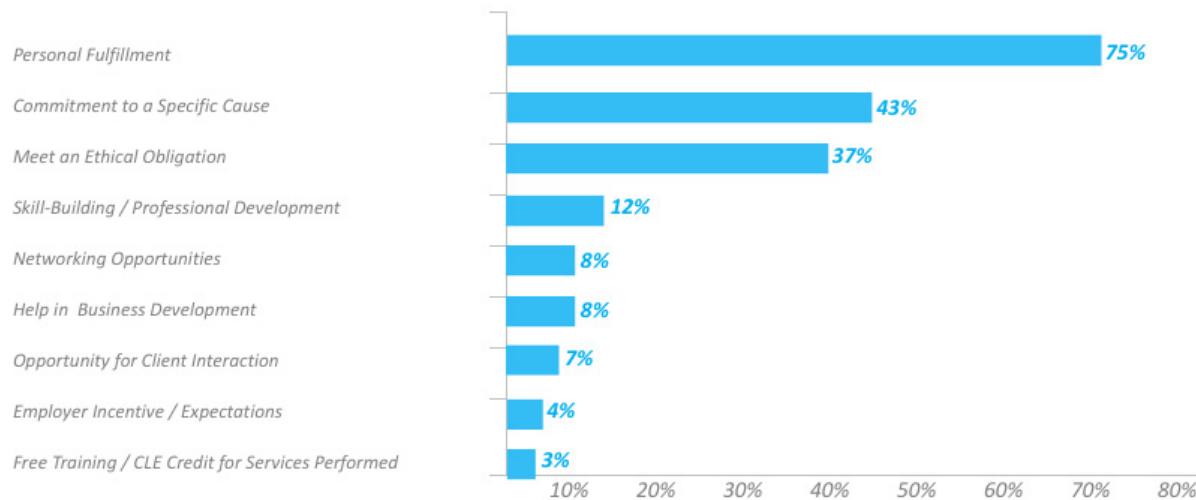
"The pro bono work I do is for foster children for [my state's] Office of the Child Advocate and unrelated to any professional pursuits or obligations."

"Generally it's some project or person that I think needs and deserves our help."

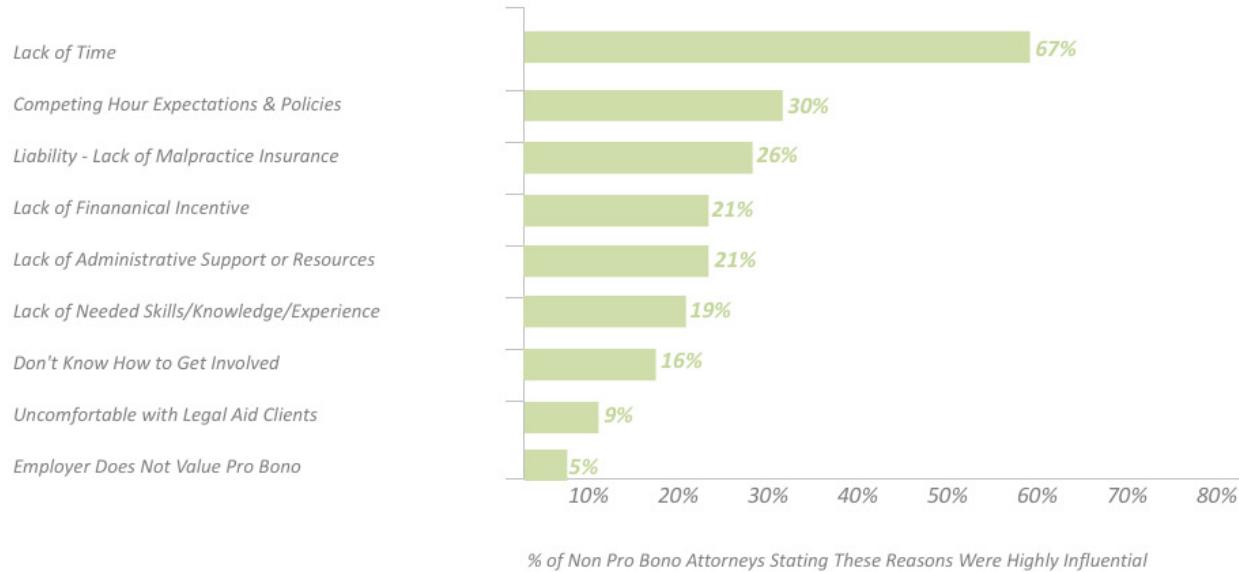
Only 12% mentioned *Skill Building / Professional Development*, and even fewer mentioned *Networking Opportunities* (8%). At the bottom of the list was *Free Training and / or CLE Credit for Services Performed* (3%).

This suggests that law firms looking to build out their pro bono programs should strive to appeal to the personal side of their attorneys—leveraging their employees' passions and personal interests—rather than focusing only on potential career advantages.

PRO BONO ATTORNEYS: WHY TAKE ON PRO BONO WORK?



NON PRO BONO ATTORNEYS: WHY NOT TAKE ON PRO BONO WORK?



Meanwhile, the majority of lawyers not participating in pro bono work identified time and billing pressures as the main factors barring them from taking up pro bono matters: Two-thirds (67%) cited *Lack of Time* followed by *Competing Billable Hour Expectations* as a second factor impacting roughly a third of those not volunteering (30%).

What's more, among those not doing pro bono work, only a quarter (26%) reported *No Interest in Pro Bono Matters*.

Given that a significant number of attorneys who don't volunteer are constrained by work-related factors often beyond their control, firms seeking to engage a broader base of employees in their pro bono programs could do so by helping them balance professional obligations.

How to encourage pro bono work

Based on the survey's findings, there is a clear desire on the part of practicing attorneys to be more involved with pro bono work. With the already demanding workload of most lawyers, firms seeking to engage their employees can provide support in a number of ways:

Instill passion

In line with the survey results, some firms and corporate law departments have already seen success by restructuring their internal outreach programs to emphasize pro bono as a great opportunity to get involved in a cause that an attorney is passionate about—rather than stressing ethical obligations or professional development. Attorneys also receive guidance and support as part of these programs, particularly in matching up individual interests with available pro bono work.

"I make an effort to meet one-on-one with every attorney in my firm. I encourage them to share their passions and professional goals with me, keeping the spotlight on them while thinking about how to best connect their energy and efforts with an existing client or community need. For example: when transactional attorneys learn that they can save an abused child via the guardianship process, they often overcome their 'courtroom allergies.' Or, a person who is passionate about opera can be engaged in assisting with a charter school lease by emphasizing how their efforts ultimately will provide the students with access to arts education. Our pro bono program succeeds because we contextualize individual goals into the bigger picture of community need."

—Cristin Zeisler, Partner & Director of Pro Bono Services at Manatt, Phelps & Phillips

Make it personal

Firms that invite attorneys to bring in their own pro bono matters from organizations and causes they personally support have experienced this policy as a valuable driver in stoking interest in pro bono:

"At Kirkland & Ellis, attorneys are encouraged to bring in their own pro bono matters. If an attorney is involved in a not-for-profit and wants to do pro bono legal work for that organization, he or she can do that, provided the requirements of our policy are otherwise met."

—Julie LaEace, Firmwide Pro Bono Manager, Kirkland & Ellis

Remove barriers

Firms looking to build their pro bono programs are also reducing the barriers of lack of time/competing expectations by emphasizing pro bono's importance and by implementing clear policies and procedures that allow attorneys to balance pro bono and billable work. These firms are also combating the perceived lack of time by making it easier for attorneys to get involved and find pro bono opportunities and practice resources.

"At Intel, the legal group has worked to structure the pro bono program to make it easy for attorneys to get involved. Involved volunteer culture allows employees to volunteer on company time and using company resources, but that does not, by itself, ensure they will actually have or feel like they have the time. To address that constraint, we have implemented a spectrum of pro bono volunteer opportunities that range from clinical counseling, a fixed half or full day participation, to actual litigation or transactional negotiations handled in a more traditional representation lasting several weeks to months worked within other ongoing client priorities. Additionally, the Intel program volunteers team with co-counsel law firms to provide bench strength to enable hand-off of emergent client issues or unworkable schedule conflicts. This variety of opportunity type and flexibility in implementation has enabled the program to flourish."

—Larry Bennett, Patent Attorney and co-chair of the pro bono program, Intel Corporation

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LexisNexis shares with its customers the commitment to provide access to justice to the poor and disadvantaged through pro bono work as part of its efforts to advance the Rule of Law—the basic concept that a functioning society requires a strong legal system and set of laws respected by everyone, including the government. Together with public and private partners, LexisNexis supports various programs providing access to justice to the poor and disadvantaged through pro bono work.

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About Pro Bono Net

Pro Bono Net (www.probono.net) is a national non-profit organization dedicated to increasing access to justice through innovative uses of technology and increased volunteer lawyer participation. Pro Bono Net uses innovative web-based platforms—www.probono.net, www.lawhelp.org and www.lawhelpinteractive.org—to recruit and support volunteer lawyers and provide direct information and tools for self-representation to low-income communities.

Pro Bono Net has also developed Pro Bono Manager, pro bono practice management software that helps AmLaw 200 law firms increase pro bono participation, manage pro bono caseloads more efficiently and raise internal and external awareness of pro bono efforts. For more information, visit www.probono.net/good.

Pro Bono Net

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This survey was conducted by LexisNexis among a nationally representative sample of 207 small and large law attorneys across all seniority levels. The study was conducted online in November 2010 and has a margin of error of 6.8 percentage points at the 95% confidence level.