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Making sense of giving

By Maria Kantzavelos

Allegra Rich's title at Seyfarth Shaw offers a clue into her firm's approach to decision-making when it comes to charitable giving and pro bono legal work.

In 2007 Rich, a former partner in Seyfarth Shaw's labor & employment practice, was named to the firm's newly created full-time position of pro bono partner and director of philanthropy, where she was charged with coordinating the firm's pro bono legal work, community service, and charitable giving initiatives.

"Our managing partner had identified a need, in each of these three areas, to be more strategic; to think about what we were doing and to bring some order to what we were doing," Rich said. "In a lot of firms there are different departments, or different groups, that give to charity and maybe the left hand doesn't know what the right hand is doing in terms of giving."

From the start, she set out to determine just that. A probe into how her firm was spending its charitable funds led to an increase in legal

aid donations.

"I looked at all our charitable grants and grouped them by category [medical and science, social services, legal aid, the arts, and miscellaneous giving] to try to see, what is it we're giving to and where is it going," Rich said. "I realized we probably weren't giving as much to legal aid organizations as we should, given that we're a law firm."

"This is our profession and we want to give back to the community in a way that makes sense for us as lawyers, to the people who oth-

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erwise wouldn't get served without our contributions."

Today, her law firm has a coordinated system for determining how its charitable foundation board distributes funds to civic organizations and causes, including the legal aid organizations that provide pro bono opportunities to its lawyers. A key requirement for a grant request to be considered, Rich said, is that a firm employee seeking the donation must be personally involved in the charity or organization at hand.

"The mission of our charitable foundation board is to support our people's volunteer efforts," Rich said. "If people are out there in the community making a difference with their time, and giving of their own personal time to their organizations, we want to provide financial support to back that up."

The formalized plan at Seyfarth Shaw is one example of how law firms are taking a more strategic approach to charitable giving, aligning their contributions more closely with their business goals, said Robert A. Graves, executive director of the Chicago Bar Foundation.

Just as corporations tend to focus their philanthropic efforts on providing their goods or services to people who would otherwise be their customers — Microsoft on making technology available to underserved communities, or Home Depot on affordable housing efforts — the idea of tying charitable giving more closely to pro bono programs, and organizations that provide legal services to causes and individuals of limited means, is catching on in law firms around the city, he said.

"This is a new trend in the law firm world," Graves said. "I think law firms, generally, have been supportive of charitable efforts on the whole, but to be more strategic toward those efforts and tie it closer to those pro bono efforts is taking a cue from the corporate world and being more focused on what is more natural as lawyers."

Joining the circle

Evidence of that trend, Graves said, is coming in the form of law firm participation in a recent initiative of the Chicago Bar Foundation that asks firms to pledge their financial support to legal aid agencies; encourage and support pro bono work; and to advocate for local, state, and federal funding for legal aid.

Dubbed the Law Firm Leadership Circle,

the initiative asks law firms to commit to a statement of principles that sets goals in those areas as a means of underscoring the role of law firms in ensuring equal access to justice in the Chicago community, Graves said.

By early January, nearly 30 firms — from full-service mega firms to smaller boutiques — had signed on to the challenge.

"It officially commits them to making this [legal aid programs] a priority within their overall charitable giving," Graves said. "Putting it into one, comprehensive statement of principles puts some benchmarks on the type of support they're giving, and encourages them to expand that support into areas like advocacy, and helping with training and professional development of legal aid attorneys."

Although higher levels of pro bono and financial commitment qualify a firm for a higher level of status in the Leadership Circle, the statement of principles calls for firms to agree to adopt policies encouraging each attorney in the firm to put in at least 35 hours of pro bono work each year, and to provide financial support for legal aid organizations serving the Chicago area in an amount equivalent to at least \$300 per lawyer in the firm's Chicago office each year.

The current economic crisis, Graves said, is affecting funding that legal aid programs derive from the state and federal government, as well as from corporations and foundations, and the Interest on Lawyer Trust Accounts (IOLTA) program, while agencies are facing a heightened demand for their legal aid services.

"It's going to be hard to increase that in the short term, which is why it's critical for the legal community to really step up," Graves said.

Models for giving

Law firms may be taking a more strategic approach to charitable giving and pro bono, but they don't all follow the same model for that giving.

As director of pro bono activities and litigation training at Mayer Brown, Marc R. Kadish is responsible for finding and coordinating pro bono projects for the firm's lawyers. But another aspect of his job has him working on the firm's charitable contributions to legal public-interest groups, a responsibility he was charged with shortly after assuming the position in 1999.

"For most firms, when they did charitable

contributions, at that point it didn't have anything to do with a pro bono program," Kadish said.

As one of the first full-time pro bono directors to be hired by firms in the country, Kadish came to a key understanding early in his tenure.

"I realized that we couldn't help everybody, because so much of the legal needs of poor people are unmet, and that we had to sort of pick and choose and develop a policy," he said.

"I also realized that, given the strength of the firm and given the reality of what the younger generation was interested in, we weren't going to do that many traditional legal aid-type cases," Kadish said, referring to landlord/tenant disputes, social security issues, and family law matters. "Instead, I wanted to concentrate on those kinds of cases that had law reform potential, or were very sophisticated and difficult, that I could more easily sell to our younger lawyers."

What evolved, Kadish said, was a pro bono program that focuses on signature projects, like serious felony cases — including capital murder cases — tried at the Cook County Criminal Courts Building, or cases derived through Mayer Brown's own Seventh Circuit Project, where the firm accepts pro bono appointments from the 7th U.S. Circuit Court of Appeals.

As such, Kadish said, much of the firm's financial support to legal aid organizations in Chicago tends to be directed to agencies where its lawyers don't necessarily provide pro bono legal services.

"Since we do not do a large volume of traditional legal aid work, and we respect the organizations that do that kind of work — such as the Legal Assistance Foundation, the Chicago Volunteer Legal Services, Chicago Legal Clinic — we give support to them by providing them with financial contributions," Kadish said.

Over the years, firms have gone through a few evolutionary stages in the pro bono arena, beginning with the creation of committees and pro bono policies in the early- to mid-1990s, said Winston & Strawn's Gregory A. McConnell, who served as director and staff counsel of the American Bar Association Center for Pro Bono in Chicago before joining the firm in 2002 as its pro bono counsel.

"Then firms started hiring positions like

mine, and that's when things increased dramatically. That has happened over the last five to seven years," said McConnell, who oversees pro bono activities in all of Winston's offices. "We've seen it go from it being 15 to 20 firms with a full-time pro bono counsel, to 60-plus. ... Firms are increasing their strategic inputting to what they're doing."

Robert E. Deignan, senior counsel at Baker & McKenzie, chairs the committee that organized the CBF's Leadership Circle initiative. He agreed that more law firms today are taking a cue from the corporate world.

"Corporations have corporate social responsibility programs — Kraft will donate food, Medtronic will donate to science," Deignan said. "I think law firms have learned from the business sector. In watching our clients, we get a little smarter."

At Baker & McKenzie, Deignan said, "We really look at it from, what are the organizations that will be giving us the cases — that take the kinds of things we like to do? Then we try to get them [firm lawyers] on boards. And then our money follows that."

Whether the involvement means volunteer legal work or service on the boards and committees of legal aid organizations, or the agencies that raise funds for those groups, Deignan said, "Most of our dollars are focused on those organizations that provide legal services where we have involvement with the organization."

Thomas A. Gottschalk, of counsel in the Washington, D.C., office of Kirkland & Ellis, where he chairs the firm's pro bono committee, said pro bono coordinators in each of the firm's offices bring recommendations for philanthropy to the firm-wide committee. He said charitable contributions to legal aid programs are based on specific factors.

"Kirkland, like other firms, is putting a little more discipline in terms of its support for legal service providers and being thoughtful about where the money is going, and recognizing that these budgets are not open-ended," Gottschalk said. "You have to be somewhat selective."

The size of the legal aid agency and the scope of its legal services to indigent clients — whether it's a large legal services provider, or an umbrella agency, with a correlating large budget — is among the factors the firm considers when deciding on a charitable contri-

bution, he said.

Another consideration is the personal involvement of the firm's lawyers in particular causes. For example, Gottschalk said, "They may have had a family situation, which pointed out a need of providing special education for children with disabilities, and they ask the firm to support an organization that provides legal help with children. Being responsive to the requests and interests of individual lawyers guides where the dollars go."

The firm also evaluates its relationships with legal aid organizations, taking into account whether the firm has had an effective partnership in its efforts to acquire the right pro bono matters for its lawyers.

"Where we are giving funds, we are interested always in trying to increase the number of good matters for our attorneys to get," Gottschalk said.

Benjamin C. Weinberg, who serves as pro bono partner for Sonnenschein Nath & Rosenthal, said his firm also follows a more focused plan for charitable contributions and pro bono.

"Rather than just saying we buy a table at any [fundraising] luncheon, or we just contribute willy-nilly to any group, what we want to do is say, 'Which groups are we working with? Which groups' missions do we fully support?' And then focus on those," Weinberg said.

Much of that focus, he said, means working on cultivating institutional relationships with select legal aid groups, such as Equip for Equality, a disability rights group, or the Legal Assistance Foundation, which the firm recently worked with to create a tax helpline that assists legal aid lawyers with questions about tax issues that come up in divorce or mortgage foreclosure cases.

"It allows Sonnenschein to use its resources and expertise in a way that really helps the legal aid lawyers," Weinberg said. "We try to both, work with and for the nonprofit advocacy group, while also spending our dollars with that group as well."

In his role, Weinberg views legal aid organizations as clients.

"I'm a pro bono rainmaker — that's the goal," Weinberg said. "By having institutional relationships with non-profits, when we reach out to them or have an ongoing relationship

with them, we can get more [pro bono] work."

Winston & Strawn's McConnell pointed out that for a significant portion of law firms, finding the right fit for pro bono matters can be a challenge, particularly for their non-litigation lawyers.

"We're all competing for a relatively small set of opportunities that I think are most attractive to a niche of people that might be the hardest to connect to pro bono opportunities," McConnell said.

In the litigation arena, the Uptown People's Law Center, a legal aid group that specializes in prison litigation and matters that ultimately land in federal court, is an attractive opportunity for many young lawyers.

"That's a group that has a high priority to me as a provider of opportunities," McConnell said. "How do we cultivate the relationships with people like the Uptown People's Law Center? We get people on their board, we work with them to help them do what they need to do to maintain their programs, like fundraising.

"It's all interrelated; it's all interwoven. ... Those organizations are under-funded and overworked, and they need finances to do what they do. We try to help them accomplish that objective."

He offered this big-picture perspective:

"In the grander scheme of things, those organizations that are providing us opportunities that are more attractive are the ones we're more likely to provide funding to," he said. "You get people like me and my counterparts at law firms that are immersed in this. ... Who are the organizations that are of greater value to us? We tend to focus our funding on making sure they receive an appropriate amount of the overall pie."

Pro bono benefits

Along with a recognition of the professional responsibility associated with making legal services available to people of limited means, "firms have latched on to the fact that pro bono is good for business. All in all, it's a wise investment of their resources," McConnell said.

At many firms, pro bono programs serve as an invaluable training and development ground for associates.

"They get some first-chair experience, direct-

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client experience, where they might not get that in a big case with lots of lawyers on it,” Kirkland’s Gottschalk said. “For many lawyers, their first trial experience is a pro bono matter.”

A law firm’s pro bono program can also serve as an effective tool in attracting new talent.

“It’s a great recruitment vehicle,” McConnell said. “More and more law students are doing pro bono work when they’re in law school, and they expect to be doing pro bono work when they get to law firms. And many law firms are meeting that demand.”

That demand is also coming from clients.

“I get requests from the marketing department with increasing frequency to provide them information on our pro bono efforts, because they need to include that in an RFP,” Seyfarth Shaw’s Rich said. “It’s not just generic questions. They want to know your stats: How many pro bono hours per attorney have you done? What percentage of your attorneys are doing pro bono? It is important to our clients.”

But first and foremost, McConnell pointed out, law firm pro bono programs provide “an immense service to our community.”

“Winston [in 2008] provided 43,000 hours of pro bono legal services, which translates to about \$12.9 million in donated legal services,” McConnell said. “Then multiply that, including what McDermott, and Sidley, and Mayer Brown, and Kirkland, and Baker, and all the other firms in the city have done in comparable levels, and you have a significant input to the community in a social service area that’s generally underfunded by the government, in terms of state dollars. The lawyers have stepped into the breach.”

Still, law firm pro bono coordinators conceded, it is the work of legal aid organizations — which screen cases for eligibility and appropriateness, set up clinics around particular legal needs or interests, and provide support staff, training, and mentoring for volunteer lawyers — that is vital to making those pro bono programs possible for law firms.

“They’re out there picking and choosing the kinds of situations that merit our attention. They are our partners. Without them, we would not have a pro bono program,” said Quentin “George” Heisler, partner-in-charge of the Chicago office of McDermott Will & Emery, which hired its first firm-wide pro bono and community service counsel in early 2008. “We could put our sign out on the corner and say: ‘Free legal services for the indigent,’ but it wouldn’t be the same thing.”

Fueling the partnership

To keep that partnership going, financial support — in addition to pro bono service — from firms and individual lawyers is critical, said Mary Meg McCarthy, director of the National Immigrant Justice Center, which provides legal services to immigrants, refugees, and asylum seekers.

“Our participation with pro bono lawyers provides some unique opportunities for individuals to represent individuals whose rights have been violated and are seeking protection in the U.S.,” McCarthy said. “But it’s an area that most of our pro bono attorneys don’t practice in and aren’t familiar with. For us to make it really effective, we provide extensive training and mentoring, and identification of potential cases or issues for members of the legal community to engage and represent those individuals.”

“It’s very important that the lawyers and the law firms invest in the organizations that provide those pro bono opportunities, because it’s only a meaningful and quality pro bono opportunity if you have that infrastructure.”

McCarthy said about 10 percent of her organization’s funding comes from law firms and individual lawyers.

“It’s an important chunk,” she said.

Since McCarthy became the director of the NIJC in 1998, she has seen a substantial increase in support from the legal community, both in volunteer legal services and charitable donations. That financial support is even more crucial today, she said, noting that

another longtime contributor to the organization, United Way, has decided to pull its funding. United Way, McCarthy said, had provided more than 10 percent of the organization’s funding.

At Cabrini Green Legal Aid, the agency often tends to tie its own pro bono opportunities to law firm giving, said Executive Director Robert B. Acton.

“A lot of good comes from a relationship where law firm attorneys are both giving to the organization and serving the organization’s clients,” Acton said. “It takes giving to a new level when you also have the tangible service experience and you understand what the organization is doing.”

Acton said he has noticed an increase in the number of law firms reaching out to his organization since the implementation in 2006 of the Illinois Supreme Court rule requiring lawyers to annually report the number of pro bono legal service hours they provide, as well as any monetary contributions made to legal aid organizations or to groups that contribute financial support to such organizations.

“Before, it tended to be us going out to build those relationships,” Acton said. “It sort of flipped when the rule changed. They’re reaching out to us saying, ‘Could we create a partnership?’ There’s a real desire on the part of law firms to have good opportunities for their folks and, particularly with the reporting requirement around that, that priority has increased.”

While law firms are asked to support an array of charities and causes throughout the year, pro bono and legal aid is “our home turf,” the CBF’s Graves said.

“They’re not going to light up the Sears Tower to support legal aid. It’s not something the rest of the community is going to understand, or get behind, in a way they would for a charity that everybody understands, like breast cancer [awareness] or hunger relief,” Graves said. “There’s nothing wrong with those charities, but this is different. This is really something that lawyers have to take the lead on.” ■