This workshop was held at the 2017 Equal Justice Conference in Pittsburgh, Pennsylvania

Title:
Getting to Yes: Top 10 Reasons Law Firm Partners Will or Won't Do Pro Bono

Presenters:
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Louis Sartori, The Legal Aid Society, New York, NY

Hear the insider perspectives on what makes law firm partners say yes to pro bono work. Panelists will discuss the results of a qualitative study of the Top 10 reasons law firm partners are motivated to do pro bono and obstacles that keep partners from volunteering. This session will involve participants in a guided, collaborative brainstorm to develop mechanisms to get partners from thinking about pro bono to doing pro bono.
Getting to Yes: Understanding the Top 10 Reasons Law Firm Partners Will or Won't Do Pro Bono

Brenna DeVaney, Jennifer Kroman and Lou Sartori
Equal Justice Conference, Pittsburgh, PA
May 5, 2017
Session Agenda

- Introduction and Goals
- 2017 Partner Pro Bono Survey
- 2015 Associate Pro Bono Survey
- Differences between Associate and Partner Motivations
- Mandatory v. Voluntary Pro Bono
- Legal Services Perspective
- Discussion of Survey
- Conclusion and Takeaways
2017 Partner Pro Bono Survey - Motivations and Challenges

Four Questions:

1. Why do you do pro bono work?
2. What makes taking on pro bono work challenging?
3. When supervising a pro bono matter, how do you view your role?
4. What was your best or worst pro bono experience?

- 360 Partners & Counsel
- 5 Large Law Firms
- 2 Firms = Mandatory Pro Bono
- 3 Firms = Voluntary Pro Bono
- 11 Cities in the U.S.
- 5 Cities Overseas
- 63% Transactional
- 37% Litigation

*(Select Top Three Reasons)*

<table>
<thead>
<tr>
<th>Reason</th>
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<tbody>
<tr>
<td>Not enough time</td>
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<tr>
<td>I am not interested in pro bono work at all</td>
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<tr>
<td>I am not interested in the pro bono work offered at my firm</td>
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<tr>
<td>Training is not readily available</td>
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<td>I do not think my firm wants me to spend time on pro bono work</td>
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<td>Pro bono work is not considered in promotion or compensation decisions at my firm</td>
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<tr>
<td>It is too difficult to work with pro bono clients</td>
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<tr>
<td>I am worried about making mistakes</td>
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<tr>
<td>Clients should pay for legal work</td>
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<tr>
<td>Opportunities to do pro bono work that use my existing legal skills are not available</td>
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<tr>
<td>Pro bono work that will develop the skills I am interested in developing are not available</td>
</tr>
<tr>
<td>Opportunities to do transactional pro bono work are not available</td>
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<tr>
<td>Nothing</td>
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#1 Answer:

Not Enough Time

66%*
2017 Partner Survey – Other Top Challenges:

- Opportunities to do pro bono work that use my existing skills are not available (17-20% each)
- I am worried about making mistakes
- Opportunities to do transactional work are not available
- Nothing

Each challenge is rated between 17-20%.
Only 1.4% of respondents said that they were not interested in pro bono at all.

0% believed that clients should pay for legal work.
### 2017 Partner Survey – Why Do You Do Pro Bono Work? (Select Top Three Reasons)

<table>
<thead>
<tr>
<th>Reason</th>
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<tr>
<td>Passionate about a substantive issue</td>
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<td>Associates ask me to supervise and I do not want to say “no”</td>
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<tr>
<td>The Firm’s Pro Bono Counsel/Director asked me to supervise and I do not want to say “no”</td>
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<td>I am on the Board of the organization and want to provide further support to it</td>
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<tr>
<td>I have a personal interest in the substantive area</td>
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<tr>
<td>My paying clients partner with the Firm and/or the matter is important to my paying clients</td>
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<tr>
<td>Allows for practice in a different area of law</td>
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<tr>
<td>Interest in improving access to justice</td>
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<tr>
<td>Firm policy mandates pro bono work</td>
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<tr>
<td>Firm policy encourages pro bono work</td>
</tr>
<tr>
<td>To ensure that I meet billable/chargeable hours targets</td>
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<tr>
<td>It makes me feel good about being a lawyer</td>
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<tr>
<td>Professional or ethical responsibility</td>
</tr>
<tr>
<td>I do not do pro bono work</td>
</tr>
</tbody>
</table>
Top Answers:

- Professional/Ethical Responsibility: 52%
- It Makes Me Feel Good about Being a Lawyer: 42%
2017 Partner Survey – Other Top Motivations:

Interest in improving access to justice  30%

Firm policy encourages pro bono work  28%

I have a personal interest in the substantive area  27%

I am on the Board of the organization and want to provide further support to it  18%
Partner Supervision –

What is my role as supervisor?

- **General Oversight** (reviewing final docs & providing guidance, even when unsolicited)
- **Substantive Oversight** (keeping associates on task & providing guidance at most or every juncture)
- **Other/Varied Considerations**
- Reviewing final docs & only providing guidance when asked
- Maintaining primary client contact & substantively working on parts of or entire matter

![Pie chart showing percentages of different supervisory roles]

- General Oversight: 42%
- Substantive Oversight: 31%
- Other/Varied Considerations: 12%
- Reviewing final docs & only providing guidance when asked: 9%
- Maintaining primary client contact & substantively working on parts of or entire matter: 6%
## 2017 Partner Survey – Bests and Worsts

<table>
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<tr>
<th>BESTS</th>
<th>WORSTS</th>
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<tbody>
<tr>
<td>— Handling a pro bono UD case where we prevented a tenant from losing her apartment; handling Holocaust survivor reparations/social security payment cases for Bet Tzedek</td>
<td>— When my client went into hiding because she had less faith in the system and her case than I did.</td>
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<tr>
<td>— I helped get a woman out of jail after over 10 years when she had been charged and convicted of murdering a man who had sexually assaulted her.</td>
<td>— Getting reprimanded by a judge as a young associate (I had no one supervising me who could have steered me in the right direction to avoid saying the wrong thing).</td>
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<td>— Successful representation of a death row inmate</td>
<td>— Summer associates tend to not put full effort in or put off until the last minute.</td>
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<td>— Representing 400 religious organizations, ministers, rabbis etc. in support of Gay Marriage. I have not had a bad pro bono experience.</td>
<td>— 501(c)(3) application that dragged on for over a year because we were slow at times, client was slow at times, no one seemed motivated and the process felt obligatory.</td>
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<tr>
<td>— My favorite pro bono experiences have involved the Election Protection hotline. Voting is an important civil right.</td>
<td>— Currently have a pro bono matter where a woman said was a tax issue for charity but really a personal tax issue for her.</td>
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<tr>
<td>— My best experiences have been those involving individual clients or families that have transformed or significantly impacted a client's life or opportunities.</td>
<td>— Representing a client where I thought he was taking advantage of system.</td>
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<tr>
<td>— I enjoy all of my pro bono work.</td>
<td>— A simple divorce that was not simple.</td>
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</table>
2015 Associate Pro Bono Survey - Motivations and Challenges

Three Questions:
1. Why do you do pro bono work?
2. What makes taking on pro bono work challenging?
3. What was your best or worst pro bono experience?

651 Associates
4 Large Law Firms
9 Cities in the U.S.

2 Firms = Mandatory Pro Bono
2 Firms = Voluntary Pro Bono

58% Transactional
42% Litigation
Partner v. Associate Motivations

*Similar...But Not Identical*

**Similarities**

The top 2 obstacles for both Partners and Associates are the same: “Not enough time” and “I’m worried about making a mistake”

Partners and Associates both rank “Opportunities to do transactional pro bono work are not available” as a significant obstacle

Virtually no one on either survey selected “I am not interested in pro bono work” or “clients should pay for legal work”

**Differences**

“Pro bono work is not considered in compensation decisions at my firm” and “I do not think my firm wants me to spend time on pro bono” are bigger obstacles for Associates than Partners

Training and skill building are not significant motivator for partners, but associates indicate that “skill development for advancement at the firm” and “allows for practice in a different area of law” are important motivators.
Does Making Pro Bono Mandatory Make A Difference?

Why do you do pro bono work?

“Firm policy encourages pro bono work” 28%
“Firm policy mandates pro bono work” 4%

**FIRMS WITH VOLUNTARY PROGRAMS TOP REASONS TO DO PRO BONO**

1. It makes me feel good about being a lawyer – 49%
2. Professional or ethical responsibility – 49%
3. Interest in improving access to justice – 31%
4. I have a personal interest in the substantive area – 28%
5. Firm policy encourages pro bono work – 25%

**FIRMS WITH MANDATORY PROGRAMS TOP REASONS TO DO PRO BONO**

1. Professional or ethical responsibility – 60%
2. It makes me feel good about being a lawyer – 43%
3. Firm policy encourages pro bono – 38%
4. Interest in improving access to justice – 26%
5. I have a personal interest in the substantive area – 24%
Why Do These Results Matter To Legal Services Organizations?
How Do We Work Together To Overcome Obstacles And Capitalize On Motivating Forces?
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Takeaways

Partners at law firms want to do pro bono both because it makes them feel good about being a lawyer and because they have an ethical and professional responsibility to do pro bono work.

Law firm pro bono policies that encourage partner participation are important.

Partners are not generally motivated by developing new skills, practicing a new area of law or working with their paying clients.

Triggers to getting to yes for partners likely involve framing opportunities in a way that draw on their existing skills, personal interests, professional responsibility and expectation that they will generally oversee matters, rather than serving as the primary owner of a matter.

Outreach to partners and associates may differ in significant ways in order to be most effective.
“There is nothing that any partner at the firm could say to me that would convince me that the firm wants me to do more pro bono...I need to see the partners do pro bono work themselves.
— Junior Associate

"You don't lead by pointing and telling people some place to go. You lead by going to that place and making a case."
— Ken Kesey