

**TRANSCRIPT OF A ROUNDTABLE ON  
The Intersection Between Pro Bono and Professional Development  
January 31, 2013**

**organized by the NALP Pro Bono and Professional Development Task Force**

**hosted by Jenner & Block LLP  
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MR. GRUMM: Greetings everyone and welcome. I'm Steve Grumm, NALP's Director of Public Service Initiatives, and it is my pleasure to welcome discussion participants and viewers to the NALP roundtable entitled "The Intersection Between Pro Bono and Professional Development." The roundtable has been organized by a task force that was appointed by NALP President Charlotte Wager.

The task force itself is charged with exploring how firms, schools, and corporate counsel offices can more deliberately and strategically use pro bono to meet many of their professional development needs while at the same time helping to address the critical shortage of access to affordable legal services that so many of the communities that we live and practice in face.

And we're very happy that this blue ribbon roundtable has come together as part of the task force's important work. As for the roundtable coming together, I would like to thank Jenner & Block LLP for hosting us; Thomson Reuters for their educational support of the program; and James Sandman, President of the Legal Services Corporation, for moderating today's program.

Before turning things over to Mr. Sandman, and for the benefit of our viewers, I will introduce our roundtable participants now: C. Elaine Arabatzis, Diversity and Pro Bono Counsel, Dickstein Shapiro LLP. Julie Carpenter, Partner and Pro Bono Committee Co-Chair, Jenner & Block LLP. Caroline Hunt, Vice President, Thomson Reuters Foundation. Aimee Imundo, Senior Counsel for Competition Law & Compliance, General Electric Company. Marc Kadish, Director of Pro Bono Activities and Litigation Training, Mayer Brown LLP. Marcia Levy, Associate Dean of Career Services & Professor of Professional Development at the Benjamin N. Cardozo School of Law at Yeshiva University. Maria Minor, Professional Development and Pro Bono Manager; Neal, Gerber & Eisenberg LLP. Michael Nannes, Chairman, Dickstein Shapiro LLP. Wendy C. Perdue, Dean and Professor of Law, University of Richmond School of Law. Aric Press, Vice President and Editor-in-Chief, American Lawyer Media. James J. Sandman, President, Legal Services Corporation. Ann Shalleck, Professor of Law & Director of the Women in the Law Program, American University, Washington College of Law. Amanda D. Smith, Pro Bono Partner, Morgan Lewis & Bockius LLP. Kelly Tautges, Director of Pro Bono, Chicago Bar Foundation. And David Udell, Executive Director, National Center for Access to Justice at the Benjamin N. Cardozo School of Law at Yeshiva University.

Thank you, and I'm very happy now to turn things over to Jim Sandman.

MR. SANDMAN: Thanks very much, Steve. Our program this afternoon is intended to address two different needs that actually may be addressed together with great success.

The first is the need for more pro bono work. In my work at the Legal Services Corporation, which is the largest single funder of civil legal aid programs for low-income people in the United States, we see every day the impact that inadequate resources have on low-income people who need representation. Last year in the State of New York, for example, 2,300,000 people appeared in the state courts without a lawyer. More than 90 percent of tenants in eviction proceedings had no lawyer; more than 90 percent of parents in child support proceedings had no lawyer; 65 percent of people in foreclosure cases had no lawyer. At the same time, we see a need for a more practical learning experience, both in law schools and in law firms, where the opportunities to get real-life skill training on matters are sometimes difficult to come by. What I heard from lawyers in my former firm, Arnold & Porter, where I practiced for 30 years, what I heard from young lawyers repeatedly was the most valuable training was real work on real cases and matters, not lectures, demonstrations, or simulations.

And combining professional development with pro bono can address both needs, where we can provide a business case for more people to do pro bono work and get involved than might have gotten involved previously and give lawyers real world experience that will enhance their ability to perform well on the paying side of their practices. Similarly with law students who are increasingly desiring to get skills training that will allow them to hit the ground running when they go into practice, clinical experience in pro bono work can supplement their academic training and help them to get to where they're trying to go more quickly. To put our subject in context, I'd like to ask Aric Press, who's Editor-in-Chief of American Lawyer Media, to talk generally about what's going on in the legal profession today and how he sees this topic fitting in.

MR. PRESS: Thank you, Jim. Good afternoon. So it's my obligation to set out the problem, and I thought I would just tear three things out of the headlines and state them for you. It's familiar to most, I suspect. The first is that in the wake of the Great Recession, since Bear Stearns and Lehman Brothers died, the recovery for big law has been quite patchy. There are some notable exceptions to this, but firms generally simply don't feel as good as they used to about their economic situation. And within firms, you have one set of partners who have never been busier sitting down the hall from another set of partners who've never had more time on their hands. This is a difficult but realistic situation.

Second, as you all know, hiring is down. There are fewer associates being brought into the large, grand firms; fewer troops to put against pro bono projects. At the same time, there's a sense of anxiety amongst these associates. Should they be spending their time on pro bono work at a time when their partners are so worried about the economic health of their firm? Third, at our company we count pro bono numbers every year. In 2011 the average hours of the Am Law 200, the 200 top grossing firms in the land, the average hours fell by 12 percent down to 54.3 hours per lawyer. Still a remarkable amount of work, but down from its peak in 2009. The percentage of lawyers doing 20 hours or more was down to 43.5 percent, the lowest it's been since 2007.

So we come to today and this somewhat unspecified hope that if only we could yoke professional development and pro bono together, that things will get better, that somehow the attitude that was memorably expressed to me a few years ago by the head of one of the global firms who called me up — I used to get these calls all the time — to complain about the numbers that we reported, but not the financial numbers, the pro bono numbers. These numbers were just too low. They were impossibly too low. And how did he know that, I asked him, even though we had

gotten the numbers from his office? He knew that, he said — and I quote from memory — “because every time I walk down the hall, one person or another is doing some damned pro bono project or another.” So he was quite confident that his firm was very busy doing this. So that’s your problem.

As an outsider, if I may just offer a brief thought, that it’s not clear to me that — and here I’m echoing an issue that Jim raised over lunch. It’s not clear to me that this notion of yoking professional development and skills development is much of an answer to the pro bono issue for nonlitigation lawyers, which is, at many of your firms, more than half of your associates. For one thing, it’s a very crabbed view of what pro bono might be about. For another, I think — and since I’m on the outside, I can be slightly romantic about that — that there continues to be a crying need for a broader vision of lawyers and their responsibilities in the society and as a professional rather than just another excuse or argument for narrowing and specializing, and if you learn how to talk to this landlord-tenant client, you’ll be the next Marty Lipton.

The other thing I would say to you, based on some fairly intimate conversations with both my own children and their friends who are lawyers and have gone through this process, is that the single thing you can do to encourage pro bono amongst the associate class has very little to do with skill development and has everything to do with their seeing what their partners are doing. They will follow them. They will use it as an excuse to get to know them. They might even, God help me, feel inspired by it, and I mean that quite sincerely. Those, to me, are the sort of key elements in developing pro bono cultures, and I hope that over the course of the afternoon we’ll get to talk about those.

MR. SANDMAN: Thank you, Aric. Picking up on Aric’s last comments, what is the case for connecting pro bono and professional development? Could we lay it out and then proceed to have a more in-depth discussion about it? Marc, do you want to address that?

MR. KADISH: Aric, thank you very much for starting off on an optimistic note, and I now have to become the preacher for the choir, or perhaps it’s my background. I was a clinical professor of law for 20 years where I taught evidence, some criminal law, some lawyering skills classes, and then worked on an experimental fee-generating program at Kent Law School in Chicago, and I was not a pro bono lawyer by design. It was just that most of my clients could not afford to pay us, and we were one step above a public defender office, and I did a lot of federal appointed work.

It was in 1998 that Mayer Brown had the vision and notion of combining pro bono and training, and they, luckily for me, came to me, and to me it was just a continuation of what I had been doing at the law school. I loved working with students. I loved mentoring. I loved supervising students and seeing how we could strategize a case together. So when I moved over to Mayer Brown, it was just a continuation of what I had been doing in the past. And so I think, from my perspective — and it’s not very efficient, because I’m the only one at the law firm who is doing this almost full-time mentoring and supervising. The greatest joy of my life is working with lawyers at the firm — be they partners, counsel, or associates — on a pro bono murder case or a 7th Circuit appeal, strategizing how you do it and then turning loose that lawyer and watching them prepare an opening statement, going over a closing argument with them. So from my humble experience, I think that it works very, very well. My first title at Mayer Brown was Director of Clinical Legal Education, Pro Bono Activities, and then Litigation Training. But after

a while, those three titles didn't fit into a business card, so we eliminated clinical education, but that's my favorite part of my job, is being a clinical educator at a law firm rather than a law school.

MR. SANDMAN: David, do you want to add to that?

MR. UDELL: Sure. So I'm David Udell. I run the National Center for Access to Justice in New York City at Cardozo Law School. I bring a background having worked at the Brennan Center for Justice and, before that, as a civil legal services lawyer at MFY Legal Services and have worked with firms through the years in lots of different ways, including policy focus work that we're doing now at my center. And I'll just tick off some of the things that pro bono lawyers can do when they collaborate with nonprofit organizations.

So first, the litigation category. It's really the full gamut, soup to nuts. I mean, it's everything that can happen in a court can be done through pro bono relationships with nonprofit organizations. So that's everything from interviewing clients, developing and identifying facts, figuring out who the witnesses will be. In civil legal proceedings, preparing initial pleadings, preparing answers, working through discovery in the context of the kinds of cases that come up in the nonprofit world, in the nonprofit legal services world especially, drafting briefs, working, as was mentioned by Marc, at the appellate level with appellate briefs, in presenting oral argument to courts.

You know, switching gears slightly, I'll say that there's also policy advocacy, so many of our legal services programs become involved in matters that implicate public policy in cities or in federal agencies or at the federal level altogether at the Congress. So there's an opportunity sometimes to appear in regulatory proceedings and to submit testimony, present oral testimony. There are also transactional kinds of matters. A certain number of pro bono firms work closely with nonprofits, and they serve almost as a kind of house counsel, helping them with everything from contracts on renting space to employment law issues to tax issues. And also, depending on the kind of nonprofit that the organization is working with, the subject matter of what the nonprofit itself does may require an enormous amount of lawyer help. So, for example, there are organizations that work with micro-lending or that help create residential settings for individuals with disabilities, and it can be everything — it can involve zoning at the end of the day. You know, where can we put up the new building, and what does it take in order to get the permissions that are necessary to do that?

So it's quite a broad range. And then even beyond those categories of work, there are things like learning the field of law and educating the public about it. People do "Know Your Rights" trainings that are very important. There are court-watching research kinds of tasks that are very, very valuable in terms of policy reform. I'll pause there, but it's really a wide range of things that are possible.

MR. SANDMAN: Let's follow up on that. I'd like to pick up on the points that Aric made in opening where he expressed some skepticism that this works in the transactional arena. I'd like to pose the question: Is it realistic to expect that the volume of transactional opportunities in the pro bono world and the types of opportunities are going to generate enough work to provide meaningful professional development in the same way that pro bono does on the litigation side? Amanda, do you want to try that?

MS. SMITH: Certainly. This is Amanda Smith from Morgan Lewis. I think it's a good question. I think it's important to define the terms up front. I think that when we talk about transactional legal work, at least as I understand it — and there's no denying that there is a — you pose a very valid question. You know, if we assume that law firms are going to be able to use pro bono effectively to provide litigation training in the way that Mayer Brown has and a number of other firms have, will we be able to have a complementary program on the transactional side?

I think about transactional practices as including not just the traditional financial services practices that many large law firms have, the M&A practices, but also regulatory practices, and I think that it's important to note that a similar problem might apply to regulatory practices, like an FDA or healthcare practice. How do you find matters that might be appropriate for training and for associates in those practice areas?

I think it's important to talk about low-hanging fruit and the harder stuff. The low-hanging fruit I would identify as matters where there is a direct skills transfer. I think most large law firms now for transactional lawyers will ask their most junior associates to assist nonprofits with incorporation and applications for tax exemption. That's sort of standard practice anymore. As lawyers become more senior in those transactional practice groups, a number of firms have developed more sophisticated transactional pro bono opportunities. A number of firms, including Marc's and mine, have developed a micro-finance practice where you can even do structured finance pro bono work. Also, I would mention very specifically that we deal with mergers of nonprofits quite frequently, and those can be very direct skills transfer.

I think the true art, however, and the point that I'd most like to make, is that there's another whole realm of pro bono matters that can, in my view, provide really basic but very important transactional skill development, which is traditional poverty law matters, and it really is an art in making that sell to both transactional associates and, more importantly, probably to the transactional practice group leaders and the firm management. I think that many of the traditional poverty law matters that you see — family law, Social Security, landlord-tenant — where the need, as you mentioned, is greatest are much less adversarial than some of the other practice areas where we do — substantive pro bono practice areas where we do pro bono work, and I think there is room to argue that the kinds of skills that you need in a transactional practice area like negotiation skills are really well developed in some of those traditional poverty law areas.

And — and this is the final point — I think we really have seen over the past five or ten years that the legal services organizations which refer pro bono matters to large law firms have become increasingly very, very sophisticated in making that case and helping people who do what I do at large law firms make that case to management. And I would just raise one example. We participate in a landlord-tenant clinic in San Francisco where we have associates go and negotiate with landlords as part of a mandatory settlement conference that's statutorily mandated in San Francisco Superior Court in eviction proceedings. When this — this is a VLSP program in San Francisco, and when it was initially marketed to the law firms, it was the Landlord-Tenant Clinic. Now it's the Negotiation Tenant Clinic. Now — and that's a very important point to make. And so when I send out the e-mail about it or my colleagues in San Francisco send out the e-mail about it, it's not even really pitched as something that would even be appropriate for litigators. This is actually a transaction project now. And so we see the legal services

organizations being increasingly more sophisticated in helping law firms make this case and helping the pro bono professionals at law firms make this case to management.

MR. SANDMAN: Thank you. Ann, did you want to add something?

MS. SHALLECK: Well, there are areas where there is lots of low-hanging fruit, because we know of them from the clinical education world. So one of the clinics that I helped start at our school is our Intellectual Property in the Public Interest Clinic. So the students are doing traditional intellectual property matters of all sorts, some of them more litigative, some of them more transactional, but for people who can't go out and get private lawyers. And so the — it's the low-hanging fruit category. It's directly transferable. The students can go from that clinic to Cleary Gottlieb and know what they're doing.

Then there are — also in our — and also in our Community Economic and Development Clinic — the students are doing structured financing, complex zoning matters, complex negotiations with multiple parties on projects, and there are increasingly numbers of clinics that are training not just your junior associates, who arguably are no more than my third-year law students, but they are quite capable of taking major responsibility on those matters.

And then the more complex — you know, the regulatory — complex regulatory matters where an associate working with a partner, like a law student working with somebody more experienced on: What are the policy issues here? Why is this negotiation so complex? Who do I get at the table to make a certain decision? How do I get past the initial barriers to entry into the regulatory world that are placed on people? Those are complex advocacy questions that cross transactional and litigation practice. So there are models out there that aren't simply transferable, but I think there are lessons there.

MR. SANDMAN: Marcia?

MS. LEVY: I, similar to Marc, came from a clinical legal education background and then went to a large law firm where I was the pro bono counsel for six months and then became both pro bono counsel and head of professional development. And I know we're going to get to some of these topics later, but I think that it's worth saying that in looking at this issue of how we meld pro bono and professional development, it's also important to say that pro bono, just in and of itself, is a professional obligation. And we're hoping in New York, with the 50-hour requirement for students, that everybody will understand that obligation and see that doing pro bono, in and of itself, whatever skills you get from it, is important.

And one of the things that I appreciated at Sullivan & Cromwell when I was there was that the head of our transactional group actually did asylum cases. He would say to the associates, you know, it's great if Marcia gets you a nonprofit incorporation or gets you — You know, we did a wills clinic, you know, for our trusts and estates, you know, lawyers, but I do asylum cases and I deal with difficult issues and clients who are in really horrific situations. I have to go present to a court. I have to negotiate with the other side. That makes me a better lawyer.

So I think that it's important in thinking about this to never lose sight of what comes out of just the obligation — and I don't even want to use the word "obligation." What's a good word? The

thrill, the excitement, the wonderful aspect of being professionals that we get to do pro bono, that we get to represent people who are otherwise unrepresented. That enriches us as lawyers.

MR. GRUMM: Marcia mentioned what's become known as the newly implemented 50-hour rule. Just as a point of information, I would mention — and please do correct me if I'm wrong on this — that New York State is now about to require 50 hours of pro bono work from someone as a condition to becoming licensed to practice in the State.

MR. SANDMAN: Marc?

MR. KADISH: There's so much to respond to on an abstract level or a concrete level. You don't know where quite to start off.

On an abstract level, for me, the combination of pro bono and professional development works ideally when you combine simulation and real-life client representation, and I think they have to be melded together. Take Mayer Brown's very traditional deposition training program, which we have run for about 25 years and I have been involved in helping to run it for the 14 years I've been at Mayer Brown. The ideal thing for me would be to take that very traditional NITA file, *BMI versus Minicom*, which all of us, I'm sure, are familiar with, and then after the young associates do a two-and-a-half-day training, that you guarantee them somehow that within the next several months they will get to defend and take a deposition, be it in a commercial litigation or also in a pro bono matter, so that you meld together the two.

The most ideal experience I ever had was on a court-appointed inmate case, and I had a young associate working with me, and at the same time, he was going to go to the NITA Trial Advocacy training about a month before the trial. My orders to him were: As you go through that training, think about preparation for the trial. He did such a great job at the trial that when the jury returned its verdict, he looked at me and said, "I'm outta here." And he's been a U.S. Attorney in the Bay Area now for close to eight to ten years.

So if you can meld the two together, I think it's the most ideal thing. I think we also have to be very creative in our thinking about what kind of training and where people can get experiences. When I first started, I didn't want to do traditional legal-aid landlord-tenant. I respected the people who did it, but I wanted to be involved in the creation of affordable housing for people, the actual construct of it. So I got together with the head of our commercial real estate who said, "Don't bring me closings for Habitat for Humanity, because we don't do that kind of work. We want to do commercial stuff." So we eventually found a national homelessness organization that helps with the construction of multi-unit developments, and we've worked now with them for about seven years doing closing deals for them that have gotten increasingly more sophisticated.

The other thing I think we're going to address at some point is that the whole area of pro bono has become increasingly more sophisticated, and you now have major players coming in doing global pro bono where the amount of money that will be involved in a deal could be many, many millions of dollars. How do you determine whether that should be done pro bono? How do you determine if it should be low bono, half bono, or whatever you — or is it simply a deep discount? How do you feature those things in? — Because it's those worldwide major social finance group deals that do provide phenomenal training for a young associate.

MR. SANDMAN: Maria?

MS. MINOR: I think those sophisticated deals are phenomenal opportunities. I think one of the things that our associates at larger law firms are not getting as much of are the smaller deals in their regular practice. So, while I was cutting my teeth on doing depositions as a first-year, first-years now have a much more difficult time getting those because companies are handling them in-house or they're going to smaller, less expensive shops. So I think the unsophisticated pro bono, the typical Access to Justice pro bono, does still have those opportunities, and while they're not headline grabbers, they're incredible for professional development.

MR. SANDMAN: I want to close out of the portion of our discussion about transactional pro bono by asking you all: Where do you go to get a sufficient volume of transactional work? My sense is that if you're talking about litigation pro bono opportunities, people know exactly where to go. In every major city there's a variety of legal services organizations. I know here in Washington, DC, law firms actually compete with each other to get the best matters from the legal services providers here.

But is there an equivalent network for transactional work? I know of one here in DC. The DC Bar Pro Bono Program has a Community Economic Development Project that matches nonprofits and small businesses with law firms for transactional work, and they follow the type of model that David mentioned, where they become general counsel to the nonprofit or the small business handling the full range of matters that come up, whether it's employment matters or property acquisition. But my sense is that that's unusual, that there aren't comparable vehicles in every big city across the country. So what is your experience with where you go to find transactional pro bono work in volume? Yes, Elaine?

MS. ARABATZIS: Elaine Arabatzis with Dickstein Shapiro. A couple of things. And I think to the point that was made earlier, you do have to be a little bit creative in seeking these opportunities out. The New York Lawyers for the Public Interest is a great source for transactional matters in the New York area. And the good news is a lot of those opportunities, you know, by virtue of, you know, all of the electronic communications, it's not limiting. I can have a New York partner on a New York matter but have a DC associate doing the bulk of the grunt work, even though they're not necessarily New York barred. So there's ways around, you know — I don't want to call it manipulating it, but massaging it so that we allow for the — to maximize opportunities.

Another one is that IP clinic that you talked about earlier. One of our partners, John Grossman, actually pioneered an effort with that clinic, and that's been a great opportunity for us, because not only are the substantive skills that the IP lawyers are gaining directly relevant to what they're going to be doing on their billable matters, they're actually — even though they're first-years or second-years — now in a position of being elevated vis-à-vis the students. So they are getting a sense of how to delegate and how to present. And so it's all good all the way around. You do have to be creative. You do have to actively seek it out, but I do think that the opportunities that are going to present transferable skills development do exist. But you have to dig a little bit.

MR. SANDMAN: Kelly?

MS. TAUTGES: Just building on what she said, I think that in most of the major cities, the community economic development projects do offer a lot of opportunities there. In Chicago, for example, we have the Law Project, which is a project of the Chicago Lawyers' Committee for Civil Rights. And in addition to the work that's already been mentioned, they have a Nonprofit Legal Assessment Project where law firms come in and they assess a nonprofit in all areas, from intellectual property, to their benefits, to their tax needs, and write a report. So for firms, they're allowing their associates and partners to have in-area pro bono experience as well as teambuilding across the firm, because they're all working together on this one project. And in that project, the Law Project works really closely with the firms to talk about: How can we better meet your needs? What kind of volume can we do? Where should the boundaries be so that we're getting enough of these projects in? So it's really — the communication and the partnership there allows it to expand the kind of work that they're offering.

MR. SANDMAN: Marcia?

MS. LEVY: There are also opportunities internationally. There are a number of organizations that are doing micro-financing kinds of work, and that provides opportunities really to a whole different set of lawyers within the law firm that otherwise might not get pro bono that matches the work that they do — for ideas. One of the organizations that does that, many of the firms have partnered with them.

The other thing I wanted to mention, I know we're going to be talking about law school collaborations, but what we've all seen in clinical education is that most law schools at this point do have some kind of economic development or small business kind of clinic. And we partnered with one of those clinics, and that provided opportunities for us to get our associates to be doing legal work and transactional work, but also to supervise the students and for the students to learn a great lesson. The lesson was at 1:00 in the morning when they were working and they'd send an e-mail, being not used to hearing back from their professors until the next day, five seconds later, they'd get an e-mail, not only from the associates, but the partner.

MR. SANDMAN: Ann?

MS. SHALLECK: To get the best opportunities I think requires a certain kind of creativity that — where there is a tension, but I think a productive tension — between pro bono and professional development. So let me give an example.

In my clinic we were doing an incipient mortgage foreclosure case. Luckily we got the case before the foreclosure began, back before we knew about the subprime lending crisis. It was still called predatory lending. And if we had taken advice from the pro bono people in our pro bono project, we would have just done a modification of the mortgage and kept the tenant in her house in a slightly better — kept the owner in her house in a slightly better — situation. Instead, because we were a clinical program and because you have professional development programs, they started probing: What actually had happened in giving her that mortgage? What was legal and what wasn't legal? Why had the mortgage gone from the originator of the mortgage to Citibank in 24 hours through 25 different banks? And we weren't able to sue most of them, so —

So, anyway, if you let the associates take a problem and not just see it as I'm helping a poor person get a little bit better situation, but I'm helping a client figure out what this complex

transaction was about. I kept saying after we finished this case after many years, giving her several years in her house without paying mortgage and a much better mortgage deal and getting rid of the predatory lending, the students learned about the subprime, they learned about bundling, they learned about leveraging, they learned about slicing and dicing, because that's what had happened to her mortgage. I kept saying, "How could our economy rest on Mary Jones' house?" And it did, it turned out. It did. Because the originator that she had gone to, the students went to the originator, and the originator was like a vacuum cleaner sucking up poor people to get them to refinance their mortgages in terrible situations.

So any associate at a law firm who had dismantled that mortgage and would have seen what the terms were, how it was structured, how it fit into financing, what they were doing with the mortgage, would have learned something incredibly important. Now we see the details of those mortgages coming out in the litigation between great big law firms who were fighting over what was done wrong in all of those mortgages that are in those packages and who's responsible for them.

But that's why I'm saying if firms, in their professional development programs, see those cases as windows into things that will be part of the law firm world, then the merging of pro bono with professional development has enormous potential.

MR. SANDMAN: Thank you. Wendy?

MS. PERDUE: I wanted to build on Marcia's suggestion that firms that are looking for opportunities go talk to your law schools nearby. Schools run clinical programs. Many have transactional clinics and have begun to build relationships with the local small business organizations. Within the city, the City of Richmond has an organization that we've partnered with as a source of referrals. Our clinic uses it as a source of referrals, but there's plenty work to go around, so we'll share with the firms that are also interested in building practices. There are — again, if you — reaching out to the law schools, many run their own pro bono programs, and some of our most effective ones are ones in which we team up with a firm. So we have an established program with Williams Mullen doing immigration work. That particular one is immigration, not transactional work in particular, but we regularly place five students each semester. They're working as part of an established program. We team with them to find the cases to work with them and provide a steady stream of work where lawyers from their firm and our students are working together. It's terrific for the students, but it's also part of the ongoing project for the firms.

So talk to your law schools. If you don't know where else to start, go talk to the law schools, and we'll help you work together in finding that work.

MR. SANDMAN: Thank you. I think we've gotten a great explanation of the case for connecting pro bono and professional development, both the why and the how to. What is the state of integration between pro bono and professional development in the legal profession today? Is this cutting edge? Is it something that everybody sees and it's been widely adopted? Amanda, what's your sense of where we stand in the profession in terms of this integration?

MS. SMITH: I think this integration has always existed to some extent. I think that historically it's always been the case, especially in litigation practice groups, that certainly for the last 20, 25,

30 years, that law firms, especially law firms in DC, frankly, have looked to pro bono as a way to develop more junior associates.

I think that the formal association of the programs is something that we're seeing happen much more frequently now. Whether it is in the law firm adjoining of the functions, such as is the case with Marc's position, or the position that Marcia previously held and others, the — or if it's a close collaboration between the individual who is responsible for the pro bono function and the professional development function.

I think that there is some tension, perhaps productive tension, between those things for the reasons that Marcia described, but we have to be very careful in — the people who do what I do at law firms have to be very careful to ensure that the work that's done under the umbrella of the pro bono practice meets our internal pro bono definitions. We're held to those standards by our own firms, but also because we're required or we decide to report the pro bono time that we spend to external entities like bar associations or the *American Lawyer* or other entities. So I think that there is a lot of pro bono practice management that goes into that. I think that the formalization of the relationships is something that's only going to increase over the next few years.

MR. SANDMAN: What are the obstacles to — is this meeting resistance in some corners? Are there firms that are reluctant to do this or not doing it well? And, if so, why? What's the problem?

MS. SMITH: Well, I think, yes. I do believe so. I think that there are some. And the reasons vary, and I think the reasons are valid and they involve some of the things that have been mentioned already today. One, I think that there is, among the management of many law firms, a concern about the ability of a transactional practice group to have a program that supports the professional development of its associates.

As I had mentioned earlier and as we discussed earlier, I think that there is room for that. I would venture to say — and I would be interested in comments from the group — that I don't think that it would ever be contemplated that an entire law firm's — the entirety of a law firm's professional development program would be centered on its pro bono practice. I think that that would be — I see a lot of nods, so I'm sensing that there's consensus on that point. But I do believe that there is room for every practice area to have a role for the pro bono program.

I think also — and I really do believe that this is true — is the point that Marcia made earlier about a reluctance to dilute the pro bono practice in some respects is a very valid concern and a real concern for some law firms that — I think that many law firms look to pro bono as a way to maintain and enhance the culture of their firm and a way to allow its — the firm's — attorneys to feel like active participants in a profession and to sort of adhere to the highest ideals of the profession. I do sense that thoughtful people would be somewhat concerned about having that purpose be subsumed in some way to this idea that it should just drive, you know, value for the firm's commercial clients. Although, of course, it does that.

So I think that's a — it's an important thing to keep in mind when we talk about these issues. I think that the people who run pro bono practices at large law firms have an obligation to think about the ways in which we can do both things, where those — the Venn diagram exists and

where — you know, developing projects where we meet an unmet legal need that is real and provide real service to our pro bono clients and competent service to our pro bono clients, properly supervised pro bono service to our pro bono clients, but also meet the other professional development objectives of the firm.

MR. SANDMAN: David?

MR. UDELL: I would second what Amanda said but just maybe say it slightly differently, which is that: It's clear to me in New York City that many of the leaders of the bar are people who are doing well by doing good. So some of the most highly regarded firms in the city, some of the most highly regarded partners, some of the most commercially successful, prosperous firms and partners are also those who are the leaders in doing pro bono in the city and very involved in initiatives to strengthen the courts, very involved in initiatives to help the legal services community, very involved in initiatives that are really making a difference on the ground. And also I think, as was alluded to earlier, what the senior partners do is an inspiration to what the junior people in the firms are doing. So those firms are the firms that are able to draw more people into pro bono as well.

MR. SANDMAN: Mike?

MR. NANNES: To your question about how law firms react — I'm Mike Nannes. I think where I get a good level of comfort is when you can have programmatic relationships between some pro bono interest and your law firm. That gives you a whole host of comforts: that there is supervision; that there's integration; there's multiple people who can do it. When there's workflow, you have multiple people who can participate. It also suggests that when you go through the relationship starting process that you're picking the right kind of organization to work with. And at the senior management level, you don't have to worry on a day-to-day basis what kind of thing is coming in. You know that this is in a good space and we're doing more work with X Organization or Y Organization.

At our firm, rather than having 15 organizations we work with, we try to pick two or three or four where you get a more tight relationship, where we put our signature on the relationship but also have people see — to your point, David — a senior person involved in the relationship, and it percolates all the way down to the most junior associate. I want to work on the project that David has indicated he thinks is important, that the firm has built a structure with. It involves both the training as well as financial contributions as well.

MR. SANDMAN: Marc?

MR. KADISH: I think we still — getting back to some of the concerns that Aric articulated at first, I think we have to be realistic about the fact that in today's world, you're driven by two concerns: Can you increase your revenue, which is uneven and difficult, or can you cut your expenses? And I think firms have generally been more successful in cutting expenses or trying to cut expenses. And my fear and concern is that pure simulated training is one of the things that is not viewed as a core expenditure of monies. In the old days I remember my budget for litigation training was two words, "be reasonable," and that was delightful.

MR. SANDMAN: How long ago was that? (LAUGHTER)

MR. KADISH: It was a long time ago. And I think we now have to be even creative in terms of you used to have firm-wide gatherings where you would bring associates from all over the country, because one of the values was they would learn to work with each other, they would get to know each other, but those were enormously expensive. And so now I think we're beginning to move to, "Marc, let's do the deposition training in the Chicago office this fall, and then we'll do one in New York," and the only one who has to travel is Marc, rather than the associates, and it's still valid.

And so in some senses the cutback in the pure budget for training, since pro bono really doesn't have a budget — I mean, the partner in charge of the office is saying, "What's your pro bono budget on this, Marc?" And I was, like, "We don't have one." It's all part of the matter number, and so it's easier to, shall we say, lose it within the matter number. So pro bono goes along, and then you have the value of combining the development and the pro bono. But the reality is, I think that pure simulated training programs have taken somewhat of a hit over the past few years.

MR. SANDMAN: Maria?

MS. MINOR: I think there have also been some changes in the professional development world that make integrating pro bono and professional development much easier now. I think a lot of firms have moved to this core competency model where we're expecting associates to develop client service skills, professionalism skills. And pro bono has a place in a lot of those core competencies.

Legal aid service providers have caught on and are also getting much more sophisticated and are pitching their work in terms of "this will satisfy the client service work." When you are dealing with a pro bono client, you're having to strategize: Is that a legal judgment? Check. So I think while the new legal economy is kind of scary, there also have been some really good changes that make it easier to bring pro bono in and not count it as a cost, but really count it as part of what we're promising our associates we're going to help them develop into.

MR. SANDMAN: Marcia?

MS. LEVY: You know, I'd be sad if as a result of the kinds of things we're talking about an associate, or a partner for that matter, who wanted to do something truly out of their passion for a particular subject area or a client or issue was asked, "Well, what skills will you develop?" and if they couldn't articulate them, that matter would be discouraged or even rejected. I don't think that by melding these we're suggesting that everything has to be somehow skills-based, although I think we could pretty much say we could find a skill in anything that somebody could be doing pro bono.

On the other hand, I would also feel sad if — and this happens — you know, when I was at the firm, I would get in a sophisticated litigation matter and I couldn't call the professional development person — of course, that was me, so it was a pretty amusing call to me — and say, gee, which fifth- or sixth-year litigation associates could really use experience in court, because they're going to be evaluated. Let me call the associate development person. Oh, that's me, too. And I know that that person really better get her trial, you know, or their evaluation, you know,

as they're coming up to the next stage of their career is not going to be really as fulsome as it could be.

But I also would take heart from the fact that I knew that if I put that associate into a prisoner's rights case, which might be the kind of matter that it was that would give them that experience, that I had no doubt that they would become as passionate about the issue by being exposed to it, by working with the other associates, that somebody might who maybe was at that starting point.

So, you know, I think one of the things that just stepping back a little bit we might think about is that, historically in the firms, these areas were very siloed. The professional development person didn't talk to the pro bono. They might not even know their name, who it was. You know, the professional development person or pro bono didn't speak to recruiting. All of those things were very siloed. And I think what we're seeing, whether this gets put under one person or it's still under the same four people, is that people are talking to each other and that there's more much of a sense of, whether it's in one person or more people, the ability to say, you know, who do we have that we should really get into this matter, or what kind of matters, you know, do you want to see us developing that might be helpful to the growth of our associates at the same time, you know, as somebody said, that we're doing good.

MR. SANDMAN: Thank you. I want to underscore your point about the unique satisfaction that comes from being able to use your professional skills to pursue a personal passion. It doesn't get any better than that. And I know from my own experience doing pro bono work, the most memorable experiences I've had were ones where the skill development was subsidiary. That was just an added benefit. It was the substance of what I was doing and that I cared about it that made it the experience what it was for me. Kelly?

MS. TAUTGES: Echoing those same thoughts, but in the same way that Amanda had suggested that a professional development program could never rely solely on pro bono, nor would you ever hold that pro bono programs were ever driven only by professional development, but that to the extent we can educate both associates and management and legal aid organizations about the different professional developments and use that to raise the profile and to give another reason or another benefit, then I think pro bono wins, right?

It can bring more people into the fold. Before I was at the Chicago Bar Foundation, I was an associate at a large firm, and all of the pro bono I did was because I wanted to. I wasn't thinking about professional development at all. But then when I look back on it, you know, I realized, like, oh, well, I — since you're more worried about billable hours and what you were charging a client for, that's how I learned how to, like, investigate the physical site of someplace where something happened.

And where you have that time to explore all the contours of the case, which I think is what Ann was raising before, and that put me — that made me a better lawyer. I mean, regardless of what skills you're going to check off or how you're going to talk about it, that's how I learned the really important parts about being a lawyer, by telling a client bad news or managing their expectations. So no matter what practice group you're in or why you're doing it, I think those experiences are just really essential to becoming a better lawyer.

MR. SANDMAN: Marcia, you made the point about the time when the person heading the pro bono program and the person heading professional development might not have even known each other's names. How do you go about building bridges between those two functions, particularly in the firms where they haven't been combined, where they are still two separate divisions, departments, or — Julie, do you have thoughts on that?

MS. CARPENTER: Yeah. I'm fascinated to hear this discussion, because I think our experience at Jenner & Block has been that we've had this really long history of pro bono interest, and people come to Jenner to do pro bono. So we've had — we're entering our hundredth year this year, and at least 75 years of that, we've been doing a lot of pro bono. And only lately really have we focused more on the professional development aspect of it. So I think we have a situation where people come and they have their own passions, and it has long been a very organic practice so that people come in, they're interested in, you know, domestic violence or they're interested in immigration or they're interested in women's rights in Mongolia. They have some project that they — you know, some litigation project, some transaction practice. Anything that anybody brings in can go to the pro bono committee, and the pro bono committee, as long as there's, you know, an associate who's willing to work on it and a partner who's willing to supervise it, and we have some, you know, comfort level about the expense, it will be approved.

So it's a very — it's an organic mishmash, if you will, of lots of different interests of lots of different people. That leads to a lot of vibrancy in the program, and people are very excited about it, but it also raises challenges for the professional development. And I think what we saw was that there were lacks and there were — Particularly as the practice of law got more sophisticated and clients got more sophisticated and the cost of lawyering went up for clients, the clients started to say, I really don't want a first-year law student — or a first-year lawyer — doing my deposition, that we started to see places where pro bono could fill in some of those gaps. So really as a result of that and of our adopting a competency guidelines sort of a metric for measuring associate development and evaluation, we started to try and fill in those gaps with pro bono experiences. So instead of starting from professional development and moving to pro bono, we really started with pro bono and used that to fill in some of the gaps that we saw developing in the professional experience.

MR. GRUMM: I don't want to stop us, but I must. So let's take a brief timeout, and we'll reconvene in just a moment. Thank you.

(BREAK TAKEN FROM 1:59 P.M. TO 2:03 P.M.)

MR. SANDMAN: Mike and Elaine, can you tell us how things work at your firm, Dickstein? How do you relate pro bono and professional development? Mike, from a management perspective, how has this worked?

MR. NANNES: We can go from both ends of the looking glass here. Maria was making some comments earlier that took away some of my talking points, but happily so. (LAUGHTER)

MR. NANNES: One of the things that we really try to do with associates — we are still trying to do this with partners who haven't learned it yet — is causing them to take responsibility for themselves and take responsibility for their personal development. So in our associate evaluation process, we have a system with core competencies to show people what they should try to

accomplish to get to the next level in their professional development. They have a — each associate has a professional development partner who works with the associate each year a couple times during the year, and at the end of the year when they get their evaluation, the partner will go with that associate to the evaluation to hear how they're doing and what they're doing well and what they're not doing well and, particularly, what they should aspire to do in the following year.

And with one of my subjects — I have my own couple cases with people who I'm the professional development partner for — I say, step up, and if you need this kind of experience next year, more often than not, as we were saying during the break, you can get a lot of experience running a pro bono matter much more quickly than in a very large multimillion dollar matter. So we challenge the associates to focus on their competencies, where they want to go professionally, and to seek out opportunities. And if they bring an opportunity to the firm, yes, it's very good to do good by doing good. It's also very good to say, "This is important to my development. You've asked me to develop this way." And then when those stories are told, how those relationships both worked for the client and worked for the skill set development, it kind of resonates.

MS. ARABATZIS: Thanks. That's actually a great segue, because, as you know, of course, he's steering the ship and I'm putting it — making it happen on an everyday basis. I think engagement is critically important, being engaged with the members of our professional development staff so they're brought into the discussion. If there's a major matter that's going to — a civil rights matter, a constitutional law matter — that we're going to be in for years and we're going to have to staff it up in a fashion similar to that way which we staff our billable matters, I want to make sure that PD is in on that so that I'm sure to be playing to the people's particular needs and selecting with great specificity who's going to benefit most from this particular opportunity.

Policy changes where we made pro bono mandatory for first- and second-year associates, that was something that PD weighed very heavily in on because it ties directly to the development of the skills that are transferable to their billable matters. Certainly, collaboration with our PD staff: I'm in regular communication with our senior manager of professional development. He also happens to sit on our diversity committee. So there's overlap in a couple of different ways which lends to a lot of different vehicles for communication on a regular basis. I think it's very important, because — to the extent to which we are able to identify common goals. "I have a need in this particular case. We need somebody to do this particular task," and then I speak to somebody who says, "Oh, this Associate X would be ideal for this," or I happen to know from my interactions with particular associates, in this instance, diverse associates, I'll cherry pick good pro bono assignments for them that I think are really going to help them shine, show their skills to the partners for whom they're working. I think that that's really important.

But to tie it all back to what we talked about before, it all has to be relevant to their own specific skills development goals. So for me to give a litigator, you know, a transactional matter doesn't make any sense. So it has to be in keeping with what it is that they want to accomplish. So it can't be willy-nilly. It has to be — And there's ways to be creative about it, because what Amanda and Marcia had pointed to before, negotiation skills apply across the board. Advocacy skills apply across the board. But there will be certain instances in which there's much more pointed skills that we're seeking to develop, and that's the ways in which this collaboration —

and knowing who's who and knowing who's working on what. Luckily, if you have an involved staff, most of us know at any given point in time where people stand, what it is that they might be in need of, and how can we help to buoy them along and support them as they're finding their way.

MR. SANDMAN: Aimee, can you speak to the integration of pro bono into a corporate legal department?

MS. IMUNDO: Yeah. This is really fascinating to listen to, and as the representative of in-house — this is Aimee Imundo from GE speaking — I can say that companies are really appreciative of the professional development efforts incorporating pro bono and other ways to get real practice for associates, because then, of course, that means they're ready for us to hire when they reach the senior associate ranks. (LAUGHTER)

MS. IMUNDO: So it's a very interesting perspective for us, because as an institution, multinational or even smaller companies are not that particularly interested in professional development. It is assumed that you're fully baked as a lawyer the day that you walk in the door. And, indeed, a sophisticated legal organization like mine has a lot of depth around very specialized skill sets. So there's not much the institution can offer in terms of professional development other than a steady diet of more sophisticated matters, more globally complex matters, too much almost.

So how do you make pro bono relevant to those lawyers who are way busy, are not surrounded by a legal community and staffing that is the way that staffing is done in a law firm, where you've got multiple levels of folks who are going to be interested? Some can supervise. Some can really run matters. Some are new and are eager to learn and able to jump in. That becomes a real challenge. So for us we're finding that we're trying to become more programmatic, and we're finding that lawyers are looking for work to do that sometimes is really outside of their skill set — just because it's a change or that it might be an area where there's a contiguous skill that makes sense to them that they can then use in a different setting.

So you'll see transactional lawyers not particularly looking for transactional work. They've got it; they get it; they know how to do it; they do it all day. Enough already. But those lawyers, we've got a bunch in Washington doing direct legal services. And the way that you get them to do that is that you explain, "There's something new in this for you, but it's going to build on your skills, your skills being, primarily, you know how to talk to a client and help the client figure out what they want, because lots of times the client doesn't really know exactly what they want. You're going to help them get there."

And then if it's a matter that could result in an administrative trial, you say, "It's a meeting in a conference room. You know how to do that," and then you get lawyers showing up. But the other way that you integrate it is you try to find programs that might make sense to us institutionally, other programs that will promote our brand or promote something that's important to us as a company. If so, you're going to get a lot more institutional buy-in, and I'll give some examples around that. GE is multinational, but we've made it a stated goal to be more global than we've ever been before. So we're finding some lawyers really like doing international work, and globally, we've gotten involved in a lot of legal education kind of efforts. So we'll — one project we did involved getting a lot of fairly senior lawyers together and they — you know, in a

developing country, and they actually spent a couple of days with a group of young people kind of educating about some of the framework of — you know, kind of the building blocks of a legal system in a country with an emerging regime. And you wouldn't call it traditional pro bono, and yet it built on a lawyer's skill, which we do a lot of inside, which is education, and it also sort of gets you around some of the global issues in pro bono, where in some countries you cannot take on a direct legal representation for free. In Brazil, for example, you can't do that. So then we get active around education or something like Street Law, which we do count as a pro bono kind of effort.

So institutionalizing it and then partnering — which, as I know, somebody will talk about as well, partnering becomes really crucial as well, because we don't have the infrastructure. And all the specialized lawyers I've mentioned are not going to take on a matter if they feel like they're the only one responsible for it, because nobody ever wants to be in a position where they cannot serve both clients at the same time. And if you are one person, you could be afraid that something would fall through the cracks. If you're two people and you've partnered with somebody else, and it could be a law firm or it could be a direct legal services organization, or both, which is how we're doing it in DC, then you have people stepping up because they know they'll be supported.

MR. SANDMAN: Aimee talked about the in-house corporate perspective on defining pro bono, and particularly in a global setting, how you need to look at it differently in different places. What about this definitional issue when a professional development director has one view of what pro bono is that may not be consistent with the definition that the pro bono people have? How do you explain that? I mean, the situation that comes up relatively frequently is that some people in law firms think of community involvement as being pro bono, because you're not paid for it, but may not meet the definition otherwise. Amanda, do you want to speak to this?

MS. SMITH: Sure. I think that it is a matter of developing and maintaining internal standards. I think most large law firms at this point have pro bono policies that describe with particularity the difference between, as you said, pro bono and community service, and most large law firms now follow the Pro Bono Institute/ABA definition which also specifies the difference between those two things.

And there's another control in most firms, which is that the firms only get credit with the bar associations and with the *American Lawyer* for pro bono work that falls within this, what has become an industry-standard definition. So I think in working with those tensions inside a law firm, it's important to have those standards in place and to be able to reference them easily. What I always say is that the firm is entirely within its discretion to give credit for whatever it will credit for, you know, and billable — that's — I think that it's safe to say that the ability to give a billable hour credit for work is a significant driver of associate behavior. And so, you know, I think firms have discretion to give that kind of credit for the firm work that they deem to be worthy, even if it is not pro bono work, within that definition, and isn't reported externally as pro bono work.

If I may, though, I just wanted to make one point following on Aimee's point, because I'm so glad we're talking about in-house pro bono. I think there's a very critical connection to this conversation, which is that our topic here is not just pro bono and skill development. It's pro bono and professional development. Professional development is broader than just skill

development, and one of the things that law firms increasingly ask of their more senior associates is to develop networks that become critical in fee-generating business development. And the rise of in-house pro bono which is, I think, for somebody that has been doing this as long as I have, it is, in my mind, just astounding what has happened over the last five or ten years. The pro bono programs at many of my firm's clients are as sophisticated as law firm programs. They have internal policies. They have extremely high levels of participation, and it's very —

One of the things I was asked to think about is how you make the case for pro bono and professional development to — for management and how you have those conversations and the ability to say that our clients appreciate that we do pro bono work. They very much appreciate when we partner with them on pro bono matters, and that that will allow our lawyers to develop relationships with our fee-generating clients outside of a traditional context, the traditional, you know, fee-generating matter. And in a way, that is really unique and it's the ability — and I think benefits both the fee-generating client and the law firm person. So I think that's a critical connection to make when we think about how pro bono and professional development link up.

MS. IMUNDO: I think it's really useful to think of it in terms of the relationship development. And the point was made by Michael about how important it is to partner when it makes sense with a direct legal service provider as well with whatever that organization is. And we're doing a three-way partnership here in DC, because all those elements make sense for us. And even though we're a very small office in terms of the number of lawyers who practice law, we're finding that we can have a pretty big impact, because a small program can be replicated in other places, and we can bring our law firm partner in as well. But we do appreciate that partnering with in-house lawyers does entail costs for the other organizations, and so it is appreciated in the ways that a client can appreciate it in this environment, and I think that's important to note, that there's no free lunch.

MR. SANDMAN: Aimee, can you say a little bit more about how GE got into pro bono work in the legal department? Amanda noted what some have described as a revolution in corporate pro bono over the past 10 years or so and it seems to be accelerating. How did GE's legal department come to get into pro bono?

MS. IMUNDO: Well, I would say that you can't — you shouldn't look at it just in terms of a revolution in pro bono. We should be thinking about it in terms of a much higher consciousness of the need around being a good corporate citizen. So it's kind of a citizenship question. So companies like GE are asked to lead in every respect, and so it is a completely natural extension of that for the head legal officer to, in turn, realize that his organization needs to lead in this area as well. And then GE and so many multinationals put a lot of emphasis on leadership itself, and we know that you can't lead from behind. So that's really how it started.

And the model that was used really integrates GE's desire to develop leadership in its lawyers, which goes to the point about professional development, that people were just allowed to come forward with whatever they could think of. So it really was — for a time, folks were just reaching out to lawyers that they knew whose firms we're close with and kind of just started a dialogue around, "What would make sense for a partnership? Do you want to? Can you? Should we? What would we work on?" And this happened on many, many levels. And then that's kind of generation one, and you try a bunch of things, and some of them don't work and some do, and the ones that do begin to gain momentum, and then they begin to go global. And that — I wish I

could say somebody had a centralized vision, and to the extent our general counsel did, his vision was a great one, which is to say, “Folks, if you want to do it, go lead. Go do it and let’s see what happens.”

MR. SANDMAN: That’s a really important point that both you and Amanda have made, that it’s a mistake to come at this thinking of competencies and checking them off; that there are broader professional development objectives, things like leadership or more mundane things like project management that every good lawyer needs to know. What has the experience of others been in trying to articulate the connection between pro bono opportunities and those kinds of professional development opportunities in your settings?

MR. KADISH: Well, I think it may have been some pessimism on my part or slowness of my firm to get on board. For a while, I’ll be honest, I thought that client-corporate partnerships were a bit of smoke and mirrors and there wasn’t a reality, but under the rubric of corporate social responsibility and the notion of corporations becoming more, as you said Aimee, you know, citizens and emphasizing that, I see now a whole movement that involves diversity, pro bono, the environment, financial contributions, all being rolled into one thing.

Clearly, we all know that whenever you get an RFP nowadays, it used to be a number of years ago: Let us know your diversity statistics. Now we want to know about your pro bono statistics also. So it all melds together. From my perspective, this is one of the areas where lately things have really picked up enormously, and where I’m getting buy-in is the whole notion of you now have client teams for each of your bigger clients. And when they see — the relationship partners see that it is helpful from a business perspective, I’m now getting calls about, “Well, contact Caterpillar. We have this great idea. We want to do partnerships with them. We want to do this. We want to — “ And now I’m getting so many calls, I have to say, “Whoa, whoa, wait a minute. Wait a minute.” There’s only so many hours.

But I think it has become a reality and I think, again, you have to be creative about it. So I’ve been fortunate to teach trial advocacy in Cambodia for the past four years through the ABA Rule of Law Initiative. Last year I made certain that someone from Caterpillar was invited to participate with us. I then made certain that lots and lots of pictures were taken of the Caterpillar lawyer teaching in Cambodia, which were then sent to the Caterpillar legal department so that they could publicize it on their own. So it’s a creativity and it’s development of professional development, what we would now call soft skills, not just cross-examination, but project leadership, being a leader, how you do it. And I, myself, have learned an enormous amount from being president on a board of directors myself and seeing how those function. So I think it all comes back to trying to be creative in the work that you do.

MR. SANDMAN: Maria?

MS. MINOR: I think for our core competencies, those basic things, project management, those are included in our core competencies. Leadership is included in our core competencies. And through this process that Michael was talking about in terms of helping associates sit down and figure out where do I need to go next, pro bono is included in there. So, for example, for the leadership, a couple of our young associates — they’re young — are on the board of CARPLS, which is a phenomenal organization that provides legal services on a kind of help-desk basis in the courtrooms. The reason they were able to get on that board, of course, is because they were

already very involved in pro bono. So as we're kind of institutionalizing pro bono, publicizing what we're doing, letting people know here's the crumb that you get when you do this really good work that you really care about, people understand it and they start doing it more. So I think, yeah, we definitely are incorporating those basic core competencies into it.

MR. SANDMAN: Marcia?

MS. LEVY: I think one thing that happened, as Julie said, you know, before we had these structures about pro bono in the law firms, I mean, I think most law firms did it, you know, and so — and then the pro bono counsel position came about or the coordinator, and it became more coordinated, but there was that spirit there. And so I think often when corporations started to think about it, they looked to the law firms to say, "Can you help us?" I mean, I know I got those calls saying, "We're thinking of starting a pro bono program. Would you help us envision what that might look like?" and then saying, "Okay, let's help you envision. Why don't we do something — why don't we do a project together?" And I think it's, you know, astounding to see kind of the different approaches. You really learn from each other.

And I'll just throw in the idea that I don't know if people know about Equal Justice Works fellowships, but those are funded by law firms. Now they're being funded by law firms and corporations together. So they might fund one fellow who's going to be doing work that both organizations are interested in doing, so that you have law firm associates and corporation in-house counsel supporting the Equal Justice Works fellows not only financially, but actually doing work with them. So it becomes a model where you have them working together on projects, not just working separately.

MR. SANDMAN: Amanda?

MS. SMITH: I just wanted to provide one very concrete example of what Marcia just said, because it's a particularly cool project that has developed. Morgan Lewis and our client, Hewlett-Packard, jointly sponsor an Equal Justice Works fellow. It ties into many of the things we've discussed. We sponsored her salary for two years to go out and provide transactional legal services in rural California helping small, green businesses, mostly immigrant-owned businesses, form. And we agreed that the Morgan Lewis and Hewlett-Packard legal departments would connect with those clients and provide legal services to those clients and, in fact, went out and did something called a Justice Bus and took 18 Morgan Lewis and HP lawyers and put them on a bus and drove them out to the central valley in California and had a set of meetings with our six — the six community organizations who are forming green co-ops. They're performing community gardens to feed the people in their communities.

And I have to say it has been something that is a nice synergy, because it — we funded the work. It was an investment in her time. It helped support our initiatives and our strategic initiatives for our pro bono practice, but also allowed us to work more closely with our corporate client and give us an opportunity to develop those relationships. So I really do recommend that as a way to be more strategic about your pro bono and professional development initiatives.

MS. LEVY: And if I could just add one more sentence to that. The person you're funding, they're going to stay in legal services.

MS. SMITH: Right. It's an investment.

MS. LEVY: So, you know, we haven't even talked about the idea that people are doing so many different things at firms. But by forming those partnerships with legal services or with law schools, you're actually developing skills and support for somebody who's going to stay in the business of legal services, which I think is really important.

MR. SANDMAN: Elaine?

MS. ARABATZIS: Just two brief points on this, because I think it's really important, and you alluded to it before. I think that firms need to be mindful that if they're going to partner with a corporation, they have to be prepared to be the laboring oar, because — and that's a function of the resources that are available. And as long as everybody goes into it with that mindset, it could be a very great collaboration.

The other thing that I think is not to be discounted, especially in this shifting legal services paradigm, is this is a form of succession planning, because you're allowing junior in-house attorneys to work directly with junior law firm attorneys, and they start to get to know one another from a very early stage of their professional development. I think that, in turn, lends to — as time goes on and they both ascend within their respective organizations — that can hopefully lead to paying work down the road. So, you know, this is all part and parcel to the grander scheme and it all fits very squarely within, I think.

MR. SANDMAN: Aric, you're smiling.

MR. PRESS: Yes. I would just like, at the risk of piling on, on behalf of Equal Justice Works — Look, we're — I'm in publishing. We sponsor an Equal Justice Works fellow. I'm in publishing. (LAUGHTER)

MR. PRESS: Those of you at law firms, there's no one around this table — if we can do it, there's no one around this table who can't also do it. And the thought of doing it with a client — please.

MR. KADISH: I think that's the coming thing, and we're co-sponsoring an Equal Justice Works fellowship with Discover credit cards, and we've, you know, put strictures on. It's going to be in Chicago. We're going to — all of the things that all of you have discussed, I think that's — It's just that the sinews coming together, the sophistication — you know, think of it. When I started, pro bono consisted of a partner saying to you, in all honesty, "My gardener's son got arrested. Could you help them out?" And we've gone so much further than that, and even in the training sphere, what that first meant and now how sophisticated it has gotten. So I think this all speaks to that.

MR. GRUMM: And as a product of the Equal Justice Works pipeline, I'm very happy to put a punctuation point on the end of that series of thoughts. I'm going to call halftime right now and we'll take a break and reconvene in a few moments. Thank you.

(BREAK TAKEN FROM 2:29 P.M. TO 2:44 P.M.)

MR. SANDMAN: Let's talk about pro bono and professional development from the perspective of legal services providers, the organizations that are coming up with the work that we give to lawyers doing pro bono work to help them develop their skills, among other reasons. The purpose of pro bono is not to provide training opportunities for lawyers and for-profit practice. It's to serve clients. And I think sometimes it can be a challenge to already overburdened and under-resourced organizations to feel that somehow they have to be able to package their pro bono opportunities in a way that's going to be appealing to lawyers looking for training opportunities.

So how can people in the for-profit world be sensitive to all of the pressures that people in the legal services world are under and communicate with them in a way that will make things work from the other end? How do you have this dialogue about achieving mutual objectives in a way that is going to resonate with the legal services providers? Amanda?

MS. SMITH: I think that increasingly you find that while there are more and more pro bono professionals at law firms — pro bono coordinators, pro bono counsel, pro bono partners — there are also increasingly pro bono professionals at the legal services organizations. For better or worse, the organizations have determined that the number of clients that can be served via pro bono counsel and via large law firm volunteers is worth the investment of resources in hiring a full-time or perhaps sometimes a part-time staff person who is responsible for some of the dynamics that you just described, Jim.

So I know that the people who do what I do have a whole network of people who are counterparts at legal services organizations, and there is a great deal of both formal and informal feedback that's given about ways that we can efficiently package those matters in order to make them more attractive and to, for lack of a better word, pitch them to our attorneys in a way that will make it clear the kinds of training opportunities that are available.

I absolutely agree with what you just said about being mindful of overburdening our partners at the legal services organizations who are obviously under-resourced and to crisis levels. But I do think that there's a productive back-and-forth that happens when you have an individual on both sides who are tasked with minding that relationship.

I also think it's the responsibility of the people who are in charge of the pro bono programs at the law firms to, rather than necessarily expecting that things are going to be packaged when they come to you, taking a critical look at them and doing that yourself and, you know, rewriting the description of the matter in order to make it clear that "It will take this many hours approximately. These are the skills you could hope to gain."

My experience has been that even if it's not me, myself, but working with the associates in particular on our pro bono committees in our offices, that's a really good thing for them to do to try to think through the kinds of details about that particular matter that could be drawn out and emphasized in a description that's circulated to their peers.

MR. SANDMAN: Kelly, can you address the issue from the perspective of a legal services provider, the Chicago Bar Foundation? And do you have any thoughts on how you deal with these issues with smaller organizations that don't have a full-time pro bono coordinator?

MS. TAUTGES: Sure. So we don't provide any legal services at the Chicago Bar Foundation, but we regularly partner with the legal aid organizations and the law firms and the courts in the city to develop programs, oftentimes around particular professional development needs and skills. And so I think what we see is that the most important thing is to approach it as a partnership and to keep in mind that in addition to the goal for legal aid organizations being high quality legal services, not attorney development, but also that you don't — pro bono is cheap but it's not free. And so as they're allocating, there are really limited resources in deciding which programs to invest in.

There are all kinds of pro bono programs that are perfectly in line with those things, that meet client need and are the right investment of their resources. But when we come to them and ask them to help us develop a program that's going to meet a particular development need, that all of that burden shouldn't go on them, and that we can really share the infrastructure that's needed for a good pro bono program.

So, you know, legal aid organizations typically screen cases and develop training and provide ongoing mentoring and support for their volunteer attorneys in different ways. And in a lot of programs law firms can do some of that. Law firms can help develop the training. They can take the responsibility for training and supporting their attorneys. And one example I'll give, because I think it's a really good concrete example of how that can happen, is a program in Chicago where a judge had an idea to have law firm associates represent litigants in low-stakes jury trials, right? So for the court, the court was saying we have all these pro se litigants in here where a jury demand has been filed and it's awful. I mean, that's awful for everyone involved. For law firms, that's obviously really attractive to have junior associates getting to have a jury trial that doesn't involve a lot of discovery. Most often the jury trials are a day or two. But from the legal aid perspective, people weren't really handling a lot of those cases because they were very low priority in the face of everything else that was going on, and they were pretty wary about how we were going to manage those. And, you know, the law firms, some were like, "Well, it will be great. We'll just take the cases when they're teed up for trial," like, "That's great for us." You know, but from the legal aid organization's perspective, we want someone to come in at the beginning.

And so there was a very open and extensive dialogue with the legal aid organizations and the courts and the law firms about how we can meet everybody's needs. And we crafted this project where it works for everyone. And, you know, for example, on the trial issue, we figured out that because there are mandatory arbitrations in every case, not — if you come in at the beginning, you're going to be guaranteed an arbitration where you're essentially using the same skills and developing the same skills, where a trial might settle. Then we divided up the infrastructure that's needed among several different legal aid organizations who have an interest in this area. And the court supports the program by recognizing the volunteers, giving all kinds of recognition and support to the training. They bring the judges in. They'll bring the arbitrators in. So it's been this great example of how you can work together to make sure that everybody's needs are met. I mean, Maria's firm participates in the program.

MS. MINOR: And it's been wonderful from so many perspectives, and including that leadership opportunity. We had a second-year associate get a jury trial, which was awesome. The judge thought she did a phenomenal job, so recommended her for an award, and she got that, so that gave the firm good press. Awesome. Then she went on to do the training. So, again, sharing that

burden of the legal aid organization and to train all these people, now she's training people. So here she is now, a fourth-year associate, and she has teaching experience and speaking experience and all of these other opportunities. And it's not something that Neal Gerber has; it's something that 10 different law firms in Chicago are sharing, and we're all getting these benefits, and these litigants have help with a jury trial. So it's been amazing.

MR. SANDMAN: Caroline?

MS. HUNT: Going back to where do you go to get pro bono, one of the agreements of Thomson Reuters Foundation is to — we launched the TrustLaw Connect recently, about 18 months — 2 years — ago. It's basically an online service where you can sign up as a lawyer. It's completely free, so this is not an advertisement. And on there at any one time are 750 NGOs, governments, and social enterprises signed up, and they post their projects online. They're carefully vetted by our own in-house lawyers based in London, and if they make the grade, they go online and we tell you about them in an e-mail and you can go and search and find what you want, whether it's here in this country or whether it's globally. It's anything from, you know, setting up a small charity in rural England to the thorny issues of slavery and trafficking, that kind of thing. And we'll hold your hand throughout the whole thing. We'll help with the marriage, if you like. We'll attend the meetings. We don't get involved, just like you don't get involved in the advocacy, but we will be there sort of vetting it and seeing it through to completion. And then when it's complete, we will then build a case study and a report on it. It will go online. So it's there for everybody to see. If you're really lucky, the journalists will pick it up and it will go out. So that's a great thing to be able to tell your senior management, you know, for trying to justify pro bono.

MR. SANDMAN: Thank you. David?

MR. UDELL: Sure. I was going to put a little bit sharper edge on the culture clash between the firms and the legal services bar and just say that — I mean, I think Jim introduced it very well. You know, pro bono wasn't invented to confer skills, but it can confer skills. And I think, you know, both sides have to be sensitive to the other sides. So the legal services bar does need to be aware that folks really want to get the skills training and that that is driving, you know, part of what the motivation is.

But I think they are so many differences. So, for example, the legal services folks are handling often very large numbers of cases. Many of the programs don't have a pro bono coordinator or a wrangler who can be the main liaison to the law firm folks, and so — and then also there are cultural competence issues with the clients, too, where it's hard, I think, for people who've never worked with poor clients to be aware of what some of the communications challenges are and travel challenges and health challenges and so forth.

So, you know, one searches for a best practice in this, and I think it's really important on both sides to educate the folks who are participating about the differing ethos just in the most candid way possible. I think the open question is sort of when to do that. And as some of us were talking earlier, you know, there is a sort of marketing aspect to this. You want to inspire the law firm folks to jump into an environment and handle cases partly because of the attraction of working to acquire certain skills. But you also don't want to mislead in the sense that when they get there, there are all these other things they're going to bump into.

So I think there's really an opportunity as part of the training to explain, you know, how the legal services offices work and what it means to have a high caseload and what it means to — And, also, I guess there's one other aspect which is: Sometimes the most exciting cases that come along are the ones that are easiest to place with the law firms and hardest for the legal services bar to let go of, particularly that middle-management attorney who's handling dozens of cases that are repetitive, and then along comes the very interesting case. But, at the same time, what's in it for the legal services bar really is it does advance their ambition to see these clients get the representation they need, and the firms also can do it in a great way oftentimes. And then there are perks that are easy for the firms, I think, and valuable to the legal services bar. Just the opportunity to have access to the law firm's offices for meetings, for example, is an important thing. So I'm a big fan when it comes to the best practice of just full disclosure on both sides and helping each side understand the other.

MR. SANDMAN: Ann?

MS. SHALLECK: Following up on David's comments for a few more thoughts around that: Rather than — the tendency is to see the legal services organizations as partners in the search for matters, that they will provide the matters and then packet — then there's the packaging and the selling, but even just the provision of them.

The more I think that can be done on something approaching co-counseling, something approaching really sharing in the most interesting parts of the representation rather than seeing the legal — like you were describing — seeing the legal services people as doing the teeing up, the sorting through of the messy stuff and then giving the plums to the law firms, but sharing with the pro bono people those opportunities to do that work with organizations that have enormous resources and skills that very few legal services offices have these days.

Twenty years ago there were many more legal services offices with deep level — well, maybe 25 — with deep levels of skill and opportunity that way. But if there are those opportunities to think about the matters in working with the sources of cases as ongoing partners so that those people get training in the things that — particularly those people that Amanda was talking about before, who are hired just to refer cases out. That's not the most interesting job in the world, and if they get to really do the nitty-gritty — the exciting work on those cases, I don't — that doesn't seem conceptually impossible to me.

MS. SMITH: Just to respond: That way is by far the best model, and there is no question in my mind that those matters that we're able to take from legal services organizations who can have a co-counsel relationship provide the best professional development for the associates in my firm. Unfortunately, many legal services organizations now are resistant to the idea of co-counseling because they simply don't have the resources to devote, and they have — it's my sense — and I'm obviously not a member of a legal services organizations, so I'm perhaps not in the best position to comment — but my overwhelming sense is that they're so resource constrained that they can't do that. And, in fact, I've had feedback from legal services organizations that part of the reason that they resist even implementing pro bono programs is because it takes their lawyers' skills away from providing direct legal services, and instead they're spending their time training law firm lawyers.

So there's some sensitivities there on all sides, and there's a real role for law firms to play, I think. And this is the point that I really wanted to make that I regret not making at the beginning, which is that I think that law firms have a real obligation if they are going to rely on legal services organizations to do these incredibly important — What we're talking about here is relying on them to do the first step in our professional development programs. There has to be a recognition that they can't do that without additional financial contributions and can't do that without additional direct financial support, and that just functionally it won't work.

We can't continue to ask the legal services organizations to find — go out into the communities, find appropriate clients that will meet these professional development needs for our lawyers, transactional matters, screen them for income and need, screen them for merit, and then train our lawyers, all within — you know, just because it's their mission. I think there really has to be an acknowledgment that as law firm professional development and pro bono become more closely tied, then we have to fund these legal services organizations in a more appropriate way.

MR. SANDMAN: Amen. (LAUGHTER)

MR. UDELL: One other piece to that which, I guess, might have been mentioned earlier, is just this idea of building additional expertise within the firms in specific practice areas. And it doesn't always work and you have to find areas where it's compatible with things that the firms are doing for-profit and where there's no conflict. But it can sometimes work, and you do have firms that have become very accomplished in family law matters, for example, or in immigration matters. And the more that that can happen — You know, in the old days we would have worried, well, you know, is pro bono going to replace the legal services bar? And the answer is: The legal services bar is invaluable, and the pro bono lawyers will be the first to tell you that. But, at the same time, more expertise within the law firms would expand, I think, overall the service that's given to people that really need it.

MR. SANDMAN: Mike?

MR. NANNES: One other prism through which to look at it — and I agree with all these points about expertise — is it's kind of like one of those adages from a dirty little secret from one of the older guys. We're trying to get in lots of law firms' senior people who might not have looked at pro bono as an important matter in years past. And guess what? Some of those guys are insecure as to what kind of a good job they're going to do. And I think one of the other expressions was: Some people may suspect that you're stupid. Consider whether you want to open your mouth and prove it to them.

So to get people to come out, okay — I one day went, just to taste it myself, to the intake clinic at Bread for the City because one of my partners is the president of Bread this year. And everybody expects when senior people and partners in law firms go to places, they're supposed to know everything, they're supposed to be smooth, and they're supposed to be polished. To the extent you embrace them and welcome them and have them realize that they can learn to do it, even though they don't have great knowledge, they're going to be great ambassadors when they go back to the office to get other people, to say, "I don't know how to do this." The answer is, "Neither did I. Try it and you can really find something rewarding."

MR. SANDMAN: Aimee?

MS. IMUNDO: The partnership that we have in DC does include a direct legal services organization as well as a law firm, and we've gotten some real benefit out of having the organization provide mentorship so that they're partnering with us on the cases, although they're not representing. Sometimes they can't because of the conflict, but that mentorship has been a terrific aspect of the way that the partnerships are working.

So, again, the GE lawyer feels supported. They've got a law firm lawyer, and they have a mentor. And it's been a great way for the two lawyers on the matter to stay really connected to the organization. And, in turn, the organization stays connected with us. And the way that we selected organization was so easy. It's a great group here in DC, but they were doing an initiative that included removing access to barriers to access to healthcare for kids — nonmedical barriers to healthcare. So one of our company strategic initiatives is Healthymagination, and you hear GE talk about itself in a variety of ways, one of which is Healthymagination. It's a healthcare company. So this partnership just really got a lot of traction very quickly inside the company, and we very quickly found a nice way to partner with this organization.

So, again, we have few lawyers, but we bring a law firm partner, and we've been able to get close to this organization and it's very symbiotic. So they really trumpet the fact that they've got a corporate partner. And they gave us and our law firm an award this year and, of course, we, you know, made some phone calls and wrote some letters and they broke all records this year. And we felt great about that, because I know that it costs something to have the mentors available to us to help with this. And one of the ways it came about was because the organization had a pro bono coordinator, and that was fantastic. And we had lunch a few times and we just started brainstorming and kind of came up with this, and so far it's worked as a real win-win. So, I mean, I share that for the benefit of folks doing this at the same time.

MR. SANDMAN: Thank you. Julie?

MS. CARPENTER: I think that's a great point that you made about older lawyers. One of the things we've done —

MR. NANNES: I have to do that more lately. (LAUGHTER.)

MS. CARPENTER: It's a little more personal for me lately than it used to be. But we — Jenner, as I know many firms do, participate in the DC Bar Pro Bono Clinic, so we go — five times a year, we pick up five cases, and they're all in one of four areas. So they're very clear, discrete, you know, family law, consumer law, landlord-tenant, and — I can't think of the other one. And what we've done is we have developed attorneys here within our office who — partners who — now have pretty substantial experience in those four areas, one or two partners in each area.

And I have found now that when I am trying to staff up those cases, I can go to other partners who are a little bit nervous about showing up at a clinic the first night when they don't know anything about family law. And I say, "It's okay because David DeBruin knows everything there is to know about custody law. If you don't know, you can go talk to him. He's right down the hall. He'll tell you everything he knows." And it gives them the comfort level that they don't have to look stupid. They don't have to — you know, they can go talk to another partner and have some comfort that they're going to be able to get through this.

And I think that that is something I hadn't really focused on before, but it's a comfort level. It's making people comfortable with taking on things they haven't done before. I think it was Picasso, he said, "Every day I do something I don't know so that I can learn how to do it." And that — I think as lawyers we're all in that situation, but it just makes it a little easier to take that first step.

MR. SANDMAN: I had a personal experience in this area. Ironically, my observation is that often more senior lawyers are more fearful than more junior lawyers, who have never done much of anything before, so it's all new to them, whereas — there really is a fear of embarrassment.

I recall the first time I went to the Landlord-Tenant Resource Center here in DC. I didn't know where the landlord-tenant court was. I had to be given directions. But my story is about a firm lunch when I was at Arnold & Porter, a partners' lunch, where a partner got up to make a pitch for people to do asylum cases, and he said, "I know what you're thinking. 'I don't know anything about asylum. I'm going to embarrass myself and my law firm. I can't do this.'" And he said, "There are all kinds of training resources available. We have an experienced team of legal assistants and associates who have done this right here within the firm. You can get help and training and mentoring. There are videos you can watch in the privacy of your own home with no one knowing that you don't know what you're doing. And I'm doing this. If I can do it, you can too." I knew this guy pretty well, and I said, you know, he's right. If he can do it, I can too. (LAUGHTER)

MR. SANDMAN: So that's how I got involved in asylum work. Marc?

MR. KADISH: Yeah, a couple of thoughts about this. I think one of the developments in the pro bono area is that a number of us pro bono directors are now integrated into the notion of firm charitable contributions. It happened accidentally with me when I started at Mayer Brown, but I now control or have a say in one of the budgets. And I think that's very important for us to all consider, because that does help you in your relationship with the legal services provider. But I still think that there is a slight problem where if you ask them would you rather have money or would you rather have, you know, a pro bono coordinator, they would much prefer to have the money to hire a staff attorney who will do the things much more efficiently and not sometimes have the frustration of chasing after a pro bono attorney.

Another response is that I think with many of the large firms, as the firms are organized, both by offices and practice areas, that pro bono is now developing practice areas also. So one of the things we are developing is a team approach to immigration and asylum work where we have a number of young associates throughout the United States who comprise the leadership of an asylum practice group so that we are trying to start a website for it where we'll load training materials on, and there are people with expertise who can go to it, so that we can then work better with an organization like the National Immigrant Justice Center in Chicago.

MR. SANDMAN: Marcia?

MS. LEVY: I've really been thinking about your starting point here, because I think that we can't lose sight of the fact that in the area of pro bono or, you know, representation of low-income people or particular causes, that not all of those may be popular with firms or associates

at firms, and that there are some competing interests. You know, as pro bono coordinators within firms, we want to get matters that, you know, people will be interested in. Here we are, we're talking about skills — what will develop skills. You know, we like some of those big matters that might get a little attention. You know, we might have competing interests to what the legal service providers have, and particularly the smaller ones, that don't have, you know, the marketing person, so to speak, to go out and get our help and assistance.

And it just — so it occurs to me just to be open — something for pro bono organizations to know, but also pro bono coordinators. You know, what I used to do is bring in those kinds of smaller groups to come in and speak to a group of associates, to come have lunch with them, not necessarily saying take a case at this particular point in time or do a training, but just hear about some of the richness of representation that goes on in the world of public service and to educate.

And, you know, it just occurs to me that as — you know, if we are wearing both the pro bono and professional development hat, or we're in the room with both that pro bono and professional development person, that in hearing that, we might tease out some skills that we say, you know what, we weren't really thinking about that, but maybe we can do it because it also does, you know, help the development, whether it's project development or teamwork or leadership or, you know, particular service skills.

The other thing is, is that I also think it's incumbent upon firms to take on some of the training, and I know you know that Marc does this as well. But, you know, often I created training programs within the firm for particular areas of pro bono service so that the provider didn't have to provide it. And I think it goes with — I think Maria, it was you who said, or maybe Julie — that, as people get the experience, the associates can take on doing the training which, you know, if you talk about skills, I mean, that's a whole other level of skills.

But the bottom line is, is we are then also taking off another level of burden from the legal service providers to say you don't always have to be the ones that train our lawyers, but if you teach us the training, then we can train, and if we get people to stay in that area, they can be the local and the in-house experts, you know, to our newer associates coming in.

MR. SANDMAN: Elaine?

MS. ARABATZIS: Yeah. Actually, she just reminded me of something that is a great point. I know we're going to come back to some of these issues later, but the training component is critical. I mean, aside from a lot of these agencies providing training — materials, courses, whatever — firms can and should be hosting these trainings. In fact, later this month we'll be hosting, as we do every year in connection with the DC Bar's Community Economic Development Project, a training for small business development.

And in connection with that, we have a number of partners representing IP, on labor, on corporate formation, and governance. And the beauty part of it is that we have a lot of this stuff in the can. So when I lost one of my presenters, I went to an associate within that practice group and I said, "I've got a great speaking opportunity for you, and you don't even have to reinvent the wheel. I'll give you the outline. You dust it off, personalize it to your own representation style, and you'll be able to get up there with a bunch of partners, and you're going to be the one giving instruction on this." The confidence building aspect of that is just enormous, and I have

seen people blossom. And it does play out in how they present in their billable work. All of a sudden they start to behave in a more lawyerlike fashion, if you will.

MR. SANDMAN: Maria?

MS. MINOR: I have just a few little points. I want to make it clear, this is not just for large law firms. Neal, Gerber & Eisenberg is 160 lawyers in just Chicago, and we are still kind of pulling together pro bono and professional development, because it makes sense for us, it makes sense for the community, it make sense for the legal services providers. So I don't want to scare people, who may be listening to this, away, and think, "We don't have 35 offices." You don't need 35 offices.

The other thing, I think we have an obligation to our legal service provider partners, to not ask them to give us the sexy work. We need to take the unsexy work. A lot of the benefits that we've been talking about today you're going to get from the small \$2,000 jury trial, which isn't going to get headlines, but it is going to give you an incredible experience, and it's also going to give you an incredibly grateful client. And I think that is the biggest benefit that these associates or these partners are getting, is to have a client say to them, "You saved my life." Because \$2,000 for a partner is not much; \$2,000 for our pro bono clients is the difference between being able to stay in your apartment.

So the unsexy work is incredibly gratifying. It's also a great way to get partners who haven't been doing much pro bono involved through the supervision avenue. Supervising someone is much less scary, and they feel they're part of the team and they feel that client gratitude also. And it's been a great way for me to bring in partners who, maybe as they got busy as they got their own community service projects going, lost track of their professional obligation to do pro bono. And so I think supervision is a great way to do that. So those are my 18 points.

MR. SANDMAN: Ann?

MS. SHALLECK: Picking up on two pieces. I'll start with the supervision, though I was going to save that for later. This is something that we in law schools have learned a lot about is models of supervision which do not involve your being the expert on the substantive law, that there are models of supervision which are built around actually getting the junior people to learn the substantive law, because you know, as experienced people, about that process. It's taking the process of learning to a higher level. And you, the partners who are sitting here, you know how to do that. You know how to get a new matter and say, "I don't know what this is about. How do I learn about it?" And so that process of figuring out how you learn a new area is something you know that a junior associate doesn't know. So teaching that process is an important part of supervising a project. And then you can feel confident, because you don't — And you can say, "I don't know exactly what the role is here. Where are we going to find it? In a local rule? In a practice? In a statute?" In a this, in a that. You've got to learn to look all these places. People don't know that stuff.

So to think about different models of supervision which are separate from all your sophisticated mentorship programs and helping people make partner and all of that, those are all good, but this is something that I think brings — actually brings joy in addition to doing the pro bono work,

having that kind of relationship with junior people where your expertise is valued and you're not just an authority figure.

The other thing that we do a lot in clinical education is something we call "rounds" and you probably call "case conferences," where you talk about cases in structured ways, but not just about cases, where you talk about people's own professional identity and professional development. And those — if there are ways to pull out that experience that many professions have, that law is reasonably deficient in having — the Carnegie Report is one example of that — but who you are as a lawyer and how you're developing your identity as a lawyer, those kinds of rounds that can develop around work that people are doing in professional development and in pro bono helps build bridges where people see all kinds of resources in a firm for help, for peer support, for peer learning. So those are two ideas from a different context that might or might not have any traction in the life of a law firm. I just don't know.

MR. SANDMAN: David?

MR. UDELL: One of the things I think is most interesting about the field is it really is in motion in a lot of ways. So whereas traditionally I think the legal services bar would prefer to have the money than to deal with the inefficiency of supervising pro bono, it's — and maybe it's not good news, but it's a fact that they don't really have that privilege anymore.

So there are just so many incentives to make pro bono work better from the legal services side, including that the Legal Services Corporation — Jim can speak to this better than I can — issued a report of a task force specifically about pro bono which talks about ways in which to ramp it up within the legal services community. And on top of that, we have in New York the 50-hour pro bono service requirement which applies to anybody that wants to be admitted to the New York Bar, but which I think really does increase the need for supervision of law students.

And the legal services bar is not really in a position where they can do all that supervision that has to be done. And so I think we necessarily look to the firms to see what can they do.

And then on top of that, we had the conversation earlier about leadership within the corporate culture and just how — I think that's relatively a new phenomenon. I don't know if it's more than a decade, but it's relatively new. And so stepping up the role of the corporations in calling on the law firms to join them in working with the legal services bar is a huge thing.

And the last thing I'll put into the mix is just: The courts are shrieking, because they do not have a way to cover these 2.3 million cases in New York and, I'm going to say, more than 100 million more across the country or certainly tens of millions more annually in the state courts. And so it all kind of comes together to make this so much more important than it's been and to find solutions that really work to get to the cases that are not necessarily the sexy cases. I think part of corporate leadership is finding a way to make those cases handleable within the law firm community, and it's not easy; I would stipulate to that. But that's the challenge and I think there's a lot of reason to make it work.

MR. SANDMAN: Kelly?

MS. TAUTGES: I guess a few things. We're moving around a lot. But I think that, you know, it's just really important the idea that, as David said, there are a lot of reasons to make it work, and approaching it as a partnership and figuring out how we can make it work together is the most important thing from a legal aid perspective. Pro bono in the long term for them always has to be the most efficient way to serve their client or it doesn't necessarily make sense. But that — the efficiency, you have to look at, like, the long term, right?

So pro bono programs have a really high start-up cost as they figure out how to create a program, how to create training materials, who's going to take these cases. So in the long term — in the short term it costs a lot of time and investment of resources. And the more that the pro bono partners work with them to get that set up in a way that makes sense, commit to the long term, commit to some of the things that Julie was talking about with developing their own internal expertise, that makes pro bono that much more efficient and makes that much more sense.

So I just — I think that the hard part comes when someone might come to an organization and say, "We really want to get trial experience. Can you set it up so I get ten trials?" I think that's not helpful, but these things that, you know, so many people around the table have been talking about, about real true partnerships and support is what makes pro bono really work. And the last thing I wanted to say that's related is that in addition to your pro bono time and then, you know, having your financial contributions follow that being really important, that there's a lot of other ways that we're seeing law firms support legal aid organizations in a way that's really important.

To the professional development audience in particular, in Chicago we've had a lot of success in having professional development folks help train and provide those professional development resources for legal aid attorneys who don't have budgets typically for training and professional development. So law firm consultants have been creating tailored programs for legal aid organizations based on what they're already doing for the firms. And law firm professional development departments have been helping us think about core competencies at legal aid organizations the legal aid attorneys might need to develop and how we can get them. And so that's another really valuable way that professional development at law firms can contribute to capacity building and support for legal aid organizations.

MR. SANDMAN: Wendy?

MS. PERDUE: I wanted to add, again, another plug for collaboration with the law schools. We've had a lot of success. We had faculty who have participated in training. We've had students who will produce the manuals. It's a great project for a student to help do a short, readable guide for veterans' benefits that may be targeted either at the people doing the work, the lawyers who were partnering with the lawyers to provide those resources to clients. So, again, I figure we have lots of opportunities there.

MR. SANDMAN: Steve?

MR. GRUMM: Two quick unrelated points. The first one, to agree with the folks around the table who've talked about the importance of building efficiencies so that fewer civil legal aid resources will go ultimately to working to build up a pro bono practice. It's so important, and I agree completely with Marc and others when you mention the value of building up pro bono practice groups inside law firms.

I, as a baby lawyer, worked in a pro bono clearinghouse and saw two colleagues build up a remarkably successful practice group in a local firm. And the end outcome of that, they scheduled, say, bimonthly staff meetings of this practice group and they got together. We initially saw the enthusiasm. We were still lending a lot of substantive expertise to their discussions, but within, I would say, weeks the tables had turned entirely, regardless of the level of associates' experience. In fact, the junior associates were the ones who were going into court more often than not. They became the content experts and became the leaders. And Elaine had alluded to the fact that leadership development is one of the huge benefits here. Point one.

Point two, unrelated. I just want to agree with Wendy about the value of building pro bono infrastructure in law schools, and those of us who've been in a position to watch that have seen an increasing sophistication in law school pro bono. This doesn't lend itself to easy measurement, but I can't help but think that establishing that culture among all law students, regardless of where they end up in practice, is usually important to not having a sort of us-versus-them or us-them mentality when you think about the legal services bar and the private bar. So I think that, again, it's not an easy benefit to measure, but it strikes me that it's a great thing that the pro bono culture is inculcated at the legal education level.

MR. SANDMAN: Marc?

MR. KADISH: Two points, one very mundane. I think for us people who do some professional development, one way that we can assist the legal aid groups is if we have something as basic as deposition training to make certain that we invite the legal aid young lawyers there so that we can help them with that kind of training.

Secondly, a note of caution: The notion of meeting the unmet needs of the poor. I don't think, quite frankly, we ever will. So one thing we haven't discussed at all is the whole notion of technology and the use of technology so that people will use programs such as [probono.net](http://probono.net), [illinoislegalaidonline](http://illinoislegalaidonline), and the whole explosion of those kinds of self-help things, because I'll be honest with you, in 14 years, I can't tell you — probably none — I've never had an associate come to me and say, "I'm dying to do a family law matter." We just can't — we don't do those. We can't do those. There's not — they're not taken on by people in the firm, and I think that that mirrors what's going on in society.

And so I think the reality is that these people have to be taught how to hopefully get access to a computer where they can learn how to do their own pleadings and even learn how to represent themselves. And that goes along with the whole notion, which is — we have in Cook County — the self-help desks outside various courtrooms which are staffed by law students and nonlawyers to provide assistance. Chicago — they have that in state court and in federal court also. So I think that's one thing we haven't spoken about yet.

MR. SANDMAN: Well, that is a very significant movement across the country. It varies a lot. Regionally, it's state-by-state the extent to which technology has been used. For example, the extent to which a state does or does not have standardized forms has a powerful connection to whether technology can be a fix in helping people help themselves. There are places where forms vary not only county to county but courtroom to courtroom within the same courthouse. So it's a real challenge and it — for some time, I think will continue to be the case that we'll have to figure out a way to get lawyers involved in pro bono cases that are not areas where they have

prior experience or don't start with a lot of interest, but where the need is, nevertheless, great. Kelly?

MS. TAUTGES: Well, I would just add on the area of self-help desks, that's actually been an area where we started — that started by pitching: It's a really short opportunity and it's an on-and-on-going commitment. We can train you on the discrete area of law where you're going to be giving brief advice. And a lot of corporate counsel were really interested in that. Because of that, it was time-bound, and it's been really successful. And so I think that there's the self-help and the brief advice. That's not necessarily an area where pro bono assistance isn't needed — it's just different — and that it can, in fact, be a way to get more people involved and give them a taste of pro bono and what that's like, and then as they become more — you know, they learn an area and they become more dedicated to the issue, might take on a case that they never would have considered doing before.

MR. SANDMAN: In this discussion about the integration of pro bono and professional development, we haven't yet talked about how this fits into the associate evaluation process in law firms and how you use the evaluation process both to convey the message that this matters and counts and it's being noticed and to be sure that the work is actually being evaluated. This is all about — it's a quality control check. It's part of risk management and making sure that the quality of the services being delivered to clients is subject to review using the firm's normal evaluation procedures. What is your experience — who has experience with this? Maria?

MS. MINOR: I think that's one of the nice things about couching pro bono and professional development together, is it makes it much easier to track that. So for all of our associates' pro bono work, it goes through me so we make sure that they have a supervisor. And after that, it's treated like any other client matter. So they're getting billable credit for it, which I think is pretty — or getting to be pretty — standard. But they're also getting evaluated on their work. And so it is going to be captured just like their work for GE would be captured.

Then, as we talked earlier today, when they're going through that evaluation process and what are the skills that they're doing really well in and what are the skills that they need to develop, our — the people that are conducting the associate reviews are instructed: Make sure you include pro bono in there. Make sure you include pro bono in terms of how they're going to get their legal skills, how they're going to develop their leadership skills, how they're going to develop their client service, their project management skills, et cetera. So we've been able to fully integrate it. I think it's a little bit easier because I'm wearing both hats.

MR. SANDMAN: Julie?

MS. CARPENTER: At Jenner we don't have a pro bono coordinator. We have practicing lawyers who run the committee. We also don't have a professional business development — I mean, professional development person. So it is all integrated and it mostly happens at the associate evaluation.

So as with Neal Gerber, the projects or the matters that people work on, it's not clear in the evaluation whether it's pro bono or not. Everything is evaluated that you worked on in the entire year and it's evaluated in exactly the same way. All the hours count in the same way. And in each evaluation there's a two — there's two parts of each evaluation. There's a look back: How

did you do last year? That would cover performance and — on pro bono matters as well as on all the performance. And then there's a look ahead, a look forward. And so we're — about half of the evaluation, the 30 minutes or so that we have with each associate, is: What is next year going to look like for you? And in that whole evaluation process, we take into account where there are gaps in experience, if they haven't had any depositions, if they haven't had any trial court. And we say specifically, "You ought to think about a pro bono case, and here are some you can think about," because I do pro bono here so I know what's available.

And so we do try to be very specific in offering them a — you know, pro bono options to deal with specifically identified gaps in their experience that have come through the evaluation process. And we have found that to be a very effective tool, both for addressing those gaps and for letting people know what they need to do in order to move forward, and also to, you know, generate, you know, more interest in the kinds of cases they get from those experiences.

MR. SANDMAN: Marc?

MR. KADISH: I'm part of the formal evaluation process. I think it works very well in litigation. I think that the transactional lawyers don't think of that, and it has its weaknesses in terms of my ability to help evaluate associates outside of Chicago. S

o the first step was making certain that the associates knew that when they filled out their — The process starts by the associates listing all the lawyers they have worked with during the past year and what they worked on with them, and I had to make certain that my name was part of that evaluation process. Now it's become a burden, because I now have to fill out about 40 to 50 evaluations every year, which takes a very long time. So they put my name down and then I'm given the choice of: Have you done enough work with them so that you can comment on their skills? Then after that, a written report is put together, and then even though I'm considered part of administration as opposed to being a partner, I participate in the meeting where the partners come together and go through the evaluations.

Sometimes, much to my embarrassment, I'm the one that says, "Oh, yes, I've done a closing argument with him," "Yes, I've seen them depose someone," "Yes, we worked on a murder case together and they gave a closing argument. They cross-examined an expert." So I think it works very well in that area. But, again, I'm frustrated about not being part of the transactional process.

MR. SANDMAN: We've spent our time this afternoon focusing principally on pro bono for professional development in the practice world, people who are already out of law school as lawyers. But there's a huge issue in the profession today about practical skills training for law students and whether they graduate from law school prepared to actually be lawyers. Wendy, can you speak about the connection between pro bono and skills development in law schools today?

MS. PERDUE: Absolutely. It certainly is true that there's a much greater emphasis on experiential learning and the integration of theory and practice, giving our students the opportunity to see how law actually functions, to deal with a real client, not merely simulation. I think there were some comments about the limitations of that, and pro bono is a wonderful opportunity for that. I think there's some — well, there's another piece of this that I think is equally important and that highlights a bit of the tension that you talk about with respect to practice as well, which is the opportunity to reinforce professional values so their skills — "Oh,

I've done an opening or a closing," or "I may even have participated in jury trial" — but there's a professionalism base. What does it mean to be a lawyer? What are your professional obligations? Develop the habit, an inclination to pro bono that we talked about. Maybe get past some of the unease that in 20 years they might have about "I might embarrass myself." They're a second-year law student; they've already embarrassed themselves. So they're maybe more inclined to take things on and develop the passion about the law.

That's part, I think, of the professionalism, that they do a case, involve with a client, come out of it really excited about what they were able to accomplish. That, I think, alters the understanding of the role they're going into. There may be opportunities to develop mentorship relationships where we've partnered with law firms or other lawyers. I mean, that's a benefit.

But the final piece of this is I do think it's an opportunity for our students to experience and think more deeply about justice. That's a part of it as well. I do view that as a core of what we do in law school. It's not merely a vocational school or a graduate program in law, and that thinking about justice, thinking about where justice is imperfect, is actually quite important for our students. They will go out as lawyers, but also as citizens, and the pro bono opportunities are really a critical part of that.

MR. SANDMAN: More of that, please. (LAUGHTER)

MR. SANDMAN: Julie?

MS. CARPENTER: I think that —

MR. SANDMAN: Or was that — I think that's — I'm sorry. David. (LAUGHTER)

MR. SANDMAN: David?

MR. UDELL: Yeah, I agree with all of that. I guess I would speak a little — there's some terminology that we could clear up that might be helpful, which is that pro bono in the law school environment can mean a lot of different things. So there are law school clinics which are generally one teacher and a very small number of students and a very small number of clients, but offer a very rich learning experience.

There are externships in which students go and are placed in an organization. For both those experiences they get credit. They're also stipend-supported summer internships and during-the-year internships, and those get called pro bono even though there is some money involved.

And then there is pure voluntary pro bono relationships in which the students, either in groups or individually, go out and they do something that often makes a huge difference and is very valuable to them. And through all those experiences students can gain, I think, a lot of legal skills. I mean, they gain the same skills that are available to pro bono attorneys. There are litigation skills. There are transactional skills. There is public education around areas of law. They can do "Know Your Rights" trainings and they can do court watching. They can interview clients and help lawyers develop facts and more.

I think that what's interesting to me about it is that the changes in New York now I think are rippling a little around the country, because to be admitted to the New York Bar, even if you've gone to law school elsewhere, you need to complete your 50 hours of pro bono service. And so I think the New York court said something like 5,000 students from around the country end up practicing in New York, and 5,000 from around the world end up practicing in New York, plus there are 5,000 that are homegrown in New York. So it's having a significant kind of impact at least in how people are thinking right now.

And I think that one of the challenges to having law firms involved in supervising students has always been that, you know, the law firm folks want to supervise their own associates. And so to bring in a whole other wave of people in need of supervision is a little bit of a challenge, but I think it's also an opportunity. And one thing we found is that law firm folks who have gone to a particular law school sometimes really enjoy mentoring students from their particular law schools.

There are also some really interesting models around the country. At Roger Williams law school they have a nonprofit-focused pro bono opportunity that is entirely supervised — well, there's a staff person from the law school — but then largely supervised by pro bono attorneys who supervise students in working with dozens of nonprofits across Rhode Island. So that's one example, but there are others. Sometimes firms will take on a specific practice area. I think in New York, Fried Frank has an immigration clinic with Columbia. In Virginia, I think it is, Hunton & Williams has a family court practice that's very popular with students every year. And so there are a lot of different models, and I think that's an exciting growth area.

MR. SANDMAN: It's time to wrap up. We do have a minute or two for closing thoughts, if anyone has any that they would like to volunteer.

MR. NANNES: From the law firm perspective, I guess, as much as we've talked today about the connections between training and the pro bono mission, I just want to say that we can never lose sight of what value people get personally out of the pro bono experience. There's a number of people around this table — and Jim, I salute you — people who could make a lot more money in different places than they do in pro bono. Let's not lose sight of that.

One of my colleagues retired from my law firm and went to — and volunteered as a staff attorney at the Legal Aid Society, and his comment to me, that he loved working with the energy of the younger people. I said, "So how's it going, Jim?" And he said, "Well, it's the first time in my career I was hugged by a client." So the tie is good, but the moral imperative is really what's going to inspire people.

MR. SANDMAN: Thank you, Mike. Thank you all for a very rich conversation. I think this has illustrated the value not only of integrating pro bono and professional development in the practice world, but also the importance of collaboration outside the firm, the importance of developing relationships between practitioners in whatever setting, and legal services providers, the law schools, law firms developing relationships with their corporate clients, that it can all be done better to the extent that we work together. And I think that your comments integrate very well with each other from a variety of perspectives. Thank you all so much.