

Pro bono doesn't have to cut profits

Pro bono work and profitability are not mutually exclusive, according to some highly successful law firms.

"Obviously, in a straight arithmetic sense, you can always make a short-term argument for cutting back on pro bono," said P.J. Mode of Wilmer, Cutler & Pickering in Washington, D.C.

But Mode maintains his firm's pro bono commitment is profitable in the long run because the policy helps attract the best and brightest lawyers.

"If providing opportunities to do a reasonable amount of public service work is a part of hiring the most talented young lawyers, then it's very important that we do that," he said.

The firm tells potential recruits about its pro bono commitment in a pamphlet describing Wilmer, Cutler & Pickering. The firm boasts that it has ongoing relationships with Common Cause, the American Civil Liberties Union, the Lawyers Committee for

Civil Rights Under Law, the Women's Legal Defense Fund and several environmental groups.

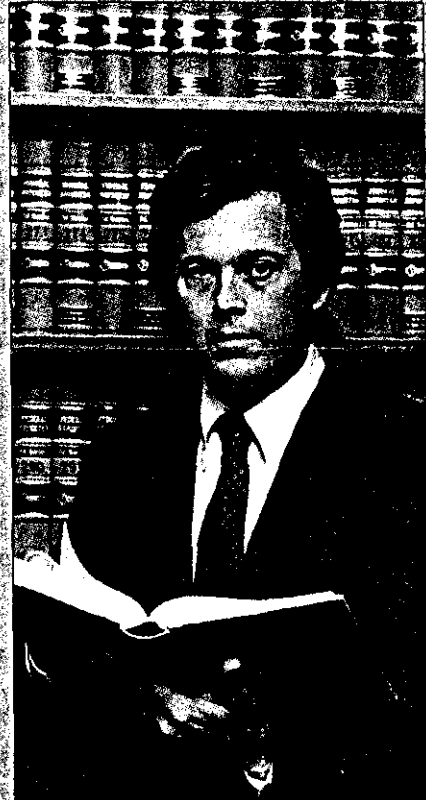
Wilmer, Cutler & Pickering's pro bono work is varied. It has represented death row inmates, defended the radio license held by Seattle schools, and represented Greenpeace in a lawsuit alleging French agents blew up Greenpeace's ship, the Rainbow Warrior.

The firm encourages pro bono work by way of example. Name partner Lloyd Cutler leads the team working on behalf of Greenpeace.

Another who points to his firm as proof that pro bono work doesn't have to hurt the bottom line is Don Middlebrooks, chairman of the pro bono committee for Steel, Hector & Davis in Miami.

In fact, the firm takes pro bono work into account as a positive factor in compensation reviews. In addition, any lawyer there is allowed to handle pro bono work without receiving any special clearance.

"I think a firm that wants to make sure it continues to do pro bono work has to build in incentives," Middlebrooks said.



▲ Donald Middlebrooks

Steel, Hector & Davis has handled death penalty appeals and more than 30 Haitian political asylum cases, and it helped draft legislation setting up a program to encourage minority businesses.

The Legal Aid Society in New York surveyed 75 of its 750 volunteer lawyers, and found no decline in the total number of pro bono hours donated to civil cases.

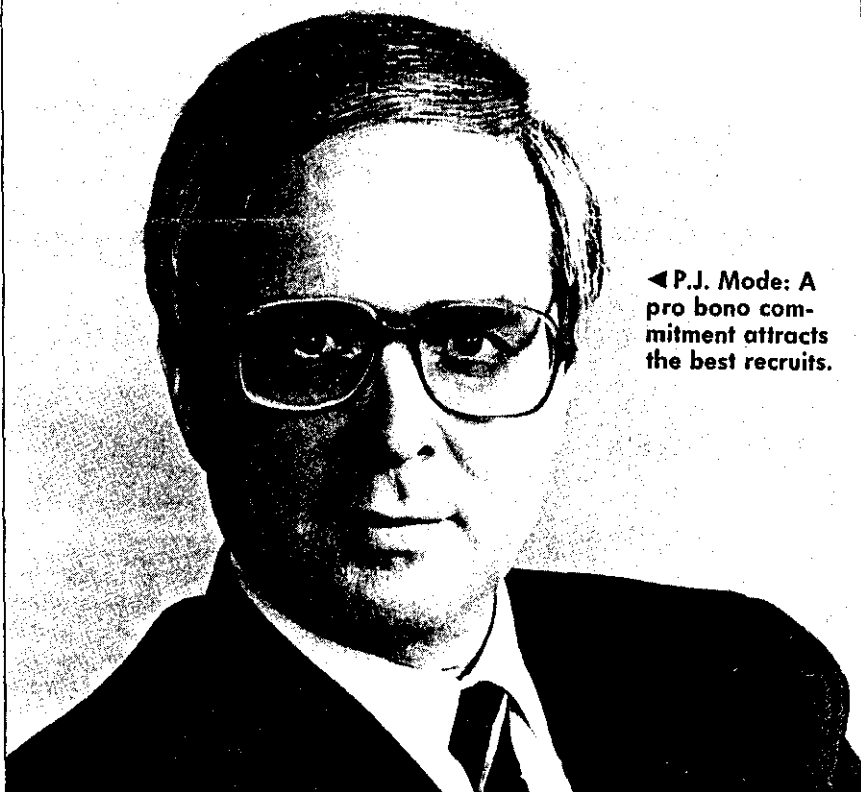
The Society says each lawyer puts in an average of about 70 hours per year. About one in five work more than 100 hours per year.

The ABA's Committee on Lawyers' Public Service Responsibility is conducting a survey of about 125 law firms to learn how they handle pro bono and encourage their attorneys to participate. The committee will use the information to make recommendations on how firms can set up and run pro bono programs.

The survey asks how firms accept cases, whether they monitor them and evaluate their progress, and if the time spent by lawyers counts towards billable hours or is taken into account in evaluations.

—Debra Cassens Moss

Etienne Mode



◀ P.J. Mode: A pro bono commitment attracts the best recruits.