



A Business Case for Pro Bono in Law Firms

There are many reasons for doing legal work pro bono. The first that usually come to mind are about the clients, about the causes, or about it just being the right thing to do.

An often-overlooked reason is that it can also make business sense. An active pro bono practice can improve legal skills, provide matters of responsibility for junior lawyers, and assist in recruitment. It can demonstrate a firm or organisation's corporate social responsibility (CSR) credentials, attract value-matched clients, and open up new opportunities. These reasons do not detract from the altruism of legal pro bono; rather, they complement it.

There is no greater gift a qualified lawyer can give than provide pro bono legal advice to those who need it most. It is an effective and impactful way for lawyers to give of their time. Legal skills are uniquely valuable and pro bono can be the bedrock of a firm or in-house team's corporate social responsibility programme, no matter how large or small they are. It also qualifies under 'corporate citizenship', social impact, corporate social performance, or any other name a firm or organisation might give their community programmes.

This paper outlines how an investment in pro bono can support wider organisational goals by outlining the impact pro bono can have on three key areas relevant to any business in the legal industry: staff, relationships and the firm or organisation. For each firm or organisation, there will be different drivers, needs and wants from a pro bono programme, the vibrancy of some of the themes will ring truer in certain settings, and be less relevant in others. However, across the board there can and should be a universal acknowledgment that pro bono has a business case that can and will improve a firm's ability to attract and service its talent as well as commercial clients, should it be open to the possibilities.

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I. PRO BONO DEFINED

It is important to know what you mean by pro bono before trying to understand its business case. The Pro Bono Protocol defines pro bono work as legal advice or representation provided by lawyers in the public interest including to individuals, charities and community groups who cannot afford to pay for that advice or representation and where public and alternative means of funding are not available.

Legal work is pro bono only if it is free to the client, without payment to the lawyer, law firm or in-house team (regardless of the outcome) and provided voluntarily either by the lawyer or his or her firm.

II. THE NEED AND THE LAWYER

Solicitors have a proud history of providing free legal services for individuals in need and for charities and community groups.

Lawyers hold an important position in our society, having access to knowledge and skills that are greatly needed throughout our communities. With that comes a powerful ability to harness and use professional skills to help the lives of others. Furthermore, in many cases they are the only profession allowed to act, making them a vital resource in order to access justice.

Many firms have thriving community volunteering programmes which are not legal in nature, such as reading schemes for disadvantaged children, with benefits to the community as well as being team building exercises. There is significant evidence of the wellbeing benefits of volunteering from greater connectedness to a positive sense of purpose and impact. However, whilst valuable, this type of volunteering does not usually maximise a lawyer's skills and expertise. There has been a growing realisation that using professional skills to support organisations and individuals pro bono is a much more impactful approach.

Reductions to legal aid (i.e., since the LASPO Act 2012) has left unmet need with gaps in provision and many people being unable to access legal support. When we combine this with an uncertain economy, cuts in government funding to advice centres and charities, we are left with a dearth of legal support provision, which can be best met by lawyers. Covid-19 has had a significant impact on the vulnerable groups and communities supported by clinics on the LawWorks network and our programmes. Many people will suffer from a variety of legal problems (such as loss of employment, difficulty accessing benefits, housing issues, and domestic abuse) and these issues are likely to continue long after the immediate crisis is over. As a result of the Covid-19 crisis the need for assistance to address unmet legal need is greater than ever.

Pro bono legal work should be seen as an adjunct to, and not a substitute for, a proper system of publicly funded legal services; however, pro bono lawyers provide a valuable resource to both charities and individuals who are unable to access legal support.

III. BUILDING YOUR STAFF

1. Training and professional development

The overall performance of a business rests on the quality of its lawyer's skills and productivity. People in the legal profession are always striving to learn and improve and pro bono presents an innovative way of doing both.

Training and professional development is particularly pertinent to junior lawyers. We understand that one of the chief complaints expressed by many junior lawyers is the lack of opportunity to develop skills and expertise needed to advance.

Using carefully selected pro bono opportunities with appropriate supervision in place, firms can create high-quality training, whereby junior lawyers are given the chance to exercise client and legal skills, as well as independent judgment, at an earlier stage than comparable commercial

work. Pro bono legal work can also develop skills rarely used in an individual's fee-earning practice, which allows solicitors to become more well-rounded and experienced lawyers. Junior lawyers' involvement in pro bono projects can often involve a more hands-on role than in their day-to-day work. This can really improve confidence, as well as instilling a sense of responsibility to the community, and helping the lawyer to understand more about what kind of lawyer they want to be in their career

Skills that can be developed through pro bono volunteering include:

- Advising clients
- Advocacy
- Case management
- Client relations
- Dealing with 'difficult' clients
- Diagnosing a client's problem
- Drafting
- Interviewing skills
- Legal research
- Negotiation
- Planning
- Problem analysis
- Time management

One Pro Bono Manager tells us that:

“Pro bono provides lawyers with an unparalleled opportunity to learn and specialise in new areas of law, as well as hone skills that they use day-to-day. It is also a great way to develop an internal network for trainees and junior lawyers, as they get exposure to different people in other teams.”

An example of where many of these skills are developed is volunteering on the [LawWorks Secondary Specialisation Welfare Benefits Tribunal Project](#). The project provides lawyers with the opportunities to meet and interview clients, manage their own case, carry out legal research, draft submissions, and conduct advocacy at the tribunal under appropriate supervision. Indeed a number of firms have integrated tribunal pro bono work into their trainee training programmes, to ensure every trainee experiences developing a client relationship and performing written and verbal advocacy.

2. Morale and engagement

Like many businesses, law firms are continually trying to create a sense of identity and community within their work forces in order to foster a sense of meaningful community within the workplace.

The pace of growth and change, especially in increasingly global and expanding law firms, can undermine attempts to create a 'one firm' identity. Pro bono can contribute to the character and coherence of this identity. Pro bono matters offer the opportunity for lawyers to work together across teams, and sometimes offices and even countries, for a common goal. Firm-wide pro bono events, annual CSR reports, and recognition in billing hours and bonuses for pro bono work, can instill a sense of pride and an appreciation for the culture of the firm as a conscientious employer and citizen.

Amy Grunske, Head of International Pro Bono, Sustainability and Community Responsibility at Orrick tells us that:

“One of the great benefits of pro bono is that it can provide meaningful work experiences for the lawyers undertaking it, in an environment that is sometimes otherwise lacking in opportunities for personal fulfilment. You can find quite a lot of research on the

‘psychological sustenance’ pro bono gives to lawyers working in commercial law firms, connecting them to issues they find personally moving and significant. Researchers in the US and Australia are now investigating the connection between this meaningful pro bono work and higher job satisfaction, increased productivity and retention rates - real, tangible benefits to a firm’s bottom line.”

The Not-For-Profits Programme run by LawWorks provides lawyers with opportunities to help a variety of small charities that need legal advice. Lawyers can choose causes that will allow them to pursue their own interests and passions while helping others. This can be immensely satisfying work. As well as being interesting, it can be rewarding and uplifting, for themselves and their firm, and subsequently lead to higher staff morale and engagement.

The LawWorks Clinics Team works with lawyers, law firms, law schools, charities, advice agencies and others to establish or develop new clinics that help address unmet legal need in the community. There are a variety of models through which clinics may deliver pro bono legal advice and services to those in need of access to justice, each clinic is unique.

Clinics in the LawWorks Clinics Network provide free initial advice to individuals, predominantly in the area of social welfare law on either a drop-in or appointment basis. Thousands of solicitors, barristers, trainees and law students volunteer across the LawWorks Clinics Network, with over 290 clinics spread across England and Wales; however, more volunteers are always needed.

3. Recruiting excellent lawyers

According to a study published in 2016:

- 75 percent of millennials would take a pay cut to work for a socially responsible company;
- 76 percent of millennials consider a company’s social and environmental commitments before deciding where to work;
- 64 percent of millennials will not take a job if a potential employer does not have a strong corporate responsibility practice.¹

This may be particularly applicable to the legal sector, where more law schools are setting up pro bono clinics as part of their learning and development opportunities. Graduates of these universities think of pro bono as a natural part of being a lawyer and often seek employment in firms that provide pro bono opportunities.

In a market where the competition for legal talent – be it recent law school graduates, mid-level associates, or partners – can sometimes be fierce, firms that support effective pro bono programs can have a competitive advantage when recruiting new staff. Although pay continues to remain a key determinant for many new recruits, other factors – including wellbeing, effective training and personal development, and expanded pro bono opportunities – are at play when lawyers are deciding between top-tier firms.

4. Staff retention

Gone are the days where a solicitor qualified and remained at the same firm until retirement. The legal sector is not immune to the changing workforce of the 21st century². High staff turnover and problems with keeping experienced lawyers can be damaging and expensive to law firms; with associated hiring costs and knock on business inefficiencies. While there are many reasons why a

¹ ‘Millennial Employee Engagement Study’, Cone Communications, 2016
https://static1.squarespace.com/static/56b4a7472b8dde3df5b7013f/t/5819e8b303596e3016ca0d9c/1478092981243/2016+Cone+Communications+Millennial+Employee+Engagement+Study_Press+Release+and+Fact+Sheet.pdf

² In January 2018, the Bureau of Labor Statistics (US) reported the median employee tenure was 4.3 years for men and 4.0 years for women. (Official statistics are not collected in the UK, but are thought to be similar).

lawyer might wish to move firms, money frequently being the top rated reason, culture and working environment are often also high on the list.

A strong pro bono culture can contribute to a sense of the firm as a unique place, which encourages the interests and development of its staff in innovative and meaningful ways with a positive impact for their wellbeing and productivity. Pro bono can not only provide effective training and personal development, within a framework that fosters cross firm working in support of the needs of the wider community.

This commitment by a firm can increase job satisfaction, loyalty to the firm and accordingly the length of time that they contribute to a business.

Staś Kuźmierkiewicz, Pro Bono Associate at Baker & McKenzie LLP tells us that:

“A strong pro bono practice can instil a sense of pride in a law firm's employees. Working for an organisation which cares about the communities in which it operates is increasingly more important to individuals, and it is vital for law firms to show that they are willing to use their resources for those who need it most. As a result pro bono can not only be used to attract top talent from across the sector, but also to retain high performing lawyers, by giving them the opportunity to use their legal skills to make positive change.”

IV. BUILDING RELATIONSHIPS

5. Networking

Doing pro bono work can open the door to a variety of networking opportunities, for individuals within a firm working across teams, and also outside a firm with like-minded pro bono volunteers (from both firms and in-house teams).

Involvement in pro bono can help build networks that can be difficult to duplicate in other ways as it can include a very wide range of stakeholders: large and small charities, top magic circle firms, high street firms, in-house teams, international firms, law schools, clients from diverse backgrounds and interests, legal aid lawyers and many others. Such a network can create a large number of opportunities that a firm can use in a way that suits their overall strategy.

For example, LawWorks runs regular Forum meetings (which bring together pro bono coordinators and others, to discuss updates and issues of relevance and interest), roundtable events and its annual Pro Bono Awards. Every year a number of firms and charities come together to run networking and celebratory events in Pro Bono Week, and international fora such as PILnet provide opportunities to make links across different jurisdictions.

Networking can also provide opportunities to collaborate with clients on pro bono projects, and vice-versa. Both have the benefits of increasing client engagement and strengthening client relationships, in a unique and rewarding way.

The LawWorks Clinics team provides consultancy and advice to help establish free legal advice clinics. On-going support is then available to all clinics in the LawWorks Clinics Network providing a range of training and information resources, monthly email updates with briefing and news on latest developments as well as networking opportunities and tailored assistance from the LawWorks clinics team.

6. Client Expectations and Collaboration

Increasingly businesses are not only concerned about their own social performance but also the social performance of those involved in their business operations – that includes their lawyers.

Tom Dunn, Pro Bono Director at Clifford Chance has told us that:

"There is an expectation from clients that law firms do pro bono work and the firm will often have to include details of its responsible business credentials in pitches. Clients often want to collaborate on pro bono work and this can help build relationships."

Meeting client expectations is essential to a successful business. In addition, a 'feel-good' factor not only engages employees, as described above, but potentially clients as well.

Firms are increasingly using their pro bono programmes as a key point of differentiation in the market, both to attract potential clients, and as a means of strengthening relationships with existing clients.

Collaborating with clients on pro bono activities can create a suite of legal skills which can benefit the community whilst developing more meaningful client relationships. There are often opportunities for a firm's pro bono programme to complement a client's CSR strategy, either by adding a legal element to existing work, or working with in-house legal teams on joint legal ventures. Such work provides an opportunity to interact professionally, and sometimes personally, on non-corporate issues, helping to develop closer relationships.

For example, the Connect Legal Advice Clinic (Connect) is a collaborative project between Centrepoint, Goldman Sachs International (GS), Herbert Smith Freehills (HSF) and Intralinks. Established in 2016, it is a collaboration which provides virtual legal advice to vulnerable young people who are being supported by Centrepoint, often including victims of severe childhood abuse and neglect. The clinic is run remotely, using video conference or telephone, to improve access for clients, including those outside of London. Collaboration between lawyers and non-lawyers has been the key to Connect's success. Additional to the pro bono work provided by lawyers from GS and HSF, a dedicated team of non-lawyers ensure the clinics run smoothly each week. Intralinks have provided Connect with a free online space to house shared resources and workspaces, and HSF funds a part-time Connect Coordinator. Further collaborations with Shelter and LawWorks have enabled the project to expand its areas of support.

Many law firms report that client tender documents are increasingly asking for information about their pro bono and commitment to wider CSR activities, as well as how they can support the pro bono commitments of the organisation. Under SRA guidelines, in-house solicitors are unable to act for clients other than their employer unless there is Professional Indemnity Insurance (PII) in place. This offers law firms the opportunity to collaborate with in-house solicitors under the law firm's PII. In such instances, the law firm's compliance officer or other such nominated individual should be aware of this activity. There are some limited areas of legal advice which may be off limits for in-house solicitors: for further guidance see the LawWorks Guidance on In-house regulation³.

7. Community relations

In the first two years after the legal aid cuts came into force on 1st April 2013⁴, it was determined that nearly a million people lost access to advice under the legal aid scheme. Many of these people desperately needed and continue to need access to justice. Of course, pro bono can never be a substitute for legal aid but when so many people find themselves in need, it calls for a humane response.

Pro bono work, especially in pro bono clinics, often housed in local advice settings, can help bring lawyers closer to the lives of people in their own communities, and create pathways to better understanding across what are often seen as divided social and economic communities. Law firms

³ <https://www.lawworks.org.uk/solicitors-and-volunteers/resources/lawworks-practice-guidance-house-solicitors-and-pro-bono>

⁴ Legal Aid Agency, 'Legal Aid Statistics in England and Wales', June 2015
<https://www.gov.uk/government/collections/legal-aid-statistics>

which are able to demonstrate their resolve to support those who are most at need in their local areas can often generate improved community understanding and relationships.

8. Reputation and branding

Research published in 2013 reflected that *'by appealing to customer's consciences and desires, CSR helps companies to build brand loyalty and develop a personal connection with their customers'*⁵. Further, *"Effective [CSR] policies aim to improve relationships with local communities, employees, and customers by encouraging ethically and environmentally responsible activities"*⁶. Pro bono stories can help improve a firm's profile and reputation by allowing companies to integrate words such as *'caring', 'responsible', 'community-oriented'* into their branding. Marketing for pro bono invites references to *'justice', 'human rights'* and *'helping the vulnerable'* – all of these words are likely to create a positive impression of the firm.

In today's competitive legal market, firms are increasingly focused on marketing their services to attract and retain clients. As with attracting and retaining lawyers, pro bono work can be a highly effective marketing tool.

Pro bono provides a credible public narrative, not just telling, but demonstrating the values and culture of a firm. A pro bono achievement that is written about in the press or acknowledged on social media, demonstrates that a firm is living its acknowledged values and raises awareness of the firm's brand and its legal ethics.

LawWorks recognises pro bono commitment at the LawWorks Annual Pro Bono awards, recognising and celebrating those who help enable access to justice. Winning, or even being shortlisted for an award, can help boost a firm's pro bono reputation especially when they are starting on their pro bono journey.

V. WHERE TO START WITH PRO BONO?

A commitment to pro bono can come from any level in an organisation. While often strong leadership is the absolute key to success of CSR initiatives, with pro bono the drive often comes from people at different stages of their career: it can be a trainee, associate or a senior partner. Engaging in their ideas about pro bono can enhance good company culture. Many national and international firms now have a full time lawyer that manages their pro bono practice which often sits apart from their CSR team, often operating as a practice area in its own right.

LawWorks offers many different pro bono opportunities: setting up a new clinic, giving advice in existing clinics or through Free Legal Answers, or supporting charities through the Not-for-Profits programme. Lawyers who want to be more involved can participate in the secondary specialisation projects (in which LawWorks trains and supervises lawyers in an area of social welfare law) or by co-litigating civil cases with barristers through Pro Bono Connect. Doing pro bono can require an initial internal investment, but it need not be costly: lawyers can control how much time they are spending and what they choose to do.

As Charles Wynn-Evans (Pro Bono Partner) and Tanya Squires (Pro bono co-ordinator) from Dechert LLP has said:

"We don't have a view that it diminishes profitability. The work is flexible and doesn't detract from our other work. If people want to do it then they will always find the time to without it affecting their other work".

⁵ Trpathi, A.; Bains, A., *'Evolution of Corporate Social Responsibility: A journey from 1700 BC till 21st century'*, Punjabi University, 2013 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2472086

⁶ Zoek, *'Effective policies aim to improve relationships with local communities, employees, and customers by encouraging ethically and environmentally responsible activities'*, September 2019 <https://zoek.uk/hirer-blogs/building-brand-reputation-through-corporate-social-responsibility>

The most important requirement in undertaking pro bono is a desire to help others. To find out more about opportunities available, please contact LawWorks via the details below.

VI. CONCLUSION

Lawyers, firms and in-house teams do pro bono primarily because it is the right thing to do. However, there are other motivating factors that make a business case for pro bono. Undertaking pro bono can motivate employees, develop their skills and help improve overall performance. It can help staff recruitment and retention. Pro bono can contribute to meeting client's requirements and provide unique networking opportunities; being known for pro bono commitment can improve community perceptions and the reputation of the whole firm. The long-term profitability of a business is supported, not undermined, by a commitment to pro bono, and firms of all types and sizes can benefit whilst helping the communities in which they operate.

The outcome for a pro bono client is paramount, what inspires you or your firm to embark on your pro bono journey is ultimately an internal business decision that will result in quality legal advice for those in need.

This paper is open for consultation. Please send any feedback, comments and suggestions to james.sandbach@lawworks.org.uk (Director of Policy and External Affairs).

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