

GLOBAL PRO BONO

**THE DUTY OF, AND OPPORTUNITY FOR, THE INTERNATIONAL
PRIVATE LEGAL SECTOR TO CONTRIBUTE TO RULE OF LAW,
DEVELOPMENT, ACCESS TO JUSTICE AND HUMAN RIGHTS IN THE
DEVELOPING WORLD**

Master of Laws in International Law Capstone Project

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THE FLETCHER SCHOOL

TUFTS UNIVERSITY

Contact:

Amy Heading

E amy.heading@tufts.edu

L www.linkedin.com/in/amyheading/

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The views expressed within this thesis are entirely the author's own, and may not be representative of any of the interviewees, the Fletcher School of Law and Diplomacy, or Tufts University.

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ABSTRACT

One of the most exciting developments on the pro bono front in recent years has been the emergence of ‘global pro bono’ (**GPB**); that is, transnational pro bono programs focused outside the donor country, to help meet unmet legal need, build capacity and capability in legal systems and contribute positively to rule of law, development, access to justice and human rights in developing countries. GPB programs can take the form of legal research and advice, representation in international courts, tribunals and mediations, and training and education¹.

Despite a multitude of studies on national pro bono programs focused within countries such as the United States of America (US) and Australia, research on GPB has been limited thus far. This thesis contributes to the body of academic literature on the subject, providing both a theoretical discussion and practical overview of GPB.

This thesis begins by providing a snapshot of the emerging field of GPB, within the context of general pro bono and legal sector trends. It presents an overview of how GPB is presently undertaken by law firms, and includes detail on the structure, regional focus, and features of the implemented programs.

The author argues that there is not simply an opportunity but in fact a *duty* for large international law firms to undertake this kind of pro bono work, as uniquely powerful non-state actors in the global sphere. This duty stems from two sources: first, the natural extension of professional responsibility to undertake pro bono within the donor country, with globalization broadening the notion of ‘society’ to which the law firm owes this responsibility; and second, as a crucial

¹ It must be noted that for the purposes of this paper, GPB is not considered to include assistance given within the law firm’s host country to citizens of developing countries, such as immigration advice.

component of the developing concept of corporate social responsibility for the law firm as a global business.

Despite this declaration of duty, the author acknowledges that potential issues could exist with the implementation of GPB programs, such as a lack of understanding of the cultural and political context, and agendas suggestive of modern Western legal imperialism. However, it is proposed that if GPB is undertaken in a thoughtful and considered manner, private international law firms are best suited to this work given their unparalleled access to resources and unique attorney-client approach.

Drawing from interviews with leaders in pro bono management and analysis of results from a lawyer survey, an overview is provided of the commercial benefits and unique challenges of GPB for the firm, and its potential impact on the career trajectory and job satisfaction of the individual lawyer.

To conclude, this thesis offers recommendations to firms, including the use of appropriate GPB frameworks, best practice guidelines, policies and evaluation processes, and to the international private legal sector as a whole, particularly concerning the establishment of a GPB governing body.

METHODOLOGY

Academic study on GPB has been limited to date; this is due to both the relative nascence of the trend and the difficulty in obtaining data and detailed information about specific initiatives. Firms that participate in programs such as the Pro Bono Challenge do not publish statistics on GPB as a separate subsection of overall pro bono programs, and client-attorney privilege prevents any detailed information being shared in regard to particular clients or initiatives. Publicly available information on GPB is limited to brief descriptions of successful programs, published primarily for marketing purposes within pro bono or corporate social responsibility reports or firm websites. Obtaining candid views about GPB and the challenges faced by firms from pro bono management or lawyers within them is also difficult unless anonymity is assured.

Consequently, research for this thesis was conducted in two ways. First, phone interviews were conducted over a six month period (October 2012 – March 2013) with 30 leaders in the legal pro bono management field. Those interviewed were all Pro Bono Managers, Counsel or Partners in prominent international or US-based firms, with all but one working at firms that were undertaking some form of GPB at the time of interview. Two interviews were also conducted with leaders of non-profit organizations that act as clearinghouses or referral agencies for GPB work, and one with a corporate social responsibility (CSR) expert. Some of these interviews were conducted on the basis of anonymity, and for all others quotes were verified by the interviewee before inclusion in this report.

Second, within the same six month period, an anonymous online survey of lawyers who have been involved with GPB matters (**GPB Lawyer Survey**) was also undertaken to understand

reasons for participation, experiences during the projects, and broader views on GPB. The survey was administered through the website SurveyMonkey and had 95 respondent lawyers from nine international law firms. The survey included 17 questions, 16 of which were in multiple-choice format, with opportunity to provide comment where appropriate. The survey was sent by the respective pro bono leadership within the firm to those lawyers who were currently undertaking, or had recently undertaken, GPB projects in developing countries as representatives of the firm. The survey results were completely anonymous, with no individuals, firms or particular projects able to be identified by the author (with the exception of three firms that requested their lawyers' results for evaluation of the firm's GPB program). A copy of the GPB Lawyer Survey results in full are **attached** to this report as Appendix A.

CHAPTER 1 - THE CONTEXT OF GLOBAL PRO BONO EMERGENCE

1.1 National pro bono sector

Considerable academic study has been undertaken on national pro bono (that is, pro bono work undertaken by private sector law firms within their home country), particularly in the US. This chapter will therefore only provide a brief overview to give context to the emergence of GPB².

In the last three decades, national pro bono has become an accepted, and indeed celebrated, law firm practice, particularly within the US³. It has developed into a “centralized and streamlined [practice], distributed through an elaborate organizational structure embedded in and cutting across professional associations, law firms, state-sponsored legal services programs, and nonprofit public interest groups”⁴.

The American Bar Association’s (ABA) Model Rules of Professional Conduct denote a professional responsibility to undertake pro bono, and suggest an aspirational target of “at least 50 hours” per year, although no disciplinary rule exists to enforce this⁵. The majority of mid-sized and large US law firms are also signatories to the Law Firm Pro Bono Challenge, an initiative of the ABA now managed by the Pro Bono Institute, which encourages commitment of

² A more detailed overview of national pro bono can be found in sources such as Deborah Rhode, *Pro bono in Principle and in Practice: Public Service and the Profession*. Stanford: Stanford University Press, 2005; *Private Lawyers & the Public Interest: The Evolving Role of Pro Bono in the Legal Profession*. New York: Oxford University Press, 2009; Scott Cummings, “The Politics of Pro Bono,” *UCLA Law Review* 51, 1 (2004); Scott Cummings & Deborah Rhode, “Managing Pro Bono: Doing Well by Doing Better,” *New York Law School Clinical Research Institute Research Paper & UCLA School of Law Public Law & Legal Theory Research Paper Series Paper*, *Fordham Law Review* 78 (2010); and Esther Lardent, “Making the Business Case for Pro Bono”, *A Report for the Law Firm Pro Bono Project*, 200, available at http://www2.nycbar.org/mp3/DoingWellByDoingGood/pbi_businesscase.pdf

³ *Private Lawyers & the Public Interest: The Evolving Role of Pro Bono in the Legal Profession*. New York: Oxford University Press, 2009, 135

⁴ Scott Cummings, “The Politics of Pro Bono,” *UCLA Law Review* 51, 1 (2004), 55

⁵ Deborah Rhode, *Pro bono in Principle and in Practice: Public Service and the Profession*. Stanford: Stanford University Press, 2005, 14

a percentage of a firm's billable hours to pro bono⁶. Pro bono has become a way for elite firms to distinguish themselves within the profession, with pro bono scores usually included in the legal rankings in popular legal publications, such as the American Lawyer, and the level of pro bono commitment of a firm often cited in promotional materials for staff recruitment and client pitches⁷.

A growing number of firms allow lawyers to credit pro bono work to billable hour requirements, and many of the larger firms have created new professional roles (such as Pro Bono Manager) to coordinate the pro bono initiatives of the practice on a full-time basis⁸. Sophisticated pro bono programs, and even mandatory pro bono graduation requirements, are also now commonplace in US law schools, building a pro bono culture from the student level⁹.

However, it must be noted that despite this entrenched pro bono practice, the demand for pro bono legal services still far exceeds the supply of services available¹⁰.

This scenario is similar to that within the Australian legal sector. Whilst a structured approach to pro bono only emerged there in the late 1980s, today the country prides itself as one of the global leaders in this field, with all large law firms and most small to medium sized firms undertaking

⁶ "Law Firm Pro Bono Challenge", Pro Bono Institute Website, available at <http://www.probonoinst.org/projects/law-firm-pro-bono/law-firm-pro-bono-challenge/>

⁷ Private Lawyers & the Public Interest: The Evolving Role of Pro Bono in the Legal Profession. New York: Oxford University Press, 2009, 148

⁸ Scott Cummings, "The Politics of Pro Bono," UCLA Law Revue 51, 1 (2004), 55

⁹ Private Lawyers & the Public Interest: The Evolving Role of Pro Bono in the Legal Profession. New York: Oxford University Press, 2009, Chapters 2, 3 & 4

¹⁰ "A Survey of Pro Bono Practices and Opportunities in 71 Jurisdictions", prepared by Latham & Watkins LLP for the Pro Bono Institute, August 2012, available at <http://www.probonoinst.org/wpps/wp-content/uploads/a-survey-of-pro-bono-practices-and-opportunities-in-71-jurisdiction-2012.pdf>; Deborah Rhode, Pro bono in Principle and in Practice: Public Service and the Profession. Stanford: Stanford University Press, 2005, 19

some form of pro bono¹¹. Australia also has its own signatory National Pro Bono Aspirational Target program, established by the National Pro Bono Resource in 2007¹². As in the US though, and despite the added existence of a widespread government funded legal aid program for criminal and family matters, further demand for additional pro bono legal services still exists¹³.

In contrast to the US and Australia, the pro bono culture within the United Kingdom (UK) has been less robust¹⁴. However, in response to cutbacks in publicly funded legal aid, in the mid-1990s the English Bar developed a range of initiatives designed to encourage and support pro bono contributions¹⁵. The amount of pro bono work undertaken has increased in the last decade, albeit somewhat slowly, and organizations such as ProBonoUK and the Solicitors Pro Bono Group have been established to nurture this trend. However, many UK law firms still view pro bono as just one pillar of their CSR focus, with other financial and community initiatives considered of equal importance¹⁶.

1.2 National pro bono in the challenging economic climate

With continued worldwide economic uncertainty, diminished government funding for legal aid and public sector legal assistance groups has led to an even greater demand for pro bono services. However, despite the current financial climate having a significant impact on private sector profits and growth, the strong commitment to pro bono in the US and Australia has thus

¹¹ Maria Twomey & John Corker, "Pro Bono at Work: Report on the Pro bono Work of 25 Large Australian Law Firms", Legal Ethics 11, 2 (2009), 255

¹² Ibid

¹³ "A Survey of Pro Bono Practices and Opportunities in 71 Jurisdictions", prepared by Latham & Watkins LLP for the Pro Bono Institute, August 2012, available at <http://www.probonoinst.org/wpps/wp-content/uploads/a-survey-of-pro-bono-practices-and-opportunities-in-71-jurisdiction-2012.pdf>

¹⁴ This is due to a variety of factors, including the structure of the legal system and the availability of a system of legal aid that uses public funds to help those in need of legal services ("A Survey of Pro Bono Practices and Opportunities in 71 Jurisdictions", prepared by Latham & Watkins LLP for the Pro Bono Institute, August 2012, available at <http://www.probonoinst.org/wpps/wp-content/uploads/a-survey-of-pro-bono-practices-and-opportunities-in-71-jurisdiction-2012.pdf>)

¹⁵ Deborah Rhode, *Pro bono in Principle and in Practice: Public Service and the Profession*. Stanford: Stanford University Press, 2005, 104

¹⁶ Based on anecdotal reports from interviews conducted with pro bono leadership in UK based / founded law firms

far remained ‘recession proof’¹⁷ and relatively unaffected by the economic downturn. In the US, the latest Pro Bono Institute reports from the Law Firm Pro Bono Challenge indicate that growth in pro bono hours has remained steady for the past decade (although the rate of increase has slowed in comparison to pre-recession times), with 2011 statistics representing the third highest hourly contribution of time since 1995¹⁸. Similarly, in Australia, the amount of pro bono undertaken by large law firms has continued to steadily increase over the past few years¹⁹.

This is testament to the strong and institutionalized pro bono culture in these countries. Some firms have also practically utilized pro bono work during the downturn as “readily accessible and institutionally legitimate” opportunities for attorneys with insufficient billable hours, allowing them to retain talent while waiting for the market to rebound²⁰.

However, the continued economic uncertainty and stagnation, particularly in the US and Europe, has led to doubt as to whether this can be sustained. Many firms, particularly small and mid-sized US firms, are downsizing, leading to reduction in attorney excess capacity. In addition, an emphasis on financial targets has led to many associates reconsidering their pro bono commitments, allowing them to remain available for billable work²¹. Indeed, without the benefit of such an institutionalized pro bono culture found in the US and Australia, UK pro bono is

¹⁷ Scott Cummings & Deborah Rhode, “Managing Pro Bono: Doing Well by Doing Better”, New York Law School Clinical Research Institute Research Paper & UCLA School of Law Public Law & Legal Theory Research Paper Series Paper, Fordham Law Review 78 (2010) 2409

¹⁸ “Report on the 2011 Pro Bono Institute Law Firm Pro Bono Challenge Statistics”, Pro Bono Institute, July 2012, available at <http://www.probonoinst.org/wpps/wp-content/uploads/2011-challenge-report.pdf>

¹⁹ “National Law Firm Pro Bono Survey Final Report”, National Pro Bono Resource Centre, January 2013, available at https://wic041u.server-secure.com/vs155205_secure/CMS/files_cms/National%20Law%20Firm%20Pro%20Bono%20Survey%202012%20-%20Final%20Report.pdf

²⁰ Scott Cummings & Deborah Rhode, “Managing Pro Bono: Doing Well by Doing Better”, New York Law School Clinical Research Institute Research Paper & UCLA School of Law Public Law & Legal Theory Research Paper Series Paper, Fordham Law Review 78 (2010) 2410

²¹ Ibid, 2415

already on the decline, with the average amount of pro bono work undertaken by solicitors falling by nearly 15% over the past year²².

Moreover, the global private legal sector as a whole is currently undertaking a period of transition, with some profound changes in the nature of legal practice being implemented in an effort to adapt to the changing economic circumstances. An increasingly competitive legal services environment, along with more assertive clients, has driven changes in work and compensation structures, with continued pressure for alternative and reduced fee arrangements rather than the traditional hourly billing system. Firms are exploring new strategies to lower costs, including using technology such as e-discovery and shifting administrative and lower end legal advisory work to low cost ‘work centers’ located outside major cities. The demographic landscape of the firm has also been reformed, with significantly reduced incoming associate classes and summer associate hires, and more varied career trajectories beyond the usual track of advancement to partnership.

There is no doubt that these fundamental changes have had, and will continue to have, both positive and negative implications for the practice of pro bono. Advancements in technology may be used in the pro bono space to optimize efficiency of processes. In an increasingly competitive environment, firms could use pro bono strategically to align with and support the business needs of the firm, playing an important role in staff recruitment, training and job

²² “LawWorks Pro Bono Survey Report 2012”, LawWorks, undated, available at http://lawworks.org.uk/tmp_downloads/z84m138k122c70e56123a89t103p71c135j4w56s66z46e127/lawworks-pro-bono-survey-report-2012-final.pdf; Grania Langdon-Down, “Pro bono - minding the gap”, The Law Gazette Online, Thursday 25 October 2012, available at <http://www.lawgazette.co.uk/features/pro-bono-minding-gap>

satisfaction, and the development and strengthening of client relationships²³. However, a reduction in junior level associate numbers (who have traditionally taken up the bulk of pro bono work) and more pressure on work and compensation practices will no doubt prove a challenge to the time a firm can afford to dedicate to pro bono²⁴.

1.3 The globalization of the legal industry

It is within this general pro bono context that the concept of GPB has appeared and continues to grow in popularity, seemingly counter-intuitively, in the face of the economic downturn.

Private sector lawyers have been involved with cross-border legal assistance programs in developing countries since the 1960s, usually volunteering as consultants for non-profits or Western governments in election monitoring, law reform or governance work²⁵. However, it was not until the early 2000s that large US and UK based law firms began to send lawyers on their behalf to undertake the work (usually on an ad hoc basis and in partnership with a non-profit organization), and it has only been in the last five years that GPB has developed into a “competitive market”²⁶, considered by many firms as a strategic part of their pro bono focus.

The GPB trend has undoubtedly been led by the globalization of the legal sector. The US legal sector has expanded at a rapid rate since the 1980s, from an overwhelmingly domestic market to one where the top 250 firms now boast over 650 offices and 17,000 lawyers in international

²³ “Report on the 2011 Pro Bono Institute Law Firm Pro Bono Challenge Statistics”, Pro Bono Institute, July 2012, available at <http://www.probonoinst.org/wpps/wp-content/uploads/2011-challenge-report.pdf>

²⁴ Amy Kolz, “Under Construction; Changes in the law firm business model will affect pro bono”, *American Lawyer* 63, 34, August 1, 2012, 8

²⁵ Steven Schneebaum, Partner, Fox Rothschild, phone interview conducted by author, Washington, 6 November 2012

²⁶ Robert Powell, Head of Corporate Social Responsibility, CMS Cameron McKenna, phone interview conducted by author, London, 27 November 2012

jurisdictions²⁷. According to research undertaken by the American Lawyer, in 1998 only one of the top 50 firms, Baker & McKenzie, was considered ‘international’ (that is, had more than 60% of its lawyers located in offices outside the US). By 2010, that proportion had increased to nine out of the top 100 and by 2012 it had more than doubled to 21²⁸. Similarly, the UK legal market now receives over 60% of total revenue from non-domestic sources, an increase of nearly 200% from a mere decade ago²⁹.

Clients have driven this globalization process; more specifically, firms have expanded to meet the needs of their Fortune 500 / Global 500 multinational corporation client base, that have themselves grown globally with the rise of international trade and business and the rapid development of financial and capital markets around the world³⁰. Indeed, by 2010, the majority of the world’s largest companies (within a variety of sectors such as retail, automobile, oil / gas, energy, IT, insurance and banking) earned more than 50% of their revenues from outside their home country³¹. More recently, firms have also been pushed towards globalization to chase the emerging multinationals surfacing in non-Western regions, such as the telecom, technology and oil and gas corporations in the Middle East and Asia³².

This globalization trend has seen the rise of the international ‘mega firm’ – large-scale international corporate firms that have been strategically developed through mergers and

²⁷ National Law Journal’s NLJ 250 database, available at <http://www.managingpartner.com/bookshop/strategy-led-law-firm-business-models-work>

²⁸ The 2012 Global 100 – Most Attorneys Report, The American Lawyer, available at <http://www.americanlawyer.com/PubArticleTAL.jsp?id=1202571229481>

²⁹ Nicholas Bruch & John Cussons, The Strategy-Led Law Firm: Business Models That Work: Arc Group 2012

³⁰ John Flood, “Lawyers As Sanctifiers: The Role Of Elite Law Firms In International Business Transactions”, University of Westminster School of Law Legal Studies Research Paper Series 12/2006, Indiana Journal of Global Legal Studies 14, 1 (2007) 10

³¹ “The Next Wave: Globalization after the Crisis”, Report by Jomati Consultants LLP, March 2010, available at http://www.altmanweil.com/dir_docs/resource/b1834c69-8653-4fc8-961e-fee62e308ab8_document.pdf

³² Nicholas Bruch & John Cussons, The Strategy-Led Law Firm: Business Models That Work: Arc Group 2012

partnerships to have a presence in all major domestic and international markets³³ and that offer a strong global platform to provide a broad range of business law advice to multinational conglomerates³⁴. These firms in particular have continued to aggressively expand despite the global economic downturn, opening offices in both Western and non-Western regions, and experiencing revenue growth and recovery faster than their national counterparts as a result³⁵.

Eleven of the top 20 law firms in the world (by revenue) are now considered international, with the biggest of these being Baker & McKenzie, DLA Piper, Clifford Chance and Linklaters³⁶. It is these international mega firms, with unparalleled resources and global networks, which are at the forefront of the GPB trend. These firms are better able to absorb the high costs associated with GPB than their smaller counterparts given their large profit revenues, and their organizational structure provides practical advantages in delivering GPB services, with a mass supply of personnel lawyers and administrative coordination capacity in a large spread of geographical locations.

A table containing the list of top 20 global firms by revenue, their indicators and GPB participation has been **attached** in Appendix B.

³³ Nicholas Bruch and John Cussons, "U.S. Market Trends: Staking out the high ground in a time of turbulence", Report by Huron Consulting Group, 2012, available at http://www.huronconsultinggroup.com/Insights/Whitepapers/Legal/US_Market_Trends_Staking_Out_the_High_Ground_in_a_Time_of_Turbulence.aspx

³⁴ Nicholas Bruch and John Cussons, "U.S. Market Trends: Staking out the high ground in a time of turbulence", Report by Huron Consulting Group, 2012, available at http://www.huronconsultinggroup.com/Insights/Whitepapers/Legal/US_Market_Trends_Staking_Out_the_High_Ground_in_a_Time_of_Turbulence.aspx

³⁵ "The Next Wave: Globalization after the Crisis", Report by Jomati Consultants LLP, March 2010, available at http://www.altmanweil.com/dir_docs/resource/b1834c69-8653-4fc8-961e-fee62e308ab8_document.pdf; Nicholas Bruch & John Cussons, The Strategy-Led Law Firm: Business Models That Work: Arc Group 2012

³⁶ The 2012 Global 100 – Most Attorneys Report, The American Lawyer, available at <http://www.americanlawyer.com/PubArticleTAL.jsp?id=1202571229481>

CHAPTER 2 – GLOBAL PRO BONO SNAPSHOT

Whilst international mega firms have led the GPB trend, today almost all of the top 20 global firms by revenue (and other major players within the top 50 such as Shearman & Sterling, Herbert Smith Freehills, and Debevoise & Plimpton) undertake some form of GPB, usually comprising between 2-10% of these firms' overall pro bono programs³⁷.

2.1 Structure

How GPB is structured, and the amount of GPB work done in developing countries, depends largely on the size of the firm, its global presence, and its overall commitment to pro bono.

Case Study 1: DLA Piper

DLA Piper, considered the vanguard of the GPB movement, created a non-profit affiliate in 2005, New Perimeter, dedicated exclusively to the management and implementation of their GPB initiatives in developing and post-conflict countries. New Perimeter is a completely separate program, over and above their already strong national pro bono projects in the countries in which they have offices³⁸. It primarily focuses on legal education, women and children's rights, access to justice and law reform, environmental protection, economic development and food security in developing countries.

New Perimeter has its own website, employs six full-time pro bono management staff (four of whom are qualified lawyers), and is overseen by an Advisory Board whose

³⁷ Number range based on estimates given during interviews with pro bono managers from October 2012 –March 2013

³⁸ DLA Piper Pro Bono website, available at <http://www.dlapiperprobono.com/what-we-do/work/>

members hold a range of international legal, business and development experience. New Perimeter programs use only the services of DLA Piper lawyers, but are often undertaken jointly with other partners such as universities, NGOs, and other professional organizations that offer pro bono services. DLA Piper currently allocates 13,000-15,000 lawyer hours, translating to \$6-7 million in donated legal services, per year, to New Perimeter³⁹.

This is an innovative and impressive model that has yet to be replicated by any other firm, although it must be noted that this structure appears feasible only for firms of similar size and global reach.

Case Study 2: White & Case

With just over half the number of lawyers globally, White & Case's approach to GPB bears similarities to that of DLA Piper, albeit on a smaller scale.

In 2010 the firm established a separate Global Pro Bono Practice that focuses on complex cross-frontier matters that “makes use of [their] global footprint”⁴⁰ in the areas of access to justice, governance and the rule of law, and advice to non-governmental organizations with a social or environmental mission⁴¹. The Practice Leader is based in Brussels and is assisted by a Pro Bono Counsel and Global Pro Bono Manager, both based in New York. Rather than having a Pro Bono Committee, the firm has set up a system of hundreds of ‘pro bono leaders’ in their offices around the world, all at a partner level, with a

³⁹ New Perimeter website, available at <http://www.dlapiperprobono.com/what-we-do/work/>

⁴⁰ Quote from Ian Forrester, Global Pro Bono Practice Leader, White & Case, on the Social Responsibility Review 2012 website, available at <http://srreview2012.whitecase.com/>

⁴¹ White & Case Social Responsibility Review 2012 website, available at <http://srreview2012.whitecase.com/>

commitment of two to three years to source and supervise both national and transnational pro bono matters⁴². An online Social Responsibility Review is also produced each year that comprehensively reports on CSR and global pro bono initiatives⁴³.

Establishing a distinct Global Pro Bono Practice with a dedicated leadership team demonstrates a commitment to GPB not only externally but also within the firm, building a strong ‘pro bono culture’ across all offices. This seems to be a model structure for firms of this size and global reach.

The majority of other firms undertaking GPB tend to integrate it into pre-existing national pro bono structures within the US or the UK, with all initiatives managed by the Pro Bono Manager, Counsel or Partner of those countries, and without a separate budget or leadership structure specifically for GPB⁴⁴.

Given the Pro Bono Manager / Counsel / Partner manages the firm’s program on a full-time basis, providing overall supervision of all pro bono projects, assigning cases to lawyers and developing firm-wide policies, they have significant discretion in influencing the contours of a firm’s GPB program⁴⁵. Unfortunately, given the relative nascence of the GPB sector, the pro bono leadership may not have specific expertise in undertaking international pro bono projects.

⁴² Louis O’Neill, Pro Bono Counsel, White & Case, phone interview conducted by author, New York, US, 30 November 2012

⁴³ White & Case Social Responsibility Review 2012 website, available at <http://srreview2012.whitecase.com/>

⁴⁴ For a more detailed discussion on national pro bono program structure see Scott Cummings & Deborah Rhode, “Managing Pro Bono: Doing Well by Doing Better”, New York Law School Clinical Research Institute Research Paper & UCLA School of Law Public Law & Legal Theory Research Paper Series Paper, Fordham Law Review 78 (2010)

⁴⁵ Scott Cummings & Deborah Rhode, “Managing Pro Bono: Doing Well by Doing Better”, New York Law School Clinical Research Institute Research Paper & UCLA School of Law Public Law & Legal Theory Research Paper Series Paper, Fordham Law Review 78 (2010)

One respondent to the GPB Lawyer Survey noted:

“[The] project [is] being managed by someone who has no expertise at all in the area of work required... [they don’t] appreciate what is involved when the client asks for assistance with certain things⁴⁶”.

Lawyers within firms that did not have a formal GPB leadership structure described “ad hoc”, “idiosyncratic” and “serendipitous” processes of sourcing GPB projects, with the success of each initiative “hinged on what personalities are involved”⁴⁷. Pro bono management with expertise and strong interest in GPB indeed seems crucial in creating a strong culture of support for GPB within the firm and lending legitimacy to projects.

Sidley Austin is one firm that has taken steps to mitigate this issue by recently hiring a Pro Bono Manager from the public sector for its Africa-Asia Agricultural Enterprise Project. With experience and expertise specifically in agricultural enterprise, the Manager works collaboratively with two senior lawyers within the firm to provide guidance and assistance on all matters within the Project⁴⁸.

2.2 Type of work

“International pro bono is like a buffet... there are lots of different ways to undertake it”.⁴⁹

GPB can include a range of different types of legal work (a matrix of project examples have been included in Appendix C). The most prevalent form of GPB appears to be legal research projects

⁴⁶ Comment provided by respondent to the GPB Lawyer Survey (Appendix A), Question 10

⁴⁷ Quotes collected from interviews with pro bono managers conducted by phone between October 2012 and March 2013

⁴⁸ Ronalee Biasca, Pro Bono Manager, Sidley Austin, phone interview conducted by author, Brussels, 20 March 2013

⁴⁹ Marc Kadish, Director of Pro Bono Activities, Mayer Brown, phone interview conducted by author, Chicago USA, 21 November 2012

for governments and non-profit organizations in developing countries⁵⁰. These are usually comparative, analyzing different legislative frameworks around the world in order to assist law reform or human rights advocacy. Examples of legal research projects include Clifford Chance's work for Asylum Access to generate 28 country reports on refugee rights⁵¹, and White & Case's overview of African and international laws, to guide the drafting of a more inclusive and protective Mental Health Act in Liberia⁵².

Firms also undertake GPB by providing advice or taking on the role of pro bono corporate counsel to NGOs that are situated in or whose work is focused primarily in developing regions⁵³. For instance, White & Case has developed an ongoing partnership with Not For Sale, an international non-profit anti-slavery organization, advising on a wide range of matters, including setting up the organization's initial operations, supporting its international expansion, and assisting with a number of specific initiatives⁵⁴. Linklaters also recently worked with Camfed International to produce a report on the standard of governance in the international development sector⁵⁵.

Given the continued worldwide economic uncertainty and decrease in government funding, much of this GPB work has also been advising non-profit organizations on innovative corporate structures and profit earning initiatives. Kirkland & Ellis recently provided advice in relation to structuring the first for-profit-fund for Equity for Africa, an organization that finances

⁵⁰ Based on the author's analysis of information provided on firm websites, interviews with pro bono managers from October 2012 –March 2013, and GPB Lawyer Survey (Appendix A) – respondents' answers to Question 4 (33.7% of programs reported as such)

⁵¹ Clifford Chance Corporate Social Responsibility Report 2012 website, available at

<https://onlineservices.cliffordchance.com/online/viewMicroSitePage.action?metaData.micrositeID=10&metaData.pageID=88>

⁵² White & Case pro bono page, available at <http://www.whitecase.com/about/probono-1/#.UV-Fq6KR-So>

⁵³ Based on the author's analysis of information provided on firm websites, interviews with pro bono managers from October 2012 –March 2013, and GPB Lawyer Survey (Appendix A) – respondents' answers to Question 4 (28.57% of programs reported as such)

⁵⁴ Latham & Watkins pro bono website, available at <http://www.lw.com/news/latham-recieves-2012-abolition-award-not-for-sale>

⁵⁵ Linklaters pro bono website, available at <http://www.linklaters.com/Responsibility/Pages/ProBono.aspx>

sustainable employment-intensive business growth in northern Tanzania⁵⁶. Freshfields Bruckhaus Deringer has partnered with Save the Children International, providing advice on major global corporate restructuring⁵⁷, and Cleary Gottlieb lawyers assisted Pro Mujer with structural reorganization and also analyzed how local organizations in several Latin American countries could become eligible to take deposits and make loans⁵⁸.

Other GPB work undertaken includes the formulation and implementation of educational programs for law students, paralegals, lawyers, bar associations and judges in developing countries, with firms sending lawyers (usually partners or senior associates) to the country to deliver the training⁵⁹. A large percentage of White & Case's GPB work in developing countries are these types of educational programs, with recent initiatives including a workshop on best practices in arbitration for Haitian lawyers and judges in Port-au-Prince, and training for lawyers and paralegals in Sierra Leone in conjunction with the non-governmental organization Timap for Justice⁶⁰.

New Perimeter (DLA Piper) also implements a number of educational programs, such as its recent judicial education initiative in Guyana, where a team of lawyers worked with the government to design innovative simulation-based training on criminal trial skills for magistrate judges and prosecutors, and travelled to Georgetown to administer the workshops⁶¹. Gibson Dunn recently partnered with Lawyers Without Borders to deliver a one-week trial advocacy and

⁵⁶ Kirkland & Ellis pro bono page, available at <http://www.kirkland.com/sitecontent.cfm?contentID=268>

⁵⁷ Freshfields Bruckhaus Deringer pro bono page, available at http://www.freshfields.com/en/global/who_we_are/Pro_bono/

⁵⁸ Cleary Gottlieb Steen & Hamilton Annual Pro Bono Practice Report 2011, available at <http://www.cgsh.com/files/Publication/1ca7770c-64ef-4f9e-9217-3442f0bacf75/Presentation/PublicationAttachment/ee84caa5-8d08-42bf-bccc-379591e7dce4/Cleary-Gottlieb-Pro-Bono-Practice-2011-Annual-Report.pdf>

⁵⁹ Based on the author's analysis of information provided on firm websites, interviews with pro bono managers from October 2012 –March 2013, and GPB Lawyer Survey (Appendix A) – respondents' answers to Question 4 (19.48% of programs reported as such)

⁶⁰ White & Case Social Responsibility Review 2012 website, available at <http://srreview2012.whitecase.com/>

⁶¹ New Perimeter website, available at <http://www.newperimeter.org/our-work/legal-education/guyana-justice.html>

international corruption training program to Kenyan magistrates, prosecutors, NGO lawyers and private practitioners in Nairobi.

Representation before international bodies, or assistance with international court process or negotiations, is a rarer form of GPB⁶², but enables firms with strong litigation practices to participate. For example, Weil Gotshal recently submitted an amicus brief on behalf of Human Rights Watch to the Special Court of Sierra Leone, an international tribunal established to preside over war crimes and genocide prosecutions arising from the country's civil war⁶³. Debevoise & Plimpton continues to represent a group of Nigerian citizens asking for compensation and resettlement from the Nigerian government at the African Commission on Human and Peoples' Rights⁶⁴. Shearman & Sterling has provided pro bono assistance to prosecutors at the International Criminal Court and to civil parties before the Extraordinary Chambers in the Courts of Cambodia, and has offered ongoing support to the Office of the Prosecutor at the International Criminal Tribunal for Rwanda over the last 10 years⁶⁵.

Finally, firms can also (though often controversially) directly assist governments with rule-of-law reform work. Latham & Watkins assisted the Sudan People's Liberation Movement (SPLM) from 2004-2006 in drafting and negotiating the National Interim Constitution of Sudan, the Interim Constitution of Southern Sudan and the Constitutions of two transitional states⁶⁶. New Perimeter (DLA Piper) provided legislative drafting assistance and legal training to Kosovo's

⁶² Based on the author's analysis of information provided on firm websites, interviews with pro bono managers from October 2012 –March 2013, and GPB Lawyer Survey (Appendix A) – respondents' answers to Question 4 (3.9% of programs reported as such)

⁶³ Weil, Gotshal & Manges pro bono page, available at <http://www.weil.com/probono/>

⁶⁴ Debevoise & Plimpton pro bono page, available at <http://www.debevoise.com/recentprobonomatters/>

⁶⁵ Shearman & Sterling pro bono page, available at <http://www.shearman.com/pro-bono/>

⁶⁶ Maya Steinitz, "Internationalized Pro Bono and a New Global Role for Lawyers in the 21st Century: Lessons from Nation Building in Southern Sudan", Yale Human Rights and Development Law Journal, (2009), available at http://works.bepress.com/maya_steinitz/1

new government between 2005 and 2009⁶⁷. Jones Day has played a smaller role in the ongoing drafting of a post conflict constitution for Nepal by assisting the public interest firm PILPG in analyzing several key legislative mechanisms⁶⁸.

Firms have also directly advised governments in developing countries in less controversial areas of law, including direct investment. K & L Gates, in collaboration with the International Senior Lawyers Project (ISLP) and the United Nations Development Program, advised the government of Tanzania on how to best manage its uranium mining projects in the interest of protecting workers, the public, and the environment⁶⁹.

Since 2011, Herbert Smith Freehills has provided a free legal assistance facility to the government of Sierra Leone, able to be accessed by officials involved in attracting and supporting inward investment into the country. This work has included advising on a large infrastructure project and the introduction of new legislation to stimulate investment⁷⁰. In addition, the firm seconded a senior associate to Freetown to promote the facility to relevant government officials, establish the remote network, and develop training programs to build the capacity of Sierra Leone government lawyers⁷¹.

⁶⁷ New Perimeter pro bono website, available at <http://www.newperimeter.org/our-work/access-to-justice/kosovo-law-reform.html>

⁶⁸ Jones Day pro bono website, available at <http://www.jonesdayprobono.com/experience/>

⁶⁹ K & L Gates, Pro Bono Report 2012, available at http://www.klgates.com/files/Publication/7c748e97-b1f6-45f4-b7ab-b45299147444/Presentation/PublicationAttachment/283c66ce-07f2-45ed-a883-36a679dadc9/Pro_Bono_2012.pdf

⁷⁰ Herbert Smith Freehills Pro Bono News, available at <http://www.herbertsmithfreehills.com/news/news20111201-hs-launches-free-legal-assistance-facility-for-the-government-of-sierra-leone>; Richard Brophy, Head of Corporate Responsibility, Herbert Smith, "International Development – The Role of an Enabling Business" online blog, available at <http://www.businessfightspoverty.org/profiles/blogs/international-development-the-role-of-an-enabling-business>

⁷¹ Herbert Smith Freehills Pro Bono News, available at <http://www.herbertsmithfreehills.com/news/news20111201-hs-launches-free-legal-assistance-facility-for-the-government-of-sierra-leone>; Richard Brophy, Head of Corporate Responsibility, Herbert Smith, "International Development – The Role of an Enabling Business" online blog, available at <http://www.businessfightspoverty.org/profiles/blogs/international-development-the-role-of-an-enabling-business>

2.3 Signature projects

Rather than adopting an all-inclusive approach to GPB, firms often develop signature pro bono projects that focus firm resources on a particular matter, or type of work, issue, or client group⁷². These projects are designed to maximize efficiency, increase impact, and build institutional knowledge and resources within one specialized area⁷³.

Case Study 3: Sidley Austin

Until recently, Sidley Austin's GPB work was limited to self-described "episodic and discreet"⁷⁴ one-off projects, sourced through referral clearinghouses. However, in early 2012, Sidley launched a new long-term, firm-wide Africa-Asia Agricultural Enterprise Project, aimed at strategically harnessing the business transaction expertise of the firms' lawyers for the benefit of development projects in Africa and Asia⁷⁵.

In collaboration with a range of both international and community NGOs, government and private sector entities, the project supports market-based economic development and growth through finance, investment and trade legal assistance to small agricultural enterprises in sub-Saharan Africa and less developed countries in Asia⁷⁶. Currently, more than 100 Sidley lawyers are participating in the program⁷⁷.

⁷² Extrapolated from the national pro bono analysis undertaken in Scott Cummings & Deborah Rhode, "Managing Pro Bono: Doing Well by Doing Better", New York Law School Clinical Research Institute Research Paper & UCLA School of Law Public Law & Legal Theory Research Paper Series Paper, Fordham Law Review 78 (2010) 30

⁷³ Ibid

⁷⁴ Ronald Flagg, Firmwide Chair, Committee on Pro Bono and Public Interest Law, Sidley Austin, phone interview conducted by author, Washington, 30 November 2012

⁷⁵ Sidley Austin Agricultural Project website, available at <http://www.sidley.com/Africa-Asia-Agricultural-Enterprise-Project/>

⁷⁶ Ibid

⁷⁷ Jung-ui Sul, Project Founding Associate, Sidley Austin, phone interview conducted by author, Brussels, 7 December 2012

Examples of their work include:

- Trade: Sidley is advising the Bangladesh Shrimp and Fish Foundation on European Union export standards, and Tolaro Global (Benin) on regulations and disputes arising from cashew exports to the US and EU.
- Market access on compliance with regulatory measures: Sidley is representing the Alliance of African Shea Associations in facilitating access to the US market through regulatory advice on US food standards.
- Intellectual property / Trademarks / Plant Variety Protection: Sidley is working with the Syngenta Foundation for Sustainable Agriculture to pilot protection and licensing of improved seed varieties in Africa, Asia and Latin America. The firm is also working with the Alliance of African Shea Associations on negotiating branding, with regard to the provenance of shea butter used in beauty products.
- Investment and Finance: Sidley is representing One Acre Fund to obtain a multi-million dollar loan facility from a major public investment agency, to provide much needed micro-loans to small-scale farmers in Kenya, Rwanda and Burundi.
- Franchising and Dealer Networks: Sidley is working with Technoserve and Moageiras Milenio de Mozambique on a project to establish a network of maize mills in rural areas of Mozambique⁷⁸.

One of the lawyers noted:

“A firm like Sidley can add significant value to development projects because of our specialized knowledge / experience in international trade and finance. We

⁷⁸ Sidley Austin Agricultural Project website, available at <http://www.sidley.com/Africa-Asia-Agricultural-Enterprise-Project/>

*would make less of a difference on "garden variety" pro bono work, which other lawyers are more well placed than us to help on, due to their particular specializations"*⁷⁹.

Similarly, WilmerHale has also developed a signature project, strategically harnessing their international finance expertise to assist development in Sierra Leone. In 2009, the firm helped negotiate an agreement between World Hope International, its subsidiary First Step Economic Opportunity Zone, and the Sierra Leone government, to create a special economic zone. The firm is now in negotiations for the construction of a US \$150million steel plant within the zone (the nation's first, and unique to that part of Africa), which will bring manufacturing capability, jobs and export business to the country in the aftermath of the civil war⁸⁰.

2.4 Regional focus

Rather than taking on a specific signature project, some firms prefer to focus their GPB in defined regions or countries.

As one interviewee noted:

*"It is best to try to focus on a country or a region, keep building roots in particular places and not slip all over the world... rather than Monday in Africa, Tuesday in Latin America, choose specific areas and try to focus on them on a long term basis"*⁸¹.

⁷⁹ Comment provided by respondent to the GPB Lawyer Survey (Appendix A), Question 15

⁸⁰ WilmerHale pro bono page, available at <http://www.wilmerhale.com/probono/#!4>

⁸¹ Marc Kadish, Director of Pro Bono Activities, Mayer Brown, phone interview conducted by author, Chicago USA, 21 November 2012

Developing countries near or connected to emerging markets in Latin America and Africa are particularly popular, allowing firms to engage with, and promote capabilities and credentials in, these jurisdictions as part of their global expansion strategy.

Smaller firms, or firms that have just begun to integrate GPB into their pro bono programs, tend to focus on regions closer to their geographic base. For example, Ashurst Australia (a firm that has recently merged into the Ashurst global conglomerate) has a major focus on the Asian and South Pacific region. According to Anne Cregan, Pro Bono Partner at Ashurst Australia:

“This is due to both geographical location and need... European and American firms are very focused on Africa, the continent gets a lot of attention. It is certainly true that there is a higher proportion of people in poverty in Africa, but there are actually a higher number of people experiencing poverty in Asia, and an enormous amount of poverty as well in the South Pacific region... yet those areas get much less attention than Africa”⁸².

Similarly, CMS Cameron McKenna focuses primarily on Eastern Europe, with Robert Powell, Head of Corporate Social Responsibility, noting:

“We haven’t done as much pro bono work in Africa or Latin America as the bigger US firms have – their sheer size and scale enable them to do huge projects. We tend to do research based work, mainly in Eastern Europe [given] the region is closer to our geographic base in the world.”⁸³

⁸² Anne Cregan, Pro Bono Partner, Ashurst Australia, phone interview conducted by author, Sydney, NSW, Australia, 6 December 2012

⁸³ Robert Powell, Head of Corporate Social Responsibility, CMS Cameron McKenna, phone interview conducted by author, London, 27 November 2012

2.5 Lawyers

The GPB Lawyer Survey results (attached in Appendix A) provide an interesting snapshot of lawyers who undertake GPB. The results indicated that 81.92% of lawyers who undertook GPB work had participated in national pro bono programs, suggesting a high level of overlap between national pro bono and GPB programs.

The three biggest groups of responders were graduates / trainees (28.42%), 1-3 year lawyers (24.21%) and partners (15.79%). This corresponds to anecdotal evidence collected through interviews with pro bono management which indicates that junior lawyers undertake the majority of GPB work, with partner supervision for business development or financial transaction work of a sophisticated nature⁸⁴. Indeed, many interviewees noted the popularity of GPB for younger lawyers, though some also emphasized the limitations for younger lawyers undertaking this type of work:

"We have a requirement that a new associate has to do a pro bono project within their first two years. But the reality is you may not be able to send a young associate overseas for an extended period of time, as it may slow down their integration into the firm...but with a lawyer who is transitioning into retirement, who is a senior counsel at their firm, they have the ability to come and go and do that work... We are always trying to find opportunities for young lawyers to participate, but realistically they will most likely be limited to pro bono work that can be undertaken within their home office⁸⁵".

⁸⁴ Christopher Herrling, Pro Bono Counsel, WilmerHale, phone interview conducted by author, Washington, 7 December 2012

⁸⁵ Marc Kadish, Director of Pro Bono Activities, Mayer Brown, phone interview conducted by author, Chicago USA, 21 November 2012

The GPB Lawyer Survey suggests a large majority (89.61%) of lawyers volunteer for the projects, and may do so for a myriad of reasons, including interest in assisting clients in developing countries (50.63%), in the particular area of law (49.35%), and in the particular geographic region (32.5%)⁸⁶. However, the final selection of lawyers on a project is usually undertaken by pro bono management or by a Supervising Partner. As one interviewee noted:

*“What will usually happen is lots of lawyers want to do international pro bono work, everyone likes the idea of it, but a much smaller percentage actually have the relevant experience...my colleague and I [pro bono team] and the partners have a sense of who within the firm has got experience in the area with relevance to the global matter and so will usually staff it... so there is a definite selection for lawyers who have the right skills.”*⁸⁷

2.6 Support and facilitation

A growing number of organizations, projects and websites exist to provide support to the GPB sector. These include:

- The International Bar Association, which organizes an annual sector conference and has developed an international pro bono website that provides resources to assist firms to carry out GPB projects⁸⁸;
- The Pro Bono Institute’s Global Pro Bono Project, which “works to strengthen pro bono culture, policy, and practice in the legal profession around the world” through research, consultative services, training, and thought leadership⁸⁹;

⁸⁶ GPB Lawyer Survey (Appendix A), Questions 5 & 6

⁸⁷ Anonymous phone interview conducted by author, 21 November 2012

⁸⁸ International Bar Association International Pro Bono website, available at <http://www.internationalprobono.com/>

⁸⁹ Pro Bono Institute’s Global Pro Bono Project website, available at <http://www.probonoinst.org/projects/global-pro-bono/>

- The Australian International Pro Bono Advisory Group, developed to assist in the coordination and targeting of international pro bono work, particularly in the Asia-Pacific region, with a website containing resources for firms such as case study examples, factsheets and templates⁹⁰; and
- The American Bar Association (ABA) Standing Committee on Pro Bono and Public Service's two websites on International Pro Bono⁹¹ and the Rule of Law Initiative (ROLI)⁹², both of which provide links to related research, publications and other resources.

A number of non-profit referral organizations, termed 'clearinghouses', have also been established to assist law firms in sourcing and managing GPB projects, including: International Senior Lawyers Project (ISLP)⁹³; Advocates for International Development (A4ID)⁹⁴; the International Bar Association Pro Bono Clearinghouse⁹⁵; TrustLaw Connect⁹⁶; the PILnet Global Pro Bono Clearinghouse⁹⁷; ABA ROLI International Pro Bono Legal Specialist Program⁹⁸; i-Probono⁹⁹; Lex Mundi Pro Bono Foundation¹⁰⁰; the Cyrus R. Vance Centre for International Justice¹⁰¹; and the Centre for Asia Pacific Pro Bono¹⁰².

⁹⁰ Australian International Pro Bono Advisory Group website, available at

<http://www.ag.gov.au/LegalSystem/InternationalProBonoAdvisory/Pages/default.aspx>

⁹¹ http://www.americanbar.org/groups/probono_public_service/resources/international_pro_bono.html

⁹² http://www.americanbar.org/advocacy/rule_of_law.html

⁹³ International Senior Lawyers Project website, available at <http://www.islp.org/>

⁹⁴ Advocates for International Development website, available at <http://www.a4id.org/>

⁹⁵ International Bar Association Pro Bono Clearinghouse website, available at <http://www.internationalprobono.com/clearinghouse/>

⁹⁶ TrustLaw Connect website, available at <http://www.trust.org/trustlaw/connect/>

⁹⁷ PILnet website, available at <http://www.pilnet.org/>

⁹⁸ The ABA ROLI International Pro Bono Legal Specialist Program website, available at

http://www.americanbar.org/advocacy/rule_of_law/about/opportunities/legal_specialists.html

⁹⁹ i-Probono website, available at <http://www.i-probono.com/aboutus.aspx>

¹⁰⁰ Lex Mundi Pro Bono Foundation website, available at <http://www.lexmundiprobono.org/lexmundiprobono/default.asp>

¹⁰¹ Cyrus R. Vance Centre for International Justice website, available at <http://www.vancecenter.org/vancecenter/>

¹⁰² Centre for Asia Pacific Pro Bono website, available at <http://www.cappb.org/>

Similar to the established clearinghouse model for national pro bono work in countries such as the US and Australia, these organizations serve as conduits between potential clients and private law firms. By engaging in client outreach and conducting initial client screenings, they match each project with the particular expertise of a law firm member, and then coordinate the firm-client interface throughout the project.

The level of involvement of these intermediary organizations “really varies tremendously depending on the client, law firm and complexity of project”¹⁰³. In matters involving the government of a developing nation, where the work may be intertwined with sensitive political issues, these organizations often stay very involved to manage the relationship, but may give individual firms more independence in projects involving straightforward research¹⁰⁴. For educational programs or legal reporting, these organizations usually allow the lawyers to take control of content, and add value by ensuring the advice or material is appropriate, relevant, culturally sensitive, and able to be understood¹⁰⁵.

Proponents of this approach believe it is a sustainable and scalable way of undertaking GPB¹⁰⁶. They argue that capacity considerations mean that often only very large firms are able to source and implement GPB programs themselves and invest the “sweat equity”¹⁰⁷ needed in identifying and evaluating projects to ensure they are credible and viable.

¹⁰³ Jean Berman, Senior Executive Advisor, International Senior Lawyers Project, phone interview conducted by author, New York, 30 November 2012

¹⁰⁴ Jean Berman, Senior Executive Advisor, International Senior Lawyers Project, phone interview conducted by author, New York, 30 November 2012

¹⁰⁵ Laura Milne, Access to Justice Pro Bono Manager, Bridges Across Borders Southeast Asia Community Legal Education Initiative, phone interview conducted by author, Vietnam, 4 December 2012

¹⁰⁶ Anonymous phone interview conducted by author, 18 October 2012

¹⁰⁷ Steven Schneebaum, Partner, Fox Rothschild, phone interview conducted by author, Washington, 6 November 2012

Certainly, these organizations can be strategic partners to private law firms, providing opportunities to increase participation in pro bono programs outside their home country. Given these clearinghouses' expertise in GPB and their networks within developing regions, they are seen as being "on the front line"¹⁰⁸, better able to assess the needs of the country or region, and to source and screen potential client organizations and pro bono opportunities, before the firm makes the commitment to undertake the project¹⁰⁹. Many pro bono managers believe it is "nearly impossible" to make the right contacts with clients in these developing regions without the help of these intermediaries¹¹⁰.

From a client perspective, many governments and NGOs may not be open to accepting pro bono assistance from the private sector, or may be reluctant to align themselves directly with one particular law firm. As Jean Berman from ISLP noted:

*"There is always some question of motive on the part of the law firm, whether this is fair or not, whereas clearinghouses and nongovernment organizations are more generally seen as altruistic"*¹¹¹.

Moreover, clients can benefit from the extensive networks and contacts of these organizations within the private sector, with these referral agencies able to obtain the best talent and expertise, not just from one law firm, but from the sector, for any particular initiative¹¹².

¹⁰⁸ Wendy Atrokhov, Public Service Counsel, Latham & Watkins, phone interview conducted by author, Washington, 2 November 2012

¹⁰⁹ Wendy Atrokhov, Public Service Counsel, Latham & Watkins, phone interview conducted by author, Washington, 2 November 2012; Laura Tuell Parcher, Firmwide Pro Bono Partner, Jones Day, phone interview conducted by author, Washington USA, 27 November 2012; Richard Johnston, Partner, WilmerHale, phone interview conducted by author, Boston, MA, 15 November

¹¹⁰ Christopher Herrling, Pro Bono Counsel, WilmerHale, phone interview conducted by author, Washington, 7 December 2012

¹¹¹ Jean Berman, Senior Executive Advisor, International Senior Lawyers Project, phone interview conducted by author, New York, 30 November 2012

¹¹² Jean Berman, Senior Executive Advisor, International Senior Lawyers Project, phone interview conducted by author, New York, 30 November 2012

Despite the theoretical advantages of these referral agencies, not all firms use them. Some interviewees noted that these referral agencies are often perceived as sourcing work according to the needs and desires of their fee-paying member firms rather than the needs of NGOs and clients within developing communities¹¹³. In addition, many private law firms feel that the use of clearinghouses precludes them from developing long term relationships with the clients¹¹⁴. As one interviewee noted:

“We don't ever use clearinghouses to source or manage our work. We see the value and function in them for some firms, but we prefer to develop our own individual relationships with organizations; they become long-term clients of the firm, and we do everything we can for them in terms of regional or international law issues”¹¹⁵.

Although Sidley Austin still utilizes the services of clearinghouses for sourcing one-off GPB projects, they have chosen not to do so for those matters within their signature Agricultural Project, instead reaching out directly to organizations working in the region and tailoring services to their individual needs. In interviews with the author, representatives from Sidley noted the long term benefits of this approach, including retaining control over the projects and the development of meaningful long term relationships with clients.

¹¹³ Based on anecdotal reports from interviews conducted with pro bono leadership from October 2012 – March 2013. It must be noted that in response to this suggestion, Jean Berman from ISLP held that “Law firms sometimes let us know what kinds of projects they would like to undertake or areas of expertise they would like to deploy, and we keep that in mind, but our mission and goals are to serve the needs of our clients in connection with their work to promote human rights and economic development, rather than give the law firms work... so we keep in mind the interests of our law firm supporters when we meet with potential clients and develop the projects, and are pleased to look for projects that might interest them, but first and foremost we are responsive to the clients’ needs. We reach out to the firms for talent and expertise that will fit the particular requests for help that we have.” (Jean Berman, Senior Executive Advisor, International Senior Lawyers Project, phone interview conducted by author, New York, 30 November 2012)

¹¹⁴ Based on comments from interviews conducted with pro bono leadership from October 2012 – March 2013

¹¹⁵ Anonymous phone interview conducted by author, 25 November 2012

As Jung-ui Sul, Project Founding Associate, stated:

“Although this is certainly a time intensive process of sourcing projects, it pays off in the long term...this way we are confident that the work that we are doing is useful and appropriate for the particular organizations”¹¹⁶.

It must also be noted that a debate has arisen in the sector as to whether GPB could be undertaken more effectively and efficiently if firms donated a percentage of their profits in cash, rather than lawyer time, so that clearinghouses and other public interest organizations could hire full-time lawyers specialized in areas such as international human rights. This idea has long been discussed in the national pro bono sector, but law firms have traditionally shown reluctance to implement this model.

As will be discussed in more depth in Chapter 4, there is a risk that large commercial law firms may undertake GPB in an inefficient and / or ineffective way, due to lack of experience, mismatch of expertise, or a lack of understanding of context. However, it is doubtful that referral organizations would receive enough funds to be able to obtain resources at a level commensurate with an international corporate firm, and undertake the quantity and quality of work in similar timeframes. Further, the model would be ultimately unsustainable because the donor firm would lose most of the benefits of GPB (discussed throughout Chapter 5), obtaining little social return on investment. The opportunity for lawyers to offer their most valuable and most useful commodities—expertise and time—would be lost¹¹⁷.

¹¹⁶ Jung-ui Sul, Project Founding Associate, Sidley Austin, phone interview conducted by author, Brussels, 7 December 2012

¹¹⁷ Christopher Herrling, Pro Bono Counsel, WilmerHale, phone interview conducted by author, Washington, 7 December 2012

However, there is undoubtedly scope for increased financial contributions to these referral organizations, to improve the efficiency of process and expertise. Jean Berman from the ISLP noted:

“I don’t believe that our organization will or could ever be big enough to do the work our volunteer lawyers do...they negotiate highly sophisticated agreements for governments, deliver workshops on best practices, revise laws ... we certainly wouldn’t have the capability or resources to do all that they do. At the same time, I think we could do a better job for our clients and corporate partners if we had more staff who were themselves very knowledgeable in the areas that we work in, and at the moment we don’t have the resources to hire that staff”¹¹⁸.

Encouragingly though, the latest report on the 2011 Pro Bono Institute Law Firm Pro Bono Challenge indicated an approximate 22% rise in financial support provided by law firms to nonprofit legal organizations within the US between 2010 and 2011, despite the continuing economic uncertainty¹¹⁹. This may indicate a shift towards more generous donations to GPB organizations in future years.

¹¹⁸ Jean Berman, Senior Executive Advisor, International Senior Lawyers Project, phone interview conducted by author, New York, 30 November 2012

¹¹⁹ Report on the 2011 Pro Bono Institute Law Firm Pro Bono Challenge Statistics”, Pro Bono Institute, July 2012, available at <http://www.probonoinst.org/wpps/wp-content/uploads/2011-challenge-report.pdf>

CHAPTER 3 – A GLOBAL PRO BONO DUTY

Whilst the duty of legal professionals to undertake national pro bono is widely acknowledged in countries such as the US and Australia, GPB appears to be viewed by firms as a distinct concept where it is deliberately phrased in promotional materials and on their websites as an *opportunity*, rather than an *obligation*, to contribute to developing regions.

Similarly, during interviews conducted by the author, many pro bono managers disagreed with the suggested notion of a duty, instead explaining GPB as a “natural progression” from national pro bono programs, “in conjunction with the values of a global player”, and being “well-placed” to undertake such work given the firms’ global networks¹²⁰. Indeed, Sidley Austin is one of the few firms that openly acknowledges a responsibility to undertake GPB work, with its website stating “a *responsibility* to protect civil and human rights in this country [US] *and throughout the world*”,¹²¹.

Interestingly though, the majority (75.64%) of respondents to the GPB Lawyer Survey believe that their firm has a duty to undertake GPB¹²². One respondent noted that:

“If we want to continue to be an international firm in our general practice I think we must maintain a world view. I think lawyers in general have a "pro bono duty" and as part of a worldwide firm the concept of giving back to a worldwide base of people and

¹²⁰ Comments collected from interviews with pro bono management between October 2012 and March 2013

¹²¹ Sidley Austin pro bono website, available at <http://www.sidley.com/probono/>

¹²² GPB Lawyer Survey (Appendix A) – respondents’ answers to Question 17

their communities is a duty, even if it is not the same community where we have an office which seeks to profit from being in that community”¹²³.

This chapter argues there *is* in fact a duty for international law firms to undertake this kind of pro bono work, as uniquely powerful non-state actors in the global sphere. This duty stems from two sources: first, the natural extension of professional responsibility to undertake pro bono within the donor country, with globalization of the legal industry broadening the notion of ‘society’ to which the law firm owes the responsibility; and second, as a crucial component of the developing concept of corporate social responsibility (CSR) for the law firm as a global business.

3.1 National pro bono theory

For over a century, leaders of the legal profession, particularly in the US, have stressed the fundamental need for lawyers to contribute their time and energy to the unmet needs of the less fortunate. The primary rationale for pro bono contributions rests on two premises: first, that the opportunity to participate in legal processes is a fundamental right of all citizens, and that such a right is meaningless without equal access to assistance for participation; and second, that lawyers have an ethical imperative to aid in the provision of those services when there is an unmet need for them¹²⁴.

Critics of this duty often question this second premise of a distinctive ethical imperative. They argue that if equal justice under law is a societal welfare concern (such as adequate food and housing), rather than placing the whole burden on lawyers, society as a whole should bear its

¹²³ Comment provided by respondent to the GPB Lawyer Survey (Appendix A), Question 17

¹²⁴ Deborah Rhode, “Cultures of Commitment: Pro Bono for Lawyers and Law and Law Students”, Fordham Law Review 16 (1995) 5; Deborah Rhode, Pro bono in Principle and in Practice: Public Service and the Profession. Stanford: Stanford University Press, 2005, 26

cost, by imposing, for instance, a legal tax on citizens¹²⁵. However, the ‘Monopoly’ theory of pro bono posits that the domination that lawyers hold on the legal market, with the supply of legal services self-limited by the profession through barriers to admission (including educational, testing, and character parameters), requires them in particular to provide this pro bono service to meet any unmet need¹²⁶.

Moreover, given the highly legalized nature of society, lawyers are now “essential to virtually all projects of social import”, which, according to some theorists, gives them “disproportionate social and political power” which can only be legitimized by assuming an affirmative duty to public service¹²⁷. With governmental support for legal services on a steady downward trend, private sector lawyers thus have an even greater duty to bear responsibility of fulfilling unmet legal needs.

The ‘Public Assets’ theory further develops this argument, opining that above and beyond their own self-generated assets (such as education, knowledge, skill and good judgment), lawyers sell exclusive access to certain publicly created ‘lawyer commodities’ that have been provided to them, at no charge, by the public¹²⁸. These commodities include attorney-client privilege (assurance of privacy), the work-product doctrine (which guarantees that others will not have access to the work undertaken on behalf of client), and certain conflict of interest rules (preventing them from turning their abilities against clients in the future)¹²⁹. These assets were created by the public, either through statutes, judicial codes of conduct, or the operation of

¹²⁵ Ibid

¹²⁶ Steven Lubet and Cathryn Stewart, “A Public Assets Theory of Lawyers’ Pro Bono Obligations”, *University of Pennsylvania Law Review*, 145, 5 (1997) 1245

¹²⁷ Harry Edwards, “A Lawyer’s Duty to Serve the Public Good”, 65 *New York University Law Review* 1148 (1990)

¹²⁸ Steven Lubet and Cathryn Stewart, “A Public Assets Theory of Lawyers’ Pro Bono Obligations”, *University of Pennsylvania Law Review*, 145, 5 (1997) 1245

¹²⁹ Ibid

common law. While it is generally understood that these resources were conceived primarily to confer benefits upon clients, they also enhance the value of lawyers' services, thus providing a direct monetary benefit to attorneys¹³⁰. Pro bono obligation is therefore nothing more than the recapture of some of the profit derived from access to these assets.

In addition, for large commercial firms in particular, who gain great financial reward and prestige from the practice of law on a large scale, pro bono representation and advocacy has become a bedrock professional duty, pivotal in maintaining the professionalism and integrity of the legal profession. It assists in reconnecting the conventional 'hired-gun' view of lawyers (advancing only private sector demands for material gain) with the public good, by projecting the idea that lawyers hold broader altruistic social interests beyond their own financial concerns, as well as increasing public confidence and improving public perception towards the legal profession¹³¹.

3.2 A duty to undertake GPB

As discussed, the globalization of the legal industry has seen an increase of large international law firms that have expanded beyond the country or region in which they were founded to have a truly global footprint. Their international reach is such that the global marketplace can now be considered the 'community' where they do business, and from which they reap large profits.

¹³⁰ Steven Lubet and Cathryn Stewart, "A Public Assets Theory of Lawyers' Pro Bono Obligations", *University of Pennsylvania Law Review*, 145, 5 (1997) 1245

¹³¹ Scott Cummings, "The Politics of Pro Bono", *UCLA Law Review*, 52 (2004) 1

Moreover, the increasing legal regulation of international business, trade and finance has made these firms, and their associated 'lawyer commodities'¹³² now indispensable to their global corporation client base, with no global transaction (for example contract, distribution agreement, securitization or franchise) able to be completed without them¹³³. Private international law firms have become so vital to the globalization of business transactions, through management of uncertainty and stabilization of expectations, that they could be considered 'pillars of globalization'¹³⁴. As such, these firms enjoy a uniquely powerful non-state actor role in the international sphere.

Accordingly, for these large international firms, the global community is the society in which they operate and obtain profit. The author thus argues that there exists a professional duty to undertake GPB in developing countries, as these are the participants within this society that have the most need for legal assistance.

3.3 GPB and Corporate Social Responsibility (CSR)

A duty to undertake GPB can also stem from the developing concept of CSR for the law firm as a global business.

CSR has become a buzz concept in the international business community over the last decade, particularly through the work of John Ruggie and the UN Global Compact in drafting the UN

¹³² Steven Lubet and Cathryn Stewart, "A Public Assets Theory of Lawyers' Pro Bono Obligations", *University of Pennsylvania Law Review*, 145, 5 (1997) 1245

¹³³ John Flood, "Lawyers As Sanctifiers: The Role Of Elite Law Firms In International Business Transactions", *University of Westminster School of Law Legal Studies Research Paper Series 12/2006*, *Indiana Journal of Global Legal Studies* 14, 1 (2007) 5

¹³⁴ *Ibid*

Guiding Principles on Business and Human Rights¹³⁵. However, CSR still seems to be a somewhat nebulous concept, the definition of which varies from sector to sector.

Most definitions include four main aspects:

1. Meeting objectives that produce long-term profits (with the responsibility of business ultimately being wealth creation for society);
2. Using business power in a responsible way, particularly in terms of power in the political arena;
3. Integrating social demands to ensure continuity and growth for the community; and
4. Contributing to a good society by doing what is ethically correct¹³⁶.

In simpler terms, CSR can be referred to as the way in which companies manage their business to produce an overall positive impact on society, in balance with the core business purpose of enhancing shareholder (or owner/partner) value¹³⁷.

There has been increasing interest in corporate responsibility within the legal profession, with CSR becoming a “differentiating factor in the highly competitive legal services marketplace”¹³⁸, and clients and employees placing greater importance on how law firms operate their business and satisfy their social responsibilities.

¹³⁵ Joanna Goodman, Corporate Social Responsibility Report, Australia: Ark Group, 2007 13

¹³⁶ Elisabet Garriga & Mel Dome'nech, “Corporate Social Responsibility Theories: Mapping the Territory”, *Journal of Business Ethics* 53 (2004)

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¹³⁷ Joanna Goodman, Corporate Social Responsibility Report, Australia: Ark Group, 2007 2

¹³⁸ Ibid

Indeed, private for-profit law firms are themselves businesses, and are therefore directly addressed by the corporate responsibility agenda¹³⁹. However, for these firms, whose business is advice and representation, and whose shareholders are partners, this definition is difficult to conceptualize, and may simply mean a responsibility towards its internal (partners and staff) and its external (other stakeholders, such as clients and society at large) community¹⁴⁰. For international law firms in particular, this responsibility is to the global community in which they operate, and an interesting theoretical question exists of where GPB may fit within this international business obligation of corporate citizenship.

Practically, the relationship between pro bono in general and CSR seems to differ around the world. In the US and Australia, the strong culture of pro bono within the legal sector has meant that pro bono and CSR have become almost fully integrated as one concept, with pro bono work seen as a unique element of a CSR duty, and indeed the mainstay of most firms' CSR programs¹⁴¹. In the UK, pro bono is also considered an important pillar of CSR strategy, but not necessarily the nucleus, with equal focus on other philanthropic and community-based initiatives.

In contrast, in other parts of the world such as Europe and South America where pro bono is a newer tenet, it is considered a concept divorced completely from CSR and deemed less important and appropriate; instead, these firms focus on a CSR strategy of financial support and community initiatives, and socially responsible core business practices¹⁴².

¹³⁹ Richard Taylor, "A Discussion Document: Corporate Responsibility and the Legal Profession", CMS Cameron McKenna, January 2005

¹⁴⁰ Joanna Goodman, Corporate Social Responsibility Report, Australia: Ark Group, 2007 3

¹⁴¹ Ibid, 4

¹⁴² Ibid

In yet another theoretical distinction, some leaders in the pro bono management field argue that the CSR duty to undertake pro bono is a distinct and parallel duty from the professional responsibility duty to undertake pro bono; it is a responsibility that arises out of a separate set of business obligations, and that encompasses a much broader framework, including pro bono work from all non-lawyer employees of the firm (which can be up to 50% of employees if secretarial support, business services and management are included) ¹⁴³.

In support of this distinction, the idea of a *business* duty within CSR to undertake pro bono is no longer unique to the legal sector, particularly in the US. Organizations such as the Taproot Foundation have worked to integrate the concept of pro bono (also termed ‘public interest work’, or ‘skills-based corporate volunteerism’) into the CSR duty of other professional services firms, such as architecture, accountancy, and management consultant firms (refer to Figure 1 for percentages of current pro bono trends in the US).

Figure 1: Current business pro bono trends¹⁴⁴

Field	Pro Bono Use	Additional Need
Marketing	41%	52%
Human Resources	30%	35%
Financial and administrative support	29%	28%
Financial advisory or consulting	27%	43%
Information technology	27%	37%
Organizational design or coaching	26%	45%
Board member or executive search	20%	46%

The US A Billion + Change campaign was launched in 2008, and today boasts pledges by 335 companies (including multinational corporations Google and Yahoo, international accounting

¹⁴³ Fiona McLeay, “Workshop 3c: Corporate Social Responsibility and Corporate Citizenship – More than Pro Bono; Why Should Law Firms Consider Corporate Citizenship?”, Clayton Utz, available at <http://www.nationalprobono.org.au/ssl/CMS/files/cms/mcleay.pdf>

¹⁴⁴ The Taproot Foundation, unpublished date, 2011, available at <http://www.taprootfoundation.org/about-probono/pro-bono-history>

firms Ernst & Young and Deloitte, management consulting companies Bain and Booz Hamilton, and even international law firm DLA Piper¹⁴⁵) to create, increase or expand their pro bono service program over the next two years, equating to more than \$2 billion in services¹⁴⁶. In addition, an invitation-only annual Global Pro Bono Summit is convened each year as a dedicated forum for strategic discussion on pro bono service for businesses, with the 2013 Summit attended by over 80 companies¹⁴⁷.

As such, it could be argued that law firms may even have a *double* duty to undertake pro bono work – arising from legal professional responsibility (for legal staff), and as part of a CSR business obligation to the community (for both lawyers and non-legal staff). For international law firms therefore, whose obligations are to the global community, GPB should be considered not only a professional legal responsibility but a crucial element of its CSR duty, representing a significant part of its contribution as an international business to the overall global community.

¹⁴⁵ The list of companies participating is available online at https://dl.dropbox.com/u/61428762/Website/Pledge%20Companies_EXTERNAL.pdf

¹⁴⁶ A Billion + Change website, available at <http://www.abillionpluschange.org/>

¹⁴⁷ Pro Bono Summit website, available at <http://www.probonosummit.org/>

CHAPTER 4 – ISSUES SURROUNDING GLOBAL PRO BONO

Despite this duty to undertake GPB, there is no doubt that potential issues can exist with the implementation of these programs. This chapter will consider these issues, but argue that if initiatives are undertaken in a thoughtful and considered manner, private international law firms are best suited to this work, given their unparalleled access to resources and unique attorney-client approach.

4.1 The risk of modern Western legal imperialism

Lawyers within the public sector (employed by the United Nations, NGOs or within academia), as well as consultants from the private sector, have provided legal reform assistance to the developing world since the 1960s, usually supported by financial aid granted by international donors or Western governments. Critics of these programs label them as a form of modern legal imperialism – the West blindly imposing its values, ideas and legal structures on the developing world to further its own agenda¹⁴⁸.

A similar, perhaps legitimate, concern has been raised regarding private sector GPB work¹⁴⁹. As one interviewee noted:

“There is a fair amount of hubris on the part of some US corporate attorneys, who think our system is the best in the world, and dictate that everyone should try to emulate it, with zero understanding of local traditions, culture and norms. There is a natural

¹⁴⁸ James Whitman, “Western Legal Imperialism: Thinking About the Deep Historical Roots”, *Theoretical Inq.* L.10 (2009) 306; for more detailed discussion of the legal imperialism critique of public sector programs in the 1960s and 1970s see James Gardiner, *Legal Imperialism, American Lawyers and Foreign Aid in Latin America*, University of Wisconsin Press, 1980; for a more recent critique of the international humanitarian movement see David Kennedy, *The Dark Sides of Virtue: Reassessing International Humanitarianism*, Princeton University Press, 2004

¹⁴⁹ Maya Steinitz, “Internationalized Pro Bono and a New Global Role for Lawyers in the 21st Century: Lessons from Nation Building in Southern Sudan”, *Yale Human Rights and Development Law Journal*, (2009), available at http://works.bepress.com/maya_steinitz/1

*tendency towards this for US lawyers, and they must resist this in order to be effective... to come into these countries with a preordained prescription is not the way to do it.*¹⁵⁰

However, it could be argued that private law firms are actually in a better position than the public sector to provide this legal assistance to the developing world in an independent way. Much of the legal assistance provided by other international players such as foreign donor governments, NGOs and private aid foundations, comes with an “aid agenda”¹⁵¹. Donor governments are often involved (or perceived to be involved) in power politics and are accountable to their constituencies (and thus perhaps influenced by lobbying groups), and NGOs are usually recipients of donations from wealthy individuals or organizations, and work according to certain mandates¹⁵².

In direct contrast, private legal firms are less likely to have hidden political agendas, and do not impose conditions on assistance other than those dictated by the ethical regulations of the legal profession. Moreover, as “a matter of deep socialization”¹⁵³, corporate lawyers are trained to abstain from exercising any form of judgment on the actions of their clients, without regard to their own views – they will advocate any position of the client as long as it is not illegal or unethical. They are commercially dependent on this notion of neutrality; as one commentator has noted “it would be professional suicide for a global firm lawyer to exercise independent professional judgment at the expense of the client’s perceived best interests”¹⁵⁴. This is indeed a

¹⁵⁰ Thomas Gottschalk, Firmwide Pro Bono Chair, Kirkland & Ellis, phone interview conducted by author, Washington, 7 November 2012

¹⁵¹ Anonymous phone interview conducted by author, 18 October 2012

¹⁵² Maya Steinitz, “Internationalized Pro Bono and a New Global Role for Lawyers in the 21st Century: Lessons from Nation Building in Southern Sudan”, Yale Human Rights and Development Law Journal, (2009), available at http://works.bepress.com/maya_steinitz/1

¹⁵³ Ibid

¹⁵⁴ Christopher Whelan, “Ethics Beyond the Horizon: Why Regulate the Global Practice of Law?” Journal of Transnational Law, 34, 931 (2001) 945

distinctive lens from which to view the client, particularly uncommon within workers in the international / human rights sector¹⁵⁵.

More importantly though, any agenda (whether conscious or not) that these firms may have, for instance to push democracy and open financial markets for entry by their corporate clients, is ‘filtered’ to the greatest extent possible by the unique attorney-client relationship between private law firms and their clients. The private firm lawyer has professional obligations to “follow the directives of their clients, to keep the confidences of the client and to act independently of any third party”¹⁵⁶, and is seen as a “professional devoted to his client’s interests and authorized, if not in fact required, to do some things (though not anything) for that client which he would not do for himself”¹⁵⁷.

This leads to a system of representation where the firm adds value by giving the client the benefit of its expertise and providing options, best practice suggestions, and advice, but yields to the client to make the ultimate decision based on particular needs and goals¹⁵⁸. In theory then, the attorney-client relationship *guarantees* local ownership of the process, and can be considered *anti-imperialistic* by its very nature.

Indeed, to assume GPB is a form of modern Western imperialism seems to assume an almost insulting level of deference by these clients in developing countries, and unsophisticated impositions by the law firms.

¹⁵⁵ Maya Steinitz, “Internationalized Pro Bono and a New Global Role for Lawyers in the 21st Century: Lessons from Nation Building in Southern Sudan”, Yale Human Rights and Development Law Journal, (2009), available at http://works.bepress.com/maya_steinitz/1

¹⁵⁶ Ibid

¹⁵⁷ Charles Fried, “The Lawyer as Friend: The Moral Foundations of the Lawyer-Client Relation”, Yale Law Journal, 85 (1976) 1060 in Maya Steinitz, “Internationalized Pro Bono and a New Global Role for Lawyers in the 21st Century: Lessons from Nation Building in Southern Sudan”, Yale Human Rights and Development Law Journal, (2009), available at http://works.bepress.com/maya_steinitz/1

¹⁵⁸ Jean Berman, Senior Executive Advisor, International Senior Lawyers Project, phone interview conducted by author, New York, 30 November 2012

As pro bono managers noted during interviews:

“It was us that had to persuade [the clients] why they should entrust our firm with basically their lives, their history, their future, their future generations lives...it was definitely the toughest client pitch we had ever done, despite them never paying them us a penny. We were chosen by them, to work for them...and walked away with laden shoulders of responsibility”¹⁵⁹.

“In a lot of these matters we have very involved clients – they sit with us at every step of the drafting process, with us going through line by line, explaining every word we used in the draft... it is extraordinary....for many of these client groups it is because they have a lot of different stakeholders and constituents and their decision-making processes are very inclusive, they need everyone on board... it is a very intense very client driven process”¹⁶⁰.

Bruce Lasky, Co-Director of BABSEA CLE, a referral clearinghouse in South East Asia, noted:

"Local and regional participants [in our programs]...do not feel driven in any negative imperialistic way by the West to engage in these activities. Rather, they see this as a way to locally assist in the strengthening of rule of law and access to justice in their own countries.”¹⁶¹

The advantages of this unique attorney-client relationship are especially highlighted during GPB projects where partisan advocacy is required. Whilst public sector players are usually only

¹⁵⁹ Anonymous phone interview conducted by author, 6 November 2012

¹⁶⁰ Anonymous phone interview conducted by author, 8 December 2012

¹⁶¹ Bruce Lasky, Co-Director of BABSEA CLE, email correspondence with author, 18 October 2012

mandated to try and reach a compromised conciliation, private sector lawyers, particularly in litigation practices, are taught to, and are indeed comfortable with, advocating *unequivocally* on behalf of only one side to a dispute – the client’s¹⁶². An example of this was seen in the context of Latham & Watkins’ representation of the SPLM in Sudan, where, according to Maya Steinitz, despite the complex nature of the dispute, the lawyers had no hesitations in adopting the firm position that:

“...we are advocating for the Southern Sudanese and only for the Southern Sudanese. We are advocating one position unequivocally”¹⁶³.

4.2 Lack of understanding of context

Another related criticism of past public sector legal reform work is that programs were often implemented in a vacuum, with a lack of understanding of the deeply contextual nature of law within the political and social system of a developing country. As one interviewee noted:

“We must remember that a lawyer can never go in and change things on their own. They always have to collaborate with a larger social movement, political group or legal organization that wants to use the law as an instrument of change”¹⁶⁴.

In terms of GPB work, this concern may translate to a legitimate apprehension regarding ‘professional myopia’¹⁶⁵; that is, the ability of the corporate lawyers to understand the cultural and political context and developmental issues within which they undertake advisory legal

¹⁶² Maya Steinitz, “Internationalized Pro Bono and a New Global Role for Lawyers in the 21st Century: Lessons from Nation Building in Southern Sudan”, Yale Human Rights and Development Law Journal, (2009), available at http://works.bepress.com/maya_steinitz/1

¹⁶³ Ibid

¹⁶⁴ Marc Kadish, Director of Pro Bono Activities, Mayer Brown, phone interview conducted by author, Chicago USA, 21 November 2012

¹⁶⁵ Maya Steinitz, “Internationalized Pro Bono and a New Global Role for Lawyers in the 21st Century: Lessons from Nation Building in Southern Sudan”, Yale Human Rights and Development Law Journal, (2009), available at http://works.bepress.com/maya_steinitz/1

reform work, especially within regions linguistically, geographically and culturally different from their office locations.

Almost 13% of respondents to the GPB Lawyer Survey¹⁶⁶ identified cultural differences or language issues as barriers to success of the GPB project they worked on. One respondent noted:

“...[we] are drafting laws for other countries to use and trying to teach them things without fully understanding their history and culture...”¹⁶⁷.

This is obviously of particular concern when law firms undertake pro bono programs that assist with fundamental structural work such as constitution drafting. As Claire Fourel, Pro Bono Manager of Ashurst LLP, noted:

“...for work as fundamental as that, you need to understand the culture, the incentives of various elites in that country etcetera... a Western corporate lawyer is not going to be able to understand those aspects, and it would really be dangerous for a law firm to get involved without a local partner”¹⁶⁸.

However, all pro bono leaders who were interviewed seemed aware of this issue, and the need for a holistic perspective to apply commercial expertise in a careful, appropriate, thoughtful and culturally sensitive manner. Interviewees discussed the importance of analyzing how commercial factors link in with the traditional livelihood of communities¹⁶⁹, and the necessity of exploring a

¹⁶⁶ GPB Lawyer Survey (Appendix A) – respondents’ answers to Question 10 (12.99%)

¹⁶⁷ Comment provided by respondent to the GPB Lawyer Survey (Appendix A), Question 10

¹⁶⁸ Claire Fourel, Pro Bono Manager, Ashurst LLP, phone interview conducted by author, London, UK, 12 December 2012

¹⁶⁹ Jung-ui Sul, Project Founding Associate, Sidley Austin, phone interview conducted by author, Brussels, 7 December 2012

whole range of solutions, both legal and non-legal, to find the most appropriate option for that particular community¹⁷⁰.

One strategy that firms adopt to mitigate this issue is alignment and partnership with appropriate local counsel and partner agencies to ensure that the project is being driven and supported by the community themselves, and undertaken in a way that the community agrees with¹⁷¹.

For GPB involving representation or litigation, it must be noted that partnership with local counsel is also a solution to any license-to-practice issues and concerns about the impact of foreign involvement. As one interviewee noted:

“There are some instances in which having a western Caucasian attorney may raise eyebrows in a non-Caucasian country.... you always have to make sure that when you are about to represent a client in another jurisdiction that the law firm doesn’t become the issue, that you are not causing the client more problems by being involved... you have to make sure that you are an asset rather than a liability”¹⁷².

Partnering with local counsel can not only mitigate these concerns, but also ensure a transfer of knowledge and skills and lead to capacity building of the local legal sector.

4.3 Mismatch of corporate expertise

Only a little over half of respondents¹⁷³ to the GPB Lawyer Survey reported that the project work corresponded to their core competencies or areas of expertise, and pre-training was provided to

¹⁷⁰ Anne Cregan, Pro Bono Partner, Ashurst Australia, phone interview conducted by author, Sydney, NSW, Australia, 6 December 2012

¹⁷¹ Anne Cregan, Pro Bono Partner, Ashurst Australia, phone interview conducted by author, Sydney, NSW, Australia, 6 December 2012

¹⁷² Richard Johnston, Partner, WilmerHale, phone interview conducted by author, Boston, MA, 15 November 2012

¹⁷³ GPB Lawyer Survey (Appendix A) – respondents’ answers to Question 7 (54.55%)

less than half the respondents who believed it necessary¹⁷⁴. Unsurprisingly then, over a third of respondents¹⁷⁵ indicated that unfamiliarity with area or law or tasks was a barrier to success of the project. One lawyer noted:

“The current scope of work is quite different to what was originally briefed and beyond the expertise of the current team. We spend valuable time trying to understand an area in which we have no expertise, so [I] query the quality of the advice / documents we are giving to the client”¹⁷⁶.

Providing the opportunity for lawyers to undertake interesting GPB work outside their current day-to-day work may enhance job satisfaction if the projects require basic analysis and background knowledge (or if that knowledge is easily obtained), or are in areas within which those lawyers already have previous experience. However, rather than lawyers participating in projects too far outside their scope of experience, where complicated and technical advice is needed, it would make better commercial sense for the firm (and be far more beneficial to the client), to instead leverage their particular specialization and match projects with their expertise through signature projects, as discussed in Chapter 2.

4.4 Profit orientation of firms

With profit being the main driver of an international private law firm, critics could argue that GPB clients do not receive the same priority and level of commitment from the firm as billable clients.

¹⁷⁴ GPB Lawyer Survey (Appendix A) – respondents’ answers to Question 8 (42.21%)

¹⁷⁵ Lawyer Survey GPB Lawyer Survey (Appendix A) – respondents’ answers to Question 10 (32.47%)

¹⁷⁶ Comment provided by respondent to the GPB Lawyer Survey (Appendix A), Question 14

As one interviewee noted:

“Although pro bono work is meant to be on the same par as client work, ultimately when the lawyer is under the crunch, client work is always going to take precedence”.

However, Jean Berman from ISLP argues that pro bono counsel often put in more of an “incredible effort” precisely because they are not working for economic benefits, and are thus committed to achieving the best possible outcome beyond billable hours¹⁷⁷. They are likely to be more proactive in encouraging the client to move in a positive direction on transparency, social benefits and other positive goals, and may also be more committed to building local capacity, seeing their work, in part, as a teaching or mentoring opportunity¹⁷⁸. This can also be the case with paid counsel, but given that rates are often below-market, these extra efforts above and beyond the traditional attorney-client relationship are harder for them to justify to their firms or funding organizations¹⁷⁹.

4.5 Resources

One of the biggest criticisms of past public sector legal reform programs was the lack of resources committed to undertake long-term projects with sufficient pre-program analysis and sustained post-program mentoring¹⁸⁰. In contrast, international law firms are in the best position to ensure a long term and considered approach, with resources quite literally unparalleled in the public sector. Firms have access to state-of-the-art technology and premier legal translation services, and a mass supply of personnel lawyers and administrative coordination capacity in a

¹⁷⁷ Jean Berman, Senior Executive Advisor, International Senior Lawyers Project, phone interview conducted by author, New York, 30 November 2012

¹⁷⁸ Ibid

¹⁷⁹ Ibid

¹⁸⁰ Thomas Carothers, Promoting the Rule of Law Abroad: The Problem of Knowledge, Rule of Law Series; Democracy and Rule of Law Project, Number 34, January 2003, Carnegie Endowment for International Peace, available at <http://carnegieendowment.org/2003/01/28/promoting-rule-of-law-abroad-problem-of-knowledge/8sd>

large spread of geographical locations to produce large volumes of high quality work in a short amount of time.

As one interviewee noted:

“... law firms can literally turn around drafts on tremendous amounts of negotiated issues over 24 hours...they will have 50 lawyers of all different disciplines looking at it and by morning have comments. Clients usually have to be ExxonMobil to get these levels of resources, and there is no-one else in the world who can do it - the private sector can do things that public actors just cannot”¹⁸¹.

Moreover, the diversity of backgrounds of lawyers within these private international firms is far beyond those found in the public sector. Firms employ lawyers from a variety of socio-legal cultures and subject-matter expertise, both from the public sphere (for example, lawyers with experience in human rights work) and the commercial sector (for example, finance, banking, and investment law and those with in-house experience within multinational corporations)¹⁸².

4.6 Fulfilling need

As such, notwithstanding the legitimate concerns described above, if taken in a considered and thoughtful manner, GPB is a way to strategically harness the resources of the private sector to fill the great need for legal assistance in developing countries¹⁸³.

¹⁸¹ Anonymous phone interview conducted by author, 18 October 2012

¹⁸² Maya Steinitz, “Internationalized Pro Bono and a New Global Role for Lawyers in the 21st Century: Lessons from Nation Building in Southern Sudan”, Yale Human Rights and Development Law Journal, (2009), available at http://works.bepress.com/maya_steinitz/1

¹⁸³ “A Survey of Pro Bono Practices and Opportunities in 71 Jurisdictions”, prepared by Latham & Watkins LLP for the Pro Bono Institute, August 2012, available at <http://www.probonoinst.org/wpps/wp-content/uploads/a-survey-of-pro-bono-practices-and-opportunities-in-71-jurisdiction-2012.pdf>

Most developing countries around the world suffer from an acute absence of qualified legal professionals¹⁸⁴. Within these jurisdictions, the necessary training institutions and infrastructure are often completely lacking, or are ineffective due to a deficiency of resources. The small numbers of qualified lawyers tend to practice in capital cities, undertaking commercial work for better pay, and have limited capacity (or often expertise) to undertake any access to justice work within rural areas or any criminal or human rights advocacy on a pro bono basis¹⁸⁵.

Indeed, much has been written recently about the ‘troubling shortage’ of African lawyers¹⁸⁶ (refer to Figure 2 for the ratio of lawyers per capita in some of the developing countries in Africa).

Figure 2: Ratio lawyers per capita in developing countries in Africa¹⁸⁷

Country	Ratio of Lawyers to People
United States of America	1:251
Ethiopia	1:154,378
Niger	1: 142,857
Tanzania	1: 36,834
Malawi	1: 34,286
Senegal	1: 33,333
Uganda	1: 27,258
Democratic Republic of Congo	1: 20,000

In the current economic climate, where governments of both developed donor countries and developing recipient countries are faced with a number of other pressing societal needs (such as

¹⁸⁴ The Global Campaign for Pre-trial Justice, Factsheet, Open Society Foundations, available at <http://www.opensocietyfoundations.org/sites/default/files/factsheet-gcptj-overview.10262012.pdf>

¹⁸⁵ Michael Goldhaber, “A Legal Drought: The Lawyer Shortage in Africa has critical implications for the continent’s development”, American Lawyer, Issue 12 (2012) 34

¹⁸⁶ Nicholas A. Kahn-Fogel. "The Troubling Shortage of African Lawyers: Examination of a Continental Crisis Using Zambia as a Case Study" University of Pennsylvania Journal of International Law 33 (2012), available at http://works.bepress.com/nicholas_kahnfogel/1
 Andrew Noval, “The Globalization of the Student Lawyer Toward a Law Student Practice Rule for Indigent Crime Defence in Sub-Saharan Africa”, Human Rights and Globalization Law Review, available at http://www.academia.edu/837455/The_Globalization_of_the_Student_Lawyer_Toward_a_Law_Student_Practice_Rule_for_Indigent_Criminal_Defense_in_Sub-Saharan_Africa; Michael Goldhaber, “A Legal Drought: The Lawyer Shortage in Africa has critical implications for the continent’s development”, American Lawyer, Issue 12 (2012) 34

¹⁸⁷ Nicholas A. Kahn-Fogel. "The Troubling Shortage of African Lawyers: Examination of a Continental Crisis Using Zambia as a Case Study" University of Pennsylvania Journal of International Law 33 (2012), available at http://works.bepress.com/nicholas_kahnfogel/1

housing and health care), the GPB model is a particularly useful and effective mechanism for leveraging much needed private-sector resources to address the short-term critical skills shortage. In the longer term, projects can also be designed to assist in the capacity building of the local sector. As one interviewee noted:

“If the choice is between people not having access to pro bono legal assistance, and legal assistance being there, then I think global pro bono is definitely the lesser of two evils, particularly if there is a pressing need”¹⁸⁸.

This is particularly the case for international business and trade advice, where there is a distinct lack of skills in developing countries and for which private firms have the particular expertise available to help “level the playing field”¹⁸⁹ for governments and NGOs.

As Richard Brophy, Head of Corporate Social Responsibility at Herbert Smith Freehills, stated:

“The reality is that investors are coming at them from all parts of the world, both West and East, and what we are doing is providing them with an opportunity to make the most of that investment... there is a vacuum for legal advice in some of these scenarios, whether we are involved or not, and we are the ones that can give them the best advice possible”¹⁹⁰.

¹⁸⁸ Claire Fourel, Pro Bono Manager, Ashurst LLP, phone interview conducted by author, London, UK, 12 December 2012

¹⁸⁹ Richard Brophy, Head of Corporate Social Responsibility, Herbert Smith Freehills, phone interview conducted by author, London, 4 January 2013

¹⁹⁰ Richard Brophy, Head of Corporate Social Responsibility, Herbert Smith Freehills, phone interview conducted by author, London, 4 January 2013

Similarly, another interviewee noted:

“What [the clients] cared about was that I represented a law firm that could help them with banking issues, finance issues, economic development issue, and how to deal with the big multi-national corporations and governments on the business side...and there was no other player that could remotely help with that”¹⁹¹.

¹⁹¹ Anonymous phone interview conducted by author, 18 October 2012

The impact of national pro bono on the private law firm has been well studied, particularly within the US jurisdiction¹⁹², but the impact of GPB has not. Drawing on interviews with pro bono management and analysis of the results of the GPB Lawyer Survey, this chapter aims to add to the limited research regarding commercial benefits and unique challenges of GPB for the firm, over and above national pro bono programs, and its potential impact on the career trajectory and job satisfaction of the contributing lawyers.

5.1 Benefits

“There’s no such thing as a free lunch... we do it because it is the right thing to do, because it is good for the world, and good for business”¹⁹³.

Without detracting from the imperative of the professional and business duty to undertake GPB work, it is also important to explore the business rationale for GPB for the firm and benefits to the individual lawyer, particularly if the field is to continue to grow despite the profound changes in and enormous pressures of law firm practice in the current economic climate.

Although no hard evidence exists of the extent to which economic benefits of GPB are actually realized by firms, there are strong indications that GPB can strategically be used for external benefits, including firm publicity, client development, expertise expansion and building a reputation for the sector as a whole, to generate significant commercial return.

¹⁹² Refer to footnote 2 for sources that provide a more detailed overview of national pro bono

¹⁹³ Anonymous phone interview conducted by author, 30 November 2012

5.1.1 Publicity and professional legitimacy

GPB initiatives involving well publicized issues in developing countries, such as human rights or economic development, have far more potential than national pro bono programs to generate positive publicity on a global scale and be a source of professional legitimacy for the international legal sector. This is useful particularly during the current economic downturn with these large international and US-based law firms still openly generating huge profits.

5.1.2 Client attraction and development

GPB can be an important tool in developing client relationships, especially with those clients whose scope and ambition of CSR initiatives have extended globally. Some governments and multinational corporations in particular have strong global CSR policies, and seek to collaborate with legal counsel that develop and display strong corporate value systems and a broader global social agenda¹⁹⁴. Questions regarding the firm's CSR commitments increasingly form an important aspect of tender requests and client pitches.

In business development terms, firms can also strategically utilize GPB opportunities by collaborating with their international clients, thus developing or enhancing business relationships. Baker & McKenzie in particular seems to be adept at undertaking collaborative initiatives and actively enlists in-house lawyers from their corporate clients to partake in most of their GPB programs¹⁹⁵. One recent project involved partnership with legal teams at Accenture,

¹⁹⁴ Laura Tuell Parcher, Firmwide Pro Bono Partner, Jones Day, phone interview conducted by author, Washington USA, 27 November 2012

¹⁹⁵ Baker & McKenzie Global Corporate Social Responsibility Program Pro Bono Teaming brochure, available at <http://www.bakermckenzie.com/files/Publication/3b6589ae-fe07-4a9a-88dd-b5b33b62a403/Presentation/PublicationAttachment/dd22230e-35d5-461d-9861-cca91759e61e/Teaming%20Brochure.pdf>

Caterpillar and Merck to assist the Public Interest Law Institute draft model legislation protecting Nepalese women from socio-economic and sexual exploitation¹⁹⁶.

Strategic use of GPB as a client acquisition and development method is particularly important for large international law firms whose traditional client-firm ties may have been eroded by aggressive mergers and acquisitions, and crucial in the current economic downturn, where cost-conscious clients are consolidating their demand for legal services down to one or a small panel of legal providers.

5.1.3 Profile-building within developing countries

Firms can also strategically focus their GPB programs in certain developing nations where they are hoping to increase their profile, expand their customer base and grow revenues in the future. GPB can offer an important vehicle to develop contacts with government, increase expertise and understanding of context in the specific region, and create goodwill with key stakeholders in the private sector. As one source noted:

“When you consider the demographics of the world, Africa is one of the fastest growing places in terms of population, and it has, as of last year, six of the 10 fastest growing countries in terms of percentage GDP growth, so it is going to be a more significant factor in the world economy going forward. As a result it makes sense for us to try to be there now in some capacity...the fact that we know Africa by being involved in pro bono

¹⁹⁶Baker & McKenzie Global Corporate Social Responsibility Program Pro Bono Teaming brochure, available at <http://www.bakermckenzie.com/files/Publication/3b6589ae-fe07-4a9a-88dd-b5b33b62a403/Presentation/PublicationAttachment/dd22230e-35d5-461d-9861-cca91759e61e/Teaming%20Brochure.pdf>

projects there means that we might be better suited to represent commercial clients in Africa in the future”¹⁹⁷.

5.1.4 Employee retention and attraction

GPB can also provide particular internal benefits to the firm, over and above national pro bono programs. One of the biggest of these internal benefits is the opportunity it provides firms to foster inter-office integration and relationships, and create synergies between different office locations and practice groups. GPB projects can provide an opportunity to create a sense of unity, firm pride and staff loyalty that many international law firms may struggle to achieve given their sheer size, complexity of firm structure, and geographically dispersed offices¹⁹⁸. GPB can also provide lawyers the opportunity to obtain a better understanding of the capabilities of the different locations and open communication channels, ensuring increased teamwork and efficiency in billable matters and promoting cross-selling of different service lines and offices¹⁹⁹.

GPB can also be used by a firm to encourage a strong national / local pro bono culture in offices outside of the US, such as those in Europe and Asia and other regions that may not have a pro bono tradition.

Further, pro bono programs have long been considered an effective recruiting tool for potential candidates that may be “seeking to reconcile their decisions to pursue private firm careers with ideals of socially meaningful professional work”²⁰⁰. With young lawyers increasingly more well-

¹⁹⁷ Richard Johnston, Partner, WilmerHale, phone interview conducted by author, Boston, MA, 15 November 2012

¹⁹⁸ Esther Lardent, “Making the Business Case for Pro Bono”, A Report for the Law Firm Pro Bono Project, 200, available at http://www2.nycbar.org/mp3/DoingWellByDoingGood/pbi_businesscase.pdf

¹⁹⁹ Ronald Flagg, Firmwide Chair, Committee on Pro Bono and Public Interest Law, Sidley Austin, phone interview conducted by author, Washington, 30 November 2012

²⁰⁰ Scott Cummings, “The Politics of Pro Bono”, UCLA Law Review, 52 (2004) 1

informed and interested in world affairs and international legal issues, firms that offer GPB initiatives enjoy a greater competitive recruiting advantage with both law school graduates and laterals²⁰¹. As one respondent to the GPB Lawyer Survey noted:

“I am so happy with this project. I might not have accepted to work at [firm] if it was not for its [international pro bono] program”²⁰².

GPB can also be an effective retention tool. Costs associated with the failure to retain lawyers represent the single greatest non-productive personnel expense incurred by law firms²⁰³. Many corporate lawyers have different career progressions than they initially anticipated when entering law school as young idealists. As one lawyer noted:

*“Lawyers in private firms do things that they are **not very proud of**... everyone rationalizes it, but at the end of the day many of us feel like “**my younger me wouldn’t have recognized me**”²⁰⁴.*

Law firms have realized the benefit of national pro bono to provide meaningful work experiences, in an environment otherwise perhaps bereft of opportunities for personal fulfillment²⁰⁵. Much has been written about the ‘psychological sustenance’ pro bono gives to corporate lawyers, connecting them to ‘issues of profound personal and social significance’²⁰⁶.

²⁰¹ Laura Tuell Parcher, Firmwide Pro Bono Partner, Jones Day, phone interview conducted by author, Washington USA, 27 November 2012

²⁰² Comment provided by respondent to the GPB Lawyer Survey (Appendix A), Question 12

²⁰³ Esther Lardent, “Making the Business Case for Pro Bono”, A Report for the Law Firm Pro Bono Project, 200, available at http://www2.nycbar.org/mp3/DoingWellByDoingGood/pbi_businesscase.pdf

²⁰⁴ Anonymous phone interview conducted by author, 18 October 2012

²⁰⁵ Scott Cummings, “The Politics of Pro Bono”, UCLA Law Review, 52 (2004) 1

²⁰⁶ Scott Cummings, “The Politics of Pro Bono”, UCLA Law Review, 52 (2004) 1; Deborah Rhode, Pro bono in Principle and in Practice: Public Service and the Profession. Stanford: Stanford University Press, 2005, 30

As one Pro Bono Manager noted:

“Almost every lawyer, when asked about their most rewarding professional experience, refers to a pro bono case... those cases really touch lawyers’ lives and make them feel rewarded for the work they do”²⁰⁷.

Unsurprisingly then, almost all respondents to the GPB Lawyer Survey²⁰⁸ indicated that participation in GPB programs increased their overall job satisfaction. Respondents commented that:

“As a partner then and a Senior Counsel now I think I have had enough experience with the practice to make the statement meaningful when I say it was one of the best experiences”²⁰⁹.

“[It] was the best part of my job”²¹⁰.

Indeed, lawyers seem very supportive of GPB projects, with almost all respondents agreeing that the GPB project was an effective use of firm pro bono resources²¹¹, noting the benefits for both the client and firm²¹². In particular, the size and global significance of GPB projects seems to be a source of pride for lawyers.

²⁰⁷ Laura Tuell Parcher, Firmwide Pro Bono Partner, Jones Day, phone interview conducted by author, Washington USA, 27 November 2012

²⁰⁸ GPB Lawyer Survey (Appendix A) – respondents’ answers to Question 12 (96.10%)

²⁰⁹ Comment provided by respondent to the GPB Lawyer Survey (Appendix A), Question 12

²¹⁰ Ibid

²¹¹ GPB Lawyer Survey (Appendix A) – respondents’ answers to Question 14 (97.3%)

²¹² Comment provided by respondent to the GPB Lawyer Survey (Appendix A), Question 14

As one lawyer noted:

“It became something everyone was talking about...everyone was so excited. Everyone had a real sense of pride that we could do this...we knew that only global firms, firms of our size, could do this”²¹³.

Many interviewees also mentioned the ‘interest factor’ of GPB projects in contributing to work satisfaction. As interviewees stated:

“Why did any of us work on it? Was it because were 100% driven by altruistic motives, or because we wanted to get involved in a seriously cool and amazing high profile case? Probably a bit of both”²¹⁴.

“These global projects are always very popular. Lawyers like working on big sexy international projects. I think people see it as more interesting to help the person who is the 'other', rather than the person who is your neighbor next door....that is human nature, to want to be involved in different, stimulating, newsworthy matters. It is definitely something that excites people”²¹⁵.

In particular, interviewees noted that GPB provides opportunities to contribute for those senior lawyers whose international expertise may be ill-suited to national pro bono work²¹⁶. As one interviewee noted:

“[It] means we have happier lawyers... and everyone benefits from that”²¹⁷.

²¹³ Anonymous phone interview conducted by author, 18 October 2012

²¹⁴ Anonymous phone interview conducted by author, 6 November 2012

²¹⁵ Anne Cregan, Pro Bono Partner, Ashurst Australia, phone interview conducted by author, Sydney, NSW, Australia, 6 December 2012

²¹⁶ Ronald Flagg, Firmwide Chair, Committee on Pro Bono and Public Interest Law, Sidley Austin, phone interview conducted by author, Washington, 30 November 2012

5.1.5 Training and development for lawyers

GPB affords participating lawyers high-quality training and development across a wide variety of skills, for example through researching comparative law over different jurisdictions. As one interviewee noted:

*“Global pro bono projects are brilliant learning development tools for our lawyers, especially our trainees...they can learn about new areas of law, and become more socially aware...this work can raise their profile within the firm, as well as the profile of the firm”*²¹⁷.

Indeed, GPB projects offer junior lawyers a chance to build up their international expertise and work on high profile cases with some of the most senior, well respected partners at the firm from different offices around the world that they might not have had the opportunity to connect with otherwise. Given the nature of GPB work, they are also often tasked with a higher level of responsibility and autonomy and therefore given greater learning opportunities than they might otherwise have when working on client-billable work.

5.2 Challenges

Despite these benefits, GPB does present some unique challenges for the law firm, distinct from those raised by national pro bono programs.

²¹⁷ Anonymous phone interview conducted by author, 30 November 2012

²¹⁸ Robert Powell, Head of Corporate Social Responsibility, CMS Cameron McKenna, phone interview conducted by author, London, 27 November 2012

5.2.1 Financial burden

GPB programs usually incur high financial costs, including those associated with extra administration, communication across offices and to clients, and travel. The unpredictability of GPB matters (given the instability and changeability of developing nations) also provides further challenge; as one source noted:

“You can’t predict how long a global pro bono project will last. You have to be prepared for the prospect that it may take much longer than a few months or a year, and so you have to think about capacity in the longer term”²¹⁹.

This increased financial burden is often cited by smaller, predominantly US-based firms as the main reason why they do not undertake GPB work on top of their already existing national programs. As a representative from one smaller firm noted:

“The truth is that we are so heavily invested in a wide-ranging US pro bono program with a full-time pro bono partner, full-time pro bono administrator, three full-time pro bono associates... and three neighborhood pro bono offices located in the poorer communities that we made a deliberate decision that that was enough, and we would not seek additional pro bono opportunities in our offices abroad. We have 100% of our lawyers handling pro bono matters and our pro bono hours for our last fiscal year were equivalent to 4.13 % of our total fee-paying client hours”²²⁰.

²¹⁹ Anonymous phone interview conducted by author, 21 November 2012

²²⁰ Email correspondence between author and a mid-sized US based firm, 19 October 2012

5.2.2 Potential controversial nature

Firms also need to consider how their clients, and indeed prospective clients, will react to the potentially controversial nature of some GPB matters, even when direct client conflicts are not in issue²²¹. As one source noted:

*“Global issues are more likely to be controversial. You may find that suddenly the issue is getting more and more press coverage in that particular country and indeed throughout the world... you need to think about that before taking it on”*²²².

Some firms have still taken on somewhat controversial matters, despite this challenge; for example, Latham & Watkins assisted the SPLM (which, at the time of representation, was still considered a rebel group by some international actors), and DLA Piper has assisted the government of Kosovo since 2005, despite a division in the world community on its international recognition. On this point, Sara Andrews, Counsel and Assistant Director for New Perimeter (DLA Piper), noted:

*“We have never gotten involved in politics, we were not advocating for independence in Kosovo... we initially started working there at the request of the United Nations, simply to help to ensure that the rule of law was instated in the region”*²²³.

5.2.3 Impact on lawyers

In addition to challenges for the firm, GPB work can sometimes have a negative impact on the individual lawyers themselves involved in the projects. In particular, information collected from lawyers who have undertaken GPB work within a firm without a formal GPB program or strong

²²¹ Scott Cummings, “The Politics of Pro Bono,” UCLA Law Review 51, 1 (2004), 123

²²² Anonymous phone interview conducted by author, 21 November 2012

²²³ Sara Andrews, Counsel and Assistant Director for New Perimeter, DLA Piper, phone interview conducted by author, New York, 4 December 2012

GPB leadership suggest that it can have negative career implications. The following comments were made by a lawyer within a firm that did not have formal GPB leadership at the time they undertook the project:

*“To get this type of global pro bono project going you really needed someone high up in the firm that is a risk taker, a visionary, very open minded to put their support to the project, and then a person or a small group of people who would take ownership and shepherd the project through the ranks of a firm – these people needed to be **willing to cash in their political chips on the project, and be willing to pay the price** ... that is to say, people that are willing to say “this kind of work happens once in a career, and I am willing to cash in all of my political chips to get it done””²²⁴.*

*“It was very clear to me that I was taking a big risk, **a career risk**... I knew that by devoting a significant amount of time on the project I was probably **never going to make Partner** ... and I knew that if there were any questions about the project and the amount of contribution **someone’s head needed to be on chopping board, and it would be mine**”²²⁵.*

However, even within firms with structured programs, there remains some concern for the lawyer who undertakes GPB work. Although none of the respondents to the GPB Lawyer Survey reported that their firm was unsupportive of the GPB project, only half described their firm as ‘very supportive’, with 38.96% describing the firm as ‘somewhat supportive’, and 10.39%

²²⁴ Anonymous phone interview conducted by author, 18 October 2012

²²⁵ Anonymous phone interview conducted by author, 18 October 2012

describing the firm as ambivalent²²⁶. Responses to this question may also have been positively biased, given concerns by the lawyers of being identified by their firm management. Comments also included that billable hours are “valued more”, that it is “difficult to get buy-in from partners”, and that the firm is “very supportive on the national level, but less so on the local level”²²⁷, suggesting that perhaps the formal GPB support structure for some firms has not trickled down into the culture of offices on a local and practical level.

Interviews with some pro bono managers also uncovered a concern by firms regarding the impact GPB work has on billable hours production by lawyers. This is despite pro bono and profitability studies that suggest no correlation exists between increased pro bono hours and decreased billable work²²⁸, and anecdotal reports from other pro bono managers that the most productive lawyers from a pro bono standpoint are usually the highest billers from a billable perspective as well²²⁹.

Career progression for a junior lawyer indeed seems to involve a delicate balance between pro bono and service paying clients, with a risk of being perceived as not fitting within the commercial culture of the law firm if too much pro bono work is undertaken.

²²⁶ GPB Lawyer Survey (Appendix A) – respondents’ answers to Question 9

²²⁷ Comment provided by respondent to the GPB Lawyer Survey (Appendix A), Question 12

²²⁸ Esther Lardent, “Making the Business Case for Pro Bono”, A Report for the Law Firm Pro Bono Project, 200, available at http://www2.nycbar.org/mp3/DoingWellByDoingGood/pbi_businesscase.pdf

²²⁹ Kristen Abrams, Program Manager and International Pro Bono Counsel, DLA Piper, phone interview conducted by author, New York, 4 December 2012

As one interviewee stated:

*“Junior lawyers love global pro bono matters; they clamor for it...but, **you don’t want to be the person who is doing a thousand hours of pro bono**... that is not good for us, for them, for anyone... we are still a commercial organization, that should come first”²³⁰.*

Not surprisingly then, the majority of respondent lawyers²³¹ indicated that balancing billable work with pro bono work was a difficulty faced by them, and a barrier to success to the project.

One respondent noted:

“Recently [the project] has been a source of frustration and irritation - not because of the client but because of the internal politics and difficulty in managing my billable workload with unrealistic expectations of the person managing the project. If the project were managed better I would find it very fulfilling but at the moment my position is that I would not volunteer to be involved in another pro bono project if it were managed by the same person”²³².

5.2.4 Project evaluation

Finally, perhaps the biggest challenge facing firms is how to evaluate the overall GPB program impact; that is, how to define the success of the initiatives and measure the social return on investment in a meaningful way.

Due to the private partnership structure, firms do not have the same external pressure as non-profit organizations to provide quantitative evidence for return on investment. Pro bono reporting

²³⁰ Anonymous phone interview conducted by author, 30 November 2012

²³¹ GPB Lawyer Survey (Appendix A) – respondents’ answers to Question 10 (63.64%)

²³² Comment provided by respondent to the GPB Lawyer Survey (Appendix A), Question 12

is only undertaken within the US and Australia (as part of initiatives such as the Pro Bono Challenge), and data on GPB programs is usually not extrapolated out of overall pro bono expenditure. Many firms therefore do not yet have formal internal reporting or evaluation of their GPB initiatives, focusing instead on the pre-program processes that take place before the firm agrees to take a project on, which generally considers the need for pro bono assistance and the likelihood that firm assistance will make a difference. As interviewees noted:

*"Our selection criteria for pro bono projects is quite rigorous. We will only take on matters where we feel confident that we can deliver, and that we have the expertise to assist"*²³³.

Some interviewees questioned the necessity of post-program evaluations:

*"My question is, why is there a concern to monitor the impact of the work that lawyers do for free, when there isn't a concern generally to monitor the impact of work lawyers do when they are paid for it? I think there is something self-evident about the value of this kind of legal work, and I'm not sure that I see the need for monitoring to the extent that lots of people do. I think law firms should have the courage of their convictions and back their own ability to identify worthwhile projects to support, and then give the project the legal support it needs to succeed"*²³⁴.

However, many pro bono leaders, including Sara Andrews from New Perimeter (DLA Piper), agree on the importance of firms developing effective evaluation measures, particularly in the current economic downturn. Given the opportunity cost of investing significant resources

²³³ Elsha Butler, Global Pro Bono Manager, Linklaters, phone interview conducted by author, London, 19 December 2012

²³⁴ Anonymous phone interview conducted by author, 7 December 2012

towards GPB, they argue that emphasis should be placed on evaluation, to promote efficiency in GPB administration, infrastructure and advice²³⁵. Richard Brophy, Head of Corporate Social Responsibility at Herbert Smith Freehills noted:

*“The expectation going forward will be that we should be able to talk more rigorously and commercially about what the return actually is”*²³⁶.

Unfortunately though, evaluation is a complex, time-consuming and resource-intensive task²³⁷, made even more difficult by the ambiguity within the sector on how to measure impact, particularly with projects that aim to initiate systemic change over a long period of time. As Jean Berman from ISLP explained:

*“The idea of impact is also so widely varied, and there is such a variety of non-measurable factors”*²³⁸.

The meaningfulness of measuring total number of hours or levels of participation is questionable as a method of determining the real impact of a GPB program. Certainly, reporting only these quantitative measures seems inadequate, and can even be counterproductive for its emphasis on quantity over quality.

It is thus suggested that these international firms enlist external assistance if necessary to develop robust evaluation tools that measure impact, as well as a variety of other factors including client

²³⁵ Sara Andrews, Counsel and Assistant Director for New Perimeter, DLA Piper, phone interview conducted by author, New York, 4 December 2012

²³⁶ Richard Brophy, Head of Corporate Social Responsibility, Herbert Smith Freehills, phone interview conducted by author, London, 4 January 2013

²³⁷ Sara Andrews, Counsel and Assistant Director for New Perimeter, DLA Piper, phone interview conducted by author, New York, 4 December 2012

²³⁸ Jean Berman, Senior Executive Advisor, International Senior Lawyers Project, phone interview conducted by author, New York, 30 November 2012

satisfaction, relationships with referral agencies, professional development, mentoring, training, and enhancement of intra-firm relationships. As a starting point, firms should actively source feedback from clients, referral clearinghouses and lawyers, and develop an evaluation checklist, to be completed for each project. A suggested Evaluation Checklist is included as Appendix D.

CHAPTER 6 – CONCLUSIONS AND RECOMMENDATIONS TO THE SECTOR

Some analysts argue the globalization process of the legal sector is currently at a second level of development. Those mega firms that globalized previously are benefiting from their geographical investment, and a new wave of law firms, aware of local market limitations in the current economic climate, are now expanding out onto the international sector at a rapid rate²³⁹. It is still uncertain how the market will transform over the next decade, and whether further consolidation into fewer, even larger global firms (following the model set by the ‘Big Four’ group of global accountancy firms) is likely, or even feasible.

Certainly though, the continued growth of GPB as an institutionalized and widespread practice in firms depends on this continuing globalization of the legal industry to increase the number, size and scope of international law firms – firms that not only have both a professional and business duty to undertake GPB, but are also structured particularly well to practice it, with unparalleled resources, and a unique client focused approach. These firms also hold vastly untapped opportunities to strategically use GPB to enhance lawyer attraction, satisfaction and retention, to increase expertise and networks in emerging markets, and to develop and strengthen client relationships.

However, as discussed above, if a thoughtful and considered approach is not taken, GPB can result in unintended consequences for the client and pose unique challenges for both the firm and

²³⁹ “The Next Wave: Globalization after the Crisis”, Report by Jomati Consultants LLP, March 2010, available at http://www.altmanweil.com/dir_docs/resource/b1834c69-8653-4fc8-961e-fee62e308ab8_document.pdf

the lawyers that undertake the work. As such, this thesis will conclude with a number of recommendations to firms and the sector as a whole.

6.1 Recommendations to firms

6.1.1 GPB program framework

Larger international firms should consider implementing a formal structure for sourcing and managing the implementation of GPB in developing countries, similar to that of DLA Piper (if not a completely separate non-profit entity, at least with a GPB management team distinct from national pro bono programs). This would streamline internal processes and demonstrate both an external and internal commitment to meaningful and effective GPB.

For smaller firms that have GPB already integrated within national pro bono programs, firms should undertake evaluation as to whether their current initiatives make strategic advantage of their particular commercial expertise, and consider taking on a ‘signature project’ that best reflects the firm’s capabilities.

For those predominantly domestic firms that have not yet expanded into GPB, they could consider developing a considered strategy for introduction of some smaller research projects or advice work that corresponds to their expertise and that is in partnership with one of the referral clearinghouses. They could also be creative in GPB support, promoting the opportunity for lawyers to volunteer with Lawyers Without Borders or other non-profit organizations during their leave, with the full support of the firm. To reduce costs and enhance ease of communication, firms could also provide counsel advice to foundations and charities that

undertake work in developing countries but have corporate headquarters in the firm's home country or region²⁴⁰.

Whatever the chosen framework through which to undertake GPB, firms should develop best practice guidelines specifically for GPB projects, as distinct from their national pro bono work, shaping both their selection of GPB projects and the manner in which they are resourced and undertaken by the firm. This will ensure that the distinct challenges and benefits presented by GPB work (as discussed in Chapter 5) are best managed and optimized, for the benefit of the client, the firm and the contributing lawyers. Detailed information and figures regarding GPB, distinct from the firm's CSR or national pro bono contributions, should also be recorded and published to accurately measure resources devoted to such initiatives.

6.1.2 Types of work

All firms should also carefully consider what type of projects they are implementing, ensuring that selected projects match the firm's expertise, resources, and GPB focus and goals. Legal research projects seem to be the most effective form of GPB, utilizing the unparalleled resources of corporate law firms without any of the cultural relativity concerns or added travel costs of education programs. Corporate counsel work for nonprofits may also appeal to law firms as a mechanism for connecting non-contentious lawyers to meaningful pro bono opportunities, and also providing a natural opportunity for firms to collaboratively partner with in-house legal staff of clients given their expertise in that area.

²⁴⁰ Thomas Gottschalk, Firmwide Pro Bono Chair, Kirkland & Ellis, phone interview conducted by author, Washington, 7 November 2012

6.1.3 Evaluation Process

Aligned with best practice guidelines, it is suggested that firms implement a formal evaluation process for completed GPB matters. A suggested Evaluation Checklist is included as Appendix D, covering basic elements to evaluate both output and process. This will assist firms to monitor the effects of their work for their GPB client, as well as to continually improve their GPB program and track the benefits offered to the firm such as client or expertise development, and staff training.

6.1.4 Business development

Firms should be encouraged to use GPB strategically and align programs with business goals, as this will result in greater sustainability for initiatives and support within the partnership. Firms can do this by collaborating on long-term initiatives with in-house counsel of corporate clients, or choosing projects which focus on particular geographical regions or areas of law in which they seek to build their profile or networks. On a practical level, firms should ensure they maximize the benefits of their contributions through marketing opportunities such as targeted press releases, as well as the inclusion of GPB experience in client pitch documents and recruitment materials.

6.1.5 Contributing lawyers

A pipeline of engaged contributing lawyers is necessary to ensure the longevity and success of a GPB program. It is recommended that firms implement international policies providing that all global pro bono work is counted towards billable targets, and that individual contributions made to pro bono to be measured and included as a benchmark for performance reviews.

Firms should also include cultural and political context pre-training where appropriate for lawyers designing and implementing sensitive educational programs or undertaking legal reform work, and legal knowledge training for lawyers working in legal fields outside of their usual expertise. This ensures projects are appropriately resourced and completed efficiently, as well as ensuring that lawyers feel supported and competent in their given tasks, and therefore more willing to contribute to future matters.

6.1.6 Local skills development

Finally, it is imperative that firms undertake projects with a long-term view, and incorporate some form of capacity building of the local legal sector in the developing country into every project as a high priority. This can be achieved through many different initiatives, for instance, by developing resource and training partnerships with local counsel, sharing useful technology such as access to online databases, ‘train-the-trainer’ educational programs, and providing mentoring opportunities (and possibly internships) to law students or young lawyers entering the profession.

6.2 Recommendations to the sector

6.2.1 Governing body

“There just isn’t sufficient support infrastructure out there to assist and encourage law firms getting involved in a lot of this kind of pro bono work”²⁴¹.

Whilst professional responsibility norms are internalized within the private legal sector, and therefore somewhat self-enforced (leading to the benefits discussed above of the attorney-client

²⁴¹ Christopher Herrling, Pro Bono Counsel, WilmerHale, phone interview conducted by author, Washington, 7 December 2012

relationship to GPB work)²⁴², the defining challenge for GPB is the lack of a governing body to ensure the enforceability of legal professional ethical code and provide opportunity for complaint mechanisms and independent investigations into poor practice. The International Bar Association's internationalprobono.com initiative seems like the ideal infrastructural seed from which such an organization could grow globally, with participation in and support from firms.

Such a governing body could also assist in nurturing the growth of the sector through providing a forum for the promotion of better practice, best practice guidelines and identifications of new approaches, technology and resources; and spreading awareness to potential clients of the assistance that law firms can provide to them (and the unique client-attorney approach that can be offered) through GPB work²⁴³.

6.2.2 Further sector collaboration

Despite the importance of comparative analysis and collaboration within the sector, many interviewees commented on how unaware they were of what others were doing in the GPB space. As one interviewee noted:

“Unfortunately, the law firms that do this particular work don’t often share ideas or knowledge with each other... we sit and complain about the NGO community not working together but none of us know what anyone else is doing. Nobody learns from each other, there are no best practice guides or think-tanks that I know of. Some clearinghouses try

²⁴² Maya Steinitz, “Internationalized Pro Bono and a New Global Role for Lawyers in the 21st Century: Lessons from Nation Building in Southern Sudan”, Yale Human Rights and Development Law Journal, (2009), available at http://works.bepress.com/maya_steinitz/1

²⁴³ Laura Tuell Parcher, Firmwide Pro Bono Partner, Jones Day, phone interview conducted by author, Washington USA, 27 November 2012

to ensure knowledge is captured from the work that they do, and share it out, but most of the time these lessons learnt fall through the cracks”²⁴⁴.

A GPB governing body could also provide the encouragement and facilitation required for essential collaboration between all GPB stakeholders, including firms and referral clearinghouses. In addition, such a body could ensure better integration with international development / public interest organizations that have been undertaking this kind of work for decades, to share lessons learnt.

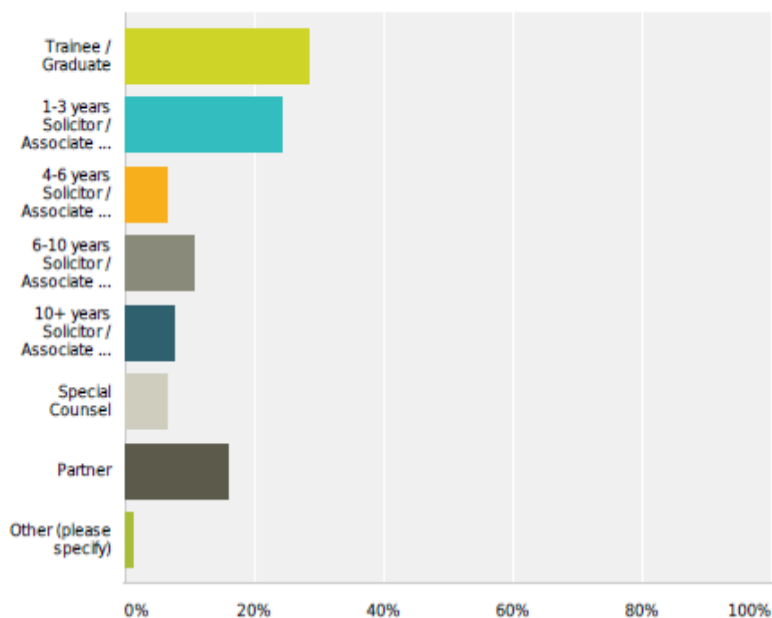
Firms could also consider partnering with law schools to increase opportunities for students to be involved in GPB research projects as part of their pro bono participation. This would be a strategic marketing strategy for firms to attract quality talent, and inspire an enduring commitment to international legal development within the next generation of lawyers.

²⁴⁴ Anonymous phone interview conducted by author, 18 October 2012

APPENDIX A - RESULTS OF THE GLOBAL PRO BONO LAWYER SURVEY

Q1 What is your level of experience?

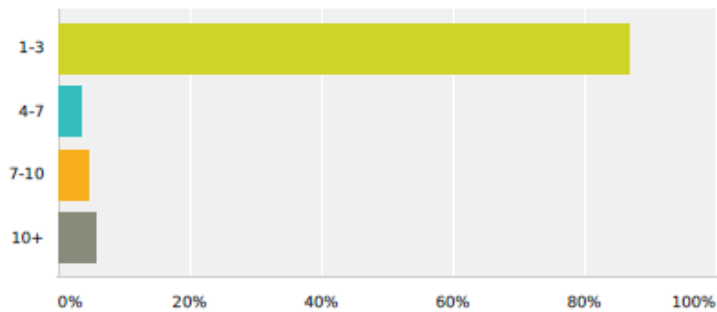
Answered: 95 Skipped: 0



Answer Choices	Responses	
Trainee / Graduate	28.42%	27
1-3 years Solicitor / Associate / Lawyer	24.21%	23
4-6 years Solicitor / Associate / Lawyer	6.32%	6
6-10 years Solicitor / Associate / Lawyer	10.53%	10
10+ years Solicitor / Associate / Lawyer	7.37%	7
Special Counsel	6.32%	6
Partner	15.79%	15
Other (please specify)	1.05%	1
Total		95

Q2 How many international pro bono projects for clients in developing countries have you worked on (including current projects) during your time at the firm?

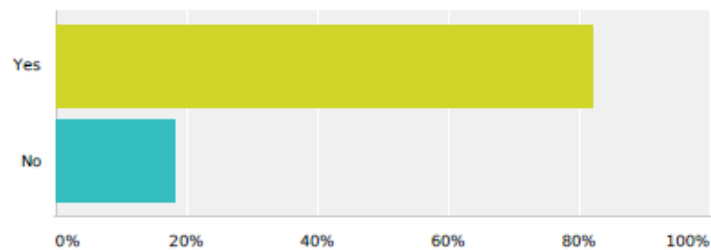
Answered: 89 Skipped: 6



Answer Choices	Responses
1-3	86.52% 77
4-7	3.37% 3
7-10	4.49% 4
10+	5.62% 5
Total	89

Q3 Have you volunteered for national pro bono projects before (that is, projects within the country where you are currently working)?

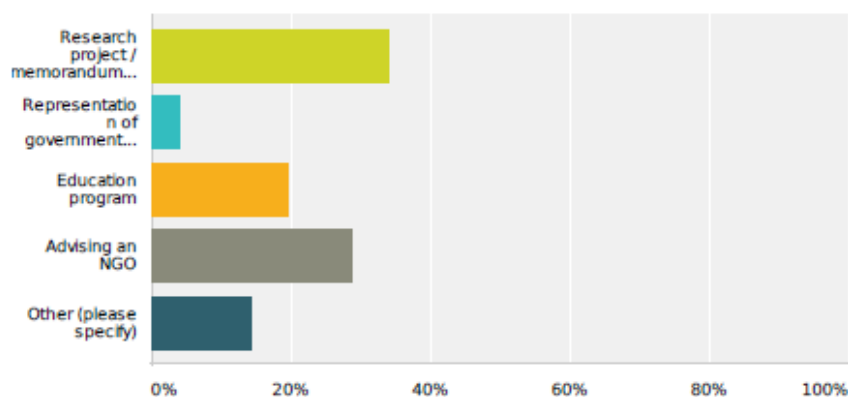
Answered: 94 Skipped: 1



Answer Choices	Responses
Yes	81.91% 77
No	18.09% 17
Total	94

Q4 Would you classify the project as a:

Answered: 77 Skipped: 18

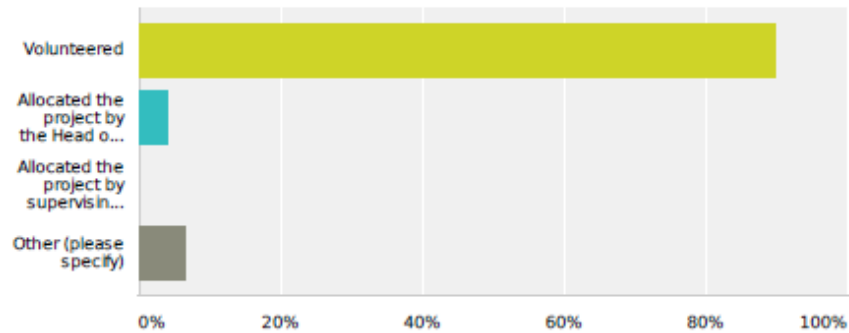


Answer Choices	Responses
Research project / memorandum / report	33.77% 26
Representation of government, group or individual in a court / tribunal / negotiation	3.90% 3
Education program	19.48% 15
Advising an NGO	28.57% 22
Other (please specify)	14.29% 11
Total	77

#	Other (please specify)	Date
1	Assisting a for profit company with development of its business	3/24/2013 8:30 PM
2	Advise on different regulatory regimes	3/22/2013 1:51 AM
3	General IP and contract advice	3/15/2013 9:08 AM
4	Trademark searches, trademark and copyright filings, license agreements, enforcement proceedings	3/12/2013 4:04 PM
5	Charity structuring	3/12/2013 10:34 AM
6	All of the above	1/30/2013 11:33 AM
7	Bothe drafting laws and training government employees in Kosovo	1/21/2013 1:41 PM
8	Researched and drafted proposed legislation	1/16/2013 3:21 PM
9	Education and training program, including evaluation and recommendations for statutory and policy improvements	1/16/2013 2:05 PM
10	Advising on new disciplinary system for lawyers	1/16/2013 2:03 PM
11	Advice to organisation regarding real estate it was acquiring	11/30/2012 3:27 AM

Q5 How did you become involved in the particular project?

Answered: 77 Skipped: 18

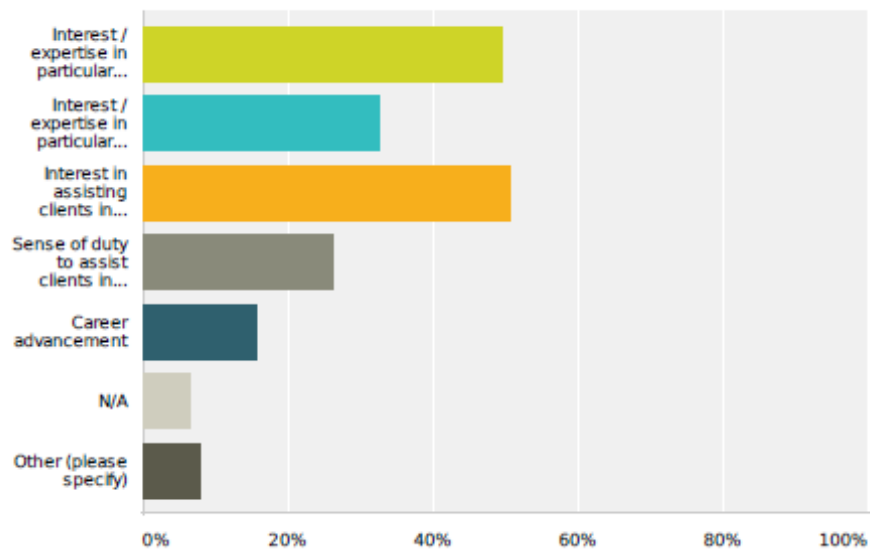


Answer Choices	Responses
Volunteered	89.61% 69
Allocated the project by the Head of Pro Bono / Pro Bono Manager / Partner / Committee	3.90% 3
Allocated the project by supervising partner	0% 0
Other (please specify)	6.49% 5
Total	77

#	Other (please specify)	Date
1	Many partners sit on non-profit boards and the trademark group is often asked to assist with IP matters.	3/12/2013 4:04 PM
2	Applied (voluntarily) to be part of the team on the project	1/27/2013 6:45 AM
3	referred to me by another partner	1/17/2013 2:42 PM
4	I am a graduate in pro bono	1/16/2013 10:01 PM
5	Follow on work from another project	1/16/2013 3:21 PM

Q6 If you volunteered, why did you volunteer (can pick more than one)?

Answered: 77 Skipped: 18

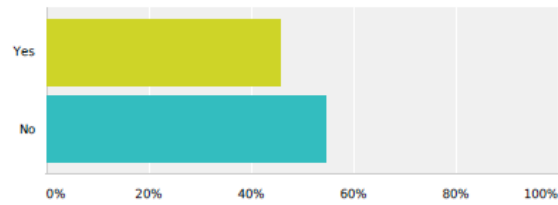


Answer Choices	Responses	
Interest / expertise in particular area of law	49.35%	38
Interest / expertise in particular area of the world	32.47%	25
Interest in assisting clients in developing countries	50.65%	39
Sense of duty to assist clients in developing countries	25.97%	20
Career advancement	15.58%	12
N/A	6.49%	5
Other (please specify)	7.79%	6
Total Respondents: 77		

#	Other (please specify)	Date
1	Someone was needed to supervise the project	3/12/2013 11:18 AM
2	religious community related volunteering	2/11/2013 11:35 AM
3	International experience	1/17/2013 2:14 AM
4	Interest in the charity	11/30/2012 3:29 AM
5	Interest in assisting client	11/30/2012 3:27 AM
6	Interest in assisting charities	11/30/2012 3:19 AM

Q7 Does / did your project work correspond to your core competencies / areas of expertise?

Answered: 77 Skipped: 18

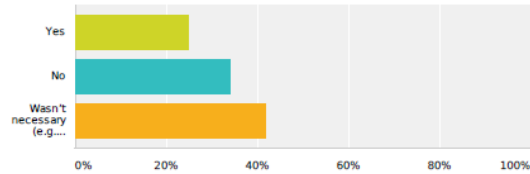


Answer Choices	Responses	
Yes	45.45%	35
No	54.55%	42
Total		77

#	Comment	Date
1	Not really - only occasional overlap with my area of expertise	3/25/2013 6:41 AM
2	Originally the project was supposed to be an M&A transaction which is my area of expertise but it has since morphed into general commercial work which is not my area of expertise	3/24/2013 8:30 PM
3	I needed to do research regarding Burundi laws...	3/14/2013 12:42 PM
4	as a litigator though not in the law of the country concerned	2/1/2013 9:47 AM
5	Advising clients, identifying issues, communicating with third parties and clients, educating others in an area of law	1/30/2013 11:33 AM
6	Corresponded with my organizational skills, but not my legal skills	1/16/2013 2:01 PM

Q8 Did the firm give you any pre-training before the beginning of the project?

Answered: 77 Skipped: 18

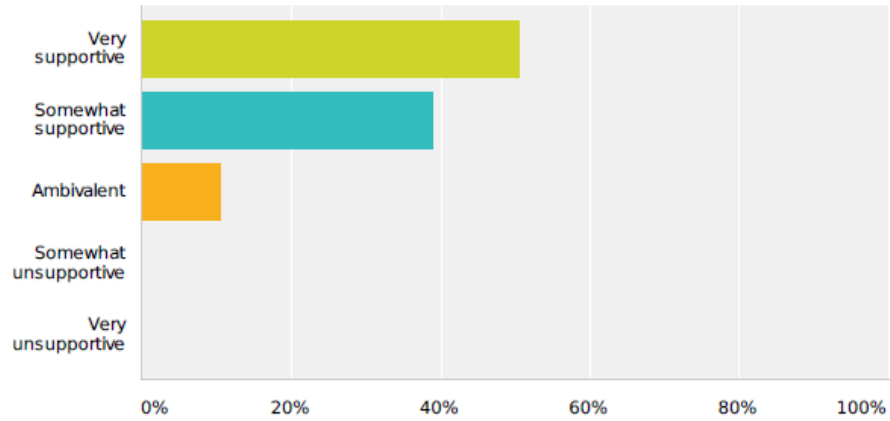


Answer Choices	Responses	
Yes	24.68%	19
No	33.77%	26
Wasn't necessary (e.g. research project)	41.56%	32
Total		77

#	Comment	Date
1	The projects have been in my area of expertise.	3/12/2013 4:04 PM
2	I participated in a working group relevant to the issues covered on the project	3/12/2013 11:18 AM
3	Training was on safety in [REDACTED]	1/30/2013 11:33 AM
4	Reading material, meetings with people.	1/21/2013 1:41 PM
5	not necessary because of prior experience	1/17/2013 2:42 PM
6	Was within my area of expertise	1/16/2013 4:47 PM

Q9 What is / was the level of support of the project within the firm?

Answered: 77 Skipped: 18



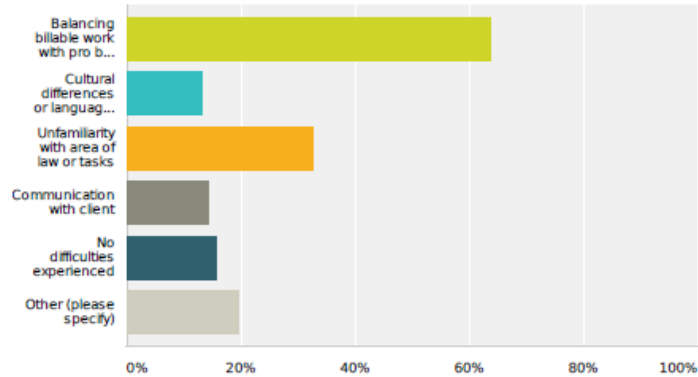
Answer Choices	Responses	
Very supportive	50.65%	39
Somewhat supportive	38.96%	30
Ambivalent	10.39%	8
Somewhat unsupportive	0%	0
Very unsupportive	0%	0
Total		77

Comment (3)

#	Comment	Date
1	Billable hours are valued more.	2/12/2013 2:36 AM
2	Sometimes difficult to get 'buy in' from Partners	1/17/2013 1:32 AM
3	Very supportive on national/pro bono level; less so on local level	1/16/2013 2:01 PM

Q10 What are the particular barriers to success or difficulties you face(d), if any, whilst working on the project (can pick more than one)?

Answered: 77 Skipped: 18



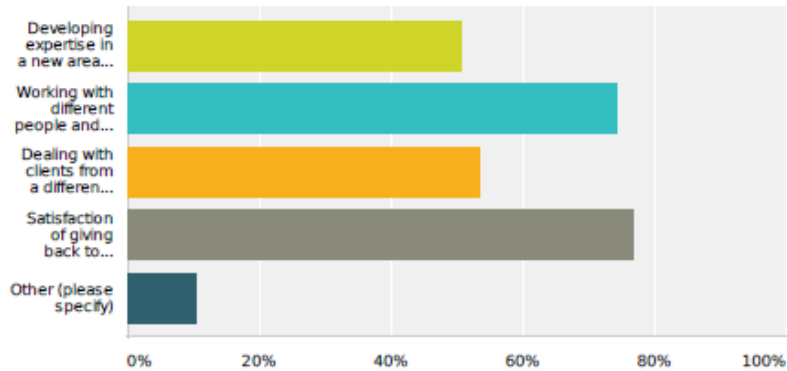
Answer Choices	Responses
Balancing billable work with pro bono work	63.64% 49
Cultural differences or language barriers	12.99% 10
Unfamiliarity with area of law or tasks	32.47% 25
Communication with client	14.29% 11
No difficulties experienced	15.58% 12
Other (please specify)	19.48% 15
Total Respondents: 77	

#	Other (please specify)	Date
1	Project being managed by someone who has no expertise at all in the area of work required, so all work is falling to other members of the team who are located in different offices and have very busy workloads. The person managing the project doesn't appreciate what is involved when the client asks for assistance with certain things and doesn't appreciate the sometimes very limited capacity that lawyers have to work on the pro bono matter. It seems there is no scope of work and we seem to agree to do anything the clients asks for. The work we now do is very different to what the original brief was and not an area that I have experience in at all. If the original brief was for the current work, I would not have volunteered because it is not an area in which I have experience. At previous firms when a pro bono matter was taken on there was a defined scope of work and if the client asked for something the firm/team couldn't help with then the engagement/team would be reviewed.	3/24/2013 8:30 PM
2	Language barrier, I do not speak or read French	3/13/2013 2:32 AM
3	getting client to engage local counsel for land transfer	3/12/2013 11:18 AM
4	Other team members are outside their area of expertise	3/12/2013 10:34 AM
5	Setting up meeting to maximize our time in [REDACTED] was difficult.	1/30/2013 11:33 AM

#	Other (please specify)	Date
6	These were hardly extreme barriers but more like things we had to deal with when you are drafting laws for other cultures to use and trying to teach them things without fully understanding their history and culture or gaining the understanding primarily through reading or discussions about the community.	1/21/2013 1:41 PM
7	Locating and working with in-country attorneys	1/18/2013 8:23 AM
8	sensitivities with conflicts	1/16/2013 3:39 PM
9	Dealing with multiple jurisdictions	1/16/2013 2:02 PM
10	Project was on location in a foreign country and getting situated in the beginning was particularly difficult.	1/16/2013 1:58 PM
11	Different legal system and thus different legal terminology	1/16/2013 1:56 PM
12	uneven level of commitment from the lawyers participating in the project (As the research was split among a group of people, I had to take on more and work extra hard in order to bring the output of other trainees and junior associates to the high standard which any project deserves, even if pro bono)	12/4/2012 8:06 AM
13	Difficult to find partners who want to be involved esp for fear of conflicts of interest.	11/30/2012 4:43 AM
14	Dealing with legal issues that presented a challenge given my level of experience	11/30/2012 3:27 AM
15	Getting participation from higher levels of qualified fee earners, eg partners	11/30/2012 3:13 AM

Q11 What do you think are / were the benefits of the program to you (can pick more than one)?

Answered: 77 Skipped: 18

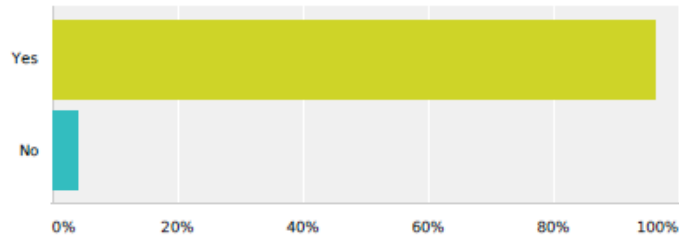


Answer Choices	Responses
Developing expertise in a new area of law	50.65% 39
Working with different people and offices of the firm	74.03% 57
Dealing with clients from a different background	53.25% 41
Satisfaction of giving back to developing communities	76.62% 59
Other (please specify)	10.39% 8
Total Respondents: 77	

#	Other (please specify)	Date
1	Experience in case management/more responsibility	3/25/2013 6:41 AM
2	It is good to be part of a pro bono program where I can use "international" skills	3/12/2013 11:18 AM
3	Developing relations in [REDACTED]	1/17/2013 12:29 PM
4	getting to know lawyers in other [REDACTED] offices	1/17/2013 11:58 AM
5	Assisting with the developement of a programme which could improve awareness in relation to human rights abuses	1/16/2013 2:02 PM
6	Gained language skills	1/16/2013 1:58 PM
7	Satisfaction (not a developing community so couldn't tick the above box)	11/30/2012 3:27 AM
8	Satisfaction and giving back to charitable organisations that work in developing communities	11/30/2012 3:19 AM

Q12 Did / does your participation in the project increase your overall job satisfaction?

Answered: 77 Skipped: 18

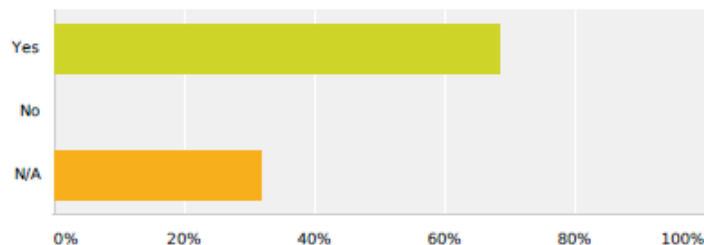


Answer Choices	Responses	
Yes	96.10%	74
No	3.90%	3
Total		77

#	Comment	Date
1	It did at the beginning but recently it has been a source of frustration and irritation - not because of the client but because of the internal politics and difficulty in managing my billable workload with unrealistic expectations of the person managing the project. If the project were managed better I would find it very fulfilling but at the moment my position is that I would not volunteer to be involved in another pro bono project if it were managed by the same person.	3/24/2013 8:30 PM
2	I am so happy with this project. I might not have accepted to work at Sidley if it was not for its PB programme	3/14/2013 12:42 PM
3	As a partner then and a Senior Counsel n/w I think I have had enough experience with the practice to make the statement meaningful when I say it was one of the best experiences.	1/21/2013 1:41 PM
4	Greatly	1/17/2013 12:29 PM
5	No this particular project, which was a poor fit, but pro bono work generally does	1/16/2013 2:01 PM
6	Was the best part of my job.	1/16/2013 1:58 PM
7	It has nothing to do with my job.	11/30/2012 4:43 AM

Q13 If the project is completed, would you consider it a success, and why?

Answered: 76 Skipped: 19



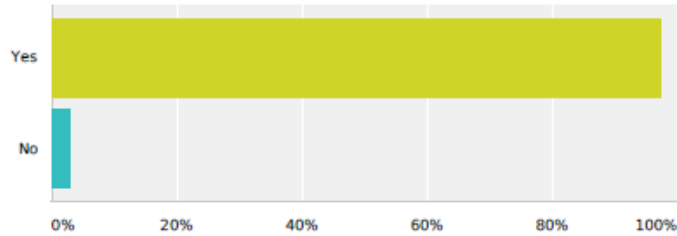
Answer Choices	Responses	
Yes	68.42%	52
No	0%	0
N/A	31.58%	24
Total		76

#	Comment	Date
1	Ongoing	3/24/2013 8:30 PM
2	ongoing advise, no particular project	3/22/2013 1:51 AM
3	We typically meet the client's objective of achieving registration or completing the agreement.	3/12/2013 4:04 PM
4	We achieved our goal, and more.	2/22/2013 5:20 PM
5	Contribution of expertise to NGO	2/12/2013 2:36 AM
6	not sure if completed	2/12/2013 12:45 AM
7	We just found out that the National Department of Planning will be developing policy based on our findings from the project	1/30/2013 11:33 AM
8	Our work had an impact on development of the country's legal system	1/27/2013 6:45 AM
9	At least our part of it. How successful it was is always a valid question. Since the firm has been invited back to perform a second project, we would have to believe at least someone thought it was successful, although we clearly could have done more.	1/21/2013 1:41 PM
10	Provided valuable training for prosecutors and magistrates on issues that are critical in their work.	1/21/2013 10:41 AM
11	Naturally, a feeling of having achieved something.	1/20/2013 2:40 AM
12	Because of the benefits it will bring to the developing country.	1/18/2013 8:23 AM
13	The inclusion of equality provisions within the constitution would be a major step forward for the protection of minority groups and women.	1/17/2013 11:15 AM
14	Very positive feedback received from the students we taught who were very appreciative.	1/17/2013 2:14 AM
15	As a team, we completed an extensive research task which achieved the aims that had been set by the client.	1/17/2013 12:36 AM
16	I think that the students benefitted immensely from the drafting lessons - and so did I.	1/17/2013 12:31 AM

#	Comment	Date
17	Yes- Personally I feel like my skills, awareness and knowledge have been improved; I think it is a great cause and will be really beneficial to the audience, and I think it also allows great opportunities for	1/16/2013 10:01 PM
18	Mixed bag - it was successful with one group of students and not successful with the other.	1/16/2013 6:23 PM
19	Brought attention to plight of refugees from	1/16/2013 3:50 PM
20	Completed our expected work product and client was very pleased.	1/16/2013 2:10 PM
21	Well-received, positive feedback, they asked us to return to conduct more training	1/16/2013 2:05 PM
22	Completion of the project includes implementation of a new disciplinary system, which I would consider to be a success.	1/16/2013 2:03 PM
23	We completed and published an important academic project based on first class, one-of-a-kind research. However, I feel like I did not change much, as nothing ever comes of these policy-type reports. I prefer litigation projects, which have actual, concrete results.	1/16/2013 2:01 PM
24	The project is ongoing, I would consider my time with the project a success because of all of our accomplishments	1/16/2013 1:58 PM
25	I don't know how far it went - I helped collate the info early on	11/30/2012 3:39 AM
26	Acquisition of real estate was completed to the satisfaction of client.	11/30/2012 3:27 AM
27	Never had feedback	11/30/2012 3:20 AM

Q14 Did /do you think the project was /is an effective use of the firm's pro bono resources, and why / why not?

Answered: 74 Skipped: 21



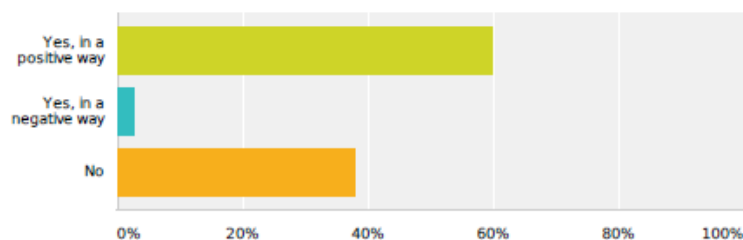
Answer Choices	Responses	
Yes	97.30%	72
No	2.70%	2
Total		74

#	Comment	Date
1	Absolutely - helping play a tangible role in development activities, nurturing potential paying clients, and gaining experience	3/25/2013 6:41 AM
2	The current scope of work is quite different to what was originally briefed and beyond the expertise of the current team. We spend valuable time trying to understand an area in which we have no expertise so query the quality of the advice/documents we are giving the client. Scope of work and team composition needs to be assessed based on the work actually required.	3/24/2013 8:30 PM
3	There is a lot of expertise which was not put to use on pro bono so far.	3/22/2013 1:51 AM
4	The clients receive top-notch legal services and the client receives recognition for its efforts.	3/12/2013 4:04 PM
5	It was an important project and a success	2/22/2013 5:20 PM
6	inhouse expertise	2/12/2013 2:36 AM
7	interesting and involved use of core skills	2/1/2013 9:47 AM
8	South America is an emerging market. It was perfect timing with the office opening in [REDACTED]	1/30/2013 11:33 AM
9	Training opportunities were amazing and helped to increase Firm's goodwill.	1/28/2013 6:36 PM
10	It provides help to those who might not be able to economically afford the talent and I believe that is a strong part of our firm's culture and should remain so. It also spreads the firm name and talent of the firm to areas where we might not be recognized and presents the firm as an organization which has a charitable and world view to the outside world and those who have to choose someone or some firm to represent their interests.	1/21/2013 1:41 PM
11	Not only does the project benefit a developing country, but the attorneys on the project are learning about an emerging area of law that should lead to future billable work.	1/18/2013 8:23 AM
12	The [REDACTED] project has been very successful and is expanding. The [REDACTED] project is also unique, though it needs to be jump-started.	1/17/2013 12:29 PM
13	Our participation in Pro Bono projects improves our international reputation, builds relationships within the firm and helps us to build relationships in developing economies and with existing clients who are working on the same projects.	1/17/2013 12:36 AM

#	Comment	Date
14	Great impact on [REDACTED] legal community - working together with core client [REDACTED] - getting to know lawyers from many offices - sense of doing something meaningful	1/17/2013 12:31 AM
15	Because it is a great/ important cause that aligns with all our pro bono project aims.	1/16/2013 10:01 PM
16	For cost of plane ticket and several nights at hotel, were able to document atrocities that occurred.	1/16/2013 3:50 PM
17	I think the non-profit client was very pleased.	1/16/2013 2:01 PM
18	The project utilized limited resources to make a large impact by partnering with an NGO on the group	1/16/2013 1:58 PM
19	We have access to research tools here that otherwise may not be available	11/30/2012 4:43 AM
20	I was quiet at the time	11/30/2012 3:39 AM

Q15 Do you think your participation in the project impacts / impacted on your career within the firm, and if so, why?

Answered: 77 Skipped: 18



Answer Choices	Responses
Yes, in a positive way	59.74% 46
Yes, in a negative way	2.60% 2
No	37.66% 29
Total	77

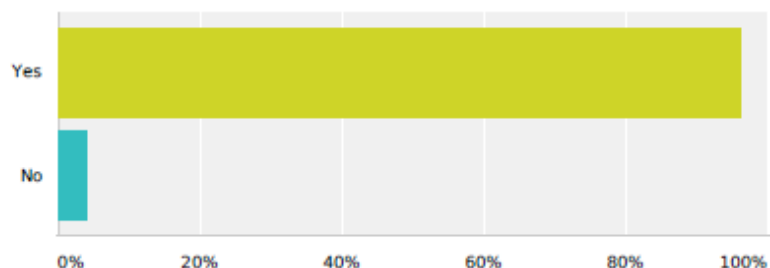
Comment (33)

#	Comment	Date
1	Unclear how much partners actually take into account... I just don't know.	3/25/2013 6:41 AM
2	I don't think there is a culture in my office for valuing pro bono work or time lawyers dedicate to pro bono work, though personally I enjoy participating in pro bono work and am happy to continue working on pro bono matters notwithstanding this, provided they are managed more effectively	3/24/2013 8:30 PM
3	too early to say	3/22/2013 1:51 AM
4	The firm strongly encourages pro bono work within the trade & development pro bono programme	3/14/2013 12:42 PM
5	I don't think my involvement impacted me either way.	3/12/2013 4:04 PM
6	the project is not particularly high profile, so is unlikely to get attention. On the other hand, billing time to pro bono matters shows support for the program, which I'm sure is positively recognized by the firm	3/12/2013 11:18 AM
7	Did not necessarily impact my career from management's perspective, but impacted my career in allowing me to do something to give back.	2/22/2013 5:20 PM
8	Fewer billable hours	2/12/2013 2:36 AM
9	Allowed me to meet many different people within the Firm.	1/28/2013 6:36 PM
10	Introduced me to lawyers in other offices, learned a new skill set, and helped to distinguish me from my peers	1/27/2013 6:45 AM
11	I think it made me a more perceptive attorney and was part of a growing desire on my part to do more than just handle complex commercial litigation. Since I was quite senior at the time this opportunity was presented (quite early in the program) I doubt it had a significant impact on my career in the firm perse.	1/21/2013 1:41 PM
12	I am a senior partner.	1/21/2013 10:41 AM
13	Demonstrates my own personal commitment to the firm's pro bono strategy.	1/20/2013 2:40 AM
14	I'm developing a skill set that will translate to billable work.	1/18/2013 8:23 AM

#	Comment	Date
15	As a global firm it is helpful to have international experience	1/17/2013 2:14 AM
16	I have had the opportunity to build relationships with colleagues in other offices whom I would not have had the opportunity to work with otherwise.	1/17/2013 12:36 AM
17	I love doing work like this!	1/16/2013 10:01 PM
18	Led to even greater commitment to pro bono.	1/16/2013 3:50 PM
19	I don't think it mattered one way or the other given I was a younger associate at the time. I would not be able to devote similar hours now that I am more senior without some negative impact on my career.	1/16/2013 2:10 PM
20	I gained useful language skills.	1/16/2013 1:58 PM
21	It is still an opportunity to show your capabilities to partners and therefore showcase your skills	12/4/2012 8:06 AM
22	Meeting senior people from across the firm.	12/4/2012 2:48 AM
23	CSR activity is promoted and considered during appraisals although the emphasis is minor	11/30/2012 3:27 AM

Q16 Do you consider pro bono projects in developing countries important to the firm's overall pro bono strategy?

Answered: 77 Skipped: 18

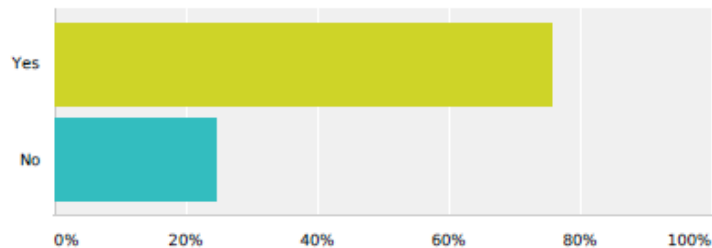


Answer Choices	Responses	
Yes	96.10%	74
No	3.90%	3
Total		77

#	Comment	Date
1	I haven't heard enough to have an opinion.	3/12/2013 4:04 PM
2	Absolutetly. A firm like [REDACTED] can add significant value to development projects because of our specialized knowledge/experinece in international trade and finance. We would make less of a difference on "garden variety" pro bono work, which other lawyers are more well placed than us to help on, due to their particular specializations.	3/12/2013 11:18 AM
3	I also think pro bono at home is very important, too.	1/30/2013 11:33 AM
4	See above	1/21/2013 1:41 PM
5	Aligns with our broad international reach	1/21/2013 10:41 AM
6	Particularly given the international platform of the firm	1/16/2013 2:01 PM
7	Please, consider this as a neutral answer. I do not think that there is a specific developing countries strategy within the firm, but this type of work is certainly supported (including by offering to pay for training in international development)	12/4/2012 8:06 AM
8	These projects, in my opinion, are very 'worthy' of pro bono assistance and face particular barriers to accessing legal advice.	12/4/2012 2:48 AM
9	No comment	11/30/2012 3:39 AM

Q17 Do you think firms such as yours have a duty or obligation to undertake these pro bono projects in developing countries?

Answered: 78 Skipped: 17



Answer Choices	Responses
Yes	75.64% 59
No	24.36% 19
Total	78

#	Comment	Date
1	If they are able to do so, they should - or at least carry out pro bono activities in a significant way within national jurisdictions. Hard to say that it is a moral duty to do so re developing countries, specifically.	3/25/2013 6:41 AM
2	I think it is good to do, but wouldn't call it a duty.	3/12/2013 4:04 PM
3	I think lawyers generally have a duty to "give something back" to the community, but that could involve any range of activities, not necessarily targeting developing countries	3/12/2013 11:18 AM
4	We are a global firm and should address important global issues	2/22/2013 5:20 PM
5	I also think pro bono at home is very important, too.	1/30/2013 11:33 AM
6	If we want to continue to be an international firm in our general practice I think we must maintain a world view. I think lawyers in general have a "pro bono duty" and as part of a worldwide firm the concept of giving back to a world wide base of people and their communities is a duty even if it is not the same community where we have an office which seeks to profit from being in that community.	1/21/2013 1:41 PM
7	Firms that wish to have a global footprint and an international practice should be considered about issues of international significance.	1/21/2013 10:41 AM
8	It's not compulsory but I think firm should encourage pro-bono projects whether local or international.	1/17/2013 2:14 AM
9	I don't see it as a duty to do international work but something I am grateful is important to my Firm and that I think sets our Firm apart from other firms. Our attorneys really covet being chosen for these projects and people recognize you for it.	1/16/2013 2:05 PM
10	I think there is a duty to do pro bono, and I leave that to individual attorneys to decide where to commit their pro bono efforts.	1/16/2013 2:01 PM
11	I would not put it as a duty. It's a choice and is one that makes a difference not only to the firm's employees, but also to our clients, who may choose us over another firm also thanks to our pro-bono credentials.	12/4/2012 8:06 AM
12	I do not think it is a duty, but something that we should aim to do. I think it is more of a duty to assist with pro bono cases domestically for people that fall in the legal aid gap.	12/4/2012 2:48 AM
13	But it is certainly an admirable thing to do	11/30/2012 3:39 AM

#	Comment	Date
14	I think we have an obligation to undertake pro bono work although I don't see that it necessarily needs to involve developing countries.	11/30/2012 3:27 AM

Q18 Do you have any suggestions for firms such as yours that undertake these pro bono projects in developing countries (for example, concerning project type, structure, recruitment or evaluation)?

Answered: 21 Skipped: 74

#	Responses	Date
1	Carefully screen clients, and make sure expectations for both client and counsel are clear from the outset. Help ensure adequate supervision by lawyers with actual expertise in the areas of practice implicated by the representation (not always an easy task).	3/25/2013 6:41 AM
2	Scope of work needs to be clarified and teams/resourcing/engagement should be reassessed as scope of work evolves.	3/24/2013 8:30 PM
3	I wonder if it would be possible to team up with local counsels depending on the task...	3/14/2013 12:42 PM
4	I think it is good for firms to look for opportunities to add value with their pro bono work. For large international firms, work on issues promoting the development of developing countries, or otherwise leveraging a firm's particular specialization makes sense. For lawyers specialized in other areas, focusing pro bono work in a way that leverages their skills and experience makes greatest sense.	3/12/2013 11:18 AM
5	Evaluate team capability prior to accepting engagement. Those with expertise are expected or required (from a professional responsibility perspective) to get involved even when they do not have capacity to do so.	3/12/2013 10:34 AM
6	Do more! Review suppliers and use of resources to assess how they impact developing countries.	2/12/2013 2:36 AM
7	Let work done on these projects count towards billable targets	2/12/2013 12:45 AM

8	Get involved with a specialist project brokering organisation. We work with [REDACTED]	2/1/2013 9:47 AM
9	[REDACTED] should handle all travel arrangements.	1/30/2013 11:33 AM
10	My primary suggestion is to clearly define the project, its goal, and precisely who the client is (which can be murky sometimes). Most developing countries indeed have many well-meaning NGOs and others there trying to "help." They don't necessarily need another player on the scene. But target where there is a need for your services, and be sensitive to the fact that others (locals, and foreigners) were there first and likely know a lot more than you do.	1/27/2013 6:45 AM
11	I can only draw from my experience in [REDACTED]. It is hard to use our legal skills in a foreign underprivileged community, whether it is drafting laws, teaching or handling cases without the proper cultural background. Language can be dealt with, but it's harder to deal with the culture of the community and understand it. You must understand it to know what is possible, what might work and how what you know can be used successfully. The best way to explain it is to paraphrase a part of a speech given by Brandeis before he was a Justice when he was asked to talk to the Chicago Bar Association about the law. He spoke about a man very learned in the law who was from Russia. He was asked by a Prince of a new country to come to his country (not slavic or in the Russian sphere), and develop laws for it. Rather than just drafting a legal code he went to the country, lived there for two years studying the culture and then helped in drafting the code. The law he drafted then represented the life, culture, beliefs, customs and practices of the people and could be supported by them because it truly expressed the will of the people. [REDACTED] should try (as hard as it is) to use people who have that cultural knowledge and sensitivity (or at least a partial one), or try to acclimate them to that culture, etc. before asking them to do things for the people in that country which deals with teaching or drafting law or really dealing with the law at all. Whether you are in the US or elsewhere the law and its creation and interpretation is to a great extent experience and must be rooted in the country's culture. Many of the places we go to simply do not have our culture. We must adapt our work, legal system and thoughts to their culture not just impose our legal system on them or talk about what we do, if we are to be successful.	1/21/2013 1:41 PM
12	My only suggestion would be to look at projects which have a greater degree of contact with members of the general public in developing countries - although I appreciate that these may be difficult to facilitate.	1/20/2013 2:40 AM

#	Responses	Date
13	Facilitate working with in-country attorneys where appropriate.	1/18/2013 8:23 AM
14	They will tick a number of boxes and as such should be considered.	1/17/2013 2:14 AM
15	It would be beneficial to provide more opportunities to get involved with Pro Bono work to more junior staff, particularly trainees, who often benefit most from the experience and generally have more time to get involved with the projects.	1/17/2013 12:36 AM
16	Encourage the participants to "take a break." Go see the sites for a day. It's ok. Also, don't turn down someone who has never done a particular kind of work (e.g., a deposition). Just place them with a person who has, whether more senior or not. A willing and energetic volunteer is more important than expertise in my opinion.	1/16/2013 3:50 PM
17	I think we do a good job of selecting important causes across many areas and geographic locations.	1/16/2013 2:10 PM
18	It's a long-term commitment to do it right and to provide a true benefit in developing countries in partnership with the folks in-country. Our firm is really dedicated to tailoring programs to meet the country's objectives and to providing volunteers with the right expertise to actually make a difference and not just to enjoy a boondoggle. Also, the firm really benefits from the team bonding and other collegial benefits that come from these projects. So rewarding!! I am so glad to have been involved and would volunteer enthusiastically again.	1/16/2013 2:05 PM
19	Use teams of lawyers from more than one country or region, if possible. Lawyers in different parts of the world have very different views on fundamental issues, such as the respective roles of the lawyer and client. It's extremely helpful to critically evaluate these fundamental issues and engrained biases/assumptions/habits before working with clients in a developing country.	1/16/2013 2:03 PM
20	As both international projects I worked on were research for international organisation promoting international development, I do not feel in a position to comment on this, as there was no direct involvement with the developing countries as such. I would certainly be interested to be involved in pro-bono advice to organisations based in a developing country in the future and there are such opportunities within my firm (at present for me it is a problem of my own availability - not enough time)	12/4/2012 8:06 AM
21	development-focussed projects	11/30/2012 3:16 AM