



Pro Bono Strategic Plan

03/07/05

Table of Contents

- I. Executive Summary
- II. Reasons for Plan
- III. Pro Bono Challenge Principles
- IV. Key Results of MBR&M Pro Bono Surveys
- V. Benefits to Firm
- VI. First-Year Objectives
 - Improve Administration of Pro Bono Program
 - Enhance and Improve Image/Brand
 - Enhance Quality of Pro Bono Opportunities
 - Improve Management and Supervision of Pro Bono Cases
 - Clarify, Evaluate and Communicate Pro Bono Policies and Procedures
- VII. Costs
- VIII. Requested Policy & Planning Committee Approvals
- IX. Attachments

Executive Summary

Background

- As a signatory to the Pro Bono Challenge, Mayer, Brown, Rowe & Maw has a long-established reputation for undertaking significant pro bono matters and for its contributions to the public interest
- At its meeting during the 2003 partners' meeting, the Pro Bono Committee decided to examine how the Firm could increase the value of its pro bono work and enhance the Firm's well-earned reputation
- The Committee's goals in undertaking the examination included
 - increasing the visibility and reputation of our pro bono work
 - providing higher-quality pro bono opportunities for our attorneys, and
 - achieving significant results for the public good
- The Committee determined that the best way to conduct the examination and to improve the value of our pro bono work was to develop and implement a pro bono strategic plan
 - The Committee sought and received the assistance of Esther Lardent of the Pro Bono Institute and Mike Short of Hildebrandt International in developing the strategic plan

Executive Summary (cont'd.)

Ambit of Plan

- The proposed plan is aimed primarily at the Firm's U.S. offices; however, certain specified parts (such as enhancing and improving image/brand) relate also to the U.K./Europe, and other international implications are likely to be considered further as the plan is implemented
- The partner responsible for pro bono and community work in the U.K. and Brussels, Julie Dickins, has been involved in the planning (particularly in relation to any international aspects) and has carried out a survey of U.K. fee-earners similar to the U.S. survey

Executive Summary (cont'd.)

Process

- The proposed plan is based upon
 - a detailed examination of the current pro bono program
 - interviews with MBR&M partners and associates
 - a review of “best practices”
 - the results of the internal MBR&M pro bono surveys
 - the contributions of Committee members in analyzing each of the following –
 - administration of the pro bono program
 - marketing and publicity of the pro bono program
 - identification of pro bono opportunities
 - management and supervision of pro bono matters
 - evaluation of the Firm’s pro bono policies

Executive Summary (cont'd.)

Project Goals

- The purpose of the strategic plan is not necessarily to increase the number of pro bono hours or to improve the Firm's rankings in the *American Lawyer* and other surveys, although the Committee believes that it is important that the U.S. offices work toward meeting the commitment the Firm made in signing the Pro Bono Challenge to seek to devote 3% of total billable hours to pro bono work
- Instead, the goal of the plan is to increase the quality and value of the Firm's pro bono work across all offices and practices. This can be best achieved by aligning our pro bono work with the Firm's goal of providing a stimulating, challenging, enriching and financially rewarding professional practice in an environment and culture that are ethically sound and professionally satisfying
- **The plan is therefore designed to identify high-quality pro bono opportunities and to achieve results that are commensurate with the quality and challenges of our client work**

Executive Summary (cont'd.)

Supporting Objectives

- The strategic plan proposed by the Committee seeks to achieve this goal through the implementation of five first-year objectives
 - Improve Administration of Pro Bono Program
 - Enhance and Improve Image/Brand
 - Enhance Quality of Pro Bono Opportunities
 - Improve Management and Supervision of Pro Bono Cases
 - Clarify, Evaluate and Communicate Pro Bono Policies and Procedures
- Renewed focus on the Firm's pro bono program could also be one part of the events and activities celebrating the Firm's 125th anniversary in 2006

Executive Summary (cont'd.)

Needed from P&P

- Approval of new structure and responsibilities of the Pro Bono Committee
- Approval of the proposed strategic plan and recommendations
- Approval of practice and office leader involvement in and support of identification of higher quality pro bono opportunities and improved management of pro bono matters
- Reaffirmation of
 - MBR&M's commitment to pro bono as a professional responsibility of the Firm and its attorneys
 - Policies designed to meet that responsibility

Reasons for Plan

- The Firm invests on the order of \$9 to 10 million per year on pro bono work, but there is no Firm-wide strategy for deciding what pro bono matters we want to encourage or how to deploy our pro bono resources
- As a result, we as a Firm do whatever pro bono work any of our lawyers asks us to do (if it meets a broad definition of pro bono and subject to the usual conflict checks). This has advantages and disadvantages.
- Among the disadvantages of our current policy is that our pro bono matters frequently do not involve the complex, difficult legal questions that our work for clients involves. As a result, the value of our pro bono work — in terms of training our lawyers, gaining favorable publicity, and impact on society — is not as great as it could be.

Reasons for Plan (cont'd.)

- Other areas of concern with our current U.S. program in need of improvement are the following –
 - As shown in the attachment, Marc Kadish (Director of Pro Bono Activities & Litigation Training) is centrally involved in every aspect of the U.S. program. While his efforts are tireless and invaluable, his time has limits. As a result, the program's ability to expand beyond Marc's current capacity to contribute and manage is hindered.
 - It is important to note that Marc is a strong supporter of this review of the pro bono program, he played an integral role in each step of the planning process, and he supports the recommendations included in this report.
 - Contributions to the program come largely from litigators because the program's current efforts are weighted very heavily toward litigation related matters. Few opportunities are being created for transactional lawyers.
 - Policies and practices governing the program are not consistent across all offices.
 - The Pro Bono Committee's role in practice is limited to intake. As such, the Committee cannot contribute to the expansion of the program in a meaningful way unless its responsibilities are expanded accordingly.

Reasons for Plan (cont'd.)

- Other firms have chosen a different model. Through major signature projects, partnerships with clients, and other coordinated firm efforts, these firms have achieved higher value from their pro bono programs.
- The Firm spends a significant amount on recruiting and training, and having a better and better recognized pro bono program will help in both of those areas.

Pro Bono Challenge Principles

- Contribute an amount of time equal to 3% of the Firm's total billable hours or 60 hours per attorney to pro bono work
- Promulgate and maintain a clearly articulated and commonly understood Firm policy which unequivocally states the Firm's commitment to pro bono work
- A majority of the minimum pro bono time contributed by the Firm should consist of the delivery of legal services on a pro bono basis to persons of limited means or to charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means
- Use best efforts to ensure that a majority of both partners and associates in the Firm participate annually in pro bono activities
- Provide a broad range of pro bono opportunities, training, and supervision to attorneys in the Firm

Pro Bono Challenge Principles (cont'd.)

- Ensure that the Firm's policies with respect to evaluation, advancement, productivity, and compensation of its attorneys are compatible with the Firm's strong commitment to encourage and support substantial pro bono participation by all attorneys
- Recognize the obligation of major law firms to contribute financial support to organizations that provide legal services free of charge to persons of limited means

Key Results - MBR&M Pro Bono Surveys

- There were 459 responses (approx. 46% return) to the internal MBR&M pro bono survey taken in domestic U.S. offices
- The principal results were
 - half (49%) of the respondents want to do more pro bono work in 2005
 - the principal barriers to doing more pro bono work include the need to meet the billable hours requirement, the need for personal time, and the fact that pro bono hours do not count toward bonuses
 - the Pro Bono Challenge (3% of total hours) is viewed as reasonable or very reasonable by over half of the respondents (58%)
 - the primary goals for the pro bono program should be to do good work (54%) and to provide pro bono opportunities relevant to our attorneys' practices (33%)
 - the principal recommended changes include providing compensation for pro bono work on the same basis as billable work (55%), more links between pro bono work and needed skills and experience (31%), and more encouragement from the Firm to do pro bono work (29%)

Key Results - MBR&M Pro Bono Surveys (cont'd.)

- There were 96 responses (approx. 31% return) to the internal MBR&M pro bono survey taken in the U.K. and Brussels offices
- The principal results were:
 - 75% of respondents had done pro bono work in the last year
 - 45% of respondents want to do more pro bono work in 2005
 - the principal barriers to doing more pro bono work include the need to meet the billable hours requirement, the need for personal time, the lack of credit for pro bono hours, and difficulties finding a good project
 - the primary goals for the pro bono program should be to simply do good work (62%) and demonstrate corporate social responsibility (29%)
 - the principal suggested changes include giving credit for pro bono work on the same basis as billable work, more encouragement from the firm to do pro bono work, more training opportunities, more pro bono work that has a broader impact on society, and matching pro bono work to legal skills and experience

Benefits to Firm

- Training and Skill Development
 - Pro bono cases provide opportunities for litigation associates to develop trial, deposition and other litigating skills and for non-litigation associates to develop negotiation, drafting and other skills relevant to their practice areas
 - 43% of associates responding to the U.S. MBR&M survey indicated that they would like to do more pro bono work that gives them skills and experience they need in their practice
- Recruiting
 - Recruits are very interested in pro bono programs where they can work on cutting-edge legal issues and have the opportunity to work directly with clients and appear in court early in their careers
 - Over half (59%) of the associates responding to the U.S. MBR&M survey indicated that the Firm's pro bono program was important to their decision to join the Firm

Benefits to Firm (cont'd.)

- Retention
 - Providing opportunities for relevant skill development and for fulfillment of professional responsibility to assist those in need will improve associate satisfaction with development of their careers
 - Almost two-thirds (65%) of associates responding to the U.S. MBR&M survey indicated that the Firm's pro bono program is important to their staying with the Firm
- Public Relations
 - Pro bono cases provide the Firm with excellent opportunities to be recognized in major legal and non-legal publications
 - Over 80% of partners responding to the U.S. MBR&M survey indicated their belief that the pro bono program is important to the Firm's image in the marketplace
- Client Relationships
 - A number of clients are increasingly considering law firms' pro bono programs in determining which firm to retain

First-Year Objectives

- Improve Administration of Pro Bono Program
- Enhance and Improve Image/Brand
- Enhance Quality of Pro Bono Opportunities
- Improve Management and Supervision of Pro Bono Cases
- Clarify, Evaluate and Communicate Pro Bono Policies and Procedures

First-Year Objectives (cont'd.)

- Improve Administration of Pro Bono Program
 - Define responsibilities of Pro Bono Committee and commit resources to fulfill those responsibilities
 - Determine appropriate allocation of the Director's responsibilities between the Director and the Committee and ensure sufficient resources available to meet all responsibilities, including, if necessary, additional support staff
 - Establish annual goals, targets and budgets
 - Establish electronic pro bono matter inventory system
 - Hold regularly scheduled Committee conference calls to address policy issues and monitor progress towards goals
 - Create and supervise working groups to implement strategic plan objectives
 - Work with local office pro bono committees to assist in identifying high-quality pro bono opportunities of interest to attorneys in each office, recruiting attorneys to do pro bono work, and monitoring local pro bono matters
 - Utilize Attorney Development/Recruiting staffs for administrative assistance

First-Year Objectives (cont'd.)

- Enhance and Improve Image/Brand (worldwide)
 - Identify Marketing and Public Relations Department personnel to focus on pro bono program
 - Develop master plan for overall Firm and for each MBR&M office
 - Develop strategy for communicating strategic plan to practice and office leaders and to all MBR&M attorneys and for creating support for the plan
 - Increase internal pro bono visibility and support by, *inter alia*, increasing partner involvement in pro bono, participating in practice leader meetings, including pro bono as part of new attorney orientation, including pro bono on the agenda of Firm meetings, and including pro bono in reports on Firm accomplishments
 - Monitor and enhance MBR&M pro bono website to ensure topical and current

First-Year Objectives (cont'd.)

- Enhance Quality of Pro Bono Opportunities
 - Meet with practice and office leaders to identify pro bono matters with relevant training and skills development opportunities
 - Meet with local and national legal services providers and associations to identify pro bono matters that provide training and skills development opportunities
 - Confer with Pro Bono Institute on a continuing basis to identify high-quality pro bono opportunities
 - Evaluate and pursue possible partnerships with major Firm clients (nationally and/or worldwide)
 - Develop signature projects that are aligned and consistent with our overall goals (nationally and/or worldwide)

First-Year Objectives (cont'd.)

- Improve Management and Supervision of Pro Bono Cases
 - Implement online pro bono opportunities website with link from internal home page
 - Develop database of attorneys' interest in pro bono
 - Implement online pro bono matter approval process, including projected hours budgets
 - Liaise with practice and office leaders on selection of pro bono matter supervisors
 - Supervising attorney to be billing partner and receive pre-bills to ensure efficient delivery of pro bono services
 - Define staffing and supervisor responsibilities
 - Include pro bono (both participation and work performed) in annual associate evaluations
 - Establish procedures for closing pro bono cases

First-Year Objectives (cont'd.)

- Clarify, Evaluate and Communicate Pro Bono Policies and Procedures
 - Compile and publish policies and procedures on internal MBR&M website
 - Evaluate adoption of formal written national policies and procedures
 - Reaffirm MBR&M U.S. commitment to Pro Bono Challenge (3%) and underlying principles
 - Develop plan for disseminating policies within the Firm

Costs

- Implementation of this plan will require some additional commitment by the Firm
 - No increases to the Firm's current spending on grants and donations are proposed
 - There may be a one-time increase in travel costs associated with initial implementation of the plan
 - Increased partner involvement in assisting the Committee in identifying high-quality pro bono opportunities and in supervising pro bono cases
 - Possible additional staff support to ensure all of Director's responsibilities are met on a timely basis

Requested Policy & Planning Committee Approvals

- Approval of new structure and responsibilities of the Pro Bono Committee
- Approval of proposed strategic plan and recommendations
- Approval of practice and office leader involvement in and support of identification of higher quality pro bono opportunities and improved management of pro bono matters
- Reaffirmation of MBR&M's commitment to pro bono as a professional responsibility of the Firm and its attorneys and of policies designed to meet that responsibility