

Pro Bono at Big Law : Mini Firms Within Firms

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Pro bono work at BigLaw firms has proliferated in the past two decades due to the evolving attitudes of lawyers and policy changes at firms and state bars . ' The volume and scale of the pro bono work law firms do is unbelievable' , confirmed Anthony Perez Cassino, the assistant director of public service at Milbank, Tweed, Hadley & McCloy LLP, But fifteen years ago the state of the industry was different. The dedicated pro bono departments that so many large law firms now have didn't exist.

Cassino has been at Milbank Tweed since 2000, and prior to that, he worked at the New York State Bar Association as director of pro bono. 'It was a small club 10 to 15 years ago ' Cassino said. But there have been several changes within the legal community during the last two decades that have fostered pro bono's growth. Pro bono is much more ingrained from an earlier stage in a lawyer's career. Some law schools have mandatory pro bono hours, summer associates at many firms are required to participate in a program, and some state bars now require new members to volunteer to be admitted. 'Young lawyers start their first job with the notion that it's their duty to help others' Cassino said. 'For some new associates, a firm's pro bono program is one of the things they factor in when accepting a job offer'

And law firms are supporting them by treating pro bono work the same as work for paying clients. Many firms count pro bono hours toward billable hours and don't cap the number of hours attorneys can work on a pro bono case. Pro bono matters are now assigned matter numbers, clients sign engagement letters, and cases have to go through conflicts checks.

All these changes show that pro bono work is not thought of as "second-class work" and is as much of a priority as work from paid clients. 'It used to be that if you wanted to do pro bono work, you wouldn't be taken as seriously, especially in certain fields such as corporate law' Cassino added. ' What really exemplifies the shift away from this mentality is that so many big law firms have formalized their pro bono departments with full-time directors and staff. You really need to have this "mini firm within a firm" to manage the caseload today. Fifteen years ago, there were attorneys who committed some of their time to organizing projects but this wasn't their main job'.

Some law firms now dedicate tens of thousands of attorney hours per year to pro bono work. According to the Vault Guide to Law Firm Pro Bono Programs, 2017 Edition, Milbank attorneys performed 44,271 hours of pro bono work in 2014 and 46,091 in 2015. The guide seemed to indicate other firms reported similar hours.

Law firm pro bono departments are also able to offer unique volunteer opportunities because of their expanded capabilities. There's a growing focus on helping non-profit humanitarian aid groups here and abroad. Corporate lawyers, for instance, can help because these groups need the same advice corporate clients do regarding, for example, transactions or employment matters,. Lawyers have been volunteering their time for decades but the push to institutionalize pro bono began in New York in the early 1990s when the New York bar associations and the court system released reports of legal needs at that time. The media and legal publications picked up on the reports and publicized them.

The Pro Bono Institute also played a vital role in growing awareness about unmet legal needs, Founded in 1996, PBI seeks to explore and identify new approaches to and resources for the provision of legal services to the poor and disadvantaged, according to its website. It came up with the Law Firm Pro Bono Challenge, which calls for institutional commitments from law firms with 50 or more lawyers to set a pro bono goal of three or five percent of attorneys' billable hours.

In the early-to-mid 2000s, professional organizations to support pro bono counsel started emerging. These include the New York Pro Bono Coordinators Network, which Cassino helped found, and the Association of Pro Bono Counsel. 'It's only grown since then', Cassino said. 'People don't believe the amount of pro bono work firms do,' The notion that every lawyer has an obligation to volunteer has taken hold and is now part of law firm culture, he said.