



Trend Spotlight

Pro bono pileup

Attorneys welcome the opportunity to volunteer their time for the greater good. Many, though, struggle to balance pro bono projects with billable hours.

By Tania Anderson, Contributing Writer

When Aryeh Portnoy starts feeling the pressure of pro bono work, he pulls out a handwritten letter from the father of a child who was in the middle of custody battle with his client.

Even though Portnoy was on the opposite side of the case, the father felt compelled to thank him for looking out for the child, whose mother died of AIDS. Soon after contacting Portnoy, the father also died of AIDS.

"I'll never toss that letter," said the attorney for Crowell & Moring LLP in D.C. "A lot of my practice involves corporations and money, but it's not nearly as important as the grander

scheme of some of the other things you're able to do because of your position."

It's fair to say that Portnoy's sentiment about pro bono cases is echoed throughout the area's law community.

Several law groups, as well as firms, say pro bono hours are steadily increasing because of recent commitments by firm partners to focus more on community projects. They also say the more pro bono work a firm has the easier it is to recruit law school grads, retain talent and give younger attorneys experience in the courtroom or on matters outside their practice area.

The Pro Bono Institute, a Georgetown University organization that helps law firms with their pro bono programs, says the 150 firms tracked by the institute have logged 4.2 million hours

of pro bono work so far this year. Last year the same firms did not even hit 4 million hours.

The District of Columbia U.S. Circuit Court of Appeals' Standing Committee on Pro Bono conducts a periodic survey of local firms with 25 or more attorneys to see if they are following through with the court's encouragement that every attorney do at least 50 hours of pro bono work annually.

Five years ago, five firms reported that at least 40 percent of their attorneys were spending at least 20 hours a year on pro bono projects. This year, 21 firms reported that amount.

STEPPING UP TO A CHALLENGE

"There's a growing awareness that if pro bono is structured correctly, it can provide a very sig-

nificant benefit to firms,” said Esther Lardent, the Pro Bono Institute’s chief executive officer.

Firms say there has been a commitment in the last few years from their management to do pro bono projects. Indeed, many firms established full-time partners whose sole job is to handle pro bono requests.

Some firms have set goals for attorneys to devote a certain percentage of their billable hours to pro bono work, perhaps even counting those hours toward their billable hours goals.

The increase also may have been driven by an initiative the D.C. Bar started in 2000. The 50 largest firms in the city were challenged to devote 3-5 percent of their billable hours to pro bono work and to establish policies that encourage pro bono work.

As of 2006, the most recent year the bar counted up pro bono hours, the 41 firms that reported their progress had exceed their promise of hours by nearly 20 percent. The study also found that on average each attorney logged more than 78 hours of pro bono time in one year.

The D.C. Bar launched the initiative because of a fear in the late 1990s that the increases in associates’ salaries and the pressure to bill more hours would diminish pro bono work.

“You need to remind people and refocus their attention,” said Maureen Syracuse, director of the D.C. Bar Pro Bono program. “Needs in the community change, times change. As firms change, their ability to do pro bono can change.”

BALANCING BILLABLE HOURS

Despite all the encouragement from firm management and new policies to encourage pro bono work, attorneys say they still have a tough time fitting pro bono cases into an already hectic schedule.

“It is demanding because of the responsibilities for our billable work, but so are a number of things we have to do on a regular basis, such as keeping up with legal developments, mentoring and business development,” said Robert Leibenzluft, a partner at Hogan & Hartson LLP in D.C., who handled 129 pro bono hours in 2007 while keeping up a practice that focuses on health and antitrust issues.

Portnoy, whose practice includes litigation and counseling corporations on the U.S. Foreign Corrupt Practices Act, says his pro bono focus on family law requires him to handle several cases over a long period of time.

“It’s hard because the demands are extreme on us as lawyers,” said Portnoy, who has worked on more than 16 custody cases since 1999. “The first thing you decide is to make the commitment to do it, and then you figure out how.”

Lawyers are further driven to pro bono work by an unspoken peer pressure in the local law



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PRO PRO BONO: Arveh Portnoy, an attorney with Crowell & Moring, says he likes pro bono cases because they give him an opportunity to do rewarding work outside the usual focus of his corporate practice.

community, which is known for having some of the highest hours of pro bono work in the country.

“In a way, you have to have a robust program to be a part of the D.C. legal community,” Lardent said. “In some cases where you’ve got offices of firms who are housed elsewhere, what you see is the D.C. office is the strongest office in terms of pro bono.”

The there is no shortage of cases for pro bono work. Many firms turn away pro bono opportunities every day because they can’t meet the demand.

Legal services organizations seeking pro bono representation from a law firm have to make sure they have done the initial legwork on a case before presenting it to the firm so the attorneys have enough information to decide whether they can take it.

“We have both very large cases that can take a long time and a large investment of money, but we also have much smaller cases that might just take a couple of weeks or a month,” said Rod Boggs, executive director of the Washington Lawyers Committee.

HIGH-PROFILE CASES

Washington lawyers are known for taking on some of the most daunting pro bono cases, such as representing prisoners at Guantanamo Bay or people sentenced to the death penalty.

Arnold & Porter LLP is giving pro bono representation to Zacarias Moussaoui, the only

person convicted for the 9/11 attacks, in his appeal.

“Mr. Moussaoui is obviously not warm and cuddly, but that’s the sort of work we need to do,” said Philip Horton, head of the pro bono practice at Arnold & Porter in D.C., which encourages its lawyers to spend 15 percent of their time on pro bono cases.

Although some Washington firms are involved in high-profile pro bono cases, many have their files filled with homegrown cases, such as helping tenants buy their apartment building when it goes condo or working on matters involving the condition of rental units. Others are helping victims of human trafficking get visas to stay in the U.S. or handling lawsuits to recover damages.

Washington’s law firms expect pro bono demands to grow because of rising foreclosures and various immigration issues, such as local laws dealing with the legal status of people living in the area.

“We are asked to do more than it would be humanly possible for this firm to do,” said Patricia Brannan, a Hogan & Hartson partner in charge of the firm’s Community Services Department. “The demand is huge. The needs are huge.”

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