

Pro bono's next step: applying a practice-based and industry-sector approach

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JULY 15, 2024

Practice group and industry sector models were developed to enhance efficiency, grow business, and better serve paying clients at law firms. Applying these concepts to pro bono programs at law firms and nonprofits will yield similar results for the public good.

Once upon a time, pro bono was considered ancillary to the legal work of law firms and legal services organizations ("LSOs") — merely an arm of charitable giving and public relations. No longer.

Over the last 20 years, pro bono has evolved into a professional field with experts directing programs both at law firms and LSOs. This approach has led to a dramatic expansion in services for pro bono clients and corresponding institutional benefits.

Talent at law firms frequently takes into account pro bono programs when choosing where to work, and when deciding how long to stay. Many law firm attorneys now cut their teeth in housing or immigration court, on transactions for nonprofits, or on impact cases that protect important rights. Law firms regularly build relationships with their corporate clients through pro bono partnerships.

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At LSOs, pro bono has expanded into substantive units that leverage and support the private bar to serve more clients while also increasing financial support for their work. Pro bono is no longer a side-note — it has become core to the work done by law firms and LSOs.

It is time for pro bono to go even further. What if we used the structures the legal profession has developed to advance work with commercial clients and applied them to our legal system's most pressing need: access to justice?

Could pro bono be a practice area like M&A? Or, is it actually more like the financial services industry sector in that it transcends law firm practice areas in service of a whole category of clients? There

are differences between for-profit and pro bono practice — but perhaps not as many as we think.

Understanding the similarities between sophisticated pro bono practice and other legal work has the potential to promote success at LSOs and to add value to the assets of law firms — their clients, talent, and brand. All while helping more people get a real shot at justice no matter their income.

What is a practice area or practice department? An industry sector team?

Practice area: A unit, smaller than the whole of the business, organized to maximize specific talent and skills management and to respond to particular need from clients.

Practice department: A gathering of practice areas focused on one type of legal area, for example, litigation, transactional or regulatory work.

Industry sector: Teams that pull from multiple practice areas that are responsive to a certain sector of clients. In commercial practice, an industry sector team might focus on financial services or health care. Any client within a sector designation might require representation across different practice departments.

Pro bono is best understood as a practice department or industry sector

First, let's dispense with the outmoded view that pro bono is a stranger to the other legal work of our institutions. That understanding is out of touch with how high-functioning pro bono programs operate today.

Pro bono is now deeply intertwined with the legal work of law firms. It spans all aspects of practice, utilizing experts in tax, litigation, appeals, and more. Pro bono at law firms also requires coordination across business departments including training, operations, and marketing. These combined resources are managed by pro bono experts who efficiently channel firm resources to benefit a whole sector of clients: low-income people.

More broadly, law firm pro bono aids the justice system by pursuing work that adds fairness to our laws. In other words, law firm pro bono is best understood as an industry-sector legal practice.

When firms think about health care, financial services, or high-tech industries, they know they must engage lawyers from multiple practice areas, and across the litigation-transactional divide. Law firms take this approach because a holistic strategy to address the needs of paying clients allows for more effective representation. Pro bono, too, transcends the boundaries of legal area specialization.

At many LSOs, pro bono has similarly become a core legal practice department that is central to the mission of representing low-income clients. Pro bono professionals at LSOs include subject matter experts who mentor teams on immigration, housing, public benefits, impact cases, and beyond. Programs are led by directors with specialized knowledge about engaging with law firms and corporations and coordinating across other practice units. The industry sector category does not fit as neatly on pro bono at LSOs because the entire focus of these organizations is on the “sector” of low-income people seeking legal assistance. Here, the practice department definition applies.

Pro bono can be an even more effective force for institutional development and positive change

By positioning clients and communities at the focal point of our ambition, practice group and industry sector concepts can become a force for positive change. Like commercial clients, pro bono clients are better served when we look at intersecting legal issues and pull from resources across our organizations that allow us to truly get closer to real justice.

What if we used the structures the legal profession has developed to advance work with commercial clients and applied them to our legal system’s most pressing need: access to justice?

At law firms, pro bono leadership that understands and deploys the resources of the firm is more effective at supporting the firm’s business and corporate citizenship. Talent is recruited, developed and retained when lawyers engage in work that makes them feel

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This article was first published on Reuters Legal News and Westlaw Today on July 15, 2024.

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good about being lawyers and provides them with opportunities to enhance critical lawyering skills. Commercial client relationships and the firm brand are also enhanced when the firm partners with clients on shared projects.

For LSOs, positioning pro bono leadership as the directors of practice departments elevates pro bono to the peer of the other substantive units of the organization. That in turn grounds pro bono work in the core mission of LSOs, and supports a strategic approach to utilizing the vast resources of the private bar. The result is highly leveraged private support that serves people who would otherwise be turned away.

How do we amplify a sector-based approach to pro bono?

Led by experts at LSOs and law firms, the development of the pro bono industry is well underway. We need leaders outside of the usual pro bono conversations to champion the way forward with these steps:

- **Leadership:** Elevate pro bono leadership within the firm or LSO, with an emphasis on access to information about the business, funding, strategic aims, and inclusion in high-level management conversations.
- **Staffing:** Build pro bono teams that include experienced, senior professionals in full-time roles, more personnel, and specialized positions.
- **Resources:** Devote assets similar to those of industry teams to include knowledge management systems, administrative support, and professional development.
- **Interconnection:** Support associations with other departments and industry sector teams, business or institutional development, attorney engagement, DEI, marketing, and finance.
- **Mission:** Create strategies to integrate pro bono into the business and work of law firms and legal services as a whole.

The field of pro bono is on the cusp of achieving dramatically greater dividends for law firms, nonprofits, and pro bono client communities. Leadership, resources, and the application of these proven models of success will allow pro bono to reach its full potential.