



**2012 Pro Bono Institute
Annual Conference**
Grand Hyatt Washington
Washington, D.C.



2012 PRO BONO MARKETPLACE OF IDEAS

The 2012 PBI Annual Conference featured two “Marketplace of Ideas” sessions during which participants shared experiences and attendees learned about novel opportunities, offerings, infrastructure, and other pro bono developments. New this year was the “Transactional Marketplace of Ideas” — a fast-paced session dedicated to sharing cutting-edge transactional pro bono projects.

PBI received an outpouring of positive feedback regarding these exciting sessions. We have assembled a brief summary of the presentations, and are pleased to share these ideas with the hope that they may serve to guide and inspire others to think creatively, strategically, and collaboratively about future pro bono projects.

The sessions featured:

- Bob Sheehan (moderator), **Skadden, Arps, Slate, Meagher & Flom LLP***
- Lisa Dewey, **DLA Piper LLP***
- Marlene Halpern, The Legal Aid Society
- Erica Knievel, **Hogan Lovells***
- Rene Kathawala, **Orrick, Herrington & Sutcliffe LLP***
- Dionna Litvin, **Merck & Co., Inc.****
- Candee Goodman, **Lindquist & Vennum PLLP***
- John Calvert, United States Patent & Trademark Office

Bay Area Corporate Pro Bono Co-Op

Lisa Dewey discussed the innovative Bay Area Corporate Pro Bono Co-Op, a collaborative platform designed to expand pro bono work done by in-house lawyers. The initial idea for the Co-Op came from an informal group of in-house counsel who wanted to do more pro bono work but weren't in a position to hire or dedicate a full-time staff person to managing the program. After preliminary discussions with in-house counsel about their needs, DLA Piper decided that they could provide the necessary support to enable the legal departments to do more pro bono work.

Based on the legal departments' interests and experience, the Co-Op chose to focus on housing, a major problem in California. An associate from DLA Piper, whose commercial practice is in real estate but spends a lot of time doing pro bono work, dedicates 25 to 50 percent of her time coordinating projects for the Co-Op. DLA Piper also provides administrative support, acts as a liaison to legal service providers, and works to set up, schedule, and administer trainings and clinics. In-house attorneys are able to decide what kind of cases they wish to handle and whether to partner with an attorney from the firm.



PRO BONO
INSTITUTE

www.probonoinst.org
www.cpbo.org

The Co-Op started with participation from **Hewlett-Packard Company****, **Symantec Corporation****, and Apple. There are six in-house departments currently participating, and many more in the process of joining.

For more information about the Bay Area Corporate Pro Bono Co-Op and how law firms could help facilitate in-house lawyers' pro bono participation, please contact [Lisa Dewey](#).

Criminal Defense Pro Bono Project

Marlene Halpern shared how The Legal Aid Society creatively integrated pro bono into their criminal defense practice. After the revision of the Rockefeller Drug Laws in 2009, which removed the mandatory minimum sentences for individuals convicted of drug offenses, many offenders were able to appeal their lengthy sentences and Legal Aid found themselves with more than 200 new cases without additional funding and in much need of pro bono assistance. What started with one attorney volunteering to gain trial experience transformed into a partnership between Legal Aid and approximately 10 law firms. Many of the firms, which have strong white-collar and securities practices, were looking for criminal defense training opportunities for their junior associates and felt this pro bono project was just the answer.

Volunteer lawyers allocate a third of their time over a nine month period to the Criminal Defense Pro Bono Project or serve as full-time externs for up to a year, providing resources to assist with Legal Aid's large criminal case load. Under the mentorship of senior Legal Aid trial counsel, participating attorneys work arraignments, handle misdemeanor cases, are responsible for engaging in research, conducting criminal investigations, drafting motions and memoranda, preparing witnesses, and conducting hearings and trials on cases to which they are assigned with their mentors. They also serve as part of a litigation team on complex felony matters.

The program is in its fourth year and has already proven beneficial for both the professional development of young attorneys and for Legal Aid and their pro bono clients.

For more information about this project, please contact [Marlene Halpern](#).

Attorney Rotation Program

Erica Knievel spoke about Hogan Lovells' pro bono department, which dates back to 1969, and the rotating attorney positions within the department. Junior associates work in different commercial practice groups before deciding which one they want to join permanently, and they can complete a rotation through the pro bono department as part of the program. Each rotation can last for up to 18 months. Currently, there are three to five junior associates on a four month rotation. The pro bono department is staffed with a senior associate, who joins the department on an 18-month basis and is selected for this position by firm management in a competitive process. In addition to associates, a partner heads the pro bono department on a full-time, multi-year basis, typically for three years. This partner is held in high regard and is a role model for all associates. After the three-year term, the partner returns to his/her commercial practice. The department is supported by full-time paralegals, pro bono coordinators, and associates.

Knievel described valuable aspects of the attorney rotation program for the firm's associates, partners, and others. For the attorneys, their stints in pro bono affords them an opportunity to

become involved in extensive pro bono work without having to balance billable expectations. Although the rotation temporarily substitutes for billable work, the skills the associates learn are transferrable and often attorneys enjoy enhanced levels of responsibility on pro bono matters. In addition, the structure of the pro bono department is invaluable to the firm's culture. This kind of program ensures that pro bono is not siloed in a certain department, but rather there is a continued re-energizing of the firm's pro bono program and infusion of appreciation for pro bono into the rest of the firm. Many law students looking to do exciting pro bono work find this program attractive because it is a visible reflection of the firm's strong commitment to pro bono, and it can be used as a valuable recruiting tool. The opportunity to focus on pro bono for a period of time also helps the firm retain good lawyers who are passionate about public interest law. Additionally, the department's structure benefits the firm by assuring the dedicated attorney resources necessary to handle high-profile cases that promise a lasting societal impact.

For more information about Hogan's pro bono rotation, please contact [Erica Knievel](#).

Social Sector Finance

Rene Kathawala addressed the challenges of finding sophisticated pro bono opportunities for transactional lawyers and how Orrick developed a [Social Sector Finance practice group](#) to satisfy the need.

Using the same aggressive business development techniques that apply to developing revenue-generated opportunities (attending conferences, cultivating speaking opportunities, offering CLE sessions, preparing newsletters and client alerts), Orrick has rapidly developed expertise and a commitment to represent organizations involved in social sector finance, a global movement that seeks to make impact investments in and provide financial opportunity to disadvantaged and financially underserved communities.

The firm advises on a variety of matters including banking law, securities law, foreign exchange regulations, employment law, tax law, and a wide range of transactions including structured finance, contracts, and fund formation.

Poor communities lack access to basic financial and social services and are in particular need of financing opportunities, affordable housing, education, healthcare, clean water and sanitation, and clean and renewable energy. Kathawala briefly described examples of Orrick's pro bono work in each of these areas.

For more information about these engagements, please contact [Rene Kathawala](#).

Bankruptcy in a Box

Dionna Litvin shared this example of an effective and efficient model of a transactional pro bono partnership. Bankruptcy filings have more than doubled in the last two years. Due to this drastic increase, Merck & Co., Inc., **Lowenstein Sandler PC***, and Volunteer Lawyers for Justice created a bankruptcy clinic in New Jersey in 2009 to address the increasing need for assistance. The Merck Company Foundation provided significant funding for a staff position to support the program. Through this initiative, volunteer attorneys from Merck and Lowenstein Sandler provide direct assistance to economically disadvantaged individuals with the preparation and filing of

their Chapter 7 bankruptcy petitions, representation at subsequent hearings, and meetings with the trustees appointed to the cases.

The process is streamlined and entails a limited time commitment by Merck volunteers. Qualifying individuals are prescreened and vetted beforehand and then Merck lawyers, paralegals, and assistants commit to take on their bankruptcy filing. Lowenstein is available to help with any complications or issues the Merck volunteers are unable to handle. Most Merck volunteers handle two bankruptcy cases each year.

For more information about this partnership, which could be replicated in other communities, please contact [Matt Leff](#).

Inventor Assistance Program

Candee Goodman, retired from Lindquist, and John Calvert discussed a new nation-wide initiative to produce pro bono patent assistance to eligible inventors. The program is designed to be a resource for lawyers at law firms and legal departments looking to do pro bono work, while helping jumpstart the U.S. economy. Independent inventors fuel innovation that can inspire inventions and create new businesses and jobs. However, they often need legal help they cannot afford.

Minnesota was the perfect place to pilot the project because it ranks among the top 10 states for patent filings and holds a national reputation as being a pro bono leader. After much planning, including garnering significant local buy-in and support from the business community, the Minnesota LegalCORPS Inventor Assistance Program launched in June 2011. Since then, more than 180 patent attorneys have volunteered their time so far to support the Minnesota project. LegalCORPS, a local nonprofit legal services provider, facilitates the program by handling intake screening, client and volunteer attorney matching, and other case-related administrative tasks. The model is particularly innovative and affords specialized patent lawyers with meaningful opportunities to leverage their expertise on behalf of pro bono clients.

In addition to providing pro bono assistance, the program strives to reduce the U.S. Patent and Trademark Office backlog created by pro se filers. With support from the business community, legal services providers, law schools, the judiciary, the Federal Circuit Bar Association, and other organizations, the goal is to expand by four more similar programs across the country by the end of 2012 in Denver, the Washington, D.C., metro area, California, and Texas, adapting the lessons learned from the Minnesota pilot project. In addition, starting this summer, the Nationwide Clearinghouse will begin operation, allowing a single entry point for all inventors and small businesses to receive pro bono assistance. This nationwide program will have a consistent initial screening of all parties interested in receiving pro bono assistance and will allow the program to assist individuals regardless of where they are located within the U.S., without having to wait for their region to offer a pro bono program.

For more information about the Inventor Assistance Pro Bono Program, please contact [John Calvert](#).

We look forward to learning more and sharing other replicable ideas and projects at the 2013 Annual Conference in Washington, D.C., March 14-16. We invite those wishing to serve as presenters to submit brief proposals in advance describing their initiatives, to ensure adequate planning and capacity. Please send submissions to Law Firm Project Assistant [Christine Sutherland](#). (Due to time limitations, we may not be able to accept all proposals.)

PBI thanks the presenters for participation in this session and for providing updates for this summary. We are also grateful for the assistance provided by PBI intern Joanna Evans.

*denotes a Signatory to the Law Firm Pro Bono Challenge[®]

**denotes a Signatory to the Corporate Pro Bono ChallengeSM