

**LAW FIRM ECONOMICS & THE PUBLIC INTEREST:
ADVANCING THE COMMITMENT TO PRO BONO PUBLICO
THROUGH LAW FIRMS AND OTHER LEGAL INSTITUTIONS**

January 31, 4-5 PM; Feb. 1, 10 AM – 1 PM

Feb. 7, 1-4 PM*; Feb. 8, 10 AM – 1 PM

**Feb. 7 class via Zoom for entire class*

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COURSE DESCRIPTION

The point of this course is to provide the tools and some of the experience of working in or with a large law firm pro bono practice. We do this through three primary means: (1) lecture (not just from the professors, but also from law firm and legal services leaders in the community); (2) reading current materials on pro bono and the state of the legal market; and (3) role-playing, using our mock law firm, Rodriguez, Zimmerman & Drysdale LLP (“RZD”). Each student will have a specific role in that fictional law firm, and we will provide access to more firm financial information than you will likely have at any other firm when you start (and certainly more than you would ever have from the outside). Alas, it is fictional – but trust us, it is realistic.

To understand how pro bono works in a large law firm, you first need to be familiar with how a large law firm itself works, both internally and in the market. The beginning of this course focuses on what we broadly call “law firm economics,” but just as well could be called “operations” or “management” or “finance.” We want you to understand these subjects so that you can answer this question – and then argue or defend the answer in the future: how is it that the Top 100 revenue-producing law firms in the United States contribute, on average, about 60 hours of free legal services per attorney each year? What does the donation of 1½ weeks of productivity do to the firm’s bottom line?

Then we will focus on the how and why of pro bono practice. Where did this impulse to provide free legal services come from? How do law firms decide which matters to take, and which to decline? There is a vigorous debate in the law firm pro bono community about “what counts” as pro bono work – there is even a small treatise with that very name (included in the reading materials). Beyond the issue of qualification, how do law firms determine their pro bono priorities? How does pro bono fit within larger law firm management goals?

We will also explore pro bono from other points of view: public interest providers, law schools, corporate in-house counsel and the media. What role do these organizations play in the provision of pro bono legal services, and how do they interact with large law firm pro bono practices?

The guest speakers for this seminar were selected not just because they are all intimately involved in law firm management and/or pro bono work, but also because they are the kind of speakers who welcome questions. *The point of the speakers is not for you to absorb what they say uncritically, but to challenge them.* Trust us, they will appreciate it.

A word about the reading materials. The readings in this course were selected to give you an understanding of the various issues we discuss in the class sessions. In a way, the readings are optional – but only in the sense that we will not quiz you on them, and probably will not know if you have read them or not. If you want to have a full appreciation for the lectures and the simulation, you should read them – not to memorize them, but with a professional interest, like you should do when you are practicing law.

SEMINAR SYLLABUS

Friday, Jan. 31: Overview; the Economics, Practice & Structure of the Large Law Firm

Before Class:

- Review “Does this Count?” and write your answers down (not to turn in, but to share with the class during Class Three)
- Class One Readings
- RZD Materials (overview, roster and Excel sheet)

This session will start with introductions and brief course overview. We will then dive right into a discussion of law firm economics, using our law firm, Rodriguez, Zimmerman & Drysdale LLP, as the backdrop. What are the principal drivers of large law firm revenues and expenses? How are law firms financed? How are law firms structured, in terms of personnel (e.g., equity vs. non-equity partners), practices and offices? We will also start to examine the underpinnings of the profession’s commitment to pro bono service.

Pre-class questions for you to contemplate, then answer in class:

- How much does an hour of pro bono work cost a law firm?
- Why is revenue per lawyer a better measure of financial success than profits per equity partner?
- How much more *profit* – not revenue – does an associate who works 2000 billable hours generate than an otherwise identical associate who works 1500 billable hours?

Saturday, Feb. 1: Pro Bono: How, Why & How Much

Guest Speaker: Jim Sandman, Distinguished Lecturer and Senior Consultant to the Future of the Profession Initiative at the University of Pennsylvania Carey Law School and President Emeritus of the Legal Services Corporation

Before Class:

- Class Two Readings
- Review the following websites:
 - Legal Services Corporation: <https://lsc.gov/>
 - 2022 LSC Justice Gap Report: <https://justicegap.lsc.gov/>
 - National Legal Aid & Defender Association: <https://www.nlada.org/>

We will discuss why law firms do pro bono and why pro bono is needed and examine the internal and external motivations for pro bono within large law firms. Even with all this pro bono, we will discuss how and why the United States still has the “Justice Gap” – the term used for fact that about 80% of the civil legal needs of the poor go unmet, despite the promise of *Gideon vs. Wainwright*.

We will be joined by Jim Sandman, former President of the Legal Services Corporation (and also a former managing partner of Arnold & Porter). Jim will provide some thoughts on the role of the private bar and the future of closing the Justice Gap.

We will close by wading into the discussion of the definition of pro bono – what counts and why by defining the elements of pro bono in breakout sessions and then returning to the large group for discussion.

Pre-class questions for you to contemplate, then answer in class:

- What are the major hurdles to law firms filling the justice gap?
- Are law firms doing enough or can they do more?
- What are the costs to a law firm of doing substantially more pro bono work than in prior years?

Friday, Feb. 7: Legal Service Providers, History of Law Firm Pro Bono Structures, and Current Topics in Pro Bono

NOTE: This class will be held via Zoom for the entire class, including guest speakers:

<https://usc.zoom.us/j/98776896438?pwd=xbvLbjvHPVhgtpXLywwKRJaNoP2aQ.1>

Meeting ID: 987 7689 6438, Passcode: 1234

Guest Speakers:

Legal Services Professionals

Diego Cartagena, Executive Director, Bet Tzedek, bettzedek.org

Jenna Gilbert, Senior Director, Refugee Representation, Human Rights First, humanrightsfirst.org

Adam Heintz, Pro bono Director, Legal Services NYC, legalservicesnyc.org

Law Firm Lawyers

Chris Barwick, Associate, Akin:

<https://www.akingump.com/en/lawyers-advisors/christopher-colin-barwick>

Daniel Leal, Associate, O'Melveny:

<https://www.omm.com/professionals/daniel-w-leal/>

Hannah Dunham, Associate, O'Melveny:

<https://www.omm.com/professionals/hannah-dunham/>

Before Class:

- Class Three Readings
- Revisit “Does This Count?” (and note how any of your answers may have changed considering what you learned this week)
- Websites:
 - Speakers’ Organizations, above.
 - Pro Bono Institute: <http://www.probonoinst.org/>
 - Association of Pro Bono Counsel: <https://apbco.org/>
 - Law Firm Anti-Racism Alliance: <https://www.lawfirmantiracismalliance.org/>
- Listen to Episode 50, How I Lawyer Podcast: www.howilawyer.com/050-tiffany-graves-ellyn-haikin-josef-pro-bono-counsel

We will review the collaboration between law firms and legal services agencies before being joined by a panel of public interest lawyers, who will discuss the opportunities and challenges presented by pro bono volunteers. In preparation for this class, please review each panelist’s legal services organization’s website so you are familiar with their work. The organization websites are listed above.

After a break, we will examine law firm pro bono structures and policies; the

development of signature projects, practice areas, and other ways firms are working to have a larger impact on certain legal needs and issues of the day; how transactional lawyers have increasingly become involved in pro bono matters that require their deal-making expertise. We will also discuss your initial and revised answers to “Does this Count?”

We will end with two law firm attorneys briefly discussing their path to pro bono as an outlet for them to pursue passions and interests outside of their everyday practice.

Pre-class questions for you to contemplate, then answer in class:

- What is it about law firm structure that makes working with legal services organizations (LSOs) helpful in trying to fill the justice gap?
- What is it about law firm structure that presents challenges for collaboration with LSOs?
- What are the advantages and disadvantages of both law firms and LSOs having pro bono professionals?

Saturday: Current Trends in Pro Bono & The Simulation

Before Class:

- Class Four Readings
- Executive Committee and/or Pro Bono Committee Agendas
- RZD Materials

We will discuss current trends in pro bono work—with an emphasis on the impact of the pandemic on pro bono work and law firms’ racial justice pro bono commitments. We will also examine how the legal community has supported pro bono outside the U.S.

The remainder of class will be our simulation: separate meetings then a joint meeting of members of the Executive Committee and the Pro Bono Committee of Rodriguez, Zimmerman & Drysdale LLP, exploring both management and ethical issues. You will receive the agendas in advance and should be in role. The last part of class will be spent discussing the simulation and lessons learned from the course.