

BC LAW FIRM PRO BONO GUIDE FOR STUDENTS



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A student's guide to assessing law firm pro bono commitment
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Introduction

Pro Bono Law of BC (PBLBC) and Pro Bono Students Canada (PBSC) present this information guide to law students so that they may assess the varying commitment of individual BC law firms to providing pro bono opportunities for their associates, students and staff. The guide provides some general information on the benefits of pro bono service, and how students may choose to consider law firm opportunities for pro bono service upon selecting a law firm for articles.

For the purposes of this guide, pro bono services are those legal services that are provided without expectation of a fee to disadvantaged or marginalized people who cannot otherwise afford them, to non-profit organizations working for such people, or for the public good on matters of broad public or community concern. Pro bono services include legal advice, courtroom advocacy, drafting of legal opinions and documents, legal research, mediation, negotiation, legal policy reform, community legal education and other diverse legal services.

PBLBC promotes access to justice in BC by developing and facilitating opportunities for the effective provision of high-quality pro bono services to people and non-profit organizations of limited means throughout BC, and by supporting potential and existing pro bono service providers in BC. PBSC is a national movement of law students committed to public interest legal work. Through PBSC, law students enhance access to justice by providing free legal information and assistance to non-profit organizations and to lawyers working on a pro bono basis. Both organizations hold the goals of improving the standard of pro bono policies in law firms and ingraining a pro bono ethic in the next generation of lawyers.

The Benefits of Pro Bono Work

Access to justice is fundamental to a free and democratic society. In BC, lawyers are members of a self-regulating profession that is vital to the integrity of the justice system. With the privilege of self-regulation, lawyers bear the responsibility to help ensure that individuals of limited means and other vulnerable populations are not excluded from the justice system.

In the present competitive environment of law student recruitment, those law firms that support effective pro bono programs enjoy a distinct competitive advantage in attracting top legal talent. The recent increase in law school public service projects confirms the growing interest in pro bono among the younger generation of lawyers. As law firms match monetary compensation rates, factors other than pay -- such as work/life balance, effective mentoring programs and pro bono opportunities -- often become deciding factors for law students as they select a law firm for articles.

A growing number of BC law firms are discovering the multiple benefits of providing pro bono opportunities for their junior lawyers. Firms are recognizing that pro bono partnerships are an inexpensive and efficient way for the firm to develop its associates. Junior lawyers are typically afforded greater autonomy in pro bono matters, which provides meaningful work experience and accelerated professional development opportunities.

Also, in contrast to the impersonal nature of some complex litigation and business practices, the experience of working on a close individual basis with a client can be very satisfying for junior and senior lawyers alike. Pro bono service affords both associates and partners the opportunity to work on cases involving diverse legal issues, and to develop a wide array of advocacy skills.



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Developing a pro bono culture within a law firm also provides benefits beyond practical training skills. Pro bono service can build relationships between law firm partners and the boards of local community agencies. Further, pro bono service improves morale within the firm. It also enhances the firm's reputation – both within the legal community and in the public eye – and strengthens a law firm's profile in attracting and serving its commercial clientele.

By establishing formalized pro bono policies and programs, law firms increase their ability to recruit and retain talented lawyers. Students and associates derive a sense of connectedness and purpose from knowing that their job includes the ability to represent or assist needy clients with important legal matters. They find satisfaction in knowing that their efforts matter and make a difference in the community.

PBLBC works with BC law firms to help them engage in the process of creating pro bono policies and to locate pro bono opportunities for their lawyers and staff. PBLBC also helps law firms to develop targeted community projects. Many firms have or are beginning to develop formal pro bono policies and are actively working with organizations like PBLBC and PBSC to develop community projects and individual pro bono opportunities for their lawyers and staff.



PRO BONO SERVICE AT BC'S 27 LARGEST LAW FIRMS

	# of lawyers	Formal PB policy?	PB hrs counted toward billable target?	Max. PB hrs counted toward target	PB Coordinator?	PB service encouraged?	PB service considered in performance evaluation?	Associates req. permission to open PB file?	Avg. # of PB hrs per associate	Resources and training provided for PB service?	Staff permitted to work on PB files?	Organizations through which lawyers provide PB services	Formalized PB partnerships and projects
Blake, Cassels & Graydon LLP	66	Yes	Yes	150	Committee	Yes	Yes	Yes	100+	Yes	Yes	AJ, PBLBC, various charities	Parkinson Society of BC, Evergreen Environmental Foundation
McCarthy Tetrault LLP	103	Yes	Yes	50, + approved	Committee	Yes	Yes	Yes	25	Yes	Yes	AJ, PBLBC, various charities	Pivot LLP, Vancity
Borden Ladner Gervais LLP	135	Yes	Yes	50, + approved	Committee	Yes	Yes	Yes	4	Yes	Yes	PBLBC, SA	DNA
Lawson Lundell LLP	110	Yes	Yes	50	Committee	Not explicitly	Yes	Yes	Not tracked	Yes	Yes	AJ, PBLBC, SA	Various charities
Farris Vaughan Wills & Murphy LLP	80	Yes	No, no target	N/A	Lawyer	Yes	Yes	Sometimes	38	Yes	Yes	PBLBC, SA	Legal Services Society
Miller Thomson LLP	60	Yes	No	N/A	Committee	Yes	Yes	Yes	46	Yes	Yes	AJ, PBLBC	CBA, various charities
Davis LLP	110	Yes	No	N/A	Lawyer	Yes	Yes	No	Not tracked	Yes	Yes	MSSBC, PBLBC, SA	MSSBC, SA
Guild, Yule and Company LLP	35	Yes	No	N/A	Nobody	Yes	Yes	No	Not tracked	Yes	Yes	AJ, LSLAP, SA	DNA
Fasken Martineau DuMoulin LLP	140	Yes	No	N/A	Lawyer	Yes, 50 hrs	Yes	Yes	25	No	Yes	AJ, LSLAP, PBLBC, SA	Various charities
Fraser Milner Casgrain LLP	60	Fall 2007	Yes	50	Lawyer	Yes	Yes	Yes	DNA	Yes	Yes	AJ, PBLBC, SA	PBLBC
Edwards, Kenny & Bray LLP	25	2008	No	N/A	Committee	Yes	Yes	Sometimes	Not tracked	Yes	Yes w/ approval	Not tracked	None
Alexander Holburn Beaudin & Lang LLP	65	2008	No	N/A	Nobody	Not explicitly	Yes	No	Not tracked	Yes	Yes	AJ, MSSBC, BWSS	DNA
Clark Wilson LLP	75	Fall 2007	No	N/A	Nobody	Not explicitly	Yes	Yes	Not tracked	Yes	Yes w/ approval	DNA	Various charities
Heenan Blaikie LLP	35	2008	No	N/A	Nobody	Not explicitly	Yes	Yes	Not tracked	Yes	Yes	None	None
Singleton Urquhart Legal Counsel	31	No	Yes	All approved hours	Committee	Yes	Yes	Sometimes	59	Yes	Yes	PBLBC, various charities	Various charities
Pushor Mitchell Lawyers	27	No	No	N/A	Staff	Yes	Yes	Yes	Not tracked	Yes	Yes	SA, various charities	SA
Harper Grey LLP	56	No	No	N/A	Committee	Yes	Yes	Yes	Not tracked	Yes	Yes	AJ, LSLAP, PBLBC, SA	LSLAP, various charities
Boughton Law Corporation	46	No	No	N/A	Nobody	Not explicitly	No	No	Not tracked	No	Yes	Not tracked	Not tracked
Gowling Lafleur Henderson LLP	50	No	No	N/A	Nobody	No	Yes	Sometimes	Not tracked	No	Yes	LSLAP, Law Centre	DNA
Harris & Company	35	No	No	N/A	Nobody	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA
Ratcliff & Company LLP	27	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA
Richards Buell Sutton LLP	28	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA
Owen Bird Law Corporation	30	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA
Stikeman Elliott LLP	30	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA
Watson Goepel Maledy LLP	39	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA
Lang Michener LLP	60	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA
Bull, Housser & Tupper LLP	86	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA

AJ: Western Canada Society to Access Justice
LSLAP: UBC Law Students Legal Advice Program

BWSS: Battered Women's Support Services
MSSBC: Multiple Sclerosis Society of BC

CBA: Canadian Bar Association
N/A: not applicable PB: pro bono

DNA: did not answer
PBLBC: Pro Bono Law of BC

Law Centre: University of Victoria Law Centre
SA: Salvation Army Pro Bono Program

Pro Bono Projects

Pro bono services are those legal services that, except for the nature of the client, would otherwise be billed by the law firm. By PBLBC's definition, they do not include legal services performed for free as a favour to a friend, or to a client with the purpose of business development. Law firms may choose to focus their pro bono energies on certain legal areas or client groups.

PBLBC provides resources and support for non-profit organizations that are interested in connecting with a law firm partner for pro bono assistance. More specifically, PBLBC has assisted law firms in developing partnership opportunities with non-profit organizations that are in need of legal services on an ongoing basis. As a result, PBLBC has successfully brokered a number of innovative law firm pro bono projects.

Community non-profit organizations often approach PBLBC with a request for legal assistance. Such organizations may be matched with an interested lawyer or law firm partner through PBLBC's Roster Programs, resulting in exciting opportunities for solicitors and litigators alike. By virtue of a formalized partnership, a law firm is able to bring its full range of resources and expertise to the aid of its client organization. Community partnerships thus provide unique opportunities for law firms to develop relationships with non-profit organizations that help low-income and disadvantaged communities, and contribute to community economic development.



Pro Bono Policies

As one of its main functions, PBLBC assists law firms to develop and adopt formal pro bono policies. It may take anywhere from a few months to a few years for a firm to successfully adopt a formal pro bono policy. Some larger firms adopt and expand their pro bono policies on a nation-wide basis.

The widespread adoption of pro bono policies is a relatively new phenomenon in the BC pro bono landscape. A formal pro bono policy is a good signifier of a law firm's commitment to pro bono service. Furthermore, an effective formal pro bono policy will:

- count a specific number of pro bono service hours as billable hours in order to encourage lawyers to participate in pro bono without compromising their billable target;
- create a systematic approval process for pro bono cases, thereby avoiding client conflicts;
- transform pro bono ad hoc delivery into organized pro bono delivery, thus allowing for greater pro bono service and more effective use of firm resources;
- encourage all staff to participate in the provision of pro bono services;
- institutionalize pro bono service provision as an integral part of a firm's culture; and
- ensure that pro bono clients receive the same quality of legal service as paying clients.

Formal pro bono policies and well-designed pro bono programs also contribute to improved student and associate supervision and higher quality pro bono service overall. They enable law firms to record and track the costs and benefits of pro bono service, while maximizing the benefits for both firms and their clients.

Evaluating a Law Firm's Commitment to Pro Bono

PBLBC and PBSC have published this guide in order to assist students in their assessment of a law firm's commitment to creating pro bono opportunities and to supporting the provision of pro bono services by their lawyers, students and staff.

As a student entering an interview process for an articling position, consider consulting the comparison table of the 27 largest law firms in BC featured on pages 5 and 6 of this guide. As you scan the features for each law firm, take into account that smaller firms are more likely to coordinate their pro bono engagements on an informal basis. For those law firms that have adopted formal pro bono policies, note which firms have allowed for a specific number of pro bono hours to be counted toward their billable targets. Finally, note which firms present the least amount of administrative process and approval for opening and carrying a pro bono file.

During the interview process, consider posing the following questions to the law firms, both large and small, that you visit:

- Does the firm have a formal, written pro bono policy in place?
- Do pro bono hours count as billable hours?
- Are pro bono cases treated the same as other (paying) clients' cases?
- Does the firm have a full-time person coordinating the pro bono program?
- Does the firm encourage lawyers to perform a minimum number of pro bono hours?
- How are pro bono hours counted when determining bonuses and promotions?
- Are associates who do pro bono respected in the firm and do they retain the same potential for advancement?
- Are support staff permitted to work on pro bono cases?
- How are pro bono cases brought into the firm?
- What kinds of pro bono programs is the firm currently participating in?
- Does the firm work with particular non-profit organizations on a pro bono basis?



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For More Information

For more information on this guide, please contact PBLBC or PBSC:

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You can also find this guide at www.probononet.bc.ca/guide.php

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