

PRO BONO POLICY

WHO THIS APPLIES TO: All Attorneys and Paralegals

CATEGORY: Business Operations

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POLICY NUMBER:

I. SUMMARY

Seyfarth Shaw LLP supports its attorneys in serving their communities and fulfilling their professional and ethical responsibilities by providing pro bono legal services to appropriate individuals and organizations. Seyfarth attorneys provide pro bono services at the same level of quality and commitment as billable services. This policy sets forth the criteria and procedures for the Firm's representation of pro bono clients.

II. DETAIL

A. Seyfarth Shaw Commitment

All Seyfarth Shaw attorneys, regardless of level, are encouraged to devote a portion of their time and professional services to pro bono matters. Undertaking such activities is an essential element of every attorney's professional and ethical responsibility. As a best practice, we encourage each attorney to devote at least 60 hours per year to pro bono work.

B. Definition of Pro Bono Services

Pro bono services, for purposes of this policy, refers to activities of the Firm undertaken normally without expectation of a fee and not in the course of ordinary commercial practice and consisting of:

1. the delivery of legal services to persons of limited means or to charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means;

2. the provision of legal assistance to individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties, or public rights; and
3. the provision of legal assistance to charitable, religious, civic, community, governmental, or educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate.

Pro bono work must involve legal work for which paying clients would normally be billed. Pro bono work does not include promotional work, client development, career advancement projects, work originally undertaken for a fee, work undertaken for existing or potential paying clients for no fee, work performed for Firm members or staff, and service as an officer or on a board of a charitable or civic organization, professional, bar association or related activities. Although many of these activities are meritorious and desirable, they are not considered pro bono for the purposes of this policy. Attorney time for these activities should be recorded under the appropriate time code number.

C. Pro Bono Committee

The Pro Bono Committee is comprised of partners and associates. Each office shall have at least one representative on the Pro Bono Committee. The Pro Bono Committee has the following functions:

1. Help administer the firm wide pro bono program, including attending Pro Bono Committee meetings, reviewing pro bono proposals, reviewing new pro bono policies, and assisting in gathering information for internal or external reporting;
2. Promote the pro bono program internally and externally, including maintaining the office's pro bono portal page, becoming or designating a liaison to local pro bono agencies (including submitting charitable grant requests on the agency's behalf), preparing success stories for publication, and nominating attorneys for pro bono awards;
3. Direct office-level pro bono activities, including answering questions regarding submission of pro bono proposals, distributing quarterly supervisor memos, finding and circulating pro bono opportunities, and, for partners, monitoring pro bono hours;
4. Participate in the pro bono program, including doing 20 hours of pro bono work each year and attending pro bono events such as legal aid agency annual benefits, local seminars, or meetings of local pro bono coordinators.

D. Approval and Opening of New Matters

In order to open a new pro bono matter, a full conflicts search needs to be conducted, as with billable clients; any conflicts will be resolved in the same manner as with billable clients. Once the conflicts request form is submitted, a pro bono proposal form must be submitted to the Pro Bono Committee for approval. The proposal form can be found on InSeyt, on each office's page (click on Pro Bono & Philanthropy under the Local Departments heading) or under the Support Services tab. Once the form is completed and submitted, the Pro Bono & Philanthropy Department will follow up on any missing or questionable information, and will circulate the proposal to the Pro Bono Committee for review and approval.

Proposed organizational pro bono clients must also complete the Firm's pro bono intake form, except when the client was referred by a legal aid organization that has a substantially similar intake form. In the latter case, the agency's form, as completed by the proposed client, should be submitted with the proposal. The Firm's intake form will be sent to the requesting attorney upon receipt of the conflicts search.

Certain types of recurring pro bono matters are deemed pre-approved by the Pro Bono Committee. Once the conflicts check clears, the matter is automatically approved without being circulated to the Pro Bono Committee. A list of pre-approved pro bono matters is available on InSeyt.

Further details regarding all of the above procedures can be found on InSeyt.

E. Conflicts

In evaluating the possibility of a business or positional conflict, the Pro Bono Committee will consider the potential for adverse publicity or involvement in activities that might be perceived as contrary to the best interest of the Firm or existing Firm clients. The Firm will continue its policy of not accepting representation of employees in employment matters except when the attorney is involuntarily appointed in such a case by a judge.

F. Pro Bono Engagement Letter & Payment of Costs

Upon approval of new pro bono matters by the Pro Bono Committee, attorneys shall have the pro bono client(s) sign the Firm's pro bono engagement letter. A copy of the letter is available on InSeyt. Attorneys should determine whether the pro bono client shall be expected to pay reasonable out-of-pocket expenses. Absent special circumstances approved by the Pro Bono Committee as part of the intake process, organizational pro bono clients are expected to pay out-of-pocket expenses.

G. Attorneys' Fees Awards

Although pro bono work is undertaken without expectation of a fee, pro bono agencies encourage law firms to seek awards of attorneys' fees in appropriate cases as both a matter of public policy and as a source of funding for public interest organizations. Accordingly, such fee awards shall be made payable directly to a legal aid organization

or deposited in the Firm pro bono account, which is used to make donations to legal aid organizations and to pay administrative costs and otherwise unreimbursed disbursements in pro bono matters.

H. Supervision of Pro Bono Matters

Pro bono clients and matters should be administered in the same manner as paying clients. The Firm intends to establish long-term relationships with a number of pro bono organizations, much as it does with paying clients. All approved pro bono projects must have a partner with overall responsibility for the matter. The work for that client should be done by the partner in charge or distributed to other attorneys, as appropriate.

On a regular basis, but not less than every six months, the Pro Bono & Philanthropy Department shall generate proformas of time and expenses for each active pro bono matter and distribute them to each office's Pro Bono Partner, who shall then provide them to each supervising partner to monitor work in progress. Unreasonable or inappropriate time charges should be reduced or transferred by the supervising partner. Supervising partners shall then update the office's Pro Bono Partner with:

1. The status of the work;
2. The appropriateness of time entries; and
3. Explanations for any fees and/or costs in excess of those estimated at the opening of the matter.

The office Pro Bono Partners shall inform the Pro Bono & Philanthropy Department of any matters to be closed or modified.

I. Equal Treatment

Pro bono matters should be treated as what they are: real cases with real clients involving real work. Accordingly, pro bono cases should be given the same priority, dedication, and resources as are other matters. For example, emergency pro bono matters take precedence over non-emergency paying matters, and vice-versa. Likewise, when appropriate, pro bono clients should be requested to commit some amount of their time, effort, or resources to confirm their commitment to the legal activity being undertaken.

J. Professional Development and Compensation

1. Equity Partners and Income Partners

Partners who perform or supervise approved pro bono matters will be evaluated for compensation purposes in the same manner as their work on other cases and projects. The "realization rate" of a supervising partner who "bills" a pro bono client will not be affected because the client does not pay for the work performed.

2. Associates

Associates working on approved pro bono matters should be evaluated for LDC purposes in the same manner as on other cases or projects. During Professional Development reviews, associates should include their work on pro bono matters on their list of matters for review. As with any other legal project, every pro bono supervising partner and other reviewing attorney working on a pro bono matter should complete an evaluation for each associate performing pro bono work for that attorney. Associates should also describe pro bono matters in their self-evaluations.

Associate advancement is based on proficiency in 11 competencies. Pro bono work is a key component of the Citizenship competency, which means that an associate's participation (or lack of participation) in pro bono work may affect raise and bonus eligibility, as well as advancement in the Firm. In addition, the Firm encourages associates to consider how pro bono work may help them demonstrate proficiency in other competencies, such as writing skills, client service, and project/matter management, for example.

The Firm encourages attorneys to do at least 60 hours of pro bono work per year. For associates, up to 60 hours spent on approved pro bono matters will accrue towards their 1900 billable/creditable hour goal and their 1950 billable/creditable hour bonus-eligibility goal. Pro bono hours in excess of 60 hours accrue towards an associate's total contribution hours commitment. There is no limit on the amount of pro bono hours that counts towards an associate's total contribution hours; however, associates are expected to contact their LDC Advisor and the Firm's Pro Bono Partner as they approach 200 pro bono hours.

3. Counsel and Staff Attorneys

For full-time Salaried Staff Attorneys, Counsel, and Senior Counsel, work on approved pro bono will count as billable in an amount equal to up to 3% of their billable hour expectation, with a limit of 60 hours of credit. Thus, for example, a Salaried Staff Attorney whose billable hour expectation is 1500 hours will receive 45 hours of billable credit for pro bono work.

Hourly Staff Attorneys, Counsel, and Senior Counsel are not eligible to work on pro bono matters absent other arrangements with the Executive Committee.

4. Paralegals

The Firm counts up to 50 hours of pro bono towards a paralegal's chargeable hour goal. When taking on a pro bono matter, paralegals should notify their immediate supervisor and any other applicable supervisors. Paralegals may not take on direct representation of a pro bono client without a supervising partner. Paralegals on approved pro bono matters should be evaluated for review purposes in the same manner as on other cases or projects. During Professional Development reviews, paralegals should include their work on pro bono matters on their list of matters for review, if appropriate. As with any other legal projects,

every pro bono supervising partner and other reviewing attorney working on a pro bono matter should complete an evaluation for each paralegal performing pro bono work for that attorney. Paralegals should also describe pro bono matters in their self-evaluations.

K. Balancing Work

Attorneys and paralegals engaging in pro bono cases or projects are expected to balance their work on these projects in the same way they do other projects. As with other matters, a pro bono project should not consume a major or even substantial part of an attorney's or paralegal's workload, especially an associate's, over an extended period of time, without the attorney or paralegal seeking guidance from the Executive Committee, LDC, Pro Bono & Philanthropy Department, Pro Bono Committee, or National Paralegal Manager.

L. Seyfarth Shaw Position on Disputed Issues

With pro bono clients, as with paying clients, Seyfarth Shaw attorneys should continue the policy of not having the Firm, as an entity itself, take a position on matters in controversy or litigation. Accordingly, Seyfarth Shaw attorneys should be careful to ensure that representations, made in court or otherwise, state the position of the client, not the Firm. Absent specific approval of the Executive Committee, the Firm itself does not take positions on political, social, economic, or legal issues which may arise in the representation of any clients.