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PRO BONO

## The American Lawyer's 2019 National Pro Bono Rankings

By Ben Seal

**THIS CHART RANKS THE AM LAW 200 BY THEIR PRO BONO** score for work performed by U.S.-based lawyers. Half of the score comes from the average number of pro bono hours per lawyer in 2019; the other half represents the percentage of lawyers who performed more than 20 hours of pro bono work. Calculations are based on lawyer counts as of Dec. 31, 2019. Sixty-two firms

declined to provide complete information about their domestic pro bono work.

We define pro bono work as legal services donated to organizations or individuals. We do not include work done by paralegals or summer associates, nor time spent on bar association work, nor on nonlegal work for charities or nonprofits.

### NATIONAL PRO BONO (THE FIVE TOP-RANKED FIRMS)

Rank	Firm	Pro Bono Score	Average Hours	% with 20+ Hours	Am Law Rank
1	Jenner & Block	140.6	175.4	105.8	82
2	Covington	136.7	190.7	82.6	29
3	Hughes Hubbard	111.9	141.2	82.7	110
4	Wilmer	109.0	123.9	94.2	28
5	Orrick	104.8	110.2	99.5	32

### INTERNATIONAL PRO BONO (THE FIVE TOP-RANKED FIRMS)

Rank	Firm	Non-U.S. Pro Bono Score	Average Hours Per Lawyer	% Of Lawyers Over 20 Hours	Number of Non-U.S. Offices*	Non-U.S. Lawyers	% of Non-U.S. Lawyers	Lawyers in the U.S.
1	Dechert	79.7	70.6	88.8	13	339	33.4	676
2	Morgan Lewis	76.1	43.9	108.4	14	261	13.0	1,748
3	Jenner & Block	73.2	41.4	105.0	1	20	4.0	484
4	Orrick	70.8	55.6	86.1	11	280	27.5	737
5	Arnold & Porter	64.2	61.0	67.4	5	89	8.7	935



## PRO BONO

### PRO BONO, BY AVERAGE HOURS (THE FIVE TOP-RANKED FIRMS)

Rank	Firm	Average Hours
1	Covington & Burling	190.7
2	Jenner & Block	175.4
3	Hughes Hubbard	141.2
4	Skadden Arps	139.3
5	Paul Weiss	130.3

### PRO BONO, BY BREADTH OF COMMITMENT (THE FIVE TOP-RANKED FIRMS))

Rank	Firm	% with 20+ Hours
1	Shearman & Sterling	106.9
2	Jenner & Block	106.6
3	Winston & Strawn	102.7
4	Paul Hastings	99.5
5	Orrick	98.9

# Ready, Able and Willing

FACING DOWN A CRISIS, BIG LAW'S PRO BONO DEPARTMENTS PREPARE TO DO THEIR PART. **BY SAMANTHA STOKES**

**LAW FIRMS HAD NO SHORTAGE OF OPTIONS FOR CHANNELING** their pro bono resources in 2019. From immigration and asylum issues to tenants' rights, criminal justice and human rights, the Am Law 200 put more effort than ever into their myriad missions, resulting in 5.4 million hours of pro bono work, as well as higher individual averages and more widespread engagement, according to The American Lawyer's annual Pro Bono Scorecard.

Now, as the coronavirus crisis brings additional need to the forefront in 2020, law firms anticipate a surge of pro bono cases related to housing and employment issues, even as the challenges of remote work have complicated lawyers' efforts to deliver for their clients.

"We're all adjusting to remote work, and one of the difficulties—unlike other disasters—is that everyone's affected," Steven Schulman, co-president of the American Bar Association's Association of Pro Bono Counsel and leader of Akin Gump Strauss Hauer & Feld's pro bono practice, says.

Despite the unique circumstances presented by the current crisis, lawyers are rising up to meet the challenge.

"Whatever needs existed before the pandemic still exist. If you had a housing issue before COVID-19, you definitely still have one now," says Brenna DeVaney, global pro bono director at Skadden,

Arps, Slate, Meagher & Flom.

In the months since the pandemic began, she says, the pro bono community has come together to coordinate and problem solve in order to be best-prepared to meet clients' immediate needs, such as life planning for medical professionals, supporting small businesses applying for Paycheck Protection Program loans, and securing medical release for vulnerable prisoners.

"Pro bono work is the connective tissue across law firms, and I see real collaboration among lawyers who know there is unmet need and have the privilege and resources to meet that need," DeVaney says. "This holds true right now, where the minute we understood we were going to have an unprecedented crisis to deal with, everyone started to convene."

Next year's Pro Bono Scorecard will tell the tale of the industry's response in 2020, but firms were already stepping up their efforts in 2019, according to this year's scorecard. Among the 138 firms that completed this year's survey, 51.8% of lawyers contributed at least 20 hours of pro bono work, and the industry average was nearly 60 hours, notable improvements on the prior year's marks of 48.4% and 57.5 hours.



## PRO BONO

### LEADING THE CHARGE

Jenner & Block once again topped the Pro Bono Scorecard, averaging 175.4 pro bono hours, while 105.8% of the firm's lawyers completed more than 20 pro bono hours. The scorecard ranks the Am Law 200 by the average number of pro bono hours performed by their U.S.-based lawyers in 2019, and calculations are based on firm head counts as of Dec. 31, 2019, meaning the work of lawyers who left before year's end could put a firm over 100% in the 20-hour measure.

The American Lawyer defines pro bono work as legal services donated to organizations or individuals that could not otherwise afford them and does not include work done by paralegals or summer associates, nor time spent on bar association work, nor on nonlegal work for charities or on boards of nonprofit organizations.

Arnold & Porter Kaye Scholer and Paul, Weiss, Rifkind, Wharton & Garrison joined the top 10 on the scorecard, climbing eight and 16 spots respectively to place ninth and 10th. They rounded out a group that included Covington & Burling; Hughes Hubbard & Reed; Wilmer Cutler Pickering Hale and Dorr; Orrick, Herrington & Sutcliffe; Skadden; Paul Hastings; and Ropes & Gray, all of which were also among the top 10 last year.

The top 10 firms on the 2020 Pro Bono Scorecard together averaged 133 hours of pro bono work per lawyer, and 85% of their lawyers completed at least 20 hours of pro bono work in 2019.

Alan Pemberton, who directs Covington's pro bono program as co-chair of the firm's public service committee, says the firm was busy in 2019 with pro bono work in areas including criminal justice, civil rights, veteran support, LGBTQ issues, environmental matters and women's rights. The firm ranked second on the 2020 Pro Bono Scorecard, with an average of 190.7 donated hours and 82.6% of its lawyers contributing at least 20 hours.

Pemberton highlights the firm's victory in the District of Maryland challenging a citizenship question on the 2020 census, its successful representation of a Kansas woman running a pro-choice and reproductive justice organization against an anti-abortion activist who sued her for malicious prosecution and damage to his reputation, and ongoing litigation over political gerrymandering across the country.

At Skadden, which ranked sixth on the scorecard with an average of 139.3 hours of pro bono work and 69.5% of lawyers contributing at least 20 hours, DeVaney says she was proud of the firm's immigration-related efforts in 2019. Skadden handled more than 600 immigration and asylum cases as part of its immigration impact project. The project's success has changed the way the firm approaches pro bono, she says.

"The impact of that work alone we feel really good about, but we also feel good about finding a new way to structure our pro bono work," she says, explaining that other high-volume practice areas, such as nonprofit work, housing and tenant protection and tax work, will also follow the new impact project model, which directs the strongest elements of each practice area at the firm into partnerships with legal aid organizations and in-house counsel.

"We're expanding the model to do more and better pro bono work," she says. "We aspire to leverage the best parts of our regular practice groups and pull out efficiencies as a part of being part of a global platform, such as building teams and knowledge management."

### THE WORK CONTINUES

By mid-March, the coronavirus pandemic had changed the world seemingly overnight, sickening thousands of people (eventually

## PRO BONO IS NOW A TEAM EFFORT

Law firms are collaborating with the competition to maximize their pro bono impact.

**NOT LONG AGO, LAW FIRM PRO BONO OPERATED** on a case-by-case basis. A client in need found a lawyer or firm to offer its time, and together they sought justice. Individual crises, though, are often symptoms of systemic failures, and in recent years law firms have begun collaborating in an effort to address both.

"As firms have gotten more sophisticated about pro bono, they have asked the question, 'How can we make the most impact?'" Ronald Flagg, Legal Services Corp. president and former pro bono counsel at Sidley Austin, says.

"Traditionally, the measurement of their impact was solely in output."

But now, rather than focusing on pro bono hours and cases handled, firms are targeting broader issues they can address, and partnering with their competition to do so.

Flagg notes several examples of firms teaming up in recent years, including "triage projects" in Richmond, Virginia, and Charlotte, North Carolina, which identified low-income residents' unmet needs in a dozen different areas of the law, appointed a leader for each area and tasked them

with recruiting attorneys to help. He also points to adopt-a-neighborhood programs in Kansas City and St. Louis, Missouri, focused on redeveloping communities. In each case, multiple Am Law 200 firms joined with in-house departments and legal aid organizations to maximize their impact.

The shift toward more deeply analyzing pro bono involvement began with in-house departments, Flagg says, as they began to apply to pro bono work the same data-driven approach they applied to hiring outside counsel. Firms, in turn, began to think more strategically. "It's a



millions), upending the economy and sending most lawyers and law firm employees home to work remotely until further notice. Lawyers say the pandemic has exacerbated existing problems and increased the urgency to deliver legal services to vulnerable communities.

At Covington, Pemberton says some of the firm's work has shifted to account for the new coronavirus reality. For example, the firm's advisory work for small businesses and nonprofits has focused on aid programs, the CARES Act, various bailout programs and questions about insurance. In the wake of event cancellations, he says the firm is helping nonprofit groups rethink their fundraising systems, and the current crisis is also raising tax and employment questions for small businesses.

"The first thing [the pro bono community] did when the coronavirus pandemic hit was make sure we could continue to serve existing clients, and some of our work with them that we did immediately included counseling on labor and employment issues with remote work as well as issues submitting PPP loans," Akin Gump's Schulman says.

Schulman points out that stay-at-home orders and remote work have presented challenges for lawyers themselves, who are facing roadblocks to getting their regular work done, let alone reserving time to focus on pro bono, and can no longer meet in person with clients.



59.85

AVERAGE HOURS PER U.S.  
LAWYER SPENT ON PRO  
BONO WORK IN 2019



22.6

AVERAGE HOURS PER  
INTERNATIONAL LAWYER SPENT  
ON PRO BONO WORK IN 2019

"It can be challenging to motivate a remote workforce, and another worry is that you don't have the same sense of a colleague's capacity and availability as we did in the office," he says. "When you have a firmwide practice, there's a challenge—you can't just call 100 people in a day and ask them how they're doing and if they can help. But in the office you might see 100 people per day."

At the same time, Schulman says he's been heartened by looking at the pro bono participation at his own firm: Akin Gump ranked 28th on the scorecard with an average of 96.7 pro bono hours and 61.4% of the firm contributing at least 20 pro bono hours in 2019. He says that while pro bono hours are down slightly at the firm compared with last year at this time, the number of people who contributed some pro bono work is up.

#### AT THE READY

Even as the pro bono world keeps turning in the midst of the pandemic, legal experts say it will be a while before pandemic-specific work really picks up.

"A lot of the pandemic work is going to be lagging and an outcome of economic displacement," says

Schulman, who points out that some areas of need, such as landlord-tenant cases, aren't very active right now, with courts closed, and there are fewer homeless people seeking shelters. He expects more issues to flare up in the summer and fall, when courts reopen but vulnerable people are still being economically affected.

hopeful sign," Flagg says. "At the end of the day, what you want out of pro bono work is positive changes in clients' lives."

Emily Goldberg, pro bono counsel at Paul, Weiss, Rifkind, Wharton & Garrison, says she's seen "a 360-degree amount of need" over the past few years that surpasses anything she's seen before. She points to President Donald Trump's 2017 travel ban as "the first wakeup call" that rallied firms together. Paul Weiss chairman Brad Karp says the Trump administration has fueled firms to band together.

"The challenges that we're all confronting nowadays under the current administration are so enormous, the scope is so large, the issues are so breathtaking, the stakes are so high that it oftentimes is impossible for any single law firm, no matter how well-resourced or how well-intentioned, to mount a battle of the magnitude that is necessary to redress the wrong at issue," Karp says. He also recently called on firms to band together to address racial injustice in the wake of the alleged murder of George Floyd by a Minneapolis police officer.

The Association of Pro Bono Counsel has been a catalyst in the effort to unite firms and their pro bono leaders, regardless of the wrong they seek to redress, and Goldberg and her counterparts across the industry are learning quickly how to marshal their resources.

"It's become a skillset in and of itself: how to build a project and scale it up so you're not just helping 10 people, you're thinking bigger," Goldberg says. "How can I help a thousand people?"

—Ben Seal



## PRO BONO

As a result, while the pro bono community continues helping with immediate need, lawyers are also taking time to prepare for even more work in the coming months.

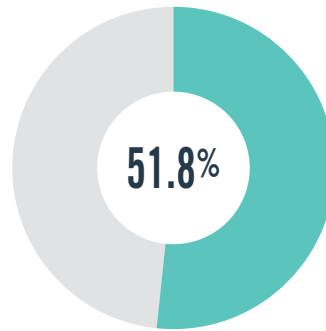
“We’re anticipating a lot of housing cases suddenly needing to be heard when courts reopen. There are stays of evictions now, but eventually there will be a flood of new cases,” says Covington’s Pemberton. “A number of child immigration cases are very difficult to progress with government offices closed—the paperwork needs to be real, physical paperwork—and things are proceeding really slowly.”

Pemberton says family law and Freedom of Information Act cases are also moving slowly but will likely speed up rapidly later this year.

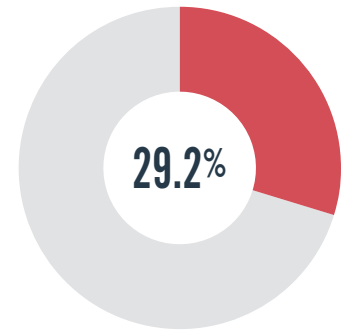
During this wait-and-see period, it’s more important than usual for law firms to defer to legal aid partners, which are historically under-resourced. Even so, Schulman says he doesn’t think deferred first-year associates will get a lot of play, with bar exams postponed and a steep learning curve for providing adequate services.

So the pro bono heavyweights among the Am Law 200 will keep doing their part, and they’ll be at the ready when new needs arise.

“We need to be a value add for [legal service organizations] so we can do our own pro bono work efficiently,” Skadden’s DeV-



PORTION OF U.S. LAWYERS WHO PERFORMED MORE THAN 20 HOURS OF PRO BONO WORK IN 2019



PORTION OF INTERNATIONAL LAWYERS WHO PERFORMED MORE THAN 20 HOURS OF PRO BONO WORK IN 2019

aney says. “How are we, as lawyers, going to pick up the pieces once everyone is safe and healthy and can deal with their legal needs? We’re taking this time to prepare for this conversation.”

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## A SCENIC DETOUR

For lawyers deferred during the Great Recession, a diversion toward public interest work was rewarding.

**SAMIRA NAZEM WAS STRESSED. SHE HAD** worked as a summer associate in legacy Lovell’s Chicago office and was set to join the firm after law school, but when the firm closed the office in 2010, in the midst of the Great Recession, her plans went up in smoke and she was forced to chart a new career path.

With the help of a firm stipend, Nazem spent a year on an externship at a legal aid organization and never looked back. She’s now pro bono director at the Chicago Bar Foundation and says having the rug pulled out from under her was the best thing that could have happened.

As the country plunges into another recession, law firms have yet to announce the sweeping layoffs and deferrals they did a decade ago, but many young lawyers are likely to be put in a similar position to Nazem. Several firms have pushed back their first-year start dates to January 2021. Already, the Association of Pro Bono Counsel is working to determine how best to match potential deferrals with

legal aid organizations, according to Leah Medway, a board member at the organization and pro bono counsel at Perkins Coie. For those whose careers may be diverted by the coronavirus crisis, lawyers like Nazem offer an optimistic view on such a detour.

Randy Tyler planned to work at Perkins Coie after he graduated in 2009, but instead took the firm up on its offer to defer for a year and work in public interest with a stipend. He took a fellowship at the American Civil Liberties Union chapter in Washington state, focused on surveillance-related issues, and came back to the firm a year later with experience that allowed him to focus his attention where he wanted it. He’s now a litigation and privacy and security partner.

“Without this experience, I don’t know if I would have been able to practice in the area that I’m in,” Tyler says. “It gave me more direct insight into the law and how it operates, and it made me a thousand times better as an attorney.”

Faiz Ahmad, an M&A partner at Skadden, Arps, Slate, Meagher & Flom, was a sixth-year associate when the Great Recession hit. His busy slate of work immediately vanished. In his newfound free time at the office, Ahmad began watching TED Talks and was inspired to leave the firm for a year to work in Nairobi, Kenya, at Acumen Fund, a nonprofit investment fund that aims to find sustainable solutions to the problems created by poverty. He says the public interest experience was invaluable. “It gave me confidence that I had good judgment, that I could figure things out on my own, that I could be a really good lawyer and trusted adviser,” he says. And by 2017, Ahmad made partner.

No lawyer will welcome a layoff or deferral, but they can at least look to a silver lining.

“Sometimes catastrophes can force you to be a little more innovative and creative in thinking about what your job might look like,” Nazem says.

—Ben Seal