



What is best practice in pro bono?

(Abbreviated Version)

The purpose of this guide is to outline the key elements that should be present in a best practice pro bono program in a large or mid-size law firm.

It draws on the experiences of Australian pro bono practitioners, data from the *Fourth National Law Firm Pro Bono Survey: Australian firms with fifty or more lawyers*, and the Centre's expertise.

The key elements are:

- 1. A strong social justice and pro bono culture supported by management**
 - Leadership commitment to helping the firm's lawyers fulfil their professional responsibility to make the law available to those who would not otherwise be able to access it, particularly the disadvantaged and marginalised.
 - Consistent, unambiguous, visible and ongoing leadership support for the firm's pro bono program as the separate and distinct core of the firm's corporate responsibility or community engagement strategy.
 - Pro bono is regarded as a practice area of the firm.
- 2. A dedicated pro bono leader**
 - At least one pro bono leader of seniority whose sole or main job is to manage the pro bono practice.
- 3. Broad awareness of the pro bono program**
 - Clear understanding throughout the firm that all lawyers are expected and encouraged to do pro bono legal work, while recognising that it is not compulsory.
- 4. Broad engagement of staff and appropriate training**
 - A system for recognising pro bono legal work that ensures participation by staff is straightforward and that they are properly supported in the work.
 - Where expertise is lacking, training that enables interested lawyers to participate, in many instances, provided by a community partner with the relevant experience.
- 5. A pro bono policy and strategic plan**
 - A clear and comprehensive pro bono policy with specific intake criteria and a clear definition of pro bono legal work, aligned with the National Pro Bono Aspirational Target ("Target") definition.
 - An overarching goal of facilitating access to justice for disadvantaged and marginalised individuals and not-for-profit organisations that assist them.
- 6. Pro bono legal work to the same standard as commercial work**
 - Pro bono legal work is performed and supervised to the same standard, and given the same priority as commercial work.



7. Adequate crediting and recognition of pro bono legal work

- Pro bono legal work is indistinguishable from commercial work at a lawyer, practice group and firm level, with full billable-hour credit.
- Pro bono legal work plays a meaningful role in a lawyer's performance assessment, advancement, and bonuses.

8. Setting a firm-wide annual pro bono target and budget

- Commitment to a firm-wide minimum number of hours per lawyer per year target for pro bono legal work and being a Target signatory.
- Recognising the actual cost of running a pro bono program and setting an annual operational budget for the program.

9. Strong and deep relationships with community partners

- Building and maintaining relationships of trust and respect with community partners in order to support these organisations, and the firm's pro bono program.
- Participating in the pro bono community by promoting pro bono in the profession and supporting other practitioners and initiatives in a collegiate way.

10. A strategic risk management plan including accurate record keeping and a regular evaluation process

- A risk management plan that includes an assessment and approval process for pro bono matters, active supervision, appropriate letters of engagement, and file management, billing and conflict checking systems that address the unique issues that may arise in pro bono practice.
- Accurate records of time spent on pro bono matters, together with other relevant metrics, evaluation processes and reporting to senior management.

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The full version of '*What is best practice in pro bono?*' is available from the Australian Pro Bono Centre website. '*The Australian Pro Bono Manual – A practice guide and resource kit for law firms*' contains various precedent documents to support best practice, such as law firm pro bono policies and litigious and non-litigious letters of engagement. Its companion publication, '*Pro Bono Partnerships and Models – A practical guide to What Works*' provides examples of benefits, challenges and effective features of pro bono partnerships and models.