

Inside Out > column



By Christina Martini
DLA Piper



By David Susler
National Material L.P.

Pro bono — both ways

Here's another installment of Inside Out with law firm partner Christina Martini and in-house counsel David Susler. They're not only lawyers who practice on different sides of the table, but they're also married. Watch them discuss issues in detail with the Better Government Association's Andy Shaw at ChicagoLawyerMagazine.com.

Do pro bono opportunities differ for in-house counsel and law firm attorneys?

Martini: Yes. Often times, law firm lawyers have greater access to a broader selection of pro bono opportunities than in-house lawyers. This is in large part due to the fact that many law firms, large ones in particular, have developed their own pro bono platforms, with an infrastructure built around providing their attorneys with a wide variety of choices. These days, many such firms are opening these opportunities to clients and in-house counsel, not just their firm's lawyers.

Trade associations such as the Association of Corporate Counsel partner with various law firms to provide their membership with access to a wide array of pro bono matters that up until recently were not easily accessible to in-house counsel.

Susler: Yes, law firm attorneys often have easier access to pro bono opportunities. In-house attorneys may have to look a little harder, but the opportunities are there. For example, the ACC Chicago chapter has partnered with three organizations, including DLA Piper, to match in-house attorneys with pro bono opportunities.

What challenges surface when trying to meet annual pro bono goals?

Martini: There are a number of challenges, including finding the right matter for you. Some attorneys like to stick with their practice area, while others view pro bono as an

opportunity to venture into a completely different specialty. The challenge then becomes finding someone to provide you with the necessary assistance to ensure that the matter is being handled properly. It can also be a struggle to find enough time to take on a pro bono matter.

Depending on how active your case becomes, it can be tough to balance the demands of pro bono with the needs of your everyday practice. From an organizational perspective, it is sometimes difficult to make sure that all lawyers are prioritizing pro bono and doing their part to ensure that the organization's overall pro bono goals are being met.

Susler: For in-house attorneys, one of the greatest challenges is finding pro bono opportunities that include malpractice insurance. Most in-house attorneys do not carry malpractice insurance, thus limiting their ability to handle matters for clients other than their employer. One of the advantages of the ACC Chicago partnerships is that the partner organizations carry malpractice insurance covering the pro bono work undertaken through those programs.

Another challenge may be licensing. In-house attorneys working under MJP rules in states other than their home licensing state are typically limited by such rules to representing only their employer. Fortunately, that practice is changing and some states, including Illinois, now allow MJP licensed attorneys to also handle pro bono matters (check applicable rules for details).

What criteria do you consider before selecting the pro bono activities that you undertake?

Martini: I look at a few things, including the practice areas involved, how much time the matter is likely to take and the time frame

within which it needs to be completed. I compare this against how much time I have and the type of project in which I am interested at that juncture. If I am likely to need the assistance of others, either within or outside of my practice area, I also consider the availability of those whom I am likely to tap before taking on the case.

Susler: For me, it's as simple as understanding what I am passionate about. For many years, I provided pro bono services to the homeless shelter for which I was on the board. Over the past several years, I have been focused on serving the in-house bar through the ACC Chicago chapter board, particularly with respect to our diversity, pro bono and community outreach initiatives.

How does your employer foster an environment in which pro bono work is encouraged?

Martini: For many years, the senior leadership of my firm has delivered the clear message that serving the underprivileged is the right thing to do and is essential. My firm's global co-chairman, Lee Miller, was a key architect in creating our innovative, second-to-none international pro bono platform. Pro bono is required of every attorney at the firm and many of our projects are global in scope. We also actively partner with numerous clients on different pro bono activities and it is an integral part of our business development efforts.

Susler: I am fortunate to work for a company which is owned by committed philanthropists. Our culture embraces the necessity and importance of giving back. I am also fortunate to have a boss who has supported all of my volunteer efforts over the years. ■

christinamartini.insideout@gmail.com
davidsusler.insideout@gmail.com