

THE PATH TO LAW FIRM PRO BONO

A Guide for Students

“Access to justice is a basic good of Canadian society. Too often, people’s legal needs are going unmet. *Pro bono* legal services are an essential part of addressing this pressing need.”

— The Right Honourable Beverley McLachlin, P.C.,
Chief Justice of Canada

Why this guide?

This guide is a joint project of Pro Bono Students Canada and Pro Bono Canada. It is designed to help you, as a law student, assess a prospective employer's commitment to *pro bono* service. As a prospective employee, you will probably want to investigate a law firm's culture and understand what will be expected of you if you are hired. One aspect of the culture that is important to many students is a law firm's commitment to *pro bono*.

Pro bono is a key component of any comprehensive access to justice plan. Canada's first *pro bono* organization, Pro Bono Students Canada, was founded in 1996, and now operates in 21 law schools in Canada. There are also five provincial *pro bono* organizations that create and manage opportunities for lawyers: Access Pro Bono (in British Columbia), Pro Bono Law Alberta, Pro Bono Law Saskatchewan, Pro Bono Ontario and Pro Bono Quebec.

Pro Bono Students Canada and Pro Bono Canada believe that *pro bono* service is an obligation of every member of our profession. Being a lawyer carries with it enormous privileges. It is important to use our unique skills to give back to our communities. There are many reasons why law firms engage in *pro bono*. One of them is to enhance their ability to recruit employees. As more and more law students display a commitment to *pro bono*, firms will be more inclined to develop their *pro bono* practices to increase their ability to attract and retain legal talent.

WHAT IS *PRO BONO*?

Pro bono is a proud tradition of the legal profession. It is premised on the notion that everyone, regardless of ability to pay, should have access to the justice system. Lawyers, as members of a self-regulated profession, have both the responsibility and ability to ensure this access.

"*Pro bono publico*" comes from a Latin phrase meaning "for the public good." For the purposes of this guide, *pro bono* services are legal services provided without fee or expectation of a fee to:

- **Persons of limited means who cannot otherwise afford them**
- **Cases that raise a broad issue of public or community concern that might not otherwise be pursued**
- **Non-profit organizations or community groups involved in representing disadvantaged or marginalized people**

Pro bono services include legal advice, courtroom advocacy, drafting of legal opinions and documents, legal research, mediation, negotiation, law reform, community legal education and other legal services. *Pro bono* services generally do not include non-legal volunteer activities, professional development activities, client development or maintenance activities, or continuing legal education.

Why do *pro bono* as a law student?

Being a lawyer carries with it enormous privileges. It is important to use our unique skills to give back to our communities.

We believe that incorporating *pro bono* or other public interest activity into your law school and articling career — and eventually into your legal practice — can benefit you in many ways. First and foremost, participating in *pro bono* or public interest activities provides you with the **opportunity to do meaningful work in the community** and increase your personal satisfaction with the practice of law.

In addition, *pro bono* can provide you with **excellent training and front-line experience** and an opportunity to develop your legal skills while working one-on-one with a lawyer. *Pro bono* **can also increase marketability**, as law firms increasingly value students who demonstrate a commitment to the community. At a firm, *pro bono* may help you develop connections with lawyers you might not otherwise be exposed to and **accelerate your skills development**.

WHY EVALUATE A FIRM'S *PRO BONO* COMMITMENT?

We are pleased to report that a number of Canadian law firms now have extensive and meaningful *pro bono* programs and policies in place. Many large national and some regional firms have implemented a formal *pro bono* structure and committee. Many mid-sized firms are providing some level of organized support to *pro bono* work. Smaller firms continue to take on *pro bono* on more of an ad hoc basis.

It can sometimes be difficult to know whether a firm truly values and prioritizes *pro bono* work — whether *pro bono* is truly part of the firm's culture. Conducting research before, during and after the interview process can help you evaluate the *pro bono* commitment of the firms to which you have applied, so you can be proactive in choosing a firm that fits with your values and career goals.

How do law students evaluate a firm's *pro bono* commitment?

There are several tools you can use to evaluate a firm's commitment to *pro bono*. One source or statistic may not give you an accurate picture of a firm's *pro bono* culture. You should assess firms using information from a variety of sources gathered throughout the interview process.

BEFORE THE INTERVIEW

Do your research! A lot of information can be gleaned before the interview process to evaluate a firm's *pro bono* culture. One helpful starting point for your research is the [Canadian Directory of Legal Employers](#), where firms can describe their *pro bono* practices. Keep in mind that because firms pay to be included in the Directory, mid-sized and in particular smaller firms may not be represented in the Directory.

Another place to look is the **firm's website for discussion of *pro bono* activities and policies**. A best practice is to have a *pro bono* committee and a clear and comprehensive policy that includes strong language and substantive definitions of the firm's support for *pro bono*. A truly meaningful policy will treat time spent on *pro bono* legal services as equivalent to billable hours.

The absence of *pro bono* materials on a website or a formal *pro bono* policy does not necessarily mean that a firm discourages or does not do *pro bono* work. Smaller and even mid-sized firms may not have *pro bono* pages on their websites, and may be more likely to coordinate *pro bono* projects on an informal basis. Other firms, no matter the size, may do lots of *pro bono* but choose not to profile it on their website.

One strategy to find mid-sized or smaller firms that support *pro bono* is to look up leading cases in the areas of law in which you are interested, and ascertain which firms have acted in these cases. **Public interest litigation** is often done on a *pro bono* basis.

Before an interview, bearing in mind the qualifications and strategies we've mentioned for mid- and small firms, try to answer the following questions:

- Is *pro bono* work highlighted or described on the firm's website or other materials?
- Does the *pro bono* program seem substantive?
- Does the firm have a *pro bono* committee or a *pro bono* policy?
- How does the firm define *pro bono*? Is it consistent with the definition in this guide?
- Does the firm keep any data on the amount or type of *pro bono* work it does?
- Has the firm or its employees won any *pro bono* awards?
- Does the firm have any partnerships with a community or access to justice organization?

DURING THE INTERVIEW OR AFTER AN OFFER

Questions can be asked during the interview process to solidify your understanding of a firm's commitment to *pro bono*. **As with any interview question, timing and context are important.** Exercise discretion in determining if, which, and how many questions are appropriate to ask in a given interview. Use your background research on the firm, your sense of the firm's receptiveness to *pro bono*, and your sense of the interviewing lawyer's openness to these activities, as a guide.

Sample Questions:

- Does the firm have a formal *pro bono* policy and/or structured *pro bono* committee?
- Does time spent on *pro bono* work count towards billable hours?
- What resources does the firm make available to lawyers who perform *pro bono*?
- What kind of *pro bono* cases does the firm usually take on?
- What kind of *pro bono* opportunities would be available in my area of interest?
- Does involvement in *pro bono* factor into performance reviews?
- In general, is there a *pro bono* culture at the firm?
- Where does the firm get its *pro bono* opportunities?

When in doubt, ask for advice from your law school's career services department.

Keep in mind that the sample questions provided may not be as applicable in a small or even mid-sized firm setting, where *pro bono* practices and policies may not be as formalised.

If you are hesitant to discuss *pro bono* during the interview, you can always ask lawyers at the firm follow-up questions about their involvement in *pro bono* if you receive an offer. When in doubt, ask for advice from your law school's career services department, and particularly when you are dealing with smaller firms where your ability to do background research may be limited by a lack of website information.

Conclusion

As you finish law school and launch your professional career, we encourage you to take your passion for access to justice into private practice!

We hope that through your own research and by using the suggestions in this guide as appropriate, you will have the tools to find law firms that best match your interests and will allow you to grow as a professional who is committed to the public good.

Be proactive in choosing a firm that fits with your values and career goals.

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REFERENCES

- BC Law Firm Pro Bono Guide for Students: A Student's guide to assessing law firm pro bono commitment*, Pro Bono Law of BC and Pro Bono Students Canada, Vancouver BC.
- The Path to Pro Bono: An Interviewing Tool for Law Students*, American Bar Association Standing Committee on Pro Bono and Public Service and the Centre for Pro Bono, Chicago, Illinois.
- Saskatchewan Law Firm Pro Bono Guide for Students: A Student's Guide to assessing law firm pro bono commitment, 4th Ed*, Pro Bono Law Saskatchewan and Pro Bono Students Canada, Regina and Saskatoon, Sask.
- Harvard Law School Pro Bono Service Program, *Evaluating Law Firm Pro Bono Work*, Cambridge, Massachusetts.
- S. DeBroff, K. Lapp, and A. Shabecoff, *Pro Bono Guide: An Introduction to Pro Bono Opportunities in the Law Firm Setting*, Bernard Koteen Office of Public Interest Advertising, Harvard Law School, Cambridge, Massachusetts.

