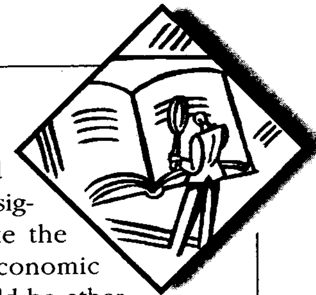

advice for structuring *pro bono* programs. The authors see the challenge as a means to fulfill an obligation based on principle: assuring equal access to the courts for all. They also believe it will help to reverse the eroding reputation of the legal profession, which is now seen as simply another commercial enterprise, focused mainly on billable hour quotas and increased earnings, with little thought given to the unmet legal needs of less fortunate Americans.

A chapter contributed by Professors Marc Galanter and Thomas Palay provides an interesting review of the evolution of large law firms from their "golden age" in the 1960s to the more competitive and, some would say, cut-throat current climate. Based on the data they surveyed, the two professors conclude that larger firms with substantial earnings are more willing to permit their attorneys to do *pro bono* work, and that a commitment to community service does not jeopardize the financial success of an otherwise profitable large firm.

Steering committee members William C. Kelly, Jr., and Donald W. Hoagland suggest in their chapters that there are intangible rewards to be reaped by lawyers who participate in community service projects. Kelly believes that lawyers want to contribute to the good of society, and that serving in *pro bono* projects provides a sense of fulfillment that may be missing in today's more specialized practices. Hoagland asserts that *pro bono* work sharpens legal skills by giving lawyers an opportunity to work with segments of the community that they would not otherwise be likely to serve in the typical large firm practice. Young lawyers acquire courtroom skills and other valuable experience more rapidly, while senior firm members who supervise the programs gain a new perspective and offer their greater knowledge and experience to segments of the community that would not otherwise be able to afford them.

This combination of altruistic and pragmatic incentives for engaging in *pro bono* work may not be enough to overcome concerns about the expense of operating such programs and their financial drain on a firm. Those fears are addressed in a chapter by William A. Bradford, Jr., discussing fee-shifting statutes and their use in *pro bono* work. There are more than 200 fee-shifting statutes in the United States Code. They can be found in civil rights legislation enacted since 1964 and in laws involving consumer and employment rights, the environment, and rights of the disabled. Effective use of these statutes in successful *pro bono* cases can underwrite a firm's *pro bono* program, pay its staff expenses, or fund other charitable efforts. Contributing the unused funds to other public interest causes, rather than adding them to a firm's profits, would blunt the criticism that the *pro bono* project is just another means for enriching lawyers at the expense of the business community and taxpayers.

Esther F. Lardent, Director of the ABA's Law Firm Pro Bono Project, contributes a chapter to the book to explain different methods for structuring *pro bono* programs, based in part on the experience of firms that have successfully established projects. She also explains the principles of the *pro bono* challenge, which were promulgated to assure that the participating firms maintain a high level of commitment.

What constitutes *pro bono* work is addressed in Rule 6.1 of the ABA's Model Rules of Professional Conduct. As revised in 1993, Rule 6.1 contains an aspirational goal for lawyers of 50 hours of *pro bono* legal work per year. "[A] substantial majority" of the work should be "without fee or expectation of fee to: (1) persons of limited means or (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means." Rule 6.1 also recommends providing "legal services at no fee or substantially reduced fee to individuals, groups or organizations . . . where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate."

In 1993, the Law Firm Pro Bono Project issued a challenge to large law firms to contribute from 3 to 5 percent of total billable hours to *pro bono* work, consistent with Rule 6.1, and to fulfill that commitment by the end of 1995.

What kind of legal work would satisfy the *pro bono* guidelines for the 50 percent of the time that is not devoted directly to legal services is the subject of a chapter by Edwin L. Noel, Anthony F. Earley, Jr., and Lewis F. Powell, III. They argue for a broader definition of *pro bono publico*, but with three basic restrictions: "1) the services should be for a public service organization that has a financial need for free or significantly reduced fee services; 2) the activity should call upon the lawyer's skills and training, even if legal services in the strict sense are not being performed; and 3) the services should be provided for little or no compensation."

Monitoring compliance with the *pro bono* challenge is the subject of the final chapter of the book, written by Judge Barrington D. Parker, Jr. He sees the establishment of compliance mechanisms as serving several purposes. The data obtained from the participating firms would ensure that the programs meet ABA guidelines and are effectively rendering competent legal services. Monitoring would also identify the nature of the cases and projects taken on by the firms, the cost of the *pro bono* work, and the professional benefits derived by those engaged in the activities. It would help to identify and publicly honor successful participants, so that others could be encouraged to participate. The data acquired would serve to demonstrate that *pro bono* work benefits the public without undue ex-

(continued on page 54)