

4th Asia Pro Bono Conference and Legal Ethics Forum Session Presentation Plan Template

Name of Session: A6: Pro bono, corporate social responsibility: Differences and synergies.

Session Description/Aim:

This session will discuss the difference between corporate social responsibility and pro bono responsibility. It will examine the spectrum of different approaches taken to the management of these programs by law firms.

Total Session Minutes: (90 min)

Facilitator:

Freda Grealy, (Law Society of Ireland) fredagrealy@gmail.com

Co-Presenters:

1. Emma Dunlevie (Russell Kennedy) EDunlevie@rk.com.au
2. Freda Grealy, (Law Society of Ireland) fredagrealy@gmail.com
3. Sunil Pokharel (Nepal Bar Association)attorney.sunil@gmail.com

Session Plan:

Activity Step & Presenters	Activity Description	Time (Min)	DRAFT notes	Materials Needed
1	Introductions	5	Some visuals – pics to depict <ol style="list-style-type: none"> 1. Where we work 2. What our friends and family think we do – opp to be funny 3. What we really do 	Visuals to make it interesting PPT send to Freda
2 Emma and Freda	Small group work (Participants in groups of 3) <ol style="list-style-type: none"> 1. What is pro bono? 2. What is CSR? 3. What are some of 	10	Defn PB: Free legal services (has a predominant “service” theme, in Australia at least) Part of commitment to rule of law and access to justice.	Q’s to be put on PPT Paper – markers,

	<p>the reasons you may need to distinguish between them?</p>	<p>Makes the rule of law “a reality” in society. Gatekeepers of the justice system.</p> <p>Marks lawyers as professionals rather than just practitioners/business people. Lawyers in unique position as members of profession.</p> <p>LCA defn etc. - Services provided for:</p> <ul style="list-style-type: none"> • People who need assistance but cannot afford cost. Incl. meeting unmet legal need (eg. through lack of public sector funding for access to justice). • NFP orgs working for disadvantaged or which work for public good • Public interest matters which would not otherwise be pursued <p>Defn CSR:</p> <p>Organizational decision makers concerned with interests of stakeholders other than shareholders</p> <p>A corporation taking responsibility for its decisions and the impact these decisions have on the community and the environment. This involves transparent and ethical behaviour that contributes to a sustainable society. (ACCSR defn) Contract b/w business and society in order to secure fairer society and a more sustainable future.</p> <p>Eg. lawyers acting as mentors, help in schools or community centres, urban regeneration programs i.e. much broader than pro bono definition</p>	<p>flipcharts</p>
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			<p>Need to distinguish because:</p> <p>Reporting requirements (eg. in Australia, strict boundaries are drawn around what counts as PB – international comparisons?)</p> <p>Monitoring pro bono activity in the profession to keep up standards/hours; Sends message that pro bono practice is an expected and standard part of professional practice</p> <p>Different ethical duties</p> <p>But some argue pro bono definitions be more inclusive of CSR initiatives. CSR programs may exemplify a more productive way to contribute to meeting the ethical duty of responding to the need for affordable legal services in some contexts? Eg. financial assistance in lieu of PB hours argument . Especially in light of decreasing public sector funding for access to justice/legal aid/CLCs and pro bono.</p>	
3 Emma and Freda	Debrief – report back Write up what the participants come back with	5		Flip charts
4 All – Emma Sunil & Freda	Presenters share their own experiences from their own jurisdictions	15	<p>Sunil and Emma – 6 mins</p> <p>Emma:</p> <p>Focus on collaboration:</p> <p>Eg. (1) Charing Unaccompanied Humanitarian Minor Consortium; (2) Legacy Caseload Working Group (3) referrals from Justice Connect (clearing house) – amount and type of work is influenced by trends in funding decisions by</p>	PPT if used send to Freda

			<p>government – stepping in to assist legal aid and community legal centres</p> <p>Need for flexibility, focus on what client actually needs</p> <p>Contrast between high profile litigation with media interest VS. the more mundane (though important to client/allows them to spend \$ on public interest aspects of organisation) eg. advising on office leases & a 2 page indemnity agreement for a small strip of land licensed by a newly established indigenous plants organisation.</p> <p>How to manage combining a commercial practice with a pro bono practice – benefits and difficulties</p> <p>Freda 3 mins</p>	
<p>5</p> <p>Sunil to lead</p> <p>(& all will pitch in)</p>	<p>Continued - Small group work (groups of 3)</p> <p>Pick one scenario</p> <p>Sunil can I have a scenario for activity 5, slide 7 please so I can put on PPT?</p> <ol style="list-style-type: none"> 1. What is the role of the law firm in this scenario? 2. What is the role of the community or the NGO/stakeholders in this scenario? 			
<p>6</p> <p>Emma to lead and</p>	<p>Emma can I have a scenario for activity 6, slide 8 please so I can put on PPT?</p>	15	<p>Firms make clear distinction between pro bono and CSR activities</p> <p>Differences:</p>	

<p>pick a scenario</p> <p>(& all will pitch in)</p>	<p>In terms of management styles</p> <p>What are the differences?</p> <p>What are the synergies?</p>		<p>PB: without reward/credit (though arguable eg. qualifying for govt tenders..). PB is an interesting example of social responsibility as many who do PB are driven solely by ethics/wanting to help & do not seek recognition ... but synergy with CSR arises at a firm level b/c the firm wants visibility of pro bono program b/c lifts morale internally & enhances reputation externally (good corporate citizen) – visibility then requires proper record keeping/accounting/reporting and proper allocation of resources by management</p> <p><i>What resources are required?</i></p> <p>PB: legal expertise & management expertise (eg. costing/terms of engagement); partnering with clearance houses or CLCs</p> <p><i>What is being tracked by management:</i></p> <p>PB: hours/clients assisted/outcome/financial contribution (though financial contribution in lieu of hours seen as “exceptional”). Reporting mechanisms eg. Australian pro bono centre, Vic Govt tender contract, Cth Govt tender contract BUT if too rigorous, can act as a disincentive to embrace spirit of contributing to community</p> <p>CSR: broader accounting</p> <p><u>Synergies:</u></p> <p>Concerned with interests of stakeholders other than shareholders</p> <p>Both engage us with our ethical</p>	
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		<p>obligations</p> <p>Stem from desire to help disadvantaged people</p> <p>Both sustain civic consciousness - civic duty</p> <p>Benefits to participants are similar i.e. psychological benefits, satisfying one's social conscience, possibility of attracting fee paying clients, enhancing reputation, increasing professional visibility, qualifies to bid for tenders for work</p> <p>The "good business reasons" cited are similar i.e. lower attrition rates for employees (gives competitive edge when recruiting and motivating staff), enhanced reputation in community, career development, pride/increased productivity i.e. adopted for strategic AND professional responsibility reasons</p> <p>Organizational decision makers endorse/support formal community involvement programs & pro bono legal programs</p> <p>Question for both PB and CSR is no longer just "why do it?" but rather "how can we do it more efficiently/effectively?" (eg. financial contribution vs. engagement argument – though can employee "wellness" benefits of PB & CSR be retained if only giving a financial contribution?)</p> <p>Both require effective partnerships – most important factor in determining whether a project is going to work well is strength of relationships between the parties involved.</p>	
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			Trust, can't take partner for granted.	
7 Freda to lead (& all will pitch in)	Ask the participants to share their own ideas about how law firms can manage pro bono/CSR projects & participants can give examples from their own jurisdictions if they have any.	15		
8 Emma	Examples or case studies and have them indicate if it is a CSR or Pro bono project. We can use this as a quiz type exercise and then also we can discuss	10	<p>Pro Bono examples:</p> <p>Fungus Project (soil carbon store technology/environmental benefits) - Intellectual Property and corporate structure work. Decision was made to only do a portion of the work pro bono - otherwise could impact on lawyer's ability to charge fees for this type of (specialized) work for other clients (as entities often end up very profitable once they are established)</p> <p>Setting up Luke Batty Foundation - set up to raise funds for women and children facing domestic violence - lukebattyfoundation.com.au (high profile matter in Australia - 11yo Luke Batty died as a result of domestic violence - mother subsequently named Australian of the Year for her work with domestic violence initiatives)</p> <p>Preparing court precedents for community legal centres - we ran a High Court action which was successful and which meant other applicants could make an application on the</p>	

			<p>same grounds – we prepared precedent documents for the use of the ASRC (community legal centre), to help them deal with influx of clients who were to benefit from the High Court action</p> <p>Training Days for Community Legal Centres (provide training or guest speakers to enable CLC lawyers to obtain their continuing professional development points without charge)</p> <p>Participation in Fair Work Commission Duty Lawyer scheme</p> <p>CSR examples:</p> <p>Office services (admin services, photocopying) Eg. Asylum Seeker Resource Centre – sharing legal knowledge, plus photocopying</p> <p>A lawyer’s membership of a Not for Profit organisation’s Board</p> <p>Assisting with fundraising and strategic branding and marketing</p> <p>Mentoring schemes (for law students, indigenous students, women lawyers groups) – Supervision (problematic if diverting limited staff time away from client matters)</p> <p>Donations</p> <p>Corporate sponsorships</p> <p>Financial contributions by firms (this could stimulate discussion as to whether this should be seen as pro bono eg. contribution of \$\$ (in lieu of pro bono hours where time or expertise is not available) to immigration firms,</p>	
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			<p>environmental firms so that they can do their expert work better – financial contribution is sometimes included in pro bono reporting mechanisms eg. Vic govt tender contract, USA)</p> <p>Legal research and law reform submissions</p> <p>Secondment of staff</p> <p>Contribution to community education material</p> <p>Cancer Council referral service?</p>	
Total Time:		90		

Pro bono, Corporate Social Responsibility: Differences and Synergies.



**FREDA GREALY, (LAW SOCIETY OF
IRELAND)
FREDAGREALY@GMAIL.COM**

**EMMA DUNLEVIE (RUSSELL
KENNEDY) EDUNLEVIE@RK.COM.AU**

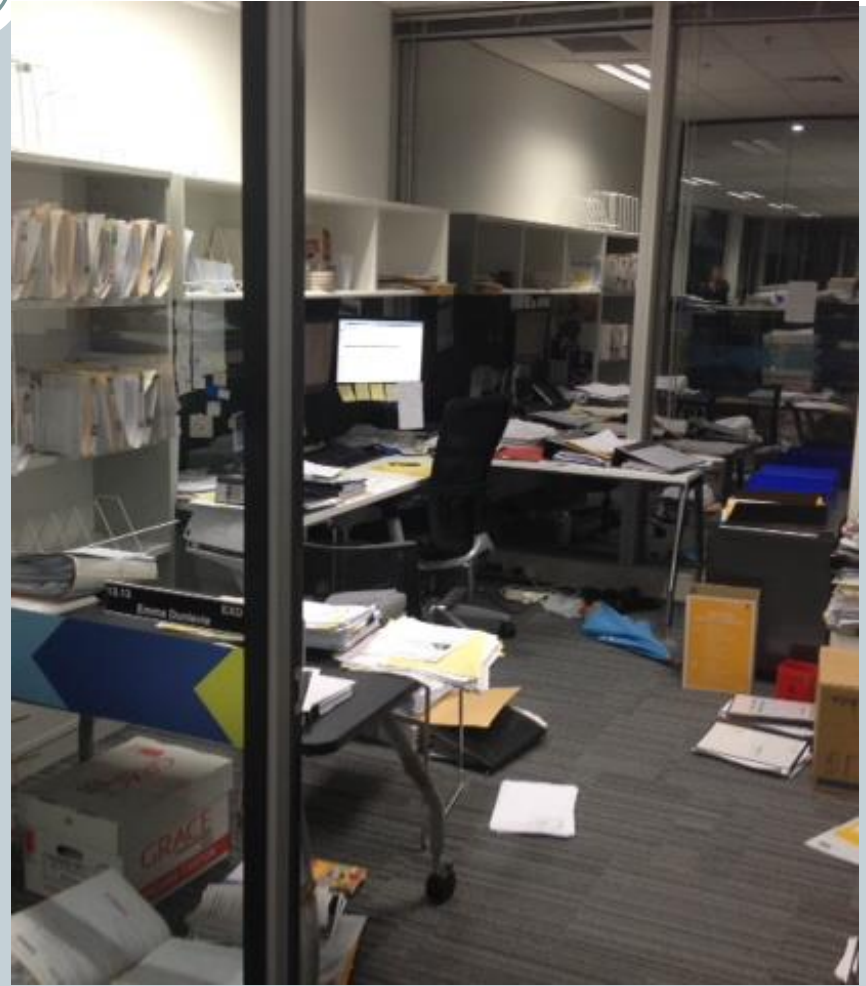
**SUNIL POKHAREL (NEPAL BAR
ASSOCIATION)ATTORNEY.SUNIL@GM
AIL.COM**

Freda – Law Society of Ireland



- Worked in practice for 10 years
- Worked in legal education for 10 years –
- Responsible for continuing legal education for the solicitors profession.
- Blah blah - & will stick in a photo or 2

Emma - Russell Kennedy



Sunil



Small group work (Participants in groups of 3)



Working in your groups please discuss the following 3 questions. You have 10 minutes,

1. What is Pro bono?
2. What is Corporate Social Responsibility?
3. What are some of the reasons you may need to distinguish between them?

Debrief & report back 5 minutes.

Panel share experience



- Emma & Sunil to share their experience and perhaps give examples & case studies of pro bono and CSR projects

Scenario & questions



Scenario – Sunil - Which one are you going to use? We should put it up on the PPT I think.

Sunil to set the context – explain & debrief

- What is the role of the law firm in this scenario?
- What is the role of the community or the NGO/stakeholders in this scenario?

Management styles



Emma – are you going to pick a scenario here or do a general discussion.

In terms of management styles for Pro bono and CSR

- What are the differences?
- What are the synergies?

Quiz - Pro Bono or CSR?



Listen to the description of the following and then show of hands -

- Fungus Project (soil carbon store)
- Luke Batty Foundation – set up to raise funds for women and children facing domestic violence
- Preparing court precedents for community legal centres
- Training Days for Community Legal Centres
- Participation in Fair Work Commission Duty Lawyer scheme



- Office services (admin services, photocopying) Eg. Asylum Seeker Resource Centre
- A lawyer's membership of a Not for Profit organisation's Board
- Assisting with fundraising and strategic branding and marketing
- Donations
- Mentoring schemes
- Corporate sponsorships
- Financial contributions

Wrap up

