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## A pro bono trailblazer

In 1993, Baum took an unprecedented law firm job — making volunteer lawyering a priority

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Jonathan K. Baum wasn't quite sold on becoming a law firm partner when he got the chance 20 years ago.

He liked pro bono work too much.

So after passing on an opportunity to become a partner at Sidley, Austin LLP in 1993, he pitched a position to Katten, Muchin, Rosenman LLP that he and many other lawyers said became the first of its kind — director of pro bono services.

With that title he would have no billable-hour requirements. Instead, he would make it easier for others to do what he would have wanted to as a partner — have the chance to provide high-quality legal representation to the poor or legal aid organizations without the tedium of tracking that work down.

"If you want something done right, you have to devote enough attention to it," Baum said. "There are only so many hours in a day. Something's got to give. And in the natural economics of the profession, if something was going to give, it was going to be pro bono."

While the rate of pro bono work has been impacted by the difficult legal business climate, the position of pro bono director — and similar roles including pro bono counsel, coordinator and chair — has only become more common.

This year, Baum celebrates his 20th anniversary in a role that

has grown from his 1993 hiring, to Marc R. Kadish's in 1999 at Mayer, Brown LLP, to nearly every large firm bringing on a full-time lawyer dedicated to managing pro bono work.

More recently, in 2012, Maria Lourdes Kutnick became pro bono coordinator at Winston & Strawn LLP, where she works alongside Gregory A. McConnell, the firm's pro bono counsel.

The position functions in many ways like any firmwide practice group chair — the pro bono director handles a budget; networks and competes to find new and newsworthy cases; and creates teams of lawyers to handle the work.

There are important differences, though. For instance, lawyers can — and do — turn down matters that Baum and his peers often hand-select for them.

It would be a rare sight for a

***"I got this flood of responses from people who had never done a stitch of pro bono work. It's about finding what moves people and getting to that."***



**Jonathan K. Baum passed on an opportunity to become a partner at a large law firm 20 years ago — he just enjoyed pro bono work too much. Instead, he convinced Katten, Muchin, Rosenman LLP to hire him as director of pro bono services, a position that was the first of its kind. Two decades later, many attorneys in similar roles at other law firms credit Baum for paving the way for their pro bono-focused jobs.** *Ben Speckmann*

corporate associate to tell the firm's top lawyer in his practice, "I never open your e-mails," as one associate once told Baum (albeit as a defense mechanism — she told him reading about the cases would guilt her into doing the work).

Knowing that dynamic existed since day one, Baum said he knew matchmaking and navigating the inner politics of the firm would be a big part of the job. To make that associate open her e-mails, for example, he sent them first to the head of her real estate practice, who then forwarded them on to her.

"My job is to come up with answers for every reason people give for not doing pro bono work," Baum said. "So, (when someone says) 'I don't have time.' We'll give you billable-hour credit. 'It doesn't interest me.' We'll find something that interests you. 'I don't know how to do it.' We'll provide you with the training."

Another unique aspect of the firmwide pro bono director is how they compete with one another.

At a bimonthly meeting on Sept. 11 that is typically attended by more than 10 pro bono lawyers from large firms including Seyfarth, Shaw LLP;

Kirkland & Ellis LLP; McDermott, Will & Emery LLP; and others, Mayer, Brown's Kadish laid out the group's philosophy: "Our firms may compete viciously on the economic playing field, but within this room, we're all family."

### Becoming a patriarch

Baum's dedication to public interest work was sparked at the University of Chicago, but it wasn't until after he had worked as a litigation associate at Jenner & Block and in the Edwin F. Mandel Legal Aid Clinic that he decided to try and change how law firms viewed pro bono work.

"I thought, 'I like law firm work and I think there's a lot I can do there,' but the traditional arrangement wasn't for me," Baum said. "I wanted to be able to spend a higher proportion of my time on pro bono than was normally considered reasonable."

So he devised a scheme that he pitched to about 20 different firms in Chicago: Pay him two-thirds of a normal associate's salary and he will give you two-thirds the hours. The other third of his time will be spent on pro bono work.

"Almost everybody said, 'No,' but fortunately I only needed one job," Baum said.

Sidley, Austin agreed and he

worked there for about five years before he came up for a partner position in 1993 and was told the arrangement would have to go.

At the time, Katten was looking to boost its pro bono reputation and Baum pitched the firm on hiring him as pro bono director.

“Had I not had private law firm experience, they wouldn’t have felt — and appropriately so — that I knew enough about how law firms worked to be successful in promoting pro bono,” Baum said.

The hire didn’t come without skepticism — Baum remembers one partner called him “Chicago’s first full-time ‘drought-maker.’”

“I said I prefer to think of myself as an ‘irrigator,’” Baum said.

At this month’s meeting of pro bono lawyers, Winston & Strawn’s McConnell said Katten’s hiring of Baum paved the way for more lawyers to focus full-time on pro bono.

“Certainly, Katten was way out in front with Jonathan in that role,” McConnell said. “It does

create momentum and it does (put) a conceptual example out there.”

#### **The ‘Four M’s’**

Baum describes his job using four words: Motivating, match-making, mentoring and monitoring.

He motivates in the form of compensation and recognition.

At Katten, the first 100 hours of pro bono work counts toward billable-hour requirements and bonuses with the option to do more through a waiver request that Baum said is nearly always accepted.

The firm sends out e-mails for notable pro bono wins and grants awards in each of its offices to an associate and partner dedicated to volunteer work.

That isn’t always enough, and so the heart of the job, Baum said, is matchmaking.

That process begins when every new lawyer identifies his or her pro bono interests through an online questionnaire that lists 60-some areas of volunteer work.

Baum matches the lawyers’

preferences with their skill set and location.

So, for instance, if a landlord-tenant issue arises in Charlotte, N.C., he can send the opportunity to real estate lawyers in that office. Other times, making a match is more serendipitous — such as when he gave partners the chance to represent an animal shelter.

“The heading of my e-mail was ‘Dog-lover needed to represent (animal shelter)’ and I got this flood of responses from people who had never done a stitch of pro bono work,” Baum said. “It’s about finding what moves people and getting to that.”

Mentoring means the firm will provide lawyers with training — either through working with another firm lawyer or bringing in specialists — to handle any kind of pro bono matter that interests them.

Monitoring means keeping tabs on the 100 hours of pro bono that can go toward billable-hour requirements and tracking the firm’s progress toward achieving benchmarks for volunteer lawyering. The goal is for 40

percent of the firm’s attorneys to work 40 pro bono hours a year.

While many of his tactics remain the same today as they were 20 years ago, Baum said the 2008 recession caused him to add a new matchmaking strategy.

With associates unsure whether pro bono work was key to their success at the firm (despite, he said, his signaling that it is), Baum said he began reaching out to more partners and asked them to pitch work to associates.

“Sometimes I’m not the best person to make the ask, because I’m always asking people to do stuff for free,” he said. “If a person who (an associate) works with is asking them to work on something, that makes them comfortable.”

Baum and other pro bono-focused lawyers said the proliferation of jobs in this space helped law firms support pro bono organizations through the recession, despite the toll it took.

“I’d like to say pro bono goes up and up, but it doesn’t,” Baum said. “It ebbs and flows.”