

Pro bono services - not just another tick-box

 By [Shan Raddiffe](#)

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Although every attorney is obligated to provide 24 hours of free legal work per year, some firms take a special interest in the pro bono services they offer and go so far as to establish a dedicated department, headed up by a team of specialists.



Moray Hathorn, partner and head of Webber Wentzel's Pro Bono Practice.

Webber Wentzel is one such firm, and here, Moray Hathorn - partner and head of the firm's Pro Bono Practice - gives us some insight into the department, the pros and cons of compulsory pro bono duties, and what personally motivates his work...

■ ***Tell us a little about the Webber Wentzel Pro Bono practice and why it was established?***

The Webber Wentzel Pro Bono practice was started on 1 March 2003. Pro bono work had been done in the firm on a rather ad hoc basis for decades, including matters of considerable public importance. The Pro Bono practice was established in part due to a belief that there was a need to professionalise pro bono services by having a specialist team to deal with these issues. It was also started because of a belief that it was necessary to address through the law the social and economic divides in the country and to promote and uphold the Constitution and the Rule of law.

■ ***Briefly, what are the firm's criteria for taking on a case, pro bono?***

There are various criteria. The first is that we seek to assist indigent, homeless or landless people in promoting their socio-economic rights under the Constitution. The second is that we seek to assist indigent or marginalised clients and the not-for-profit sector in promoting and upholding the rule of law. The third is that we support the not-for-profit sector in matters relating to its own governance. The fourth is that we seek to assist individuals who face discrimination including discrimination on the basis gender and HIV status. The fifth is that in the interests of promoting the usefulness of what we do we consider that the promotion of the public interest is an important criterion.

■ ***In 2016, Webber Wentzel was nominated for the "most impactful case or initiative" at the annual Pro Bono Awards. Tell us a bit about the case and what it means to be nominated for such an award?***

This was the case in which we acted for the Southern Africa Litigation Centre in its urgent application to the High Court to compel the South African government to arrest President Al Bashir of Sudan when he attended an African Summit in South Africa in June 2015. We were successful and the case has contributed to South Africa's jurisprudence in the realm of international criminal law. It has also put into the spotlight domestically and internationally South Africa's commitment to the International Criminal Court and the Rome Treaty - and to combatting crimes against humanity.

■ ***What are the benefits of pro bono work to you and your practice?***

I think the benefits are four-fold. First - it brings to the firm a skills set it would otherwise not have - and which can also inform the quality of service in fee-paying areas of the firm's work. Second - it can help the firm to have a broader and deeper understanding of the society in which it operates - this can also influence in a positive way its approach to legal problems. Third - it can help align the firm to its fee-paying client base who also share the societal concerns I have spoken about. Fourth - there is satisfaction in helping deal with important societal issues - not that it necessarily creates a warm fuzzy feeling - the opposite is true because the issues are tough and difficult.

■ ***What personally motivates you to provide free legal help?***

I do not think one can live separate from the needs of other people or from the needs of broader society. No man is an island. In a sense any business is aimed at fulfilling the needs of other people - at a price of course, and with a healthy profit in mind. But business cannot stop there. Businesses, in order to play their full role in society need to look at the interests also of the indigent and marginalised, and also to the protection of those universal rights and duties which underpin the well-being of society. They need also to work out how they can attend to those issues. These issues concern me as a family man and as a citizen of South Africa, and as a member of the broader global community. So I feel enormously privileged to have had the opportunity to do public interest legal work, or as it is said in Latin, to do legal work pro bono publico. Also I enjoy my interactions with people from diverse backgrounds and socio-economic classes, not least people from marginalised and poor communities. I admire their resilience and commitment, as I have found, to working within the law for solutions to their problems and I enjoy their company and friendship.

■ ***Do you feel the mandatory 24 hour per year pro bono requirement is necessary?***

Not necessarily. To compel people to do legal work in which they have no expertise can be counter-productive, or worse still in which they have no desire to assist. Perhaps it is a necessary evil, but I would very much prefer a system based on voluntarism.

■ ***What other CSI initiatives is the firm involved in?***

Webber Wentzel provides financial support to institutions in the not-for-profit sector who do work which is aligned to the pro bono legal work we do. Members of our corporate law teams also provide training for members of the Black Lawyers Association in corporate law practice.

ABOUT SHAN RADCLIFFE

Shan Radcliffe is the editor of Bizcommunity HR, Education and Legal.

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