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Pro Bono Lawyers “Make it Happen” In South Africa

Andra Moss

INTERNATIONAL SENIOR LAWYERS PROJECT

Endi Piper was deep into her day's activities as Senior Vice President for Business and Legal Affairs for cable channel TV One in Silver Springs, VA when a call came in from a friend and legal colleague in Ohio, Craig Owen White. White, a partner with Cleveland's Hahn Loeser & Parks, and Piper had met years earlier on a pro bono program in South Africa for the International Senior Lawyers Project (ISLP) and the project – commercial law training for historically disadvantaged lawyers - remained close to both their hearts. While White was planning his 10th return visit to Africa for ISLP in September, Piper had recently taken on the responsibilities of acting general counsel and could not get away this year.

What White needed, though, was something she could provide – especially sitting as she was inside a video production facility. “The idea was to do something different,” White explained. “Case studies have certainly worked, but we really wanted this program to “feel real” and have a real client. Who better than Endi, an in-house counsel, to set the training in motion?”

The ISLP Commercial Law Training Program (CLTP) launched in Johannesburg in 2004. Apartheid in South Africa may have ended a decade earlier, but black lawyers there were – and are – still catching up to their white colleagues. ISLP, a global pro bono organization, wanted to actively address inequalities in the field of commercial law and began a program of partnerships with law associations and firms in South Africa to provide practical skills training by experienced lawyers, pro bono,

Andra Moss is Director, Communications and Volunteer Development, of ISLP.



From left: ISLP volunteers Steve Spronz, Linda Robinson and Craig White; Chandika Singh, director of the LSSA's School for Practical Training where the CLTP was held and Ogilvie Ramoshaba, manager of LSSA's L.E.A.D. continuing education programs.

in the fundamentals of commercial law and its practice to small firm lawyers and solo practitioners.

As White and the other ISLP volunteer legal instructors learned, “Black lawyers have historically been funneled into litigation, family and criminal defense work. They don't necessarily have training in commercial law – and without this training you can't get the clients and build a practice.”

Over time, the successful program expanded to deliver trainings in South Africa, Botswana, Namibia, Tanzania, Zambia and Zimbabwe for more than 1,500 lawyers.

In 2013, the South Africa program, now a partnership with the Law Society of South Africa, was focused on helping “PDPs,” or

Previously Disadvantaged Persons, at small law firms to overcome practical problems they were encountering as they attempted to attract commercial work, many for the first time.

Linda Robinson, a retired partner in the Corporate Practice Group at Osler, Hoskin & Harcourt in Toronto, was a five-time CLTP volunteer returning to co-instruct the 2013 programs in Zambia and South Africa. “The market was there in Johannesburg to service commercial transactions on behalf of startups and family-owned businesses, even larger privately owned companies and government departments, but what the delegates needed from us were the basics of how to manage your law firm; how to sell yourself, promote yourself.”

Please email the author at amoss@islp.org with questions about this article.

This is where Endi Piper came in. As a previous volunteer co-instructor, she was familiar with the successful ISLP approach – very hands-on, practical, and based on a hypothetical case with a certain fact pattern. White updated her on the new hypothetical – a U.S. company (“AutoAftercare”) wishing to enter African markets with a growing middle class chooses South Africa as their entry point and base for future expansion.

Piper was to be the client, creating a video that would be played for the delegates to introduce the key facts and brief them on their legal needs. White, onsite, would play her deputy counsel, dispatched to carry out her instructions. The delegates would need to find a way to win her business and negotiate terms of representation.

“Working at TV One, a video was an easy option,” said Piper. “I made one for the South African delegates and one for the Zambian group. Each had a different twist. I tried to make them come alive – I added a few things about the business owner and his dad to make them seem like real people. I especially wanted to come across as an ‘I need you to get this done fast’ client. One who just really needs it to close.”

The video led off Day 2 of five full days of training in Johannesburg. White and Robinson, joined by nine-time returning volunteer Steven Spronz, a lawyer at Murchison & Cumming in Los Angeles, and Jackie Huntley, head of Mkhabela Huntley Adekeye, Inc., one of South Africa’s leading black-owned law firms, had prepped the delegates with Day 1 discussions on client expectations, special business issues by client type (entrepreneurs, family-owned businesses, small businesses) and the art of the engagement letter.

“It was a standing room only crowd in the training center,” recalled White. “Endi was a huge hit!”

“What we were striving to do was alert the delegates that technology and traditional law practices are being married on an everyday basis. They have to be comfortable communicating across a broad range of media today – video links, Skype calls, etc. The delegates really focused – they had to not only listen but also look for non-verbal cues from Endi. Pens were up.”

Said Spronz, “We used the fact pattern Endi introduced as the basis for interactive negotiating sessions, starting with a letter of intent. We divided into groups, where one side represented Endi’s company and the other side was the counterparty. They reviewed facts, prepared positions and

responses to what they might get, and then came back and negotiated against the other party.” All the while, White, as the loyal deputy GC, was taking mock phone calls from Piper, inserting twists into the evolving negotiations. “We instructors oriented them and answered questions, but they were the ones that came up with their strategies and points they wanted to make. The experience of seeing how your preparation plays out in real-life was really the point.”

At the end of her video, Piper had added that classic client phrase “Make it Happen.”

White recalled, “It really became something of a rallying cry for the delegates. They understood that their role was to translate her desires into action items. They had to find creative ways to ‘Make it Happen,’ to make it work.”

One of the planned takeaways of the training was “Know Who your Client is and What Motivates Them.” Said Robinson, “In a very real sense, Endi was the client, even more than AutoAftercare. It’s really Endi who is hiring you and trusts you and you don’t want to disappoint her. We talked about that distinction with the delegates. At the end of the day, even though this is big business, commercial law is very much about people, people who put their businesses in your hands.”

Looking ahead to 2014, the International Senior Lawyers Project plans to continue the CLTP, including further development into new countries. The program’s director at ISLP, Anna Shakarova, is looking to connect with companies that have legal offices in the region: “We are very interested in finding more local partners, both as co-instructors who bring a local perspective and knowledge of the law and co-sponsors who would like to involve their in-house lawyers in preparing and delivering the training. Coca-Cola was a wonderful partner two years ago. We’re also pleased to have the endorsement of other corporations like Anglo American and the South African law firms Webber Wentzel, Cliffe Dekker Hofmeyr and Werksmans.”

White and Piper hope to reunite in Africa as co-instructors next year. “I think the delegates really appreciate seeing lawyers of color” said Piper. “Craig leading the sessions and me, the client, to have been black - that means something to them. It makes it a little more relatable. Many have said that the commercial law course built their confidence and inspired them.” White added, “We have to remember that these practitioners are the backbone of

the commercial law business and courts in their countries. I am humbled by what they have done and the way they are facing their challenges. As a volunteer, year after year I learn as much as – more than – I teach.”

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The CLTP in Africa is just one example of the mission undertaken by the International Senior Lawyers Project, which this year has engaged legal volunteers in nearly 200 projects in 37 countries. ISLP has been delivering pro bono legal services of the highest caliber to grassroots NGOs and select developing country governments since 2001. Its projects cover a broad range of work in support of the rule of law – human rights, governance, media freedoms, law reform – as well as promote more equitable economic development.

ISLP’s volunteer lawyers are drawn from many countries and legal systems. They work on discrete legal issues, but also strive to develop the capacity of local lawyers and NGOs to meet specific community needs. As well, in 2013 ISLP trained or mentored more than 700 lawyers, government officials and law students.

A broad, multi-year collaboration with the Law School of Tanzania (LST) is another example of volunteer opportunities available through an ISLP training program. Coordinated for ISLP by former Clifford Chance partner Tim Soutar, lawyers from the firm’s UK offices provided support to the Law School’s Teaching Assistance Program through the preparation and delivery of two-week training modules on professional ethics and conveyancing. The program benefitted as well from a generous grant from the Clifford Chance Foundation.

DLA Piper has partnered for the past four years with firm client General Electric on a legal drafting teaching project for the LST. Each year, the firm sent teams of lawyers from various offices in Europe, the Middle East and the U.S. to teach in Tanzania alongside GE’s senior in-house counsel. The project is managed by New Perimeter, DLA Piper’s global pro bono initiative, and was developed in cooperation with DLA Piper’s Tanzanian group firm, IMMMA Advocates. Firm client Barclay’s Bank also participated in the project in 2010 and 2011.

Corporate counsel interested in global pro bono opportunities are encouraged to join ISLP’s worldwide corps of volunteer lawyers. More information can be found at www.islp.org.