

In-House Pro Bono: Good, Better, and Best Practices

CLE SEMINAR FOR IN-HOUSE COUNSEL
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Outline for Presentation

- History of In-House Pro Bono
- Applicable Rules
- The Business Case for Pro Bono
- Motivating Volunteers
- What Can/Should We Do?
- Future of In-House Pro Bono

Growth of In-House Pro Bono

- Pro Bono Institute: Corporate Challenge
- Association of Corporate Counsel
- Chicago Bar Foundation Corporate Leadership Circle

The Law

Illinois Supreme Court Rules and the ABA Model Rule

- Attorneys who are licensed in Illinois as in-house counsel under [Illinois Supreme Court Rule 716](#) may perform Pro Bono service in Illinois without any additional registration or affiliation requirements.
- [Illinois Supreme Court Rule 756\(f\)](#) requires all attorneys licensed in Illinois to report, in connection with the attorney's annual ARDC registration, Pro Bono legal services provided and qualified monetary contributions made during the preceding 12 months.
- Under [ABA Model Rule 6.1](#), every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of Pro Bono publico legal services per year.

What is Pro Bono? Who defines?

Pro Bono Institute Definition:

- Pro bono refers to activities undertaken normally **without expectation of fee** and not in the course of ordinary commercial practice and consisting of:
 - (i) the delivery of legal services to **persons of limited means** or to charitable, religious, civic, community, governmental, and educational organizations in matters which are designed primarily to **address the needs of persons of limited means**;
 - (ii) the provision of legal assistance to individuals, groups, or organizations seeking to secure or protect **civil rights, civil liberties or public rights**; and
 - (iii) the provision of legal assistance to **charitable, religious, civic, community, governmental or educational organizations** in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate.

What is Pro Bono? Who Defines?

American Bar Association Definition

- (a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:
 - (1) **persons of limited** means or
 - (2) **charitable, religious, civic, community, governmental and educational organizations** in matters that are designed primarily to address the **needs of persons of limited means**; and
- (b) provide any additional services through:
 - (1) delivery of legal services at **no fee or substantially reduced fee** to individuals, groups or organizations seeking to secure or protect **civil rights, civil liberties or public rights**, or **charitable, religious, civic, community, governmental and educational organizations** in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
 - (2) delivery of legal services at a **substantially reduced fee to persons of limited means**; or
 - (3) participation in activities for improving the law, the legal system or the legal profession.

Why do In-House Pro Bono?


What are the factors that lead to corporate lawyer investment into Pro Bono?

- Lawyer satisfaction
- Desire to do public service
- Ethical/professional obligation
- Aligns with corporate culture

How is this different from what leads law firms to invest in Pro Bono?

- Corporate lawyers are "different"

What are the keys to a successful corporate legal department Pro Bono program?

- Differs based upon size and type of organization
- Support from the top
- Support from the enterprise
- Local v. National/National v. Local
- Matching interest to availability
- Variety of programs (intensive  when available)
- Training and Partnering

What are the keys to a successful corporate legal department Pro Bono program?

- Changes in leadership
- Changes in corporate organization
- Culture

How to Motivate Pro Bono Volunteers

- Explain the Need
- Explain the Strategy
- Make the Ask
- TELL STORIES -- Follow the Science

Malpractice Insurance

- Malpractice claims are VERY unusual in Pro Bono
- Work with a legal service provider or non-profit legal services provider that provides coverage to those Pro Bono lawyers who work on sponsored programs
- Obtain coverage directly from insurer
 - Endorsement to existing policy
 - Standalone policy
- Obtain coverage from National Legal Aid and Defenders Association
- Self-insure

Partnering with Law Firm and/or Legal Aid

Formation and Implementation

- Assume that the partnership will be long-term
 - Assess project status from time to time
 - Be open to evolution and mid-course corrections
 - Succession planning
- Roles in Partnership
 - Roles of each party proportional to its capacity, size, skills and interests
 - Open communications plan
 - Clearly defined expectations
 - Consider teams and whether peer-to-peer or "mentoring" relationships are appropriate

Where to Find Opportunities

- CBF Volunteer Opportunities for In-House Counsel in the Chicago Area
- Ask your folks
- Ask Association of Pro Bono Counsel (APBCo) members in Chicago
- Ask the Pro Bono Institute

What's New? Paladin

Designed to Empower The Pro Bono Ecosystem

Efficient Program Management

Streamline the referral process and create a single source of truth for the status of your pro bono work.

Intelligent Distribution

Prevent bottlenecks and optimize engagement by creating custom rules based on attorney preferences.

Standardized Data

Increase visibility into your pro bono program, track real-time participation, and monitor your team's impact data.

Thank you



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