

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

CLE Seminar for In-House Counsel Webinar Series
2021

Outline for Presentation

- History of In-House Pro Bono
- Applicable Rules
- The Business Case for Pro Bono
- Motivating Volunteers
- What Can/Should We Do?
- Corporate Influence: Promoting Pro Bono in the Community
- 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 public 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 Potential Challenges to Developing Corporate legal department Pro Bono program?

- Changes in leadership
- Changes in corporate organization
- Culture
- Lack of Malpractice Insurance

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Lack of Malpractice Insurance Is NOT a Major Hurdle

- 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

How to Motivate Pro Bono Volunteers

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

Where to Find Pro Bono 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
- Recent Innovations: Law Tech (Paladin) and Alliances

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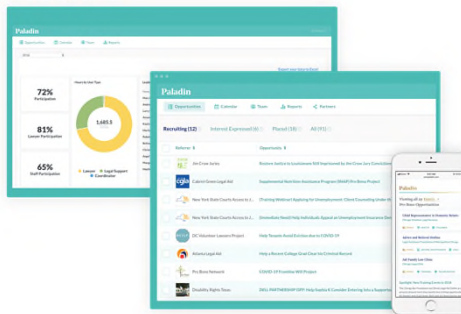
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Paladin: Leveraging Technology to Streamline Pro Bono

Paladin, a cloud-based pro bono platform trusted by companies like Verizon, Dell, and Zurich NA, provides real-time access to and insights on pro bono opportunities.

- Leverage a real-time database of legal services organizations and opportunities to mitigate legal-specific pro bono risk
- Increase engagement by over 30% with a consistent, personalized approach to attorneys
- Free up 80-100 hours/year in admin work for higher leverage work
- Access insights to your teams' interests, skills, and impact data to tailor your program



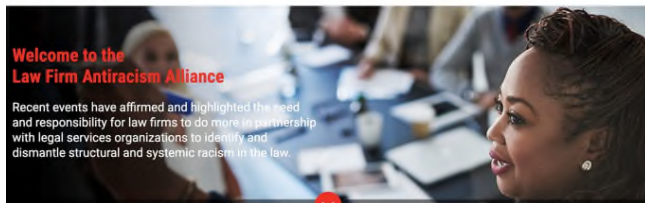
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Partnering with Law Firm and/or Legal Aid

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

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Influence: Promoting Pro Bono in the Community

- Promote Pro Bono Through your RFP Process
- Make Pro Bono a Part of Your Relationship with Outside Counsel
- Participate in Pro Bono and Legal Aid Events
- Financial Support for Legal Aid

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Thank you

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