



PILI Corporate Pro Bono Roundtable

As a complement to the Illinois Forum on Pro Bono, the Public Interest Law Initiative (PILI) launched an annual Corporate Pro Bono Roundtable to bring together corporate pro bono leaders from around Illinois. The Corporate Pro Bono Roundtable provides corporate pro bono leaders with an opportunity to network, discuss the unique pro bono challenges facing corporate attorneys and share best practices and strategies for successful corporate pro bono programs. Corporate pro bono leaders are invited to participate in person or by phone. Lunch will be provided for those attending in person.

AGENDA

Wednesday, March 14, 2012

12:00 to 1:30 p.m.

United Air Lines, Inc. – 77 West Wacker Drive, Chicago, IL

- I. Welcome and Introductions By Attendees
- II. Information and Idea Exchange – Attendees will be invited to share the experiences of their corporate pro bono program relating to the following topics, as time allows:
 - a. Tying pro bono efforts into a company's larger community service program.
 - b. Keeping momentum during a period of turnover in pro bono committee/point person positions.
 - c. Conducting a conflicts check prior to engaging in a pro bono case.
 - d. Increasing participation of attorneys in pro bono programs.
 - e. Tracking and recording pro bono hours.
 - f. Using pro bono programs to build unity in a legal department that is spread over many office locations.
- III. Program Presentations – Public interest law organizations will share information about their organizations and opportunities that may be of interest to corporate attorneys.
- IV. Other Discussion?

**2012 Corporate Pro Bono Roundtable
Meeting Notes**

Wednesday, March 14, 2012

12:00 to 1:30 p.m.

United Air Lines, Inc. – 77 West Wacker Drive, Chicago, IL

In attendance in-person: Steve Fus, United Air Lines Inc.; Todd Patterson, United Air Lines Inc.; Mary Ann O'Connor, JPMorgan Chase & Co.; John Bourke, Aon Corporation; Mara Block, LAF; Mony Ruiz-Velasco, National Immigrant Justice Center; Kelly Tautges, The Chicago Bar Foundation; Stephanie Villinski, Illinois Legal Aid Online; Michael Bergmann, PILI; Sheila Simhan, PILI; Shana Heller-Ogden, PILI

In attendance by phone: Traci Braun, Exelon Corporation; Vince DeCandio, State Farm Insurance; Michelle Mancias, State Farm Insurance; Celeste Poole, Caterpillar; Chuck Smith, Allstate Insurance; Julie Olszewski, Deere & Co.; Jodi Fisk, Deer & Co.; Heidi Yeh, Prairie State Legal Services; Linda Rothnagel, Prairie State Legal Services.

The meeting was called to order at 12:05 p.m. Participants introduced themselves and spoke briefly about the scope and current state of the pro bono programs at their corporation.

I. Information and Idea Exchange

Roundtable participants then dove into the information and idea exchange portion of the program, where pro bono leaders from different organizations led short discussions on the below topics while sharing insight into lessons learned from their company's own pro bono programs.

a. Tying pro bono efforts into a company's larger community service program

Steve Fus at United Air Lines Inc. (United) spoke about United's new pro bono program, which will be officially launching in about 2 months. Previous pro bono work at United had been done more informally, but now that they are merging with Continental and have a new General Counsel, they are taking the opportunity to launch a formalized pro bono program. Their hope is to integrate this program with the company's larger community service program, which will be especially helpful in building teamwork between the merging business cultures. United's legal department started pursuing this new formal pro bono program by surveying everyone in the department. They used separate surveys for lawyers and non-lawyers. The surveys asked about their current pro bono involvement, their interest in doing pro bono, and obstacles to doing pro bono, among other things. Feedback from the surveys informed a draft of a pro bono program, which is currently under review and going through the approval process. Pro bono will be highly encouraged but not mandatory for the legal staff at United, and they are going to use United's broader community service tracking feature to help people track their pro bono hours. They want the program to be department-wide, not only for attorneys, and they are specifically looking for pro bono opportunities that can make use of both lawyers and non-lawyers in

their department. Finding such opportunities has been a challenge – they want to be sure that lawyers are able to contribute in the unique way that they are able without excluding the rest of the staff.

Mary Ann O'Connor from JPMorgan Chase & Co. agreed, saying that at JPMorgan Chase there are two distinct “tracks” for people who want to do volunteer work: one is the larger/corporate/foundation-driven campaign, and the other is the legal department’s pro bono program. The two are not integrated. She noted that it’s frankly easier to get attorneys involved in non-legal volunteer work, but this takes away from their opportunity to use their specific legal skills.

Speaking to the need for opportunities for legal and non-legal staff, Mara Block from LAF said that it’s often ok to have non-attorneys working on a matter, so long as they are partnering with an attorney. Mony Ruiz-Velasco from the National Immigrant Justice Center discussed JPMorgan Chase involvement with an immigration clinic, where paralegals were involved in drafting documents for clients.

Celeste Poole from Caterpillar agreed that finding opportunities for both legal and non-legal staff to do together was a priority. However, legal services is not integrated with Caterpillar’s greater community service efforts. To engage legal and non-legal staff, Caterpillar has focused on clinics, such as a divorce clinic they did in partnership with Illinois Legal Aid Online. Caterpillar has had success meaningfully involving paralegals in these efforts.

b. Keeping momentum during a period of turnover in pro bono committee/point person positions

Julie Olszewski from Deere & Co. spoke about their pro bono program, which has been in existence for 10 years. Their program is run by a pro bono committee. Having a clear committee structure in place has helped maintain the program over the years. Julie shared three strategies for implementing an effective pro bono committee structure:

1. Determine appropriate size and make-up: committees should be the appropriate size and should seek involvement from all interested parties, including non-lawyers and staff at satellite offices as appropriate. Committees should have a chair and should meet regularly.
2. Define roles: identify leaders and point people for projects, and set term lengths (1-4 years) for each formal leadership role.
3. Stagger turnover of pro bono leadership positions: while this isn’t always possible because other factors can intrude, staggering turnover helps ensure that when a new leader assumes responsibility, other leaders can help bring this new person up to speed. This also helps maintain institutional knowledge and ensures that projects continue despite changes in leadership.

Participants discussed how one position in particular where turnover can impact the health of a pro bono program is that of General Counsel. Julie noted that when their pro bono program really became established ten years ago, it was around the time that their current General Counsel first started. Others noted that while a General Counsel has a lot of influence over the prominence of the pro

bono program, in other cases organizations have a sufficiently strong pro bono culture that even a new General Counsel will soon learn to make pro bono a priority. The General Counsel can play an important role in setting the tone for pro bono and setting an example though committing both time and money to pro bono work.

Recruiting staff to take on leadership or committee roles has not been difficult to at Deer & Co. Though it is an extra component of their job for which they are not compensated, the people involved are personally invested in the success of their endeavors and usually live up to their expected responsibilities. Jodi Fisk, who was on the call with Julie at Deere, said that having regularly scheduled meetings helps. Also helpful is regularly taking meeting minutes and making them available for people who were unable to attend meetings, or who agreed to follow-up on topics discussed at the meetings.

c. Conducting a conflicts check prior to engaging in a pro bono case

Vince DeCandio and Michelle Mancias from State Farm spoke about their conflicts check process. State Farm's pro bono committee is relatively new, and though intermittent pro bono work was happening before the formation of the committee, pro bono work is now centralized. There is an application process for new pro bono cases. State Farm relies largely on the legal service agency through which they are doing the pro bono case to conduct the conflicts check, and it is also the responsibility of the attorney or paralegal working on the case. State Farm does not have a database to check for conflicts, but they ask parties on both sides whether they currently have a claim open with State Farm and whether they are employed by State Farm. As the largest employer in the Bloomington area, this is often an issue.

Participants discussed how to determine what constitutes a conflict. In the case of State Farm, for example, having an open claim with State Farm is a conflict but having a State Farm car insurance policy is not a conflict. Traci Braun from Exelon noted that, as the parent company of ComEd, most people in the state would be conflicts if their definition of a conflict encompassed all of their clients.

Participants also discussed identifying issues that might be in conflict, instead of only individuals. For example, Mary Ann said that JPMorgan Chase typically stays away from pro bono matters related to housing or bankruptcy. On the other hand, some corporate pro bono programs will pre-screen organizations or specific programs to approve them for pro bono work.

The group agreed that this was a timely and needed discussion, because many of them did not have formal conflict of interest policies. They decided that creating and disseminating a "Conflicts FAQ" document would be beneficial for their programs. It would not only streamline the process at the organizational level but would also help pro bono practitioners feel more confident when deciding to take on a case.

d. Increasing participation of attorneys in pro bono programs

John Bourke discussed Aon's efforts to recruit and engage staff for their pro bono program. He stressed the importance of identifying "champions" for pro bono, people not only doing pro bono work

but are enthusiastic about it and can get others involved too. He said that partnering with law firms on pro bono work when the opportunity presents itself can also increase involvement and raise the profile of pro bono at the corporation. At Aon, John works to promote and recognize pro bono. He said it is also important to keep the General Counsel informed of their pro bono accomplishments, and he regularly encourages their General Counsel to attend events at nonprofits that Aon sponsors, which certainly helps encourage others to attend the event as well.

John noted that Aon does not currently have a budget for pro bono, and several others agreed that this was the case at their organization as well. John said that Aon is starting to talk about creating a pro bono budget.

The group discussed how difficult it can be to not only coordinate the pro bono program, but to be a champion of pro bono, engage in pro bono in addition to their regular jobs. While there is no magic to identifying new “champions” for pro bono, it is important to give people the opportunity and to follow-up on any prospects. Celeste Poole noted that at Caterpillar, their 9-member committee has several sub-committees. This keeps a larger number of people involved while also taking stress off of the committee itself and the committee chair. There are some tasks, however, that cannot be delegated to new champions or to a sub-committee, like managing relationships with outside counsel.

e. Tracking and recording pro bono hours

Mary Ann O’Connor said that JPMorgan Chase & Co. has had little success in tracking pro bono hours. Absent a formal structure for billing hours, like attorneys at law firms use, she said the most common scenario is that she will e-mail people reminding them to report their pro bono hours to her. JPMorgan Chase does not want reporting the hours to become an additional burden, but they do want to be able to keep track of pro bono hours. Mary Ann said that they are currently looking into different systems, including Share Point. Other more volunteer-oriented services, like Good Works, do a good job of promoting volunteer opportunities and encouraging engagement, but do not allow for tracking hours.

Several others agreed that tracking hours is an important issue at their organization as well. Steve spoke of United’s plans for their emerging pro bono program on this topic. He said their plan is to use United’s broader community service site for people to track their hours. It is formally recognized by the organization and using it will promote unity between the legal department’s pro bono work and the larger company’s formal community service program. They will also be able to generate reports for the law department.

II. Legal Aid Agency Presentations

Following the information and idea exchange, representatives from three different legal service agencies in Illinois presented briefly on pro bono opportunities that may be of interest to corporate attorneys available at their agencies. Mara Block from LAF spoke about their “Tenant Pro Bono Unlawful Lockouts” pilot program, Mony Ruiz-Velasco from the National Immigrant Justice Center spoke about a range of opportunities including the U Visa and VAWA Legal Assistance Clinics, and Heidi Yeh and Linda

Rothnagel from Prairie State Legal Services explained their new Disability Assistance Volunteer Lawyers Project.

Michael thanked United Air Lines Inc. for hosting the Roundtable. The Roundtable adjourned at 1:40.



SECTION 2:

PRO BONO BASICS

Contents

- a. What Constitutes Pro Bono?
- b. Illinois Supreme Court Pro Bono Reporting Rule
- c. Pro Bono for House Counsel Not Licensed in Illinois
- d. Why Do Pro Bono?
- e. The Chicago Bar Foundation Corporate Leadership Circle and Statement of Principles

What Constitutes Pro Bono Work?

I. Official Definition

While there are various definitions throughout the country of what constitutes pro bono, the Illinois Supreme Court has recently adopted a reporting requirement for pro bono legal services and qualified monetary contributions in which the Court has defined pro bono for purposes of this Rule.

Illinois Supreme Court Rule 756(f) defines pro bono as: legal services without charge or expectation of a fee to persons of limited means; legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means; legal services to charitable, religious, civic or community organizations in furtherance of their organizational purpose; or training intended to benefit legal aid organizations or lawyers who provide pro bono services.

The Illinois definition is based in part on Model Rule 6.1 of the American Bar Association's Model Rules of Professional Conduct, which provides that all lawyers should render public interest legal service.

II. Examples of Pro Bono Work

The types of engagements that qualify as bona fide pro bono work are varied and countless. Examples include:

- Representing an indigent client in a landlord-tenant dispute;
- Counseling a not-for-profit organization on tax matters;
- Developing and presenting a training session on a substantive law topic for pro bono attorneys; and
- Making financial contributions to help fund the operations of a legal clinic which serves persons of limited means.

III. Activities That Do Not Qualify as Pro Bono Work

Not all charitable activities qualify as pro bono work. Examples of activities that do not constitute pro bono work include:

- Serving on the board of a school district where the lawyer does not act as the district's pro bono legal counsel;
- Offering discounted fees to clients;
- Attending continuing education seminars; and
- Fundraising for organizations.

IV. Dispelling Myths About Pro Bono Opportunities

Some people think that pro bono work only means representing a poor person in a litigation matter. However, many attorneys regularly engage in pro bono services on a wide variety of transactional matters as well. There is a broad range of case types and legal matters for which pro bono attorneys are needed. Lawyers should be encouraged to devote their pro bono hours and contributions to matters and causes in which they have a personal interest or commitment.

Illinois Supreme Court Pro Bono Reporting Rule

I. Background

In 2006, the Illinois Attorney Registration and Disciplinary Commission (ARDC) implemented a pro bono reporting requirement for attorneys licensed in Illinois. According to the Committee Comments to the amended Rule 756(f), the report is intended to serve as an annual reminder to Illinois lawyers that pro bono legal service is an integral part of a lawyer's professionalism. Excerpts from the Rule follow this article.

II. Summary of the New Rule

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.

Pro bono legal services include legal services without charge or expectation of a fee (a) to a person of limited means; (b) to an organization designed to address the needs of persons of limited means; (c) to certain charitable, religious, civic, or community organizations; and (d) pro bono training intended to benefit legal service organizations or lawyers who provide pro bono services. According to Rule 756(f), "persons of limited means" are not only those persons with household incomes below the federal poverty standard but also those persons frequently referred to as the "working poor."

The Rule also encourages attorneys to make monetary contributions to an organization that provides legal services to persons of limited means or that contributes financial support to such an organization.

III. Compliance with Rule 756(f)

The new reporting requirement consists of two questions that have been added to the annual Illinois ARDC registration form. All attorneys must respond to both questions, even if they did not perform any pro bono work or make a qualified monetary contribution in the preceding 12 months.

Question 1: Pro Bono Legal Services.

- Attorneys who did *not* perform any pro bono work in the preceding 12 months should check the "No" box on Question 1 and state whether the attorney is prohibited from providing legal services because of his or her employment.
- Attorneys who did perform pro bono work in the preceding 12 months should check the "Yes" box on Question 1 and identify the number of hours within each category of legal services listed.

Question 2: Monetary Contributions.

- Attorneys who did *not* make a monetary contribution to an organization that provides legal services to persons of limited means or that contributes money to such an organization should check the "No" box on Question 2.
- Attorneys who did make a monetary contribution within the preceding 12 months should check the "Yes" box and identify the approximate amount of the contribution.

IV. Penalty for Noncompliance

An attorney's failure to report the required information will result in an attorney's name being removed from the master roll of licensed attorneys in Illinois.

Amended Supreme Court Rule 756

(In Pertinent Part)

(f) Disclosure of Voluntary Pro Bono Service. As part of registering under this rule, each lawyer shall report the approximate amount of his or her pro bono legal service and the amount of qualified monetary contributions made during the preceding 12 months.

(1) Pro bono legal service includes the delivery of legal services or the provision of training without charge or expectation of a fee, as defined in the following subparagraphs:

(a) legal services rendered to a person of limited means;

(b) legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;

(c) legal services to charitable, religious, civic, or community organizations in matters in furtherance of their organizational purposes; and

(d) training intended to benefit legal service organizations or lawyers who provide pro bono services.

In a fee case, a lawyer's billable hours may be deemed pro bono when the client and lawyer agree that further services will be provided voluntarily. Legal services for which payment was expected, but is uncollectible, do not qualify as pro bono legal service.

(2) Pro bono legal service to persons of limited means refers not only to those persons whose household incomes are below the federal poverty standard, but also to those persons frequently referred to as the "working poor." Lawyers providing pro bono legal service need not undertake an investigation to determine client eligibility. Rather, a good-faith determination by the lawyer of client eligibility is sufficient.

(3) Qualified monetary contribution means a financial contribution to an organization as enumerated in subparagraph (1)(b) which provides legal services to persons of limited means or which contributes financial support to such an organization.

(4) As part of the lawyer's annual registration fee statement, the report required by subsection (f) shall be made by answering the following questions:

(a) Did you, within the past 12 months, provide any pro bono legal services as described in subparagraphs (1) through (4) below? ___ Yes ___ No

If no, are you prohibited from providing legal services because of your employment? ___ Yes ___ No

If yes, identify the approximate number of hours provided in each of the following categories where the service was provided without charge or expectation of a fee:

(1) hours of legal services to a person/persons of limited means;

(2) hours of legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;

(3) hours of legal services to charitable, religious, civic or community organizations in furtherance of their organizational purposes; and

(4) hours providing training intended to benefit legal service organizations or lawyers who provide pro bono services. Legal services for which payment was expected, but is not collectible, do not qualify as pro bono services and should not be included.

(b) Have you made a monetary contribution to an organization which provides legal services to persons of limited means or which contributes financial support to such organization? ____
Yes ____ No

If yes, approximate amount: \$_____.

(5) Information provided pursuant to this subsection (f) shall be deemed confidential pursuant to the provisions of Rule 766, but the Commission may report such information in the aggregate.

(g) Removal from the Master Roll. On February 1 of each year the Administrator shall remove from the master roll the name of any person who has not registered for that year. A lawyer will be deemed not registered for the year if the lawyer has failed to provide trust account information required by paragraph (d) of this rule or if the lawyer has failed to provide information concerning malpractice coverage required by paragraph (e) or information on voluntary pro bono service required by paragraph (f) of this rule. Any person whose name is not on the master roll and who practices law or who holds himself or herself out as being authorized to practice law in this State is engaged in the unauthorized practice of law and may also be held in contempt of the court.

The complete amended Rule is available at <http://www.state.il.us/court/SupremeCourt/Rules/Amend/2006/061406.pdf>.

Pro Bono for House Counsel Not Licensed in Illinois

On July 1, 2008, amendments to Illinois Supreme Court Rules 716 and 756 went into effect that give retired and inactive attorneys as well as in-house attorneys with limited admission status the ability to provide on a pro bono basis critical legal assistance to vulnerable and disadvantaged people who would otherwise be shut out of the justice system. The amendments grew out of a desire of retired, inactive and in-house attorneys across the state who wanted to help meet the legal needs of the most vulnerable in Illinois, but were previously barred from doing so.

The [Attorney Registration and Disciplinary Commission's \(ARDC\)](#) website includes the forms that organizations ("sponsoring entities") and pro bono attorneys must complete in order to perform pro bono work under the amended rules. The Rules are summarized below, with references to the relevant ARDC forms.

In a nutshell, the amendments to Rules 716 and 756:

- Provide that retired, inactive and in-house attorneys with limited admission status may do pro bono work — without charge or expectation of a fee — for individuals of limited means or charitable, civic, community or other similar groups; and
- Include safeguards to ensure that clients are receiving high quality legal services and that the profession is adequately protected.

Potential Pro Bono Attorneys Covered by These Amendments Must:

- Provide pro bono services under the auspices of a sponsoring entity, which is defined as "a not-for-profit legal services organization, governmental entity, law school clinical program or a bar association providing pro bono services";
- Register their pro bono participation, along with verification from the sponsoring entity, with the ARDC on an annual basis (Form: [Attorney 1 on the ARDC website is the initial form to be completed](#); [Form: Attorney 2 is the renewal form](#)); and
- Participate in any trainings required by the sponsoring entity (the amendments exempt retired or inactive attorneys engaged in pro bono from meeting Illinois' MCLE requirements).

Legal Aid Organizations That Want to Work with These Attorneys Must:

- Submit an application to the ARDC describing the organization's pro bono program in which retired, inactive or in-house counsel may participate ([Form: Sponsor 1 on the ARDC website](#));
- Certify that the organization will provide appropriate training and support to pro bono attorneys
- Provide malpractice insurance to pro bono attorneys; and
- Submit an annual statement to the ARDC verifying the continuation of any pro bono programs and describing any changes in pro bono programs in which retired, inactive or in-house counsel participate. ([Form: Sponsor 2 on the ARDC website](#)).

Additional information about the Rules is available at www.IllinoisProBono.org; the webpage includes a list of legal aid and pro bono organizations that have registered with the ARDC to act as a sponsoring entity under Rule 756.

Why Do Pro Bono Work?

I. Professional Obligation

It is our ethical obligation as attorneys in Illinois to provide pro bono assistance to persons in need of legal services who cannot afford them.

The preamble to the Supreme Court of Illinois Rules of Professional Conduct provides, in pertinent part, as follows:

It is the responsibility of those licensed as officers of the court to use their training, experience and skills to provide services in the public interest for which compensation may not be available. An individual lawyer's efforts in these areas is evidence of the lawyer's good character and fitness to practice law.

The Chicago Bar Association also has a standing resolution, updated and reaffirmed in October 2008, that attorneys should contribute 50 hours of pro bono or make a \$250 contribution or the equivalent of two billable hours to support the legal aid system, or some combination thereof.

II. Unmet Legal Needs

The most obvious and compelling reason to perform pro bono work is the need to address the gap between the millions of persons who need assistance but cannot afford or obtain it, and the limited resources available to meet those needs through legal aid organizations. The assistance provided by volunteer attorneys is critical, as there are just over 300 legal aid attorneys to serve all of Illinois.

III. Recruiting and Retention; Morale

Competition for hiring good legal talent can be intense. Companies with active pro bono programs likely enjoy a competitive advantage, particularly when a new attorney may be deciding between opportunities with substantially similar or even identical compensation and benefit structures.

In today's environment, attorneys are more mobile than at any time in the past. The costs of replacing departing attorneys are high (often involving recruitment fees and training expenses) and the time involved in transitioning a new attorney is substantial. A strong pro bono culture can contribute to a positive office environment and, in turn, strengthen attorney loyalty to the corporation.

Finally, a successful pro bono program can provide opportunities for lawyers from different practice areas, along with non-lawyer staff, to work together as a team. Pro bono victories and awards can be shared with the entire office, fostering a sense of pride and accomplishment among attorneys and staff.

IV. Marketing

Pro bono is an effective marketing tool that can provide positive publicity, heightened visibility, opportunities to work with other departments of the corporation, improved client relationships, and evidence of good corporate citizenship. With most corporations investing significantly in community service and corporate citizenship projects, pro bono is an excellent means for the corporation's legal staff to use their special skills and training to add to the corporation's community contributions.

V. Training and Professional Development

Pro bono projects can also be used as training vehicles to provide a wide variety of high quality skills training. Through pro bono work, junior attorneys may try cases and gain substantial client contact earlier in their career. With adequate supervision, junior attorneys can be afforded greater autonomy in a pro bono matter, gaining meaningful work experience and accelerated professional development opportunities that benefit both the individual attorney and the employer.

THE CHICAGO BAR ASSOCIATION PRO BONO RESOLUTION

Updated and Reaffirmed by the CBA Board of Managers on October 16, 2008

WHEREAS, equal access to justice is central to our democratic society, integral to the effective functioning of our justice system, and a critical part of the safety net for vulnerable members of our community; and

WHEREAS, a recent statewide legal needs study sponsored by The Chicago Bar Association, The Chicago Bar Foundation and other bar groups found that tens of thousands of less fortunate individuals continue to lack access to legal assistance that is often critical to their safety and independence, forcing them to resolve complex legal problems on their own, including domestic violence, divorce, child custody, evictions, mortgage foreclosures and the physical and financial abuse of the elderly; and

WHEREAS, there are fewer than 300 legal aid attorneys to serve the Chicago area's more than one million low-income residents; and

WHEREAS, while thousands of attorneys in Illinois have made a laudable commitment to providing pro bono services and making financial contributions to legal aid organizations, the study demonstrates that a huge unmet need for legal assistance remains for the low-income and disadvantaged Chicagoans who are in the most critical need of the protections of our legal system; and

WHEREAS, Illinois Supreme Court Rule 756 (f) underscores that lawyers have a special professional obligation to ensure that our justice system is accessible to everyone; and

WHEREAS, The Chicago Bar Association is committed to increasing pro bono legal services and funding for the legal aid system through its charitable affiliate, The Chicago Bar Foundation; and

WHEREAS, increased pro bono services and financial contributions to the pro bono and legal aid system can significantly expand the availability of legal services for low-income persons.

THEREFORE, it is resolved by The Chicago Bar Association that:

1. The Chicago Bar Association formally reaffirms its commitment and resources to increasing pro bono legal services for low-income and disadvantaged residents in the Chicago area and financial contributions to the legal aid system; and
2. The Chicago Bar Association adopts a suggested standard for each of its members (other than members employed as staff attorneys for legal aid organizations or by government agencies that are prohibited from performing other legal services) to perform or support pro bono legal services by taking the following actions:
 - a. Participate for a minimum of 50 hours in pro bono activities consistent with Illinois Supreme Court Rule 756 (f) which include providing without fee or expectation of fee:
 - i. Legal services to a person of limited means;
 - ii. Legal services to an organization designed to address the needs of persons of limited means;
 - iii. Legal services to charitable, religious, civic or community organizations in furtherance of their organizational purposes; and
 - iv. Pro bono training intended to benefit legal aid organizations or lawyers who provide pro bono services; and
 - b. Contribute a minimum of \$250 or the equivalent of two billable hours, whichever is greater, per year to support the legal aid system by contributing to 1) the CBA's

charitable affiliate, The Chicago Bar Foundation, which provides grants and other support to legal aid and pro bono organizations in the Chicago area; 2) an organization which has as its principal purpose the provision of free or low-cost legal services to low-income and disadvantaged residents of the Chicago area; and/or (3) an organization which provides free or low-cost legal services to nonprofit organizations addressing the needs of low-income persons; and

- c. Support advocacy efforts at the federal, state, and local levels dedicated to ensuring adequate funding for legal aid and access to justice.
3. Each CBA member employed as a staff attorney of a legal aid organization or by a government agency or the judiciary should cooperate with and facilitate pro bono service by attorneys.
4. The Chicago Bar Association will continue to offer a Pro Bono Support Program through The Chicago Bar Foundation to assist CBA members with questions about how to satisfy this resolution.



STATEMENT OF PRINCIPLES FOR THE CHICAGO BAR FOUNDATION CORPORATE LEADERSHIP CIRCLE

As lawyers and leaders in the profession, corporate counsel have a special responsibility to ensure that everyone has access to our justice system. Fulfilling that responsibility requires contributions of time and money as well as a strategic use of the influence corporations have in our community. By committing to this Statement of Principles, corporations demonstrate their leadership and make an investment in their employees, in the communities where their employees live and work, and in the future of our system of justice.

- 1. Adopt Written Pro Bono Policies and Practices to Encourage and Support Pro Bono Work**
 - We will adopt and periodically distribute written policies that encourage each attorney in the corporation's legal department to provide pro bono legal services; adopt practices that encourage our lawyers to do pro bono work; and award and recognize lawyers for their pro bono activities, including, among other things, recognition in performance reviews.

- 2. Provide Financial Support for Pro Bono, Legal Aid and Access to Justice**
 - We will provide meaningful financial support for pro bono, legal aid and related access to justice initiatives as part of our overall charitable giving in the Chicago area.

- 3. Encourage Outside Counsel to Adopt Sound Pro Bono Policies and Practices**
 - We will encourage pro bono service and other assistance at the outside law firms which we employ, and consider the pro bono commitment of law firms in making future hiring decisions.
 - Specifically, to underscore the importance we place on promoting pro bono and equal access to justice, we will encourage our outside law firms in the Chicago area to be members of The Chicago Bar Foundation Law Firm Leadership Circle.
 - We will consider granting requests from law firms for conflict of interest waivers in pro bono matters where appropriate and practicable for the corporation.

- 4. Adopt Additional Policies and Practices to Support Pro Bono, Legal Aid and Access to Justice**
 - a. Support Advocacy Efforts Promoting Adequate Government Funding for Legal Aid and Access to Justice**
 - We will support broad-based advocacy efforts at the federal, state, and local levels dedicated to ensure adequate funding for legal aid and access to justice.

 - b. Promote Cy Pres Awards for Pro Bono, Legal Aid, and Access to Justice**
 - We will encourage our attorneys in matters involving the corporation to advocate for cy pres awards to go to support pro bono, legal aid, and access to justice initiatives when residual funds cannot be returned to the corporation.

 - c. Provide Administrative and Legal Support for Pro Bono and Legal Aid Organizations**
 - To the extent practicable, we will provide administrative and legal support for pro bono and legal aid organizations; host meetings and events for these organizations; and encourage our legal department's vendors to provide pro bono support to these organizations.

Corporation: _____

Signed: _____

Name (print) and Title: _____

Date: _____

For more information about the Corporate Leadership Circle and Statement of Principles, please contact Joan Fencik, Co-Chair of the Leadership Circle, at (312) 394-8339 or joan.fencik@exeloncorp.com, or CBF Executive Director Bob Glaves at (312) 554-1205 or bglaves@chicagobar.org.



FREQUENTLY ASKED QUESTIONS REGARDING THE STATEMENT OF PRINCIPLES FOR THE CHICAGO BAR FOUNDATION CORPORATE LEADERSHIP CIRCLE

What is the purpose of the Corporate Leadership Circle?

While we all are asked to support a number of worthy causes throughout the year, as lawyers we need to make a more concerted effort to ensure that everyone has access to the justice system. With the increased challenges to achieving that goal resulting from the current economic downturn, our leadership role in this cause has never been more important. To that end, the Leadership Circle and its accompanying Statement of Principles for corporations in the Chicago area are intended to embody best practices for corporate legal departments on pro bono, giving and related issues. The Statement of Principles underscores both the integral role that corporate counsel have in ensuring equal access to our justice system and the critical importance of solid leadership from our region's corporate law departments.

Corporations contribute to a variety of good causes, so why is the Leadership Circle limited to Access to Justice issues?

As lawyers and leaders in the profession, corporate counsel have a special responsibility to ensure that everyone has access to our justice system. Fulfilling that responsibility requires contributions of time and money as well as a strategic use of the influence corporate counsel have in our community. Both individual attorneys and corporate legal departments have a critical role to play, but as leaders of the profession corporate counsel need to set the right tone on this issue.

While corporations support a variety of charitable initiatives, as a profession lawyers have a special responsibility to ensure that everyone has access to our justice system. As the Preamble to the Illinois Rules of Professional Conduct underscores, “[i]t is the responsibility of those licensed as officers of the court to use their training, experience and skills to provide services in the public interest for which compensation may not be available,” and “[i]t is the responsibility of those who manage law firms to create an environment that is hospitable to the rendering of a reasonable amount of uncompensated service by lawyers practicing in that firm.” Those who manage corporate legal departments share a similar responsibility to law firms in this regard, and fulfilling this responsibility requires contributions of time and money as well as a strategic use of the influence lawyers and corporate legal departments have in our community.

Why is the Corporate Leadership Circle needed?

A dedicated group of pro bono and legal aid attorneys in Chicago provide vital legal services to many thousands of the most vulnerable residents in our community. However, due to a long-term underinvestment in our pro bono and legal aid system, tens of thousands of less fortunate individuals continue to lack access to legal assistance that is often critical to their safety and independence and are forced to try to solve often complex legal problems on their own. This gap has widened even further with the recent economic downturn.

As lawyers and guardians of the justice system, the huge gap in access to justice in our community today is simply unacceptable. The Corporate Leadership Circle underscores the commitment of Chicago's corporate counsel to reverse this trend.

Why is The Chicago Bar Foundation the umbrella organization for the Corporate Leadership Circle?

As the charitable arm of The Chicago Bar Association, The Chicago Bar Foundation mobilizes our legal community together around a cause that is uniquely important to lawyers and legal professionals: ensuring that everyone in the Chicago area has access to the justice system, particularly the low-income and disadvantaged Chicagoans who are in most critical need of the protections of the civil legal system.

With the support of thousands of individual donors, more than 150 law firms and corporations and other committed supporters, the CBF plays a distinct and vital role in the community by taking a system-wide approach to tackling this issue. Through grants, advocacy and other leadership, we:

- Advance the work of our community's pro bono and legal aid organizations;
- Enable dedicated lawyers to pursue careers in legal aid and help pro bono attorneys most effectively supplement their efforts; and
- Make the courts and legal system more user-friendly and accessible for all.

The Corporate Leadership Circle's Statement of Principles embodies The Chicago Bar Foundation's comprehensive approach to addressing the justice gap in our community.

Is the Corporate Leadership Circle just for large corporate legal departments?

No. The Corporate Leadership Circle and accompanying Statement of Principles are flexible standards that are specifically designed for corporate law departments of all sizes.

How were the individual commitments in the Statement of Principles chosen as the guiding principles for the Corporate Leadership Circle?

The Statement of Principles recognizes that fulfilling our special professional responsibility to ensure equal access to our justice system requires contributions of time and money as well as a strategic use of the influence we have in our community as corporate counsel. We believe this may be the first time that a truly comprehensive statement of principles has been developed to recognize the unique role that corporate law departments play in ensuring access to justice. However, each of the individual commitments in the Statement of Principles embodies best practices on these issues that previously have been acknowledged either in Chicago or other parts of the country. This Statement of Principles builds on the commitment that many law firms and corporations previously made through the Public Interest Law Initiative's (PILI) "Statement of Principles Regarding Pro Bono Legal Services" in 2002.

Our corporation already has signed a statement of principles for pro bono work. Why isn't our commitment to pro bono enough?

A corporate legal department's commitment to pro bono work by its lawyers is clearly one of its most important contributions to ensuring equal access to justice. But it would be virtually impossible for any corporation to have an effective pro bono program without partnering with one or more of the many outstanding legal aid organizations serving the Chicago area, and there are many ways that corporations can and should support the critical work of these organizations.

Why is support for legal aid organizations necessary for good pro bono programs?

Corporate legal departments need good legal aid organizations as partners in order to ensure effective pro bono programs, and investing in their work by providing the corporation's financial backing and other support is a necessary complement to good internal pro bono policies. Legal aid organizations provide the necessary infrastructure to support pro bono work for area corporate counsel (i.e., pro bono programs with solid screening, referral, training and support functions for volunteers). Legal aid programs also provide critical legal assistance to the most vulnerable members of our community in matters where pro bono is not a practical solution.

Is there further guidance available about the Statement of Principles?

Yes, The Chicago Bar Foundation is preparing a handbook to go with the Statement of Principles, and CBF staff is available to answer questions or offer additional guidance.

What is the Law Firm Leadership Circle?

The Law Firm Leadership Circle is a similar commitment and Statement of Principles for Chicago area law firms that was launched in 2008. Almost 30 firms already were members of the Leadership Circle as of August, 2009 (more information is available at www.chicagobarfoundation.org), and many more firms are expected to sign on over time.

Who do we contact if we have questions?

You can contact Joan Fencik, Co-Chair of the Leadership Circle, at (312) 394-8339 or joan.fencik@exeloncorp.com, or Bob Glaves, Executive Director of the CBF, at (312) 554-1205 or bglaves@chicagobar.org.

Where should we send our signed statement of principles?

You can mail it to Bob Glaves at The Chicago Bar Foundation, 321 S. Plymouth Ct., Suite 3B, Chicago, IL 60604; or email it to bglaves@chicagobar.org.

SECTION 3:

**INITIAL CONSIDERATIONS IN DEVELOPING A
PRO BONO PROGRAM**

Contents

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- b. What Are Realistic Goals for Your Pro Bono Program?
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- g. Special Considerations for Corporations in Designing a Pro Bono Program
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What Is Your Corporation Hoping to Achieve with Your Pro Bono Program?

Although the objectives might change over time as your pro bono program evolves, it is a good idea in the initial stages of the program to identify what goals you have for the program and to design the program to achieve those goals. It is, after all, against those goals that the success of your program ultimately will be measured. As any business consultant will tell you, if you cannot measure it, you cannot manage it.

Common goals that corporations have set for their pro bono programs are discussed below. These goals, as you will see, are not mutually exclusive and most successful pro bono programs will incorporate some or all of these objectives. They are also not exhaustive. The goals you set for your program are limited only by your imagination and the culture of your corporation.

I. Satisfying Attorneys' Desire to Give Back to the Community

The impetus for and goal of many pro bono programs is to provide an outlet for attorneys to give back to the community. Corporations are blessed with amazing resources and talents and yet there are profound unmet legal needs among the poor and disadvantaged. Pro bono is a way to bring the two together in a way that ultimately benefits not only the participants but also society as a whole.

II. Promoting Your Corporation and Its Image

Pro bono engagements can raise the visibility of your corporation and help burnish its reputation in the community as a corporation that cares about its community. Your corporation's pro bono efforts can enhance and complement the corporate citizenship efforts that the corporation is already undertaking. It is likely that your corporation already has identified philanthropy or community relations objectives, and that pro bono opportunities exist that match these objectives.

III. Building Stronger Relationships Within Your Corporation

Many successful pro bono programs are expressly designed to foster closer relationships between persons within the same corporation. Pro bono projects provide excellent opportunities for attorneys as well as the non-attorney legal staff to work together on matters in ways that they might not ordinarily in the course of business.

IV. Building Stronger Relationships Between In-House and Outside Lawyers

By partnering with outside lawyers, in-house counsel can foster closer relationships with attorneys and firms with which they have existing relationships, or "test out" attorneys and firms that might be retained in the future.

V. Training Your Lawyers and Legal Staff

Pro bono programs can provide wonderful training opportunities, especially to newer lawyers or lawyers who simply wish to broaden their horizons.

What Are Realistic Goals for Your Pro Bono Program?

When you are establishing your pro bono program, you need to be realistic about the goals that you set. There is a value in setting goals that are aspirational in nature to encourage the growth of the program and to remind people of why you thought there was value in pro bono in the first place. While there are a number of structures that corporations have successfully used to provide support to their attorneys for pro bono work, the common denominator is strong and visible support from the corporation and legal department's leadership.

I. Setting Aspirational Pro Bono Hour Targets

In PBI's experience, successful pro bono programs are voluntary in nature and succeed because lawyers and legal staff are enthused about giving back to the community, not because they have to put in their time to reach some preset hours goal. PILI therefore encourages corporations to adopt aspirational pro bono standards rather than requiring a set number of hours.

II. Tracking Your Investment in Pro Bono

For your program to be successful, it is important to track not only the number of lawyers and legal staff who participate in the program but the hours they spend each year on pro bono matters and the value of those hours. For many corporations, this is difficult because hours are not tracked. The reality of legal practice is that any individual's time on pro bono cases will vary from year to year. Because of this, corporations should look more broadly at average pro bono hours to ensure that over time the program is growing. You should also track expenses incurred by the program and charitable contributions made by your corporation as a result of its involvement in pro bono matters so you can be prepared to quantify your corporation's financial commitment to pro bono.

III. Collect Pro Bono Success Stories and Monitor the Impact of the Program

The pro bono coordinator or committee should continually and enthusiastically promote the program by disseminating information about the program's successes, recognizing lawyers and legal staff who participate in it, and documenting the achievements of the objectives set for the program. When trying to drum up participation in and support of a pro bono program, there is simply no substitute for good press and honest enthusiasm for the program. Publicity should occur within the department, as well as throughout the rest of the company. The department should set as a goal to be recognized by outside organizations for their pro bono involvement, as this provides a means to demonstrate the public relations impact of the efforts.

IV. Expect Better Participation from Younger Lawyers

Although pro bono work should appeal to lawyers of all experience levels, it is simply a fact of life that younger lawyers seem to participate in pro bono work on a more frequent basis. This is a product of many factors, from the relative idealism of younger lawyers, to their desire for more training and the busy schedules of more experienced lawyers who are balancing not only work, but management or other responsibilities. A good pro bono program will try to appeal to more experienced lawyers for support and involvement but will realize that participation rates will be higher among younger attorneys. That being said, a well organized and well promoted pro bono program that engages young lawyers is likely to be one that keeps those lawyers committed and involved as they progress in their careers.

Setting Up Your Pro Bono Program

I. Getting Buy-In at Your Corporation

The first challenge in initiating a pro bono program is to build the necessary support among the leaders of your organization. You need to be prepared to dispel the “myths” of pro bono and to articulate why having a program will not only benefit the clients you intend to serve, but your organization and individual attorneys and staff as well. PILI’s Pro Bono Initiative can help your corporation get started.

Here are some means to get corporate buy-in:

- Request funding for an annual pro bono award to recognize an attorney for their involvement in pro bono with a small cash award that benefits a charity;
- Identify awards received by other corporations for pro bono work;
- Ask senior management to provide input into the types of projects the department should look for; and/or
- Request that outside law firms provide information on their pro bono program in any Request for Proposals and consider their pro bono commitment in evaluating the proposal.

II. Promulgating a Pro Bono Policy

The less experience your corporation has with pro bono work, the more important it will be to promulgate a policy explaining how the program will work. The policy should address:

- What your organization considers to be pro bono work;
- What areas of focus are encouraged, particularly if the corporation has specific community relations goals or areas of interest;
- A means to track time and money spent on pro bono activities, and to differentiate pro bono from important, but not legal, community affairs work;
- Who will approve the engagements and what type of information will need to be provided before a pro bono matter is accepted;
- Whether and how much credit will be given to pro bono matters;
- Whether and what insurance is available for pro bono services rendered;
- What type of support will be available on pro bono cases (e.g., use of administrative staff, copy equipment) and what type of expenses will be reimbursed (e.g., expert fees); and
- That pro bono work is encouraged and valued and whether pro bono work is expected or required of each attorney and if so, in what amount.

III. Rolling Out the Program

Once your pro bono policy has been adopted, you must take steps to ensure that the program gets off to a good start. You should consider:

- Encouraging corporation and legal department leaders to lend their vocal support and encouragement to participation in the program, ideally by their own example;
- Having a few pro bono opportunities in hand to distribute to interested lawyers; and
- Announcing publicly the purposes and goals of the program.

IV. Maximizing the Program's Potential

As your pro bono program gains traction, maximize its potential by:

- Appointing a program manager to cultivate and identify good opportunities for the corporation to encourage participation, track involvement and promote successes;
- Partnering with one or more pro bono or legal aid agencies to pre-screen cases for your organization;
- Involving your legal staff in the program and encouraging them to spot worthy matters or causes for your organization to handle or support;
- Publicizing your pro bono program's success and linking up the program with your corporation's marketing, recruiting and professional development efforts;
- Reporting pro bono efforts at legal department meetings;
- Reporting pro bono efforts to internal communications personnel;
- Including pro bono in annual reviews as a personal development opportunity area;
- Participating in the legal community's efforts to identify and share best pro bono practices;
- Considering the creation of a pro bono partnership with a law firm that you have engaged as outside counsel; and
- Developing a program that is self-sustaining in order to ensure the program's viability during times of staffing changes, particularly in the role of General Counsel.

The Importance of a Pro Bono Policy

I. Why a Pro Bono Policy?

There are numerous advantages to adopting a written pro bono policy within your corporation. For example, a written pro bono policy emphasizes your corporation's commitment, and that of your senior management, to pro bono work and to your community. A written pro bono policy can provide guidance and encouragement to members of your corporation as they consider integrating pro bono work into their professional life. A written pro bono policy is a reflection to both your own corporation and to the broader community of your corporation's desire to serve the needs of disadvantaged members of the community.

Developing a written pro bono policy for your corporation promotes a shared understanding of the corporation's pro bono process and its commitment to public interest law. A written pro bono policy documents the corporation's tradition of encouraging pro bono activity and establishes the procedures by which the corporation will handle pro bono cases. A written pro bono policy can establish consistent guidelines and procedures for how the corporation will recognize or "value" pro bono work performed by employees of the corporation. Finally, and oftentimes most importantly, adopting a written pro bono policy can help build and maintain the necessary support for pro bono work among the leaders of the corporation and ensure the sustainability of the program for the future.

II. Components of a Pro Bono Policy

There are many "model" pro bono policies available through the Pro Bono Initiative that can provide your corporation with guidance in drafting its own written pro bono policy. Of course, each corporation will have different reasons for establishing a pro bono program and will have adopted different procedures for implementing and managing that program. Nonetheless, it can be helpful for a corporation that is considering establishing a new pro bono program or revising an existing pro bono policy to review a variety of policies to get an idea what other corporations have incorporated into their pro bono programs.

The first step is to define the corporation's pro bono vision or mission statement. Why is pro bono important and what is the corporation's commitment to pro bono work? In addition to this statement, which is typically found at the beginning of the pro bono policy, a written pro bono policy should address the following:

- Definition of Pro Bono – What type of work will qualify as pro bono work in your corporation? Not all volunteer work typically qualifies as pro bono work. You should consider using the definition of pro bono that has been adopted by the Illinois Supreme Court in Rule 756.
- Process for Taking On a Pro Bono Case – What is the process for preventing business or positional conflicts and taking on a new pro bono matter?
- Professional Liability Insurance – Will the corporation provide it, or must the legal service provider?
- Use of Corporate Resources for Pro Bono Work – What type of support will be available for pro bono work? May pro bono work be done during business hours? If so, is there any limit for work during business hours?
- Recognition of Pro Bono Work – How will pro bono work be recognized? Is it considered in performance evaluations?
- Staffing and Supervision of Pro Bono Projects – How will pro bono matters be staffed and who will supervise these matters?
- Management of Pro Bono Program – Who will be responsible for managing and overseeing the pro bono program, reviewing and approving new pro bono matters, keeping track of the pro bono work

being performed by the corporation, encouraging participation in the pro bono program, and working with local pro bono and public interest agencies, other corporations and law firms to identify new projects and cases?

What Are Your Attorneys' Pro Bono Interests?

This is another important preliminary question for which you should seek input from your attorneys in the early stages of developing your pro bono program. Particularly for newer or smaller programs, it is recommended that you consider identifying a limited number of legal aid agency partners or affiliated law firms that will provide your attorneys with a suitable variety of pro bono options.

You should consider conducting a survey of your attorneys at the outset of the program development to inquire as to attorneys' interests. You should also encourage newly hired attorneys to complete a pro bono interest survey upon joining the corporation. These surveys vary but may include questions regarding the types of opportunities, i.e. litigation versus non-litigation or specific practice areas; the types of issues confronted or groups served by the opportunities (i.e. domestic violence, children, civil rights); or the amount of time the attorneys would typically expect to spend on a pro bono matter. You might also inquire about organizations with which your attorneys have existing relationships that might be potential partners for your pro bono program.

Based on the interests of your attorneys, you might find that one or two agencies have sufficient opportunities to meet their needs. Or, you might need to identify multiple agency partners to cover the spectrum of interest. If you choose to focus your agency partnerships based on a survey, you will likely find that the selected partners may not meet the interests of all of your attorneys. As part of your pro bono management structure, you may want to allow your attorneys the ability to submit unique opportunities to the pro bono coordinator or committee for approval. This is particularly important when the chosen agency partners do not provide an opportunity that meets the interests of every attorney in the corporation. Once you've identified your attorneys' areas of interest, one effective way to communicate with them is to establish an e-mail distribution group by interest area in order to disseminate relevant pro bono opportunities.

SAMPLE PRO BONO INTEREST SURVEYS

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois corporations will share sample interest surveys that they have used at their own corporations. PILI also maintains a library of sample pro bono interest surveys used by a variety of corporations. Please contact PILI's Program Manager, Sheila Simhan, at 312.832.5128 or ssimhan@pili-law.org for a Pro Bono Consultation.

Malpractice Coverage for Pro Bono

Malpractice coverage is an important consideration in developing your pro bono program. Most legal aid and public interest law agencies carry a policy that will cover pro bono attorneys who handle cases through the agency. There are a few, however, that do not. You should consult with any potential agency partner as to whether they provide coverage. The agency should be able to provide you with the pro bono endorsement and coverage from their policy at your request. You may also purchase an additional policy covering your pro bono activities.

There are many malpractice providers for you to choose from. Below is information on a few of these choices:

National Legal Aid and Defenders Association (NLADA)

NLADA provides malpractice coverage and is a popular option. Your corporation must become an NLADA Member in order to purchase insurance through NLADA. Visit NLADA's website at www.nlada.org/Insurance/ or contact them directly at 800/725-4513 for more information about their insurance program.

AIG Insurance

Provides Employed Lawyers Professional Liability Insurance. Visit their website at www.aig.com.

CNA Insurance

Provides a variety of Insurance products, including professional liability policies. Visit their website at www.cnapro.com.

Complete Equity Markets

Provides a variety of malpractice products. Visit their website at www.cemins.com or contact them at 800/323-6234.

Special Considerations for Corporations in Designing a Pro Bono Program

Much of what is written about successful pro bono programs comes from the marketing departments of large law firms. While there is no question that these firms have served as influential leaders of the pro bono movement, corporations also have a proud history of commitment to pro bono legal services. There are, however, unique challenges faced by corporations in establishing and growing a successful program.

I. The Blank Slate Problem

The person who wants to start a pro bono program usually starts with a blank slate. No program is on the books and whatever pro bono work that has been done by the corporation's lawyers in the past is probably not well coordinated or documented. Fortunately, PILI can provide you with forms and advice like this Guide, as well as introductions to legal aid agencies and corporate pro bono coordinators, to help get you started.

II. The Resource Challenge and Solutions

Many lawyers at corporations meet resistance from their superiors and colleagues that the company cannot "afford" a pro bono program given its limited resources. There are ways to ameliorate this concern:

- Select projects that will not require a large commitment of time or money from the corporation;
- Require the referring agency to screen matters for you and to train your lawyers in how to properly handle their matters; and
- Partner on matters with other corporations, law firms or legal aid agencies.

III. The Need for Sounding Boards

In-house counsel providing pro bono services frequently need a resource outside the corporation to serve as a sounding board on issues that arise during the course of pro bono representation. Pro bono coordinators should scrutinize referring agencies to ensure that they do not simply hand off matters to pro bono attorneys and leave the individual to his or her own devices. Good legal aid agencies will provide not only continuing staff support but also networks of other pro bono lawyers who can assist you with background on the process or the law, as well as advice on strategy.

IV. Getting the Word Out

Because many corporations only have a small legal department, it is sometimes a challenge to promote the successes of the pro bono program. Most of the agencies that refer cases will help promote news of their successes through awards, newsletters and their websites. PILI, as well as other bar associations and organizations, can also help to promote your program.

Developing an Effective Pro Bono Policy

A well drafted and organized pro bono policy is an integral part of a successful pro bono program. Developing some parameters around your pro bono program will provide clarity for your attorneys in their pro bono efforts, allow for the success and growth of your program and allow for ease in managing your corporation's pro bono efforts.

I. Define Pro Bono

The critical first step in developing your policy is to define what constitutes pro bono service. Through Rule 756(f), the Illinois Supreme Court has enumerated what counts as pro bono for the annual reporting of pro bono work. However, many corporations have their own internal definition. Your policy should clearly establish what the corporation considers to be pro bono work. Some of the possibilities include:

- Direct legal representation for the poor;
- Legal representation to not-for-profit organizations serving the poor; and
- Developing and presenting a training session on a substantive law topic for pro bono attorneys.

Many corporations also encourage and promote community service in conjunction with their pro bono policies. While these are valuable contributions, you should note that these are not considered pro bono as defined in Illinois Supreme Court Rule 756. Two examples are:

- Serving on a not-for-profit organization's board of directors; and
- Community service activities such as volunteering at a homeless shelter or soup kitchen.

II. Identifying a Leadership Structure

The typical leadership structure for a corporation's pro bono program is usually either: (1) the identification of one individual, a pro bono coordinator, who is responsible for administering the corporation's program; or (2) the establishment of a committee that will bear responsibility for the program. Typical responsibilities of the pro bono coordinator or committee include:

- Developing, monitoring and implementing the corporation's pro bono policy;
- Reviewing and accepting or rejecting pro bono projects;
- Coordinating and monitoring all pro bono activities, ensuring that proper assistance, supervision and resources are available for services;
- Monitoring the hours and costs spent on approved pro bono projects;
- Monitoring projects for conflicts or undesired public relations implications;
- Communicating the options and available services which constitute pro bono to all lawyers in the corporation, including incoming attorneys not yet familiar with the corporation's policies; and
- Providing periodic reports on the corporation's pro bono activities.

PBI maintains a list of many of the pro bono contacts at Illinois corporations. While there are a number of structures that corporations have successfully used to provide support to their attorneys for pro bono work,

the common denominator is strong and visible support from the corporation and law department's leadership.

III. Process for Approving Pro Bono Matters

Next, you should explain the approval process at the corporation for pro bono matters. You might allow approval to occur from the bottom-up, wherein you allow your attorneys to identify their own opportunities and then present them to the committee or coordinator for approval. You might choose a top-down approach, wherein the committee or coordinator identifies the permitted opportunities. Or, you might choose to permit a combination of these models. If your attorneys are able to identify their own opportunities for approval, determine what information your corporation will require in the approval process. Information you might request could include:

- Legal aid agency description;
- Opportunity description;
- Agency process for screening clients;
- Information necessary for conflict check;
- Support and training provided by agency;
- Malpractice insurance provided by agency; and
- Expected duration of representation.

IV. Available Corporation Support for Pro Bono Matters

An effective policy will state what corporation support and resources are available to attorneys in their pro bono matters. What you will be able to provide is driven by the pro bono program's budget and the size and success of the corporation. The greater the support you are able to provide, the easier and more attractive pro bono service will be to your attorneys. Types of support that might be available include:

- Use of staff, including paralegals, secretaries, and document preparation staff;
- Reimbursement of ordinary costs associated with the matter, including: reproduction, postage, telephone calls, faxing, messenger service, etc.;
- Payment of "extraordinary" costs that may be associated with some matters, including: expert testimony, court reporters, research, travel, service of process fees, etc.

You might choose to set limits and then provide for an approval process for additional funds when necessary. Many legal aid agencies have agreements with low-cost or free process servers, court reporters and other services that you should explore with your agency partner. Also, under 735 ILCS 5/5-105.5, many of the court costs can be waived, without the necessity of a motion, when civil legal services are being provided to an eligible client through a legal aid agency.

V. What Credit Will Attorneys Receive for Their Pro Bono Work?

The answer to this question varies widely depending on the size of the corporation and its culture. Some questions to consider regarding this question include:

- Is participation in the pro bono program mandatory or optional?
- To what extent does the corporation permit pro bono service to be conducted during regular work hours? If there is a specified limit, is there a process for obtaining approval for additional hours?
- Will pro bono work (or a lack thereof) be considered when determining performance ratings, salary increases, bonuses, and promotions?

VI. Supervision of Pro Bono

Most policies contain a provision regarding the supervision of pro bono cases. Substantive supervision of the pro bono case and corporate attorney are often assigned to a partner of an affiliated firm or an individual at the relevant pro bono organization.

SAMPLE PRO BONO POLICIES

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois corporations will share samples of their pro bono policies. PILI also maintains a library of pro bono policies. Please contact PILI's Program Manager, Sheila Simhan at 312.832.5128 or ssimhan@pili-law.org, for a Pro Bono Consultation.



SECTION 4:

PRO BONO PROGRAM ADMINISTRATION

Contents

- a. The Life of a Pro Bono Matter
- b. Developing an Effective Pro Bono Intranet
- c. Incentives to Promote Pro Bono

The Life of a Pro Bono Matter

The process of opening and closing new matters is critical to several aspects of effective pro bono management, including eligibility determination, time tracking, conflicts and liability concerns, and marketing. Case closing communications provide additional safeguards that reinforce the benefits of case opening procedures, particularly conflicts and liability concerns, and facilitate effective attorney-client communications. The key principle to remember is to treat pro bono cases like any other professional responsibility, recognizing a few special items mentioned below.

I. Opening a New Matter

Pro bono matters should be opened and managed in a consistent manner in accordance with the corporation's pro bono policy. A form developed by the corporation's pro bono committee or coordinator is typically used to determine whether the services to be provided are covered by the policy. The form can also be used to keep track of who is providing pro bono services and the hours of service provided for reporting, if any, and recognition. In addition, the form can address any accounting issues associated with costs or expenses to be paid or reimbursed under the pro bono program. Depending on the choice made by your corporation regarding professional liability insurance, the form may be used to track matters for such coverage.

II. Conflicts

While the law department of a corporation does not have the same type of legal conflicts issues that a law firm has, "issue conflicts" may arise. A prospective pro bono representation may require taking a position contrary to the corporation's business or interest. In most cases, the corporation's Pro Bono Committee can make a judgment regarding the existence of an issue conflict, but the Committee may in some cases look to the corporation's General Counsel for guidance.

From time to time, corporations will be asked by law firms that represent the corporation to waive a potential conflict in connection with a pro bono representation by the law firm. We strongly encourage corporations to execute such waivers in pro bono matters on the same basis applicable to conflict waivers in non-pro bono situations.

III. Engagement Letters

While the law department of a corporation does not typically use an engagement letter, an engagement letter may be advisable in a pro bono representation. An engagement letter can delineate the nature and limitations of the pro bono representation. It can also evidence the performance of the pro bono matter pursuant to the corporation's pro bono policy, which may be relevant for professional liability coverage. In addition, an engagement letter may enable the corporation to seek attorneys' fees where appropriate.

IV. Matter Closing

A pro bono matter may be completed upon performance of services as described in an engagement letter, if one has been issued. In many circumstances, a matter will come to a substantive conclusion, such as a settlement, court order or other final result. In other circumstances, a pro bono representation may be completed when it has progressed to a pre-determined cessation point, for example, the completion and filing of an application. In each of these situations, a closing letter would be helpful to communicate both the status of the matter and the termination of the representation.

SAMPLE PRO BONO FORMS AND LETTERS

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois corporations will share samples of their pro bono forms and letters. PILI also maintains a library of pro bono forms and letters. Please contact PILI's Program Manager, Sheila Simhan, at 312.832.5128 or ssimhan@pili-law.org, for a Pro Bono Consultation.

Developing an Effective Pro Bono Intranet

A critical element in the success of a pro bono program is ensuring that your staff know about the pro bono program and its policies, are able to identify opportunities of interest to them, and have access to the tools and resources to enable them to handle a matter. One way to address this element is through the development of a pro bono intranet site.

I. The Basics

The intranet site should be the central place for the basic information relevant to your corporation's pro bono program. Some of the basic information that you should consider incorporating into your corporation's pro bono intranet site include:

- Your corporation's pro bono policy and an explanation of the management structure of your pro bono program;
- A calendar for relevant pro bono happenings, such as meetings, trainings, and events;
- The latest pro bono news from the corporation, agency partners and the larger legal community;
- Forms that attorneys might regularly use in their pro bono matters;
- A library of reference materials applicable to your pro bono matters; and
- Links to other pro bono resources.

II. Pro Bono Interest Survey and Pro Bono Program Feedback

Previously discussed in Section 3, the pro bono interest survey is an important element in determining what pro bono opportunities will engage your staff. You might consider posting the survey on your intranet site to allow staff to provide you with feedback about their interests. You might also include a feedback tool to allow staff to rate your intranet site and your program as a whole so that you can continually improve your program and engage your staff more completely in the program.

III. Opportunities and Related Trainings

Identifying and promoting opportunities should be a key goal of your intranet site. If your law department has offices in more than one location, this can be a challenge. One approach is to have opportunities identified geographically. If legal services providers can be directed to the intranet site contact, the descriptions of the opportunities can come directly from them.

IV. Do Not Reinvent the Wheel

Though the task may sound daunting, not all of the content on your intranet site needs to be a new creation. Many of the items you might choose to include on your site such as news, events and opportunities can be supplemented by RSS feeds from syndicated content sources such as the Associated Press, or *The Wall Street Journal*. Illinois' premier internet resource for pro bono service, www.IllinoisProBono.org (discussed in more detail in Section 6), also has content feed that your corporation can receive at no cost. If you already have a corporate intranet in place, you should also consider linking existing content within your larger site to your pro bono site.

SAMPLE PRO BONO INTRANET SITES

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois law firms will share their experiences with and samples of pro bono intranet sites. PILI also maintains a library of sample pro bono intranet sites. Please contact PILI's Director of Programs, Michael Bergmann, at 312-832-5129 or mbergmann@pili-law.org, for a Pro Bono Consultation.

Incentives to Promote Pro Bono

Aside from factoring pro bono efforts into promotion, salary increases and bonuses, there are a variety of incentives to use in promoting pro bono within your corporation. Many legal services agencies recognize their pro bono attorneys throughout the year, but recognition beyond that is also an important consideration. We describe below some of the possible means to promote and encourage pro bono throughout your department and corporation.

I. Internal Recognition

Ideas for recognition include hosting regular receptions or luncheons to promote the corporation's pro bono program and to celebrate the outstanding contributions of pro bono attorneys from the corporation. Such events are an excellent way to promote the pro bono program to encourage overall awareness and to increase participation. Whenever possible, the corporation should invite representatives from the agencies with which the corporation works to these events to build a stronger relationship between the corporation and its members and the agency. Another possibility is to develop and distribute regular pro bono newsletters detailing the pro bono program and staff efforts. Samples of such newsletters are available as part of the PBI Pro Bono Consultations.

II. PILI Pro Bono Initiative Award and Pro Bono Honor Roll

The Public Interest Law Initiative acknowledges a single organization (law firm or corporation) each year for unprecedented pro bono work in the community with its Pro Bono Initiative Award. The award is given at PILI's Annual Awards Luncheon held in December. For many years, PILI has also recognized the outstanding pro bono contributions of law firms and corporate law departments with the PILI Pro Bono Honor Roll.

For more information about these awards, contact PILI Executive Director, Susan Curry, at 312.832.5128 or scurry@pili-law.org.

III. CBA/CBF Pro Bono and Public Service Annual Awards

Each year the CBF partners with The Chicago Bar Association to recognize exemplary attorneys in our legal community through the CBF/CBA Pro Bono and Public Service Awards.

The Pro Bono and Public Service Awards celebrate outstanding members of the legal profession who have used their talents and resources to improve access to justice for the less fortunate in our community. Six awards are presented each year at one of the signature events in the Chicago legal community, the Annual Pro Bono and Public Service Awards Luncheon. Of particular note is the Exelon Outstanding Corporate Counsel Award that recognizes a corporate attorney for his or her outstanding pro bono contributions.

More information about these awards is available on the CBF website, www.chicagobarfoundation.org, or by contacting CBF Director of Pro Bono, Kelly Tautges, at 312-554-8356 or ktautges@chicagobar.org. Additional information regarding the CBF is also included in Section 6 of this Guide.

IV. CBA Liberty Bell Award

Each year as part of its annual Law Week celebration, the Young Lawyers Section of The Chicago Bar Association presents the Liberty Bell Award. This award is presented to a non-lawyer who: (1) has a sense of responsibility for community welfare and public duty under the law; (2) helps others to understand and assert their rights under the law; (3) promotes and encourages respect for and obedience to the law; and (4) assists with the smooth functioning of our system of justice.

For more information about this award, contact Jenni Bertolino at 312.554.2031 or jbertolino@chicagobar.org.

V. Illinois State Bar Association's John McAndrews Award

The Illinois State Bar Association established the John C. McAndrews Pro Bono Award to honor those individual members of the profession, law firms, corporations and affiliated bar associations who have shown extraordinary commitment to providing free legal services to the income eligible or to expanding the availability of legal services to the income eligible. Three awards are given annually; one to an individual, one to a firm and one to an affiliated bar association.

For more information about the McAndrews Award, contact Melinda Bentley at 217.525.1760 or mbentley@isba.org.

VI. American Bar Association Center for Pro Bono

The Standing Committee on Pro Bono and Public Service presents awards annually to individual lawyers and institutions in the legal profession who have demonstrated outstanding commitment to volunteer legal services for the poor and disadvantaged. The awards are presented at the Pro Bono Publico Awards Assembly Luncheon during the ABA Annual Meeting, typically held in August.

The Pro Bono Publico Awards program seeks to identify and honor individual lawyers and small and large law firms, government attorney offices, corporate law departments and other institutions in the legal profession that have enhanced the human dignity of others by improving or delivering volunteer legal services to our nation's poor and disadvantaged.

More information about the awards and other ABA awards can be found on the Center's website at http://www.abanet.org/legalservices/probono/nav_awards.shtml. Additional information regarding the ABA Center for Pro Bono is also included in Section 6 of this Guide.

VIII. National Legal Aid and Defender Association (NLADA)

Each year at its annual dinner, NLADA honors one or more members of the private bar or corporate community who have demonstrated outstanding leadership in promoting and supporting equal justice with the National Exemplar Awards. In addition, the Charles Dorsey Award is given biennially to an individual who has provided extraordinary and dedicated service to the equal justice community and to organizations that promote expanding and improving access to justice for low-income people. To be eligible to receive this award, an individual must have demonstrated a commitment to equal justice for all through service as an officer, board or committee member of a national or statewide organization devoted to fulfilling the promise of equal justice.

More information about NLADA's awards can be found on their website at http://www.nlada.org/About/About_Awards.

IX. Pro Bono Institute Awards

The Pro Bono Institute at the Georgetown University Law Center recognizes the pro bono contributions of individuals and organizations through several different awards. The Laurie D. Zelon Pro Bono Award is given each year to an individual or organization that has provided exemplary pro bono service. The Pro Bono Institute's Chesterfield Smith Award recognizes extraordinary courage and commitment to pro bono by a legal leader. This award is only given when warranted by outstanding achievement.

For more information about the Pro Bono Institute and its awards, visit their website at www.probonoinst.org or contact Pro Bono Institute President, Esther F. Lardent, at 202.662.9699 or elardent@probonoinst.org. Additional information regarding the Pro Bono Institute is also included in Section 6 of this Manual.

SECTION 5:
FINDING PRO BONO MATTERS

Contents

- a. The Pro Bono Landscape in the Chicago Area
- b. Selecting a Pro Bono Agency Partner and Expectations Between the Corporation and Agency Partner
- c. Considerations for Individual Attorneys Before Handling a Pro Bono Matter
- d. Pro Bono Partnerships Involving Firms, Corporations and Agencies
- e. Examples of Pro Bono at Illinois Corporations

The Pro Bono Landscape in the Chicago Area

A network of nearly 40 legal aid and public interest law organizations provide critical legal assistance to thousands of low-income and vulnerable residents of the Chicago area. These organizations range in size from several larger organizations that collectively serve tens of thousands of residents on a wide range of issues throughout Cook County to a number of organizations that serve more modest numbers of clients and target their services to particular legal issues or communities. However, not every organization offers a pro bono program. Some organizations use only staff to deliver legal services, but most other organizations use pro bono attorneys to deliver services. Most of the organizations that do have pro bono programs are listed on www.IllinoisProBono.org. This website is a good place to find a description of each of the legal services organizations and a listing of the pro bono opportunities available through them. The Chicago Bar Foundation also publishes information on pro bono opportunities in Chicago in a guide entitled, "Pro Bono Volunteer Opportunities for Attorneys in the Chicago Area."

The Chicago legal community, both directly and through the CBF, collectively provides nearly \$5 million in funding and support for this network of legal aid and public interest law organizations serving the Chicago area. There are also a number of other significant sources of funding for these organizations, including:

- The largest statewide funder of legal services is the Lawyers Trust Fund of Illinois (funded by the pooled interest on lawyers trust accounts and a \$42 per lawyer add-on to ARDC dues), which provides approximately \$4.5 million in funds for Cook County legal aid organizations and about \$7.5 million statewide.
- The federal Legal Services Corporation also provides about \$6 million for one local legal aid provider, the Legal Assistance Foundation of Metropolitan Chicago, and about \$11 million statewide, including Prairie State Legal Services and Land of Lincoln Legal Services.
- The Illinois Equal Justice Foundation (which distributes state appropriated funds) provides about \$1.5 million in grants for Chicago area programs and more than \$3.3 million statewide.
- There are several other charitable organizations that also make contributions to legal aid agencies including: the Polk Bros. Foundation, the United Way, the Public Interest Law Initiative (which provides more than \$200,000 per year to Chicago legal aid programs for student internships), the Chicago Area Foundation for Legal Services (with which the CBF now partners for grants), the Chicago Community Trust, and the Illinois Bar Foundation (which provides about \$100,000 per year to Chicago area legal aid programs).
- There are also a number of other governmental programs that, on a highly restricted basis, provide significant funding for legal aid and related justice issues.

There are a wide range of pro bono opportunities available through these organizations, including:

- traditional poverty law cases, e.g. public benefits
- general civil litigation, e.g. family law, housing, creditor issues
- criminal defense and prisoner's rights cases
- transactional matters, e.g. wills, real estate closings, not for profit formation/governance, contract, Intellectual Property
- immigrant/refugee rights
- impact/issue litigation

- policy and legislative advocacy
- community legal education
- advice and referral hotlines
- legal clinics and self-help desks
- mediation

Many of the legal aid organizations also provide their services to specific target populations, such as:

- elderly
- disabled
- people living with AIDS/HIV
- children
- artists
- immigrants
- victims of domestic violence

Organizations that post pro bono opportunities with www.IllinoisProBono.org provide a variety of pertinent information about their opportunities, including:

- Typical time commitment involved with the case type;
- Whether the agency provides malpractice insurance;
- Whether the agency provides training materials relating to the opportunity;
- Whether the agency has attorneys on staff to provide support for pro bono attorneys; and
- Skills needed and skills acquired through the pro bono opportunity.

The types of opportunities you choose for your attorneys will determine the necessary time commitment. There are some opportunities that can be completed in less than four hours, others that are available in the evening or on weekends, and many that are limited to the business day.

PILI offers free Pro Bono Consultations that evaluate the needs and interests of your attorneys and discuss which agencies might serve as good partners for your program. Depending on the size of your program, it may be more beneficial if you determine which organizations you will work with at a programmatic level at the outset and initially limit your partner agencies to a few that meet your needs.

Selecting a Pro Bono Agency Partner and Expectations Between the Corporation and Agency Partner

While you can find individual opportunities at a number of agencies throughout Illinois, you may prefer to identify a small number of agency partners with whom you work primarily or exclusively. When considering which agency(s) to partner with, you should evaluate your needs and the abilities of the agency to meet those needs. Your needs will be dictated by a variety of factors including: your attorneys' interests, the nature of your corporation's business; any community projects in which your corporation is already involved; the pro bono program budget; the size of your legal department; and the location of your corporation.

I. Narrowing the Field

As you set out to develop your program and choose your agency partners and pro bono projects, it is important to narrow the field of possible partners and projects. As you engage in the process, you should consider the following:

- **Pro Bono Interests Surveys.** Corporate attorneys normally have a wide variety of legal skills and experience. Before a company decides to partner with a pro bono agency, it would be wise to circulate a survey among in-house counsel to determine which attorneys are interested in participating in the program. For those that are interested in participating in the program, the attorneys could indicate what pro bono projects appeal to them the most. The company could thereby avoid partnering with a group that provides employment advice if none of the employment attorneys are interested in participating in the pro bono program.
- **Signature Projects.** Some corporations have identified a specific area of pro bono on which they want to focus their pro bono efforts. These special projects may complement other charitable missions supported by the corporation, and are often referred to as signature projects. Some corporations have chosen a particular client group to focus on such as children, while others have identified a particular type of legal matter, such as microfinance. While the signature project is a major element of the corporation's pro bono program, it is not to say other types of pro bono matters could not be handled by the corporation. However, some smaller companies have identified a signature project based on their company's philanthropic goals or their attorneys' area of practice and have limited their pro bono projects to that area.

II. Important Considerations and Expectations

A few important considerations for corporations and expectations of agency partners are discussed below:

- **Accurate Description of the Project.** You and your volunteers should know what you are getting, both in terms of the overall program and in terms of clients, cases and volume of overall work. If your volunteers are taking individual cases, expect quality case screening of cases before they are referred to your attorneys. Accurate, complete information is essential. Unpleasant surprises may occur from time to time, but they should be rare and immediately resolved.
- **Short-term, Discrete or Bite-size Projects vs. Long Term Projects.** Short-term pro bono projects, sometimes referred to as "discrete" or "bite-size" opportunities, are popular projects for in-house counsel. These projects are for brief and discernable amounts of time and typically include a help desk or call center, one-time court appearance or a community legal education program. There are several organizations in Illinois that provide these types of opportunities, though the demand is often greater than the available opportunities. Working with several Chicago legal aid organizations, the CBF launched and continues to support several help desks for *pro se* litigants at the Richard J. Daley Center and in federal court that are administered by a variety of legal aid organizations. While not all of these desks utilize pro bono attorneys, those that do are a good source of "bite-size" opportunities.

- **Training.** Although the level and extent of training will vary depending on your needs, a comprehensive training program tailored to your needs should be part of your agency partner's support program. Written training materials should be easy-to-read and up-to-date. Trainings are also available through www.IllinoisProBono.org for a variety of areas of law. Training seminars may be useful, especially when accompanied by written materials. In more complex practice areas, the best training may be one-to-one with an experienced practicing attorney. If your pro bono work puts your volunteers into unfamiliar areas of law or courtrooms, your agency partner should be willing to individually train your volunteers.
- **Participation of In-House Staff.** When developing your program, you should also give consideration to whether you would like to include your non-attorney staff in your pro bono program. There are a limited number of opportunities for paralegals and legal secretaries to undertake on their own, but encouraging the corporation's attorneys and non-legal staff to partner together on a pro bono matter is the most effective way to engage non-legal staff in your pro bono program.
- **Friendly, Accessible Agency Staff.** Volunteers need and deserve to be able to get help from agency staff whenever they need it, without feeling as if they are bothering someone. Even if you expect volunteers to get in-house mentoring and support, your agency partner should have expert attorneys available to work with your volunteers. In-house mentors may not always be able to answer a volunteer's question or resolve an issue. It is essential that your agency partner have knowledgeable staff, including experienced attorneys, who enjoy working with volunteers. Volunteers should be able to contact a program staff attorney at any time with a question, to discuss a case or to review pleadings and documents. The agency should make it easy and convenient to reach them—by phone, fax, e-mail or in person. Promises of support are meaningless if your volunteers cannot reach the right person.
- **The Ability to Return a Case to the Agency.** Agency partners should be willing to take back difficult cases or clients, or otherwise step in when a volunteer needs more than routine help. Staff legal aid attorneys should understand that pro bono attorneys are not forced labor and should not be expected to simply "soldier on." Pro bono attorneys also need to know that program staff will take over if their workloads at the corporation become overwhelming or interfere with their pro bono efforts.
- **Coverage for Routine Court Appearances.** Pro bono attorneys sometimes have conflicts that develop and need someone from the agency to cover simple, routine court appearances. That help should be available.
- **Malpractice Insurance.** You will likely want to look for an agency partner that has its own policy, with acceptable limits, covering all volunteers. Make sure coverage includes disciplinary proceedings. In addition, the agency should indemnify volunteers for any deductible and make policy and claims information available upon request.
- **Assistance with Routine Docketing Tasks.** While not all attorneys mind the mundane clerking necessary for their pro bono cases, others cannot afford the time it takes. A non-litigator willing to learn how to represent someone in court may not be so eager to learn how to spindle a motion or get a case on the court's call. Non-essential work can be diverted so that pro bono attorneys can do what they do best—represent clients. The agency should be able to offer this assistance.
- **A Pro Bono Office.** Will your volunteers need a place to meet with clients? What about on-line research, document assembly or litigation expenses? If your corporation cannot or will not provide these, will your agency partner? Here are some things you *may* need from your agency partner(s) to run an efficient program: office space for meeting with clients or working on a pro bono case;

reception and secretarial assistance; legal research; funds for court reporters or experts for discovery and trial, interpreters and whatever else your volunteers will need to provide high quality, efficient legal services.

- **The Need for Support.** The need for support will also vary depending on the type of pro bono matters your corporation chooses and the level of involvement of your attorneys and staff. For instance, advice-only programs, or a clinic that helps *pro se* litigants complete forms or documents, call for different support than one that represents clients in court or handles death penalty appeals.
- **Thanks and Appreciation.** Recognition is an important part of any pro bono program. Everyone needs to be appreciated from time to time, even pro bono attorneys. Your corporation's program should recognize the individual contributions and overall program accomplishments. It is also important to ensure that you include your agency partners in this recognition as well.

A crucial step in the process of developing a program is to understand what you and your colleagues need from your agency partner in order to run a successful pro bono program. Once you have identified those needs, you should ensure that the agency(s) you choose to work with can meet those needs.

Considerations for Individual Attorneys Before Handling a Pro Bono Matter

In addition to the corporation's needs and desires in an agency partner, the individual attorneys should also carefully consider whether the agency partner is the right match for them. Many of the considerations are the same, but there are some differences. Before committing to handle a pro bono case, an individual attorney should (1) understand the pro bono program's expectations and (2) receive any needed training and support. Attorneys should also ask the following questions of the program staff:

Does the program thoroughly screen clients?

Before referring a case to a pro bono attorney, the program should, at a minimum, complete a comprehensive screening of clients. The program should provide a volunteer lawyer with a thorough statement of the facts of the case and an assessment of its nature at the time of referral.

Does the program's intake system ensure that I will receive a meritorious case or project?

By providing thorough intake and screening procedures, a program can provide you with assurance that you are receiving a meritorious case involving an eligible (financially and otherwise) pro bono client.

Will the program assign me with a case which matches my expertise, interests, and timing restraints?

By providing thorough intake and screening procedures, a program can provide you with assurance that the case is within the parameters of the type of work for which you volunteered.

What types of training and support does the program offer to its volunteers?

The program should offer a variety of support mechanisms and training to its pro bono attorneys. Programs may offer all or some of the following support to its volunteers:

<i>Legal Support</i>	<i>Time Management Support</i>	<i>Training Specific to the Agency and Its Clientele</i>	<i>Malpractice Insurance & Administrative/Logistical Assistance:</i>
<ul style="list-style-type: none"> ● substantive law and procedural training ● legal manuals (containing compiled legal research) ● form pleadings ● mentors (program staff or more experienced volunteer lawyers) 	<ul style="list-style-type: none"> ● co-counseling arrangements ● program staff attorneys to cover in emergencies ● agreement to take the case back if it becomes too onerous for a volunteer 	<ul style="list-style-type: none"> ● handbooks with program policies and staff contact information ● information concerning clientele of the agency ● client sensitivity training 	<ul style="list-style-type: none"> ● malpractice insurance, office space for client interviewing and meetings ● administrative assistant legal support (through volunteer paralegals, law students)

For which expenses, if any, will I be responsible?

Some pro bono programs require that the clients pay for out-of-pocket expenses such as court costs, filing fees, etc. Others maintain a fund to cover the same, while others allow the volunteer to pay these expenses.

Will I be covered by the program's malpractice insurance?

Most pro bono programs in the Chicago area have malpractice insurance available for volunteers.

What is my relationship with my pro bono client and the pro bono program?

A pro bono program should clearly communicate the nature of the relationship it is establishing between the program, a client and a volunteer, and should delineate each party's rights and responsibilities through a written retainer agreement. A volunteer lawyer should discuss with the pro bono client the extent of the representation the volunteer agrees to undertake on the client's behalf. A retainer agreement should clearly reflect the agreement reached by a volunteer and a client.

Often clients may have more than one legal problem. How can I ensure that the client understands that I am agreeing to provide representation only in a specific matter?

A retainer agreement should clearly state that the pro bono attorney is providing representation only in the matter referred. A program should assure volunteers that they are not expected to provide representation in other matters, and instruct them to refer clients back to the program if the need arises. In those cases where a volunteer is willing to assist the client in additional legal matters, programs can provide technical assistance and advice as needed to the volunteer.

Once I accept a case, will the program keep in touch with me?

A pro bono program should maintain regular communications with its program volunteers through periodic follow-ups via fax, telephone or email as part of the program's comprehensive tracking system. A tracking system provides a mechanism for determining that volunteers are progressing on cases the program has placed with them and that the program is providing effective and high quality legal services to the client.

Once I accept a case, what are my responsibilities to the pro bono program?

Generally pro bono programs ask that the pro bono attorneys keep the program apprised of the status of the case on a regular basis (for example, every 60 to 90 days); seek support and mentoring when needed; advise the program of any problems or issues that arise; advise the program when the case is closed, the disposition thereof, and the numbers of hours you spent on the case; and complete any evaluation forms.

What if the case becomes too much for me to handle?

Many pro bono programs can facilitate co-counseling arrangements with program staff attorneys or with other pro bono attorneys. Programs also may offer training opportunities and/or experienced mentors who can assist you with the case. In some instances, the program may agree to take the case back if it becomes too onerous for a volunteer.

Pro Bono Partnerships Involving Firms, Corporations and Agencies

Teaming in-house lawyers with law firm lawyers can do in the pro bono context exactly what it does in the paid context – bring out the best in everyone involved. It can enhance service to the most disadvantaged members of the community by combining talent, experience, legal knowledge and skills of each member of a client team. This can result in a product that makes everyone better for the experience – the pro bono client, the in-house counsel and the law firm lawyer. Getting these projects started can be a challenge. Creating teams of law firms, their corporate clients and public interest agencies is not right for every project, agency, firm, company or social justice issue. However, when all the pieces are carefully considered and fine-tuned for the delicate balance of a three-way partnership on the right project, the result can be fantastic: first class legal services to the community and to individual clients.

I. Basic Principles

Treat it like any other client engagement. As with any pro bono client, the pro bono client of a law firm/corporate counsel partnership deserves and requires the best practices and first-class legal services of all attorneys involved. Anything less would be irresponsible, would endanger the outcome of the matter, and would make everyone involved less proud of their work.

Be prepared for significant work on the front end. Client teaming requires a lot of work up-front to assure that every detail is in place before the actual legal representation begins. New players, logistics, roles, relationship and responsibilities require much more up front work than initiating any regular pro bono project. In many ways, the three partners have to get to know each other in new ways to start a teaming project together – no matter how deep or long the relationship has been between the two entities on other matters. If everyone is prepared for the initial heavy investment of time and energy, the result can be well worth the investment.

Smart small. Give attorneys a positive taste of the work and they will make future, stronger investments. Small projects are also conducive to quick successes which are essential to sustain a pro bono commitment of any kind. A public interest law agency is usually in the best position to design and advise on what “bite-sized” projects will best serve the low income population. There is always room to grow.

Client Teaming Projects require many of the same elements of any pro bono project:

- Pro bono projects require management support at every level of each of the three organizations who are forming the team: agency, firm and company;
- A strong project needs professionals who have time to dedicate to making this a success in each of the three partner organizations;
- The commitment must be a genuine interest in service and social justice – not marketing or public relations for one or all of the organizations; and
- Lawyer volunteers – like all volunteers - need to feel appreciated for their service. This means that seemingly unimportant things like giveaways, kick-off events, and end of the year appreciation ceremonies can go a long way to fortifying a fledgling project.

II. Choose the Partners and Activity Carefully

The right public interest agency can make or break a client teaming project. Though several agencies have fantastic reputations for the good work they do for the community, they may not all be well-equipped to run a client teaming project at a particular time. Give careful thought to the best agency to provide:

- well-screened clients;

- fine-tuned training in the best format; and
- appropriate levels of mentoring for a particular project.

Some legal aid needs are not best met in team projects. What may work inside a firm or corporation alone may not be as conducive to partnering on the project. Think through each stage of the matter selected and consider whether they will all be accomplished well with this broader team. This does not automatically limit firm-corporate teaming to just one-stop intake clinics, but it does require consideration of how each stage of a pro bono matter will:

- be divided among inside and outside counsel;
- best utilize expertise and interest of each lawyer on the team;
- efficiently proceed in the time frame all parties have agreed to;
- effectively meet the needs of the pro bono client; and
- require appropriate levels of flexibility if conditions change.

Carefully consider the scope of the assignment. Lack of clarity about how much is expected of the team or an agreement to provide more service than is reasonable can cause a failed effort where success was possible. Consider and carefully agree to the scope of a project with all three parties to the teaming project before the work starts. Responsibilities should be divided among all parties at the beginning of each engagement.

Feedback is everything. Check in early and often to assure that the project you have selected and the process that has been designed is working. Problems will arise but the sooner they are brought to the attention of people who can address them, the less impact they will have.

III. Preparation is Essential

Before a firm and company come together in a project, it is important to consider what in-house resources the company has and whether it can be engaged in this work on its own. It may help shape the perfect project proposal to address the concerns of an in-house legal department which is ready to engage.

- **Lack of infrastructure for service to a pro bono client** No matter how committed a corporation or general counsel's office may be to providing service to the community, in-house counsel may not have any infrastructure in place internally for pro bono work. The implementation of some simple administration might encourage a project to start.
- **Getting started can seem overwhelming.** To attorneys in a corporation, not knowing where to start can be a barrier. An outside law firm can educate in-house counsel about existing pro bono programs and how they best utilize volunteer resources.
- **Administrative barriers can be a powerful disincentive.** Lack of a formal conflicts system, limited malpractice insurance, and limited ability to apply staff resources to a new project are all frequently cited administrative barriers to in-house pro bono activity. Many of these challenges can only be solved through a well-structured partnership. For example, a simple solution for insurance coverage may be to take matters only from public interest agencies with pro bono malpractice insurance that covers all volunteers. Identifying these problems gets you more than halfway to solving them.

- **In-house counsel may not be members of the state bar where they work.** No lawyer wants the result of his “good deed” volunteering to be an investigation by the disciplinary commission for unauthorized practice of law. Just the fear of professional responsibility implications like this one can discourage in-house counsel from engaging in otherwise well-organized, bite-sized projects matched to his skills, time and interest. As discussed previously in Section 2, the Illinois Supreme Court recently amended Supreme Court Rule 756 to allow corporate counsel with limited admissions status to do pro bono work under certain circumstances.
- **Lawyers worry whether they are qualified to provide the best service.** In-house counsel may worry that a pro bono project will be out of their area of expertise. After all, wouldn't the pro bono client be better off with someone who does this work all the time? The answer is that there is a pro bono project for every skill set and lawyers can become qualified to provide first class service in most areas of public interest law practice with the right level of mentoring, training and time. The key is finding the right balance.

IV. Select and Build the Right Structure

Pitfalls can be avoided with creative and careful thought to the ideal structure of a project. Here are some additional thoughts for avoiding the pitfalls and developing the right structure:

- **Training, as in any pro bono project, is essential.** Not only does training equip lawyers in what might be a new field of practice, it has the significant impact of making volunteers feel confident that they can serve the client effectively. Trainings should be planned well in advance with materials reviewed by a representative from each organization.
- **Identify specific roles early and reconfirm often.** Each participant should know what their expectations are and what member of the team has responsibility for each other team task. Whether it is contact with the client, filing documents, or attending a hearing, every volunteer should know who will handle what before all work begins.
- **Communication must be streamlined.** Each volunteer should know the point of contact to reach for a specific issue. The law firm lawyers can serve as liaison between the agency and company if an agency has never run a project with in-house counsel before. Sometimes communication with the pro bono client should be handled by only one person to avoid the client's confusion about whom to go to for what. Whatever model is followed, it should be carefully chosen and communicated before the work begins.

Examples of Pro Bono at Illinois Corporations

While there are a variety of best practices covered in this Guide, it is important to design a custom program that best fits the culture of your firm and the needs of your attorneys. Many of the corporations in Illinois have already established exemplary pro bono programs. Some of these programs are described below.

Abbott Laboratories

Abbott's Legal Division has more than 250 lawyers and staff who perform pro bono/public service in countries throughout the world. Abbott has an annual 10 hour pro bono/public service goal for every lawyer and staff member in its Legal Division worldwide. Among its 2007 pro bono/public service programs: Naturalization Clinics with the law firm of Baker & McKenzie in Chicago; Habitat for Humanity in Columbus, Ohio and Alameda, California; Illinois Food Bank; and Second Harvest Food Bank in California. Abbott Legal Division employees participated in a Special Olympics event in Bartlett, Illinois, as well as ongoing visits to University Commons Nursing Care Center in Worcester, Massachusetts and the Winchester House Nursing Home in Libertyville, Illinois. Abbott attorneys also teach a Lawyer in the Classroom semester at the Neal Math & Science Academy in North Chicago, Illinois. Abbott's International Legal Division helped build a house with Habitat for Humanity in Montreal, Canada and volunteered with sick children in Madrid, Spain at the San Rafael Children's Hospital.

Aon Corporation

Aon has implemented a formal Pro Bono Policy which encourages all attorneys to participate in pro bono activities. Attorneys can work on pro bono projects during regular business hours, including traveling outside of the office to assist pro bono clients. In 2007 Aon attorneys worked on a variety of pro bono legal matters. Eighteen Aon attorneys from Illinois and New York volunteered their time teaching high school students in the Youth About Business ("YAB") camp held at Columbia University in NY and at the University of Chicago. YAB is a program for underprivileged high school students that introduces them to the worlds of corporate transactions, investment banking and law through a "summer camp" type experience where the kids role-play various jobs in a hypothetical transaction. Also, several Aon attorneys worked with the Chicago Lawyers' Committee for Civil Rights Under the Law and taught incoming law students at three Chicago law schools an Introduction to Legal Learning course. This course was designed to assist students identified by the law school as benefiting from extra assistance in giving them a taste of the analytical and argumentative style of learning used in law school. Aon is also involved in a unique partnership with an outside firm in working on a pro bono capital punishment program. Since Alabama criminals are not guaranteed representation on appeals, Aon attorneys have worked together with attorneys from the law firm and undertaken the defense of Alabama death row inmates on appeal. This partnership was highlighted in the August 2007 Corporate Counsel article by Jill Nawrocki entitled "Marriage of Conviction."

Exelon Corporation

Exelon's legal department has a long-standing tradition of providing pro bono legal services and support to the community. The department has a formal written pro bono/ community service policy that encourages all legal department employees (not just attorneys) to participate in pro bono, and company-sponsored community and charitable activities in order to (a) provide access to legal services to people of limited means; (b) help to meet individual professional responsibilities; and (c) fulfill the company's corporate responsibilities to the community. The pro bono program is administered by two Pro Bono Coordinators (one in Chicago and one in Philadelphia) who report directly to the General Counsel. Attorneys and paralegals who work on legal-related pro bono matters are able to convert half of their pro bono hours, up to a maximum of 50, to be credited against their annual "billable" hours requirement. Since 2006, Exelon's General Counsel has accepted the CPBO Corporate Pro Bono Challenge and has established an annual internal legal department goal for pro bono and community service hours. In addition, for the past two years, in lieu of its traditional business meetings, Exelon's Legal Department has devoted three hours of its annual all-day Chicago and Philadelphia "all hands" meetings to provide community and pro bono services. Not only does the legal department encourage its own employees to engage in pro bono activities, but it expects its outside counsel to share in its pro bono commitment as well. To that end, when retaining outside counsel, Exelon questions prospective firms about their pro bono and community service work and requires all retained firms to respond to a semi-annual survey of their pro bono involvement. Finally, the

Chairman of Exelon annually presents a Chairman's pro bono award to a legal department employee for outstanding contributions in providing legal or community service to persons in need. The award includes a contribution from Exelon to the legal assistance organization of the recipient's choice.

JPMorgan Chase & Co.

The JPMorgan Chase Pro Bono Policy encourages members of the JPMC Law Department, both lawyers and non-lawyers, to perform pro bono legal services. The policy states and evidences the support of senior management and provides for the use of corporate resources in the delivery of pro bono legal services. JPMC has lawyers in many cities throughout the country and each major Law Department location has a pro bono coordinator. Pro Bono projects are made available in the various locations through these coordinators. Projects are selected with an emphasis on opportunities for non-lawyers, as well as lawyers, and non-litigators as well as litigators. In addition, individual members of the Law Department are encouraged to pursue their own interests in providing pro bono services. The Pro Bono Policy defines what is considered "Pro Bono Services" for purposes of the Policy, and any service that is within the definition is covered by the Policy. In order to ensure that pro bono services can be made available to a broad range of legal service organizations, JPMC has purchased professional liability insurance to cover those instances in which services are provided to an organization that does not itself offer such coverage to its volunteers. Thus far, JPMC staff have provided pro bono legal services in the areas of family services, immigrant rights, micro entrepreneurship and homelessness issues, among others. The JPMC Law Department is committed to providing pro bono legal services and looks forward to increasing the range of such services and participation of its members.

Kraft Foods

The main Kraft pro bono project involves counseling seniors at the North Shore Senior Center, through the Legal Assistance Foundation, which schedules appointments and does the intake. Kraft lawyers staff the clinic once a month and meet with seniors to help them with various legal issues. The attorney volunteers then follow up with the client and get LAF further involved if needed. Another project is advocating on behalf of food stamp and Medicaid recipients. This involves phone calls to the agencies trying to get the amount increased or at least get an explanation of why benefits were denied, reduced or terminated. Volunteers follow up with the recipients and make sure they are satisfied. Lawyers and paralegals can participate.

McDonald's Corporation

Since the inception of McDonald's Pro Bono Program in 2000, McDonald's has worked with numerous public service organizations to provide legal assistance to low-income individuals and to help elementary and secondary students from diverse backgrounds develop the skills, knowledge and attitudes necessary to serve their communities as active, responsible citizens. For its pro bono work, McDonald's has partnered with the following organizations: CARPLS, Chicago Legal Clinic, Constitutional Rights Foundation of Chicago, Legal Assistance Foundation of Metropolitan Chicago, Pro Bono Center for Disability and Elder Law and Street Law. In an effort to further increase pro bono work performed by members of the Department, Gloria Santana, General Counsel and the Pro Bono Committee declared May 2007 Pro Bono Month in honor of Law Day 2007. As part of Pro Bono Month, each team in the department was asked to accept a new pro bono project to be performed by members of the team working individually or in a group. The Pro Bono Committee identified a number of projects and groups were asked to adopt a project. Additionally, the Pro Bono Committee also created a section of the Legal Website dedicated to pro bono. The Committee recognizes individuals who volunteer for our pro bono projects by giving awards for their pro bono service. The Committee hosts a Pro Bono Awards Reception where various members of the public service organizations with whom McDonald's works come to thank McDonald's staff for all of the time they have devoted to pro bono. Several members of the McDonald's legal department have also received outside recognition for their pro bono work.

State Farm

State Farm recognizes that it is a lawyer's ethical obligation to make legal counsel available, especially to the poor and to charitable and civic organizations. Accordingly, State Farm recognizes that this type of work is valid for its in-house legal staff and it is encouraged. In-house attorneys and legal assistants at the Corporate Headquarters of State Farm Mutual Automobile Insurance Company in Bloomington, Illinois may

avail themselves of *pro bono publico* opportunities. Generally, the department works exclusively with the local office of Prairie State Legal Services, Inc., and handles cases where Prairie State Legal Services may have a conflict or simply lacks resources. Further, State Farm provides an annual sum (presently \$10,000) to Prairie State Legal Services to supplement its budget. State Farm's in-house attorneys and legal assistants are also encouraged to support Prairie State Legal Services by other means, such as fund-raising efforts, or by considering active participation on its board (a State Farm in-house attorney is currently a board member).

United Air Lines Inc.

United Air Lines' Legal Department recently adopted a formal Pro Bono Committee and Policy for its attorneys and support staff. Attorneys are encouraged to complete 10-20 hours of pro bono service per year and doing so reflects positively in their performance assessment. No formal goals have been set for staff members but their involvement is generally encouraged. The focus in the first year of the Department's formal program has been on pro bono partnering opportunities with several of the primary law firms with whom United has relationships. These firms have presented a variety of opportunities to United's attorneys through monthly luncheons. Through these law firm partnerships and other individualized contacts, attorneys have recently participated in political asylum cases, provided counsel to organizations like Street Law, and participated in the Constitutional Rights Foundation Lawyers in the Classroom project. The Pro Bono Committee hopes to identify a focus project of particular interest to the department in the next few years.

If your corporation has an active pro bono program but is not mentioned here, contact PILI's Program Manager, Sheila Simhan at 312.832.5128 or ssimhan@pili-law.org