



PRO BONO
INSTITUTE

Pro Bono Institute | Year in Review 2012

PBI Staff |

Yvette Crenshaw • Julie DeMareo • Eric Florenz • Reena Glazer • Shannon Graving
Esther Lardent • Vicki Leja • David Lipscomb • Chris Niebling • Eve Runyon
Amy Saltzman • Christine Sutherland • Tammy Taylor

› Law Firm Pro Bono Project

A global effort designed to support and enhance the pro bono culture and performance of major law firms in the U.S. and around the world. The Project's goal is to fully integrate pro bono into the practice, philosophy, and culture of firms so that large law firms provide the institutional support, infrastructure, and encouragement essential to fostering a climate supportive of pro bono service.

- › Consultative Services
- › Law Firm Pro Bono Challenge®
- › Challenge Report
- › Resource Clearinghouse

› Corporate Pro Bono (CPBO)

The global partnership of PBI and the Association of Corporate Counsel**, CPBO is designed to substantially increase the amount of pro bono work performed by in-house counsel and to enhance the pro bono culture of legal departments through consultative services to the in-house community, targeted research and publications, online information and services, and outreach and educational programming.

- › Consultative Services
- › Corporate Pro Bono ChallengeSM
- › Clinic in a BoxSM
- › Multijurisdictional Practice
- › Communications and Resources

› Key Initiatives

PBI has undertaken a number of cutting-edge projects and initiatives that engage law firm and legal department leaders in efforts to address the crisis in access to justice.

- › Global Pro Bono
- › Regional Convocations
- › Task Force on Pro Bono Measurement and Metrics
- › Webinars
- › Facilitating Partnerships
- › Public Interest Project and Second Acts®

“The entire justice system is in crisis, and while additional financial support and pro bono assistance are essential, they are not sufficient. What is needed is nothing less than a wholesale rethinking and revamping of the justice system for the poor and disadvantaged.”

ESTHER F. LARDENT
PRESIDENT AND CHIEF EXECUTIVE OFFICER

Consultative Services

The Law Firm Pro Bono Project provides confidential consulting services to assist law firms with different aspects of their pro bono programs. In 2012, the Law Firm Pro Bono Project recorded approximately 200 hours of consultative services for law firms. Please note that not all consultative services for the year have been recorded.

FIRMS ASSISTED **89**

House Calls

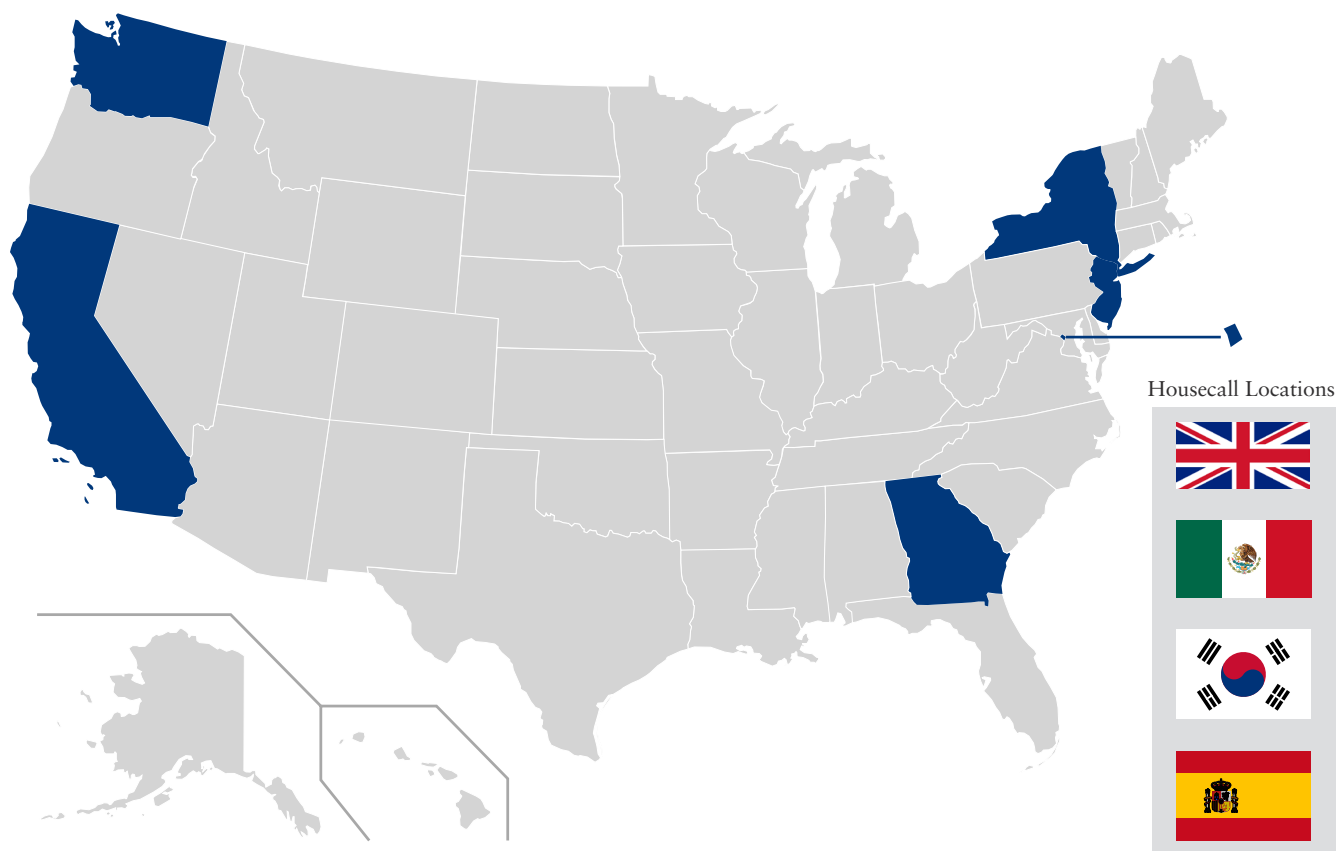
The Law Firm Project staff visits law firms in a community and meets with pro bono committees, firm and office leaders, partners, and pro bono coordinators to provide consulting services, discuss national trends in pro bono, and learn about innovative pro bono projects under way at their firms and in their communities.

32 HOUSE CALLS

International Reach

In addition to domestic house calls the Law Firm Pro Bono Project traveled to London, Mexico, South Korea, and Spain to meet with law firm pro bono leaders. While attending the 2012 PILnet European Pro Bono Forum in Madrid, the Project met with pro bono supporters from across Europe and beyond. All of the events allowed the Project to spend several days speaking with representatives from international firms and to attend several substantive workshops.

INTERNATIONAL
HOUSE CALLS **5**



Topics Discussed

Assistance from the Project takes a number of forms, but the most common topics this year included opportunities for transactional lawyers, global pro bono, partnering with legal departments, strategic planning, elections and disaster-related pro bono opportunities, integrating pro bono and professional development, reinvigorating pro bono committees, updating pro bono policies, attorneys' fees issues, and navigating changes at the firm.

Membership

Many of the world's most respected law firms are Members of the Law Firm Pro Bono Project. [Member Law Firms](#) support the Project's work through annual dues and receive a wide range of free and discounted services.

Law Firm Pro Bono Challenge®

A unique, aspirational pro bono standard developed by law firm leaders and corporate general counsel, the Challenge articulates a single standard for major law firms. The Challenge includes a narrow but thoughtful definition of pro bono, as well as an accountability mechanism and measurement tool through its performance benchmarks and annual reporting requirements. To help firms honor their commitment to pro bono, the Law Firm Pro Bono Project assists them in creating a supportive environment that promotes pro bono service. The Challenge definition of pro bono has become an industry standard, utilized not only by major law firms but by the legal media in reporting the pro bono contributions of large firms.

MEMBER
FIRMS 121

140 CHALLENGE
SIGNATORIES

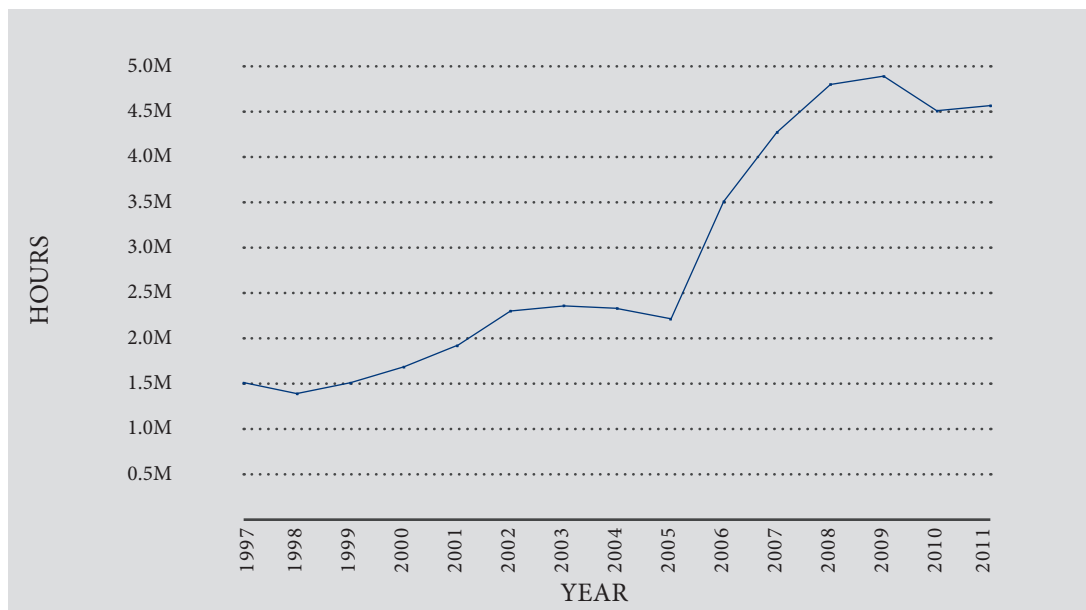
Challenge Poster

The Law Firm Pro Bono Project mailed its annual [Challenge poster](#) to career services and public interest offices of all ABA-accredited law schools. The poster, with its brand new look, lists every Challenge Signatory and raises visibility of these firms to make them more attractive to the very students they are trying to recruit.

Challenge Report

The [Report on the 2011 Pro Bono Institute Law Firm Pro Bono Challenge® Statistics](#) examines the pro bono performance of firms that are [Signatories to the Law Firm Pro Bono Challenge®](#) during the 2011 calendar year. One hundred thirty-four participating firms reported in 2011, performing a total of 4,476,866 hours of pro bono work, a slight increase over 2010. This is the third highest year since the inception of the Challenge in 1995.

Total Number of Pro Bono Hours by Year

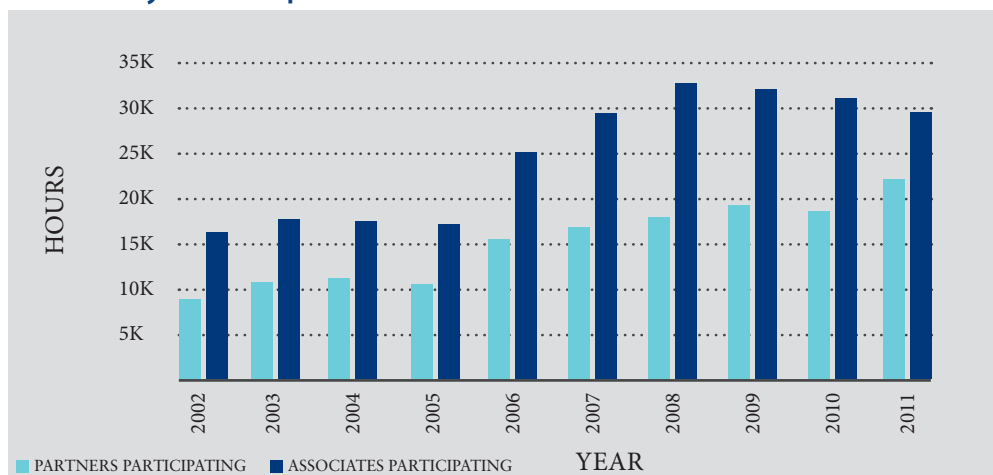


Although services to persons of limited means or organizations that address the needs of persons of limited means decreased slightly from 2010, attorney participation and charitable giving by firms was strong in 2011. In 2011, a total of 50,795 attorneys participated in pro bono, compared to a total of 50,740 attorneys in 2010. Challenge firms also increased the amount they donated to legal service organizations to \$28.6 million—the largest amount given since 2007 and an increase of 12.7 percent over 2010.

Charitable Giving By Year



Attorney Participation Hours



Advisory Committee

In 2012, the Law Firm Pro Bono Project welcomed two new members to its Advisory Committee: Tollie Besson, senior counsel at Paul Hastings LLP^{†*} and Richard Hays, managing partner at Alston & Bird LLP^{†*}.

Resource Clearinghouse

This year, the Law Firm Pro Bono Project launched its new [Resource Clearinghouse](#), a one-stop online resource that houses the organization's publications and many other materials related to best practices in law firm pro bono. The continually growing catalog comprises 15 years of PBI's research and expert analysis with additional resources from trusted and verified sources. Resources include PBI original publications, best practices for program structure, attorney interest surveys, law firm annual reports, and more. All materials are free of charge to all employees of Member Firms by instant download. Non-Members may purchase select Resource Clearinghouse materials.

Research and Publications

The Law Firm Pro Bono Project conducts original research and produces a number of publications on a variety of topics each year. A sampling of the recent reports can be found below.

- > [2012 Law Firm Pro Bono Staffing Survey Report](#)
- > [Facing the Challenges of Citizenship: Election Related Pro Bono \(Update\)](#)
- > [Law Firm Foundation Directory \(Update\)](#)
- > [Marketplace of Ideas 2012 Write-Up](#)
- > [Obstacles to Partner Participation](#)
- > [Report on the 2011 PBI Law Firm Pro Bono Challenge® Statistics](#)
- > [Research Compendium: Pro Bono and Recruitment, Retention, and Morale](#)
- > [Spotlight on Pro Bono and Disability Rights](#)

Consultative Services

CPBO offers free, confidential consulting services to in-house lawyers, legal departments, and ACC Chapters to start, expand, and support pro bono programs. Over the course of 2012, CPBO provided more than 250 hours of expert consulting services to more than 75 legal departments and ACC Chapters. The topics discussed often include partnerships, program development, global pro bono, malpractice insurance, pro bono metrics, and multijurisdictional practice.

250
+
HOURS

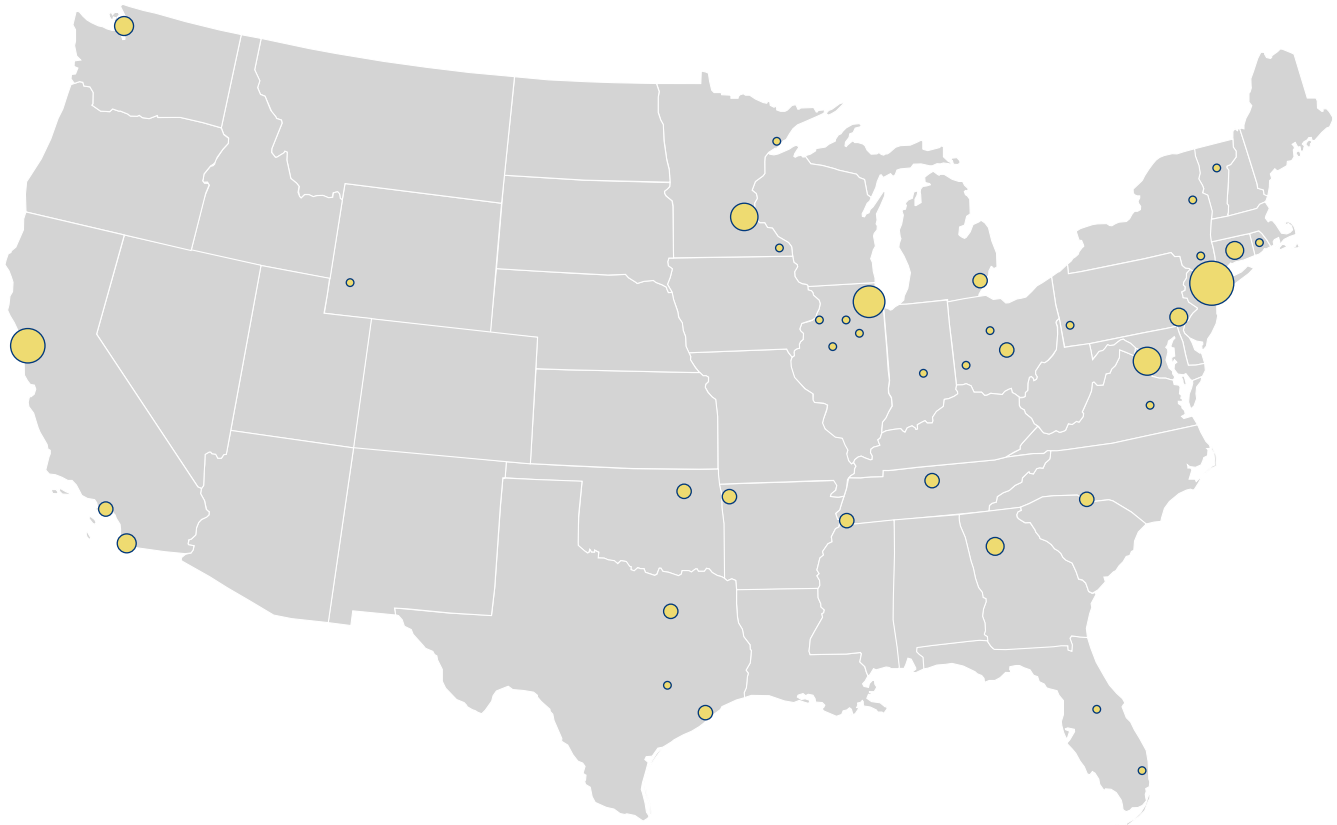
Regional Trainings

In addition to providing one-on-one services to individual departments and Chapters, CPBO began hosting city-wide and regional programs for in-house pro bono leaders. This year, CPBO hosted regional training programs in three locations – greater Chicago, New York, and the Southwest. At these meetings CPBO met with leaders from 19 legal departments and ACC Chapters.

Corporate Pro Bono ChallengeSM

In 2006, at the urging of chief legal officers, CPBO launched an initiative enabling legal departments to identify, benchmark, and communicate their support for pro bono service. [The Corporate Pro Bono ChallengeSM](#) is now the standard for in-house pro bono. It is a simple, voluntary statement of commitment to pro bono service by legal departments, their lawyers, and staff. As of the end of 2012, 114 legal departments are Challenge Signatories. The map below highlights where the headquarters of participating departments are concentrated.

114 CHALLENGE
SIGNATORIES



Clinic in a BoxSM

Developed by CPBO, these half-day legal audit clinics provide in-house counsel the opportunity to advise nonprofit organizations or small businesses while earning CLE credit. The Clinics are produced in collaboration with legal departments, ACC Chapters, nonprofit organizations, and major law firms. By the end of 2012, CPBO will have hosted 41 Clinic in a BoxSM programs, including seven this year.

Goals

- › introduce volunteers to a replicable pro bono delivery model
- › encourage in-house attorneys to use their transactional legal skills to do pro bono work in their communities
- › leave in-house counsel with tools to continue to provide pro bono services on their own
- › foster closer ties among corporations, law firms, public interest groups, and their communities

CLINICS

7

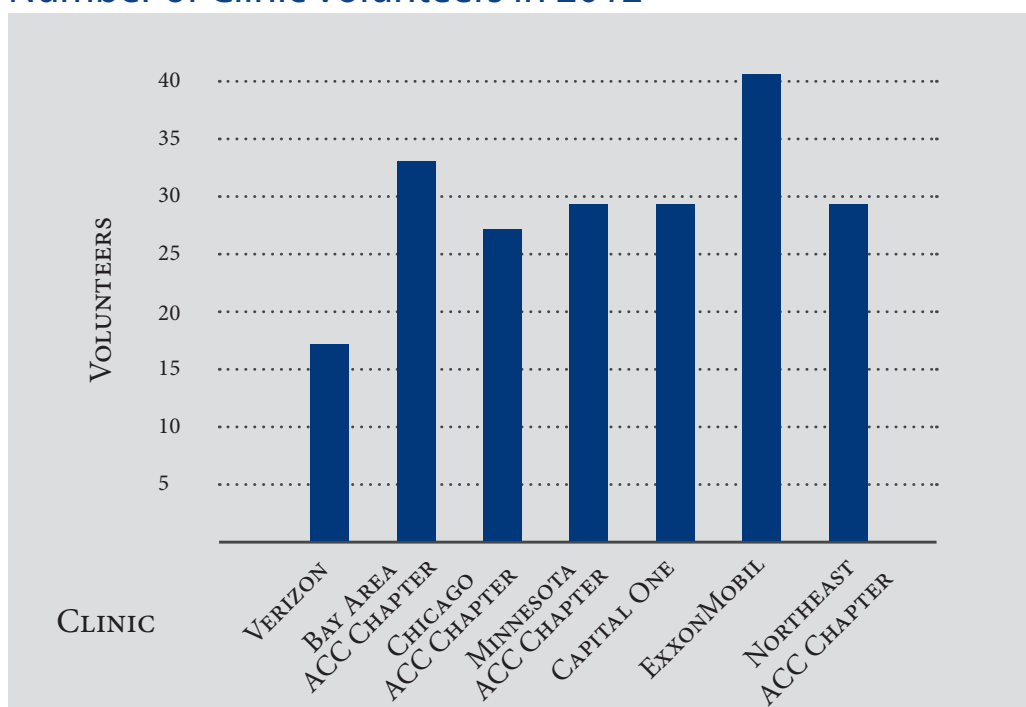
205 VOLUNTEERS

CLIENTS

66

417,020 +
ULTIMATE BENEFICIARIES

Number of Clinic Volunteers in 2012



Multijurisdictional Practice

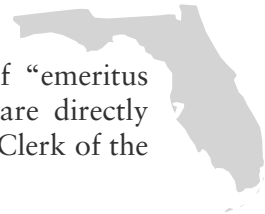
Changing restrictive practice rules has been a key issue for CPBO and ACC. This year, many states have turned their attention to empowering non-locally licensed in-house counsel authorized to work for their local employer to also provide pro bono legal services. Among other steps taken to address the issue, CPBO has formed a task force on the topic, drafted model language, produced state-specific reports, and brought the topic to the Conference of Chief Justices.

This year, courts in various jurisdictions have amended or are considering amendments to their practice rules that expand pro bono by authorized in-house counsel to varying degrees, including:



Connecticut: Effective January 1, 2013, practice rules permit authorized in-house counsel to provide pro bono legal services offered under the auspices of “organized legal aid societies or state/local bar association projects, or of a member of the Connecticut Bar who is also working on the pro bono representation.”

Florida: The Supreme Court of Florida is considering an amendment that would allow in-house counsel to practice pro bono under the definition of “emeritus attorneys,” but only if they work with approved legal aid organizations, are directly supervised by a legal aid organization attorney, and obtain approval from the Clerk of the Supreme Court of Florida.



Iowa: Effective September 2012, practice rules expressly permit registered in-house counsel to “provide pro bono legal services through an established not-for-profit bar association, pro bono program or legal services program, or through such organization(s) specifically authorized in this state.”

Massachusetts: The Supreme Judicial Court Standing Committee on Pro Bono Legal Services recently solicited comments to a proposed amendment that would allow authorized in-house counsel to provide pro bono legal services “under the auspices of either an approved legal services organization or a lawyer admitted to practice and in good standing in the Commonwealth of Massachusetts.”



Minnesota: The Minnesota Supreme Court is considering an amendment to practice rules to permit registered in-house counsel to provide “‘pro bono legal representation’ to a ‘pro bono client’ referred to the lawyer through an ‘approved legal services provider’,” as those terms are defined in the rules regarding continuing legal education.

Model Language: Colorado and Virginia have adopted rules that empower authorized in-house counsel to provide pro bono legal services to underserved communities, without unnecessary restrictions.



Colorado: Authorized in-house counsel have “the authority to provide voluntary pro bono public service to indigent persons and organizations serving indigent persons.”

Virginia: Certified corporate counsel may “provide voluntary pro bono publico services in accordance with Rule 6.1 of the Virginia Rules of Professional Conduct.”



Communications and Resources

CPBO offers a variety of tools, resources, and programming for in-house lawyers starting a pro bono program or looking to revamp, improve, or expand an existing program.

These include samples and form documents, profiles of legal department and ACC Chapter pro bono programs, news on in-house pro bono, and a library of CPBO-produced guides, reports, articles, and toolkits to answer questions and address obstacles.

Resources and Programming

- › [Professional Liability Insurance for In-House Pro Bono](#)
- › [In-House Pro Bono In Practice Profile: Mayo Clinic](#)
- › [In-House Pro Bono In Practice Profile: Merck & Co., Inc.](#)
- › [In-House Pro Bono In Practice Profile: UnitedHealth Group Incorporated](#)
- › [In-House Pro Bono In Practice Profile: Verizon Communications Inc.](#)
- › [1+1 = 3: Aligning Corporate Social Responsibility and Pro Bono, Association of Corporate Counsel Annual Meeting, October 1, 2012](#)
- › [Pro Bono Partnerships Mean Greater Value from Your Outside Counsel, Association of Corporate Counsel Annual Meeting, October 1, 2012](#)

Updated Online Presence

In 2012, CPBO launched its new [website](#) to better serve the needs and interests of in-house counsel developing pro bono initiatives for their legal department or ACC Chapter. In conjunction with the launch of the new website, CPBO designed a new logo and developed other promotional materials. It also expanded its social media presence to include a LinkedIn group, Twitter, and regular contributions to ACC's and PBI's blogs.



Global Pro Bono

The globalization of law practice, the growth of emerging democracies based on the rule of law, and the heightened international consensus regarding fundamental human rights have fueled efforts to explore and establish a pro bono legal tradition in many nations.

Seven years ago, prompted by a growing number of inquiries about global pro bono opportunities and efforts from law firms and legal departments, PBI asked Latham & Watkins LLP†* to conduct a survey of pro bono practices and opportunities in various jurisdictions. The first version of that survey, published in 2005, provided reliable and fact-based locally sourced information on the legal profession in each nation surveyed. The survey also provided information on legal needs and public provision of legal aid, pro bono opportunities, barriers to pro bono service, and pro bono resources.

This year, Latham completed the fourth iteration of this survey, which has grown from a report on 11 jurisdictions, mostly in Europe, to one that covers more than 70 countries on six continents. The countries covered in the survey are highlighted below.

Full Text: [A Survey of Pro Bono Practices and Opportunities in Selected Jurisdictions](#)



Regional Convocations

PBI held [Regional Leadership Convocations](#) this year in Atlanta, Houston, New York City, San Francisco, and Washington D.C. [A sixth convocation was held in Minneapolis in 2011]. The Regional Convocations were organized in response to requests from law firms and legal departments for more information and in-depth discussion on the crisis in access to justice and how they could play a more extensive role in addressing that crisis.

The growth in the number of those living in poverty, the increasingly complex and highly regulated nature of our society, and the fact that virtually every source of funding has declined in most states over the past four years has resulted in a system that cannot provide justice for the majority of the poorest and most vulnerable among us. As a result, many legal problems are often handled without the assistance of an attorney or left unresolved.

PBI synthesized the learning from each regional convocation and produced the following supplementary materials at its National Convocation:

6 CONVOCATIONS

Legal Needs Data Points

The best data available from government and private sources still has major gaps in information, which is vitally important to help guide pro bono and access to justice efforts. Statistics on unmet legal needs are often decades out of date or non-existent and many states have little or no relevant information on pro bono participation. The data points PBI compiled, with the invaluable assistance of our Regional Convocation Coordinating Committees, both highlight the incredible chasm in legal services and the need for better information.

Full Text: [Legal Needs Data Points](#)

PARTICIPANTS 175

4 of 5

low-income individuals and families who had a major life problem capable of being resolved in the justice system did not get assistance.

Source: Comprehensive Legal Needs Study

Innovative Pro Bono Models

Because of the maturation and continued institutional support for pro bono, as well as the reduced capacity of some nonprofit pro bono intermediaries, law firms and legal departments are aiding in addressing the demand for legal services and alleviating the administrative burden of pro bono. They are expanding signature projects and working with the courts and community groups to identify those in need of pro bono. The Regional Convocations generated a host of innovative approaches to pro bono service, new models of partnership and collaboration, creative uses of technology, and other cutting-edge projects.

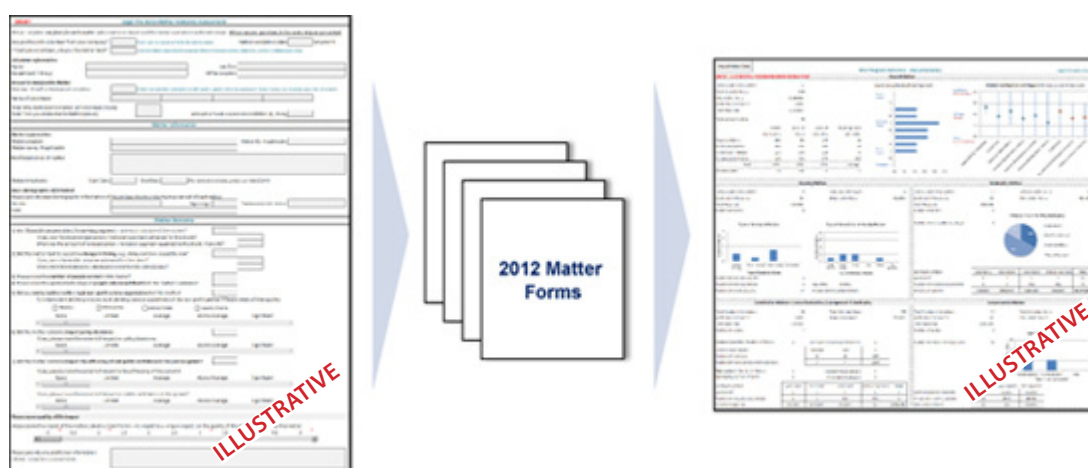
Full Text: [Innovative Pro Bono Models](#)

16%

The percentage Congress decreased funding for the Legal Services Corporation in fiscal year 2012.

Task Force on Pro Bono Measurement and Metrics

Composed of law firm and in-house leaders, the task force's focus is on developing and testing effective tools for measurement and assessment of pro bono. Working with the task force, Merck & Co., Inc.'s** legal department and Deloitte Financial Advisory Services LLP, which has brought expertise and contributed countless pro bono hours, PBI developed an initial iteration of a customizable process, template, and toolkit that, when finalized, will enable firms and legal departments to set clear goals for their pro bono programs, track and measure the benefits of those programs for clients and the community and, as well, for the firm/company and its legal staff. These tools will assist pro bono programs to measure the social and business benefits generated by pro bono efforts.



Events

PBI hosts two major events each year, bringing together leaders from various law firms, legal departments, and public interest organizations.

The [2012 PBI Annual Conference](#) held March 28-30 in Washington D.C., was a rousing success. Attendance grew this year to more than 350 attorneys and legal staff from law firms, legal departments, and public interest groups, making it one of the largest Conferences in PBI's history. The 2012 Laurie D. Zelon Award was presented to Jane Sherburne and the legal department of BNY Mellon** in recognition of their outstanding commitment to pro bono services.

On November 15, 2012, PBI hosted its annual Leadership Convocation, held at the offices of Deloitte LLP**, and [Annual Dinner](#) at Gotham Hall in New York City. Co-chaired by David Williams, chief executive officer of Deloitte Financial Advisory Services LLP; John Schultz, executive vice president and general counsel of Hewlett-Packard Company**, and Jonathan Oviatt, chief legal officer and corporate secretary of Mayo Clinic**, the Dinner served as a celebration of those who have demonstrated an exceptional commitment to pro bono. PBI congratulated Latham & Watkins LLP as the recipient of our John H. Pickering Award and Ford Motor Company** in partnership with Dykema Gossett PLLC†*, Legal Aid and Defender Association, Inc., and Michigan Community Resources as the recipients of the CPBO Pro Bono Partner Award.

Webinars

[Best of the 2012 Conference Series—Pro Bono in Practice: Veterans](#)

Bruce Ives (Hewlett-Packard Company) moderated the panel which included Ronald Flagg (Sidley Austin LLP*), Rick Little (Public Counsel), Margaret Middleton (The Connecticut Veterans Legal Center), and Amanda Smith (Morgan, Lewis & Bockius LLP+*). This webinar focused on emerging issues, how to get started, opportunities for collaboration, and whether and how, given the state of the law and legal needs, veterans-related pro bono delivery systems can be taken to scale.

[Best of the 2012 Conference Series—Pro Bono and the Crisis in Legal Aid](#)

Esther Lardent (Pro Bono Institute) and Jim Sandman (Legal Services Corporation) explored how law firms and legal departments can strengthen support for legal services and legal aid and ensure that pro bono activities address the most pressing legal needs for the poor and disenfranchised.

[Best of the 2012 Conference Series—Pro Bono in Practice: Elections](#)

This webinar focused on the roles law firms and legal departments play at all levels of election protection and reform processes on Election Day and year round. The program featured experts Stacey Fahey (Proskauer Rose LLP+*), Keesha Gaskins (Brennan Center for Justice), and Jon Greenbaum (The Lawyers' Committee for Civil Rights Under Law), who discussed a range of topics including time-limited projects, opportunities outside of a volunteer's home state, legal issues related to the newly-enacted voter identification laws, use of technology and social media, and opportunities for non-lawyers.

[Exploring In-House Global Pro Bono](#)

This program explored the intersection of global corporate citizenship and engagement within a legal department, paying particular attention to how global pro bono can be used as a tool to stimulate and engage legal staff across offices and practice groups. Esteban Mazzucco (Syngenta AG), Mike Sposato (Caterpillar Inc.**), and Bruce Ives (Hewlett-Packard Company) spoke about current trends and best practices in in-house global pro bono.

[In-House Pro Bono: Professional Liability Insurance](#)

Susan Friedman (Marsh USA Inc.**), Kevin Horsted (NLADA Insurance Program), Mike Sposato (Caterpillar Inc.), Sara Woods (Philadelphia VIP), and Andrea Wysocki (Chubb Specialty Insurance) discussed the insurance options available to in-house counsel for liability coverage associated with providing pro bono legal services.

Facilitating Partnerships

PBI assists law firms, legal departments, and ACC Chapters in identifying potential partners and structuring partnerships that are effective and enduring. PBI helps define expectations for partner organizations, address obstacles, discuss best practices and potential areas of focus, and offers unique resources for partnerships.

6

PROGRAMS

In 2012, PBI hosted six programs on fostering effective partnerships at its Annual Conference and at the ACC Annual Meeting. PBI also provided consultative services to more than 100 law firms and legal departments on structuring successful partnerships.

PARTICIPATING
ORGANIZATIONS

100+

Public Interest Project

PBI's Public Interest Project provides strategic advice, training, and tailored technical assistance to programs that address the legal problems of the poor and disadvantaged – and the nonprofit and community groups that serve these populations.

The Public Interest Project helps public interest organizations to most effectively leverage the resources of large law firms and legal departments to enhance their work. PBI also offers consultative services on a fee-for-service basis to pro bono and legal services public interest organizations, covering a wide range of issues.

Second Acts®

In 2005, PBI launched Second Acts®, an innovative initiative to support transitioning and retired lawyers who are interested in a second, volunteer career in public interest law. Despite the ongoing social justice gap for low-income and underserved populations, this seasoned and knowledgeable talent pool has been largely overlooked. In an effort to develop a bold, new model of legal retirement, PBI is working with its core constituencies, major law firms, legal departments, and public interest organizations, to develop replicable projects that make strategic use of this unique pool of legal talent. The initiative has a variety of components, including empirical research, scholarship, consulting and technical assistance, and programmatic pilot projects.

* denotes a Signatory to the Law Firm Pro Bono Challenge®

† denotes a Member of the Law Firm Pro Bono Project

** denotes a Signatory to the Corporate Pro Bono ChallengeSM