



BANK OF AMERICA CORPORATION BEST PRACTICES IN PRO BONO

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Program Background

In October 2005, Timothy J. Mayopoulos, executive vice president and general counsel of Bank of America Corporation (Bank of America), commented to the members of the legal department that those who do pro bono work are doing “God’s work.” After learning of Mayopoulos’s favorable view of pro bono work, Stephen A. Mayo, associate general counsel in Bank of America’s Charlotte, North Carolina office, contacted Mayopoulos to enlist his support for the Access to Justice Campaign (Campaign) to support legal services organizations in the Charlotte area. Mayopoulos gladly agreed to write a letter to the Charlotte legal department attorneys encouraging them to support the Campaign. The department responded to Mayopoulos’s request and helped the Campaign exceed its fundraising goal. Soon thereafter, Mayopoulos decided to expand the legal department’s pro bono efforts by encouraging all of the legal department associates to participate in and otherwise support pro bono efforts. He asked Mayo to lead the project. Then, in September of 2006, Mayopoulos signed the Corporate Pro Bono ChallengeSM.

Program Infrastructure

A strategy to begin and grow Bank of America’s pro bono program (Program) was soon developed. The first step was for Mayopoulos to broadcast the effort to the legal department and to emphasize his support for it. A pro bono policy was created after reviewing the policies of other corporate legal departments and malpractice insurance was procured through the National Legal Aid & Defender Association. Additionally, a pro bono webpage on the legal department’s intranet was developed containing the policy and links to pro bono legal services organizations in each of the 17 cities where the legal department has associates. The webpage, internal newsletters, and videoconferences were used to inform legal department associates about pro bono opportunities and to allow them to share their pro bono experiences with their colleagues. Eventually, the pro bono webpage even included an honor roll that recognized associates who did pro bono work.

As word about Bank of America’s interest in pro bono efforts spread, law firms nationwide soon expressed interest in partnering with the legal department on pro bono projects. Within a few months, after deciding that the Program could not be run solely from the Charlotte office, a pro bono committee (Committee) was created. The Committee was composed of eight people (seven attorneys and one paralegal) representing the legal department’s seven largest offices nationwide. Mindful of sustaining the Program’s place in the legal department’s culture, Committee members created succession guidelines that require each member to serve a two-year term, at the end of which each must designate a successor for his or her position. The role of the Committee members, who hold bi-monthly conference calls, is to identify the interests of the associates in

each office, match that interest with the pro bono needs of the community, and work with the appropriate person in the community to facilitate the pro bono initiative derived from those interests and needs.

What is the Program's recipe for success? "Visible and unequivocal support from the top and identifying projects that provide training and/or support and require a discrete time commitment," Mayo says. He points out that the Program has helped to build a sense of community and teamwork within the legal department nationwide. Paralegals, attorneys, and other staff are working with coworkers whom they may never have otherwise met and associates feel connected by common goals. And to add icing to that already-impressive cake is the fact that 74 associates spent approximately 1,248 hours performing volunteer pro bono work in the Program's first year and 186 associates contributed approximately 4,624 pro bono hours in its second. Over the last two years, 203 associates in 14 different offices have provided volunteer legal services to a variety of pro bono and public interest causes. In 2007, 129 associates participated in pro bono activity for the first time. When asked why he was so enthusiastic about being involved with the Program in the first place, Mayo replies, "Because of the company we work for, we are in a position to benefit others and we want to lead by example. I'm just proud to be part of laying the groundwork of a pro bono culture at Bank of America."

Pro Bono Projects

Each of Bank of America's legal department offices has developed its own unique interests and, accordingly, the Committee has worked with local law firms and organizations in each city to develop tailored projects to suit them. For instance, while the Charlotte office prefers working on elder law and children's issues, one of the interests in the San Francisco office is landlord/tenant cases. It participates in the Courthouse Landlord/Tenant Project, a joint project between the Bar Association of San Francisco Volunteer Legal Services Program, the Eviction Defense Collaborative, and the San Francisco Superior Court. The New York office, on the other hand, has partnered with four separate law firms and five legal services providers on five distinct projects dealing with issues ranging from family law and domestic violence to legal advice for art organizations.

Not surprisingly, the legal department associates also have different preferences for how they undertake the pro bono work, with some associates volunteering individually, some in groups, and some choosing to participate through partnerships with law firms or legal services providers. With such a large legal department, variety is to be expected and, in this case, welcomed. "As long as they receive approval from their manager, legal department associates can choose any pro bono project that is of interest," says Mayo. "It is a recipe for failure to assume that everyone wants the same experience."

From the beginning, it was recognized that one of the highest hurdles facing the Program was that the legal department was composed mostly of non-litigators who felt unequipped to handle traditional pro bono cases. "We needed to pierce the myth that pro bono was only for litigators," says Mayo. He found the solution to his problem at the 2006 Corporate Pro Bono (CPBO) Forum on In-House Corporate Pro Bono where he was introduced to the CPBO Clinic in a BoxSM, a unique format based on the partnership of corporate legal volunteers with a law firm that

provides on-site training and a legal services organization that provides pre-screened clients. Mayo thought that this model was perfectly suited to adapt to Bank of America's needs. He was right. A few months later, he used the model to create a clinic with Legal Services for the Elderly, Culp Elliott and Carpenter, P.L.L.C., and volunteers from Bank of America's Charlotte, NC office. Thirty associates volunteered for that clinic, making the clinic such a success that it is now held annually.

Lessons Learned

- Support from the top is key. The legal department's leaders offer visible and unequivocal support for pro bono projects.
- Offer variety to ensure participation. Gauge associate interest in pro bono projects and allow them to choose the project most interesting to them.
- Partnerships provide invaluable support. Legal departments can optimize the success of pro bono projects by drawing on resources offered by partnerships. Training services provided by partner organizations increases the number of non-litigators who participate in pro bono programs.
- Leverage technology. Utilizing an internal website to maintain pro bono policies and list current available projects from legal services organizations helps to efficiently keep attorneys aware of pro bono needs and opportunities.

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