


# IN GOOD COMPANY

Corporate law departments are stepping up their pro bono efforts

By Leslie A. Gordon

Esther Lardent is busier than she's been in years — and she couldn't be happier. Lardent heads the Pro Bono Institute, a small, nonprofit organization housed at Georgetown University Law Center in Washington, D.C., that provides research, consulting and training to lawyers. She's discovered a whole new crop of attorneys interested in doing pro bono work: in-house lawyers.

While pro bono work has long enjoyed a much higher profile at many major law firms, historically it hasn't attracted much attention within corporate law departments. But pro bono has been gaining momentum among in-house lawyers. Over the last 18 months Lardent has advised no fewer than 250 companies seeking to incorporate pro



Jeffrey Hyman,  
Intel Corp.



bono projects into their agendas. "The trajectory on this is unbelievable," she says.

Although no statistics are available yet, the Pro Bono Institute is working to create metrics and benchmarks for in-house legal departments doing pro bono. The country's oldest corporate pro bono program, according to Lardent, can be found at Aetna, the health insurance company based in Hartford, Conn. Aetna's program stretches back about 30 years. "There are some [other] very vibrant programs. But the vast majority have begun in the last one or two years," says Lardent. "We expect a huge increase over the next year."

The trend can be traced, at least in part, to initiatives from the Association of Corporate Counsel, the nationwide bar association for in-house lawyers, which began when the group approached the Pro Bono Institute in 2000. "ACC came to us and said, 'You know pro bono. We know in-house. It's time to take it to the next level,'" recalls Lardent. The result was a project called Corporate Pro Bono. Through online services, technical assistance and educational outreach, the national project is a resource for in-house counsel interested in taking on pro bono work.

Lardent attributes the rising interest in corporate pro bono projects largely to the mobility of the legal profession. "There's a strong cadre of [in-house] people who were at law firms where they were very active in pro bono, and they missed it in the corporate world," she says. "There are also a remarkably large number of general counsel who have a strong history and commitment to pro bono. We lovingly refer to them as pro bono junkies or 'PBJs.'" Lardent points to Michael Holston at Hewlett-Packard Co. and Laura Stein at The Clorox Co. as examples of California-based GCs who have made pro bono work a priority at their companies.

Jeffrey Hyman, chief counsel for three operating divisions at Intel Corp. in Santa Clara, was one of those in-house lawyers who missed the pro bono work he'd done during his law firm days. Toward the end of 2005, he approached D. Bruce Sewell, Intel's GC, who gave the green light to Hyman's suggestion for a pro bono program. Others at the company, including the CEO and the head of human resources, noted that Intel already had a strong community service program and wondered why lawyers needed a program of their own. "We explained the history and tradition of pro bono," says Hyman, recalling the law department's response to the reservations expressed by other Intel officials.

Before getting underway, Hyman surveyed legal department employees to find out about existing pro bono expe-

rience as well as "interest and obstacles" that might be encountered. He also sought advice from other companies and law firms. Intel rolled out a test program in Silicon Valley toward the end of 2006. By the following spring, three other Intel sites in California, Oregon and Arizona had offered pro bono opportunities to members of their legal departments. Projects have included advising micro-entrepreneurs, representing minors and adults in legal guardianship proceedings, assisting women in contested domestic violence restraining orders and representing families of disabled kids in special education cases. "Making pro bono possible relieved a lot of pent-up interest," says Hyman,

who now chairs Intel's formal pro bono committee. "People assumed that when they went in-house that was end of their pro bono days."

Lardent says that pro bono work can also enhance morale and team-building within corporate law departments by providing opportunities for lawyers to work across different specialty areas and offices. Volunteer legal work also allows corporate lawyers to "get out of their comfort zone and refresh" their legal skills, she says, along with providing supporting roles for paralegals and other law

department members. And if a corporate pro bono project overlaps with a company's other charitable or philanthropic work, the legal department can benefit from increased exposure to its clients. "The lawyers can demonstrate their skills as problem solvers," says Lardent. There's even the possibility of a public relations boost for the company. Pro bono cases that land in court, she notes, "can connect lawyers to the company's customer base by exposing them to juries."

Hyman says one of the biggest challenges has been figuring out how to make it onto radar screens at community agencies that work with outside pro bono lawyers. "The Bay Area is a unique environment," he says. "It has a high concentration of law firms that are volunteer-minded and we all want to get on that list" of pro bono providers. That said, Intel lawyers have been jumping at pro bono opportunities that come to their attention. "When we send an announcement about a new matter, we have a taker within an hour," says Hyman. He says that Sewell recently sent out an e-mail looking for volunteers to work with him on a pro bono matter "and had 25 responses within an hour."

Intel's pro bono program also includes teaming up on projects with attorneys at outside firms, including Nixon Peabody; Baker & McKenzie; and Orrick, Herrington & Sutcliffe. Hyman says the partnership approach is aimed at alleviating concerns among in-house lawyers that taking on pro bono matters won't end up consuming too much of their time. "We determined that we can split tasks between Intel and law firm partners," he says. "If a deal blows up and a lawyer needs help with a pro bono case, there's built-in

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backup. It doesn't require going cubicle to cubicle to find a sub."

The Legal Aid Society of San Mateo County is one of the beneficiaries of Intel's pro bono efforts. The organization had already been working for some time with Baker & McKenzie on special education matters when Intel lawyers came into the picture. "We were really excited when Intel got involved. Our resources are so limited," says Brooke Heymach, a supervising attorney at the legal aid group who manages its Special Education Pro Bono Project. Heymach has assigned more than a dozen cases to Baker, several of which also involve Intel attorneys. A typical case involves helping low-income clients navigate the complex special education system. Heymach, for example, recently asked Intel lawyers to represent the mother of a 4-year-old who has not been speaking but did not receive school district assistance despite a doctor's opinion that special education help was needed.

"Some of our cases are incredibly time-consuming, involving due process hearings, mediations and trials. If we can draw on the resources of firms and corporations, we can see more clients," says Heymach, whose group assisted some 1,500 clients last year with a staff that includes only a dozen lawyers. "In San Mateo County the poverty rate is increasing and the justice gap is growing. There's an ongoing need for more pro bono lawyers."

To encourage more companies to pitch in, the Pro Bono Institute and ACC created a "corporate pro bono challenge," asking companies to sign a pledge that promises to make pro bono a priority for its in-house lawyers and to take into account pro bono work at outside law firms when hiring counsel. Along with other blue-chip companies such as General Motors and Microsoft, Intel was a charter signatory and pledged that at least half of its legal staff will do pro bono work in the next year. To date, about 60 companies have signed the pro bono pledge.

Lardent, from the Pro Bono Institute, and others are keenly aware of the challenges they face when it comes to raising the profile of pro bono work among in-house lawyers. Corporate law departments are often regarded as cost centers within their companies, which can make it difficult to add volunteer work to a list of company priorities. Other obstacles include lean staffing, a lack of malpractice insurance and the fact that corporate lawyers may not be licensed to practice in certain jurisdictions. "Our job is to serve as a central reference point and to figure out answers to these issues so they are no longer obstacles," says Lardent.

Pro bono advocates also acknowledge that doing pro bono work historically has been easier at outside law firms, which "are in the business of doing law as opposed to a company that makes widgets," says Ajay Patel, vice president of legal affairs at Sony Connect, a Los Angeles-based division of Sony Corp. "The overall machinery of a law firm versus being one of three lawyers in an in-house legal department makes a difference. It's easier in law firms to go down the hall to get people together" to work on pro

bono matters. Unlike most in-house legal departments, law firms are also more readily equipped to quickly step into litigation-oriented pro bono projects, with support staff, pleading forms and other infrastructures in place.

Indeed, a particular challenge for in-house lawyers is that they are typically not experienced litigators while most pro bono matters require at least some aspects of litigation. Patel, who heads the pro bono committee of ACC's Southern California chapter, says that many of the group's members are eager to take on pro bono work. But when selecting pro bono programs that are looking for outside attorneys, he made sure to send a message to in-house lawyers: "No litigation background is necessary." To date, those programs have included Public Counsel's uncontested adoption day; L.A. Works, through which lawyers can donate time to fix up inner-city schools; and a "Street Law" class, which pairs law students at USC with in-house lawyers to present law-related lectures to kids.

Patel says large companies, including Southern California Edison and Hilton Hotels Corp., are more likely to coordinate pro bono opportunities for members of their legal staffs. "In a small legal department, it's more difficult to break away" from work, he says. But Patel also says pro bono work does not necessarily require much time away from regular company work. "I'm not out of the office for pro bono work," he says. "It's done mostly after hours or with a phone call here and there."

Hyman, the in-house lawyer at Intel, is similarly aware that many companies may be reluctant to build their own formal pro bono programs. "There's something inherently inefficient about lots of companies building the infrastructure that we just did," he says. Instead, Hyman recently met with members of Hewlett-Packard's legal department to discuss some kind of regional pro bono structure for in-house lawyers. "I don't know how many companies have said, 'Should we do it?' and decided, 'Let's not.' It just hasn't occurred to companies that you can," says Hyman, who has also been talking to lawyers at Symantec, where his wife works, about starting a pro bono program there.

Lardent, meanwhile, believes that more companies are recognizing that pro bono work is not only a good thing to do but is also good for the bottom line. She has seen some annual CFO reports that have highlighted a company's pro bono legal work as part of its overall business activities. "It's the legal analog to a company's charitable focus," she says. "When cost and quality are equal, [consumers] will choose one product because the company is a good corporate citizen."

The next frontier for in-house lawyers, according to Lardent, is global pro bono work. Large multinational companies these days may have as many as 30 or 40 percent of their in-house lawyers working overseas. "Pro bono is a very U.S. concept," she says. "But for general counsels, this issue is very much on their minds as they emphasize new markets and want to be good citizens. They want to show they care about the areas where they are doing business." ♦