





# HELPING HANDS

By Adele Nicholas

Illustration by Maria Rendon

A growing number of corporate counsel are finding career satisfaction, developing new skills and networking in their communities through pro-bono work. Learn how and why your department should get on board.

Like most law firm lawyers who go in-house, Marc Gary probably didn't miss time sheets, billable hours and rainmaking when he left Mayer Brown to join BellSouth's legal department in 2000. But as Gary settled into his new position as director of litigation for the Atlanta-based company, he did start to miss one thing about law firm life—working with his colleagues on pro-bono projects. Mayer Brown had an active committee that made it easy for the firm's lawyers to participate in a variety of pro-bono projects. But BellSouth didn't have anything like that.

"Many of our attorneys were doing pro-bono work on their own," says Gary, who is now the

company's general counsel. "But there was no formal structure for us to work together on projects to make a bigger impact."

So in 2001 Gary created a program to foster attorney involvement in pro-bono service. With the support of then General Counsel Charles Morgan, Gary created BellSouth's first pro-bono program. The company's lawyers immediately responded.

"It turned out to be an, 'if you build it, they will come' scenario," says Kendall Butterworth, senior litigation counsel and founding chair of BellSouth's pro bono committee. "We were overwhelmed by the level of interest."



# COVER STORY

Today, BellSouth's 90 lawyers do about 1,000 hours of pro-bono work annually, and 80 percent of lawyers in the department have gotten involved with projects ranging from counseling on adoptions to helping police officers draft wills (see "Pro Bono Heroes").

BellSouth's success is emblematic of a growing commitment among in-house counsel to do pro-bono work. Whereas the business pressures and time constraints on legal departments made extensive pro-bono programs seem impossible in the past, many departments are now finding innovative ways to foster them, and discovering a host of internal and external benefits in the process.

## Surging Interest

A variety of factors have converged to fuel the increased interest in pro-bono work among in-house lawyers. First, legal departments have experienced an influx of young attorneys from large law firms that have strong pro-bono programs. These attorneys see pro-bono work as an essential ingredient to their career satisfaction and push their companies to get more involved.

Along with that trend, high-profile

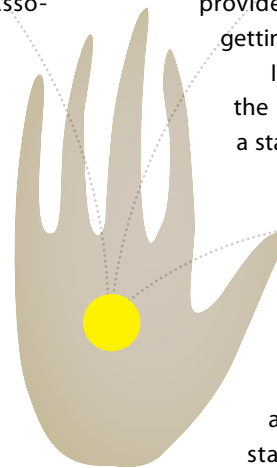
general counsel such as Marc Gary, Ken Handal at CA Inc. and Charles Matthews at ExxonMobil Corp. are spurring other in-house counsel to do more pro bono by launching initiatives within their com-

panies and getting involved with Corporate Pro Bono (CPBO), a joint project of the Washington, D.C.-based Pro Bono Institute and the Association of Corporate Counsel. CPBO links in-house lawyers with pro-bono opportunities and provides advice on its Web site, CPBO.org, about some of the challenges of getting involved with pro-bono work, such as the need for malpractice insurance, confusion about multijurisdictional practice rules, and getting buy-in from business managers (see,

"Steps to Success," p. 60).

"CPBO provides in-house departments with a lot of resources and opportunities to learn about what their peers are doing," says Esther Lardent, presi-

## We have hit a critical moment with corporate pro bono.



dent and CEO of the Pro Bono Institute. "We provide model pro-bono policies, information about how to connect with providers and technical assistance in getting a program off the ground."

In November CPBO launched the Corporate Pro Bono Challenge, a statement modeled on the Call to

Action, which secured legal departments' commitment to diversity. Fifty companies have already signed onto the pro-bono challenge, which says that the signatory companies will get at least 50 percent of their legal staff involved in pro-bono work and will encourage their law firms to commit to doing pro bono as well.

"We have hit a critical moment with corporate pro bono," says Jim Jones, senior vice president at Hildebrandt International and chair of the Pro Bono Institute's board. "It's really catching on among influential departments, and that is having a snowball effect."

## Finding The Time

Although there is now unprecedented interest in pro bono among in-house counsel, there remain some stumbling blocks that make it difficult for legal departments to get involved—chief among them is finding the time to do it.

"Busyness is a big barrier," Lardent acknowledges. "Departments are leanly staffed and it's difficult to be confident that you can keep a commitment to a pro-bono project once you take it on."

But smart departments are finding ways to participate in pro bono without

## PROJECT SPOTLIGHT

### Pro-Bono Heroes

In the aftermath of September 11, the media and the American public lauded the first responders to the scene—such as police officers, firemen and EMTs—for their willingness to sacrifice their own safety to help those in need.

But a story that didn't get much media attention following the attacks was that many of the first responders who lost their lives that day died without wills, leaving their families to sort through their affairs in the wake of the devastating loss. That issue resonated with Marc Gary, general counsel of BellSouth Corp., and his staff. In partnership with the lawyers at Nelson Mullins Riley & Scarborough, the company launched the Atlanta chapter of Wills for Heroes, a national pro-bono project that provides free estate planning to firefighters, soldiers, EMTs and police officers.

The concept is simple. After receiving training from estate-planning experts at Nelson Mullins, BellSouth lawyers and support staff go to a fire or police station and draft wills on the spot. Since 2003 BellSouth attorneys have provided 600 people with wills.

# COVER STORY

getting overwhelmed. The first strategy companies are adopting is partnering with outside counsel. For instance, BellSouth wanted to help low-income individuals who are caring full time for

dent says. "It's a four-hour commitment for lawyers—one and a half hours is training with CLE credit and two and a half hours is providing advice and legal assistance to clients at a designated time

## You can't help but think in-house computer lawyers are not qualified to help anyone do anything.

relatives' children to adopt those children. The company turned to its outside firm Kilpatrick Stockton, which trained BellSouth lawyers on how to do the adoptions, assisted with cases that became too time consuming, and paired BellSouth attorneys who were not licensed in Georgia with Kilpatrick lawyers so they could participate. That legwork made the project a success without overburdening the company's lawyers.

Another option is to partner with local legal aid organizations. Dennis Stryker, who heads the three-lawyer department at San Diego-based civil engineering and design company Rick Engineering Co., found that strategy particularly effective when his department embarked on a project to do trusts, wills and transfers of property for elderly people in the Bay Area.

"I would advise any legal department to go to its city's legal aid society," he says. "They need help and will provide you with training and do the heavy lifting for you." Stryker notes that an added benefit of such an arrangement is that the training programs usually qualify for CLE credit.

Finally, Corporate Pro Bono provides pre-packaged projects that could work for even the most time-strapped department—one such project sets up lawyers to answer questions for small business owners on a designated afternoon.

"We call it a 'clinic in a box,'" Lar-

dent says. "No matter how busy you are, it's manageable."

### Using Your Skills

In addition to the time crunch many departments face, another perceived barrier to pro-bono service is a lack of skills that are useful in a pro-bono context.

Bonnie Yeomans, chair of the pro-bono committee in CA Inc.'s legal department, puts it this way: "When you start to look at getting more involved in pro bono, you can't help but think that in-house computer lawyers are not qualified to help anyone do anything."

But CA's department, as well as many others, realized fairly quickly that corporate lawyers can apply their skills to many charitable endeavors.

"You can help a non-profit formulate employment policies or review a lease for them," Handal points out. "Those are the kinds of projects you can do with your pre-existing expertise right from your desk."

Finding projects that fit into existing skill sets simply requires legal departments to expand beyond traditional notions of what pro-bono work entails.

"Pro bono doesn't exclusively mean

going to court and trying a case," says Matthews, who started a pro-bono program at ExxonMobil in the 1980s. "There's a lot of legal help that people need on basic things such as landlord-tenant issues and Medicare benefits before it ever gets to a courtroom situation."

Even areas of law as seemingly non-charitable as tax can be parlayed into pro-bono projects. Stryker's department, for instance, helped a children's theater company file with the IRS to incorporate as a non-profit.

"There is a lot of transactional pro-bono work available," Lardent says. "That enables people who don't do litigation to apply their skills to pro bono."

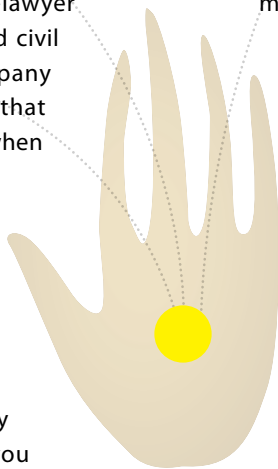
### PROJECT SPOTLIGHT

## Seeking Asylum

While many legal departments opt to use their pre-existing legal skills in a charitable context, some lawyers see pro bono as an opportunity to learn about an area of law they would never encounter in their daily lives.

The attorneys at CA Inc. engaged in one such project when they decided to help a Kenyan reporter get political asylum in the U.S. Kenyan government officials were threatening the reporter for writing stories about police corruption. With the help of attorneys at Nixon Peabody, Bonnie Yeomans, chair of CA's pro-bono committee, and other attorneys at CA, petitioned the U.S. government to let the reporter stay in the U.S., a request which it granted in November 2006.

"Partnering was key to this," Yeomans says. "Nixon Peabody had done many of these cases in the past, so they were able to guide us through it."



# COVER STORY

Some other in-house lawyers prefer to use pro-bono work to gain expertise in areas of law with which they have no previous familiarity (see, "Seeking Asylum," p. 58). At ExxonMobil, the key to the pro-bono program's ongoing vitality is providing variety. For instance, many of Exxon's 460 lawyers work primarily on pro bono that involves tax or commercial issues, while others are learning about family law, juvenile justice and other areas they would never encounter in their daily lives.

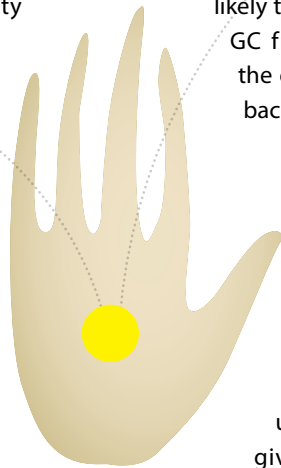
"Pro bono energizes people when they can learn new skills and do things they would not otherwise do," Matthews says. "There is an overwhelming need for legal help in so many different areas. We try to make it easy for people to get matched up with the opportunities that interest them."

## Making A Case

While many in-house counsel would love to launch a program with that kind of variety, many general counsel will first need to convince the CEO it is a good use of the lawyers' time. GCs who have launched successful pro-bono programs have found that they benefit the company in several key respects. Highlighting the key advantages of pro bono can help make that case.

The first advantage is the public-relations aspect. Having the company's lawyers out in the community engaged in service projects helps create a positive public image and raises awareness of a company's brand.

"Doing pro bono, you meet people that you would not have otherwise met," Stryker says. "People who might never have heard of our company know us through pro bono."



Second, GCs who have launched pro-bono programs say that leaders outside the legal department are more likely to be receptive to pro bono if the GC frames it as part and parcel of the company's overall goal of giving back to the community.

"All kinds of employees are involved in community service projects at Exxon," Matthews says. "For instance, we have a lot of corporate participation in Habitat for Humanity. Pro bono is a way for lawyers to use their specialized skills to give back. We can provide better legal services than we can roofs on houses."

Toward that end, many departments find ways to tailor their pro-bono projects to fit in with corporatewide community service projects. For instance, if

the company is involved in projects to prevent domestic violence, the lawyers can draft protective orders for victims of abuse.

Finally, pro-bono can be hugely important in the company's recruiting efforts. Many junior lawyers see pro bono as a way to distinguish themselves, build new skills and assume leadership responsibilities. And for lawyers at all levels, pro bono can make them feel good about their career paths and fulfill their responsibilities to the legal profession.

"What's driving pro bono in companies is not unlike what drives it in law firms," Jones says. "We are rediscovering the importance of being lawyers. The overwhelming focus on billings and the bottom line has created a sense in a lot of people that they want to reclaim what is special about being a lawyer. Pro bono offers a unique opportunity for that." ■

## Steps to Success

The following are the key steps to launching a successful in-house pro-bono program:

- 1** Survey your staff. Chances are, many of your lawyers are already doing pro-bono work and have ideas about what types of projects they'd like to work on.
- 2** Appoint a liaison. Choose someone within your department to head the pro-bono committee. This person's primary job will be to serve as a conduit of information between legal services organizations and members of your department about what opportunities are available to them.
- 3** Align with the businesspeople. Try to find common ground between corporatewide community service projects and pro-bono legal work. This will help you secure management support and give lawyers a chance to work alongside businesspeople on an important project.
- 4** Find partners. Your law firms and community legal aid organizations can provide the resources and infrastructure to help you do pro-bono projects that your department might not feel comfortable taking on alone.
- 5** Get staff involved. Paralegals and administrative staffers can play an important role in many pro-bono projects. It's also a good opportunity for these people to take on leadership positions.