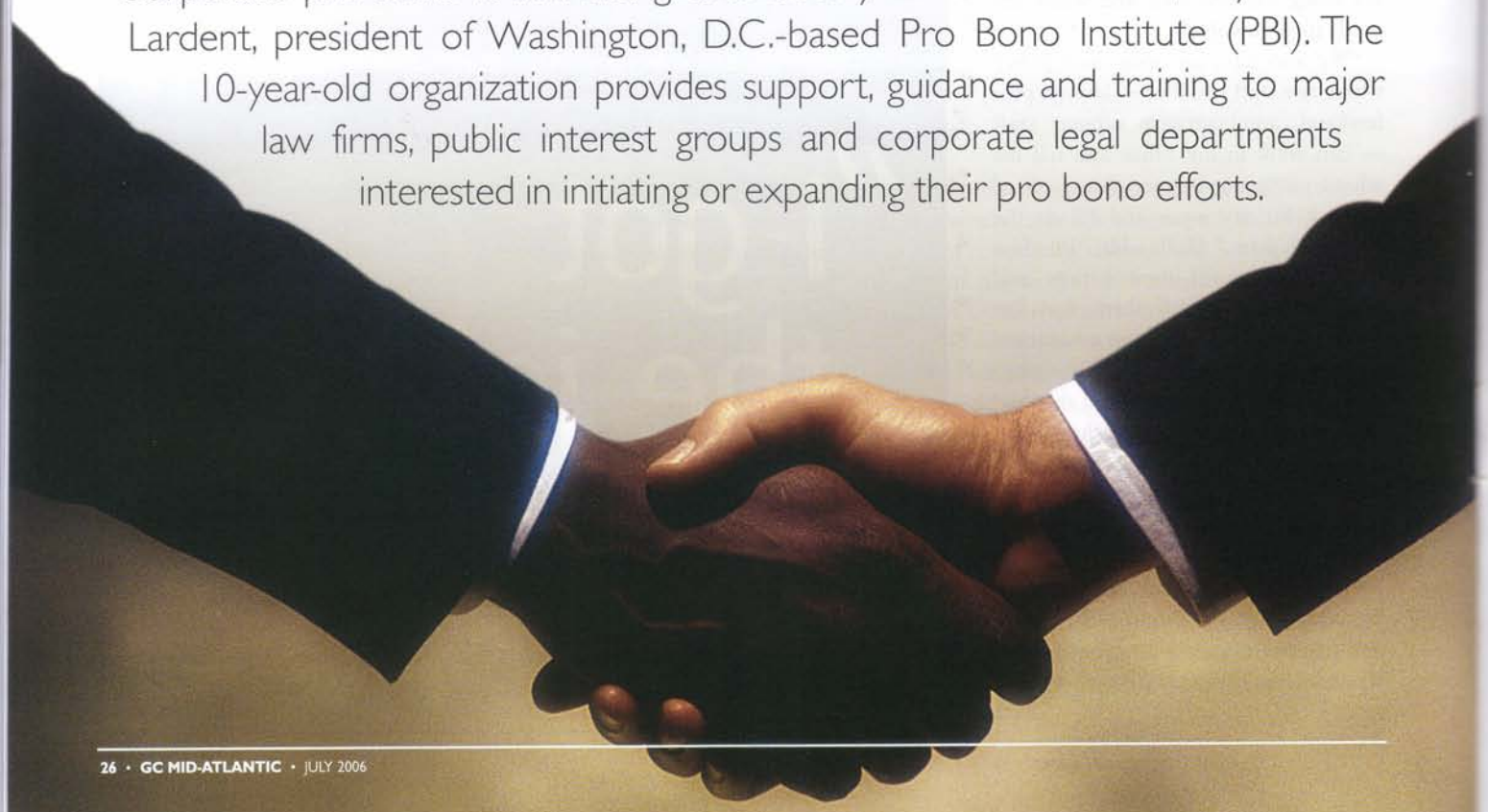


The Pros of Corporate Pro Bono

Law Departments Join Firms and Nonprofits to Help Their Communities

Tami Kamin-Meyer, Esq.

“Corporate pro bono is increasing dramatically across the board,” says Esther Lardent, president of Washington, D.C.-based Pro Bono Institute (PBI). The 10-year-old organization provides support, guidance and training to major law firms, public interest groups and corporate legal departments interested in initiating or expanding their pro bono efforts.



And not only do the recipients of pro bono legal services benefit from the generosity of the lawyers and support staff who help them, but so do the attorneys and even the corporations that participate.

In 2000, PBI formed the Corporate Pro Bono Organization (CPBO) in collaboration with the Association of Corporate Counsel (ACC) to advocate for and promote corporate pro bono efforts. At that time, "corporate pro bono was an oxymoron," says Lardent. "People looked at you like it was ludicrous to suggest corporate pro bono. It was not widely known and there was no buzz about it," she explains. The political, social and business climate was right for the venture.

"In the waning days of the Clinton administration, the President had an initiative called Lawyers for One America," she says. The goal of that directive was both to increase diversity in the legal profession and expand pro bono representation of "persons and communities of color," Lardent says. It also happens that both PBI and ACC were receiving inquiries from corporate legal departments nationwide seeking information about initiating pro bono programs. But, she says, "We didn't have the information or the resources to really offer thoughtful, reliable help."

In fact, corporate legal departments interested in enhancing or initiating pro bono programs had no central place to find necessary information. ACC suggested they pool their resources to create one entity with the mission to "change the

culture about pro bono and remove any obstacles to in-house pro bono," Lardent says.

For an organization whose full-time staff includes one attorney/director and one project assistant, this is a lofty goal, admits Lardent. Yet, in the six years since its inception, CPBO has enjoyed incredible support from a variety of sources, including Susan Hackett, senior vice president and general counsel of ACC, CPBO's volunteer leadership, corporate legal departments nationwide and Lardent herself.

Fred Krebs, president of ACC for the past 15 years, views corporate pro bono as "a professional obligation to give back" to the community. Not only that, he says, "It enhances a company's presence in the area."

Corporate attorneys who perform pro bono work also benefit because their efforts generally introduce them to areas of law different from their everyday practices.

"Attorneys get exposed to new challenges," says Krebs.

Mark R. Daniel, a member of the legal department at Merck, the Rahway, N.J., pharmaceutical company, believes his company's pro bono efforts are an excellent example of that. Daniel, an attorney in Merck's patent law department, wanted to learn more about other practice areas outside of his

CORPORATE PRO BONO RESOURCES

Pro Bono Institute

Corporate Pro Bono Organization

George Washington University Law Center
600 New Jersey Avenue, NW
Washington, D.C. 20001
202-662-9231
elardent@probonoinst.org
www.cpbo.org

Philadelphia Volunteers for Indigent Program

Philadelphia LawWorks

Stephanie Fleischer Seldin, Managing Attorney
42 South 15th Street, 4th Floor
Philadelphia, PA 19102
215-523-9560
sfseldin@phillyvip.org
phillyvip@phillyvip.org

Central Jersey Legal Services

(offices in Trenton, Elizabeth, New Brunswick
and Perth Amboy)
198 West State Street
Trenton, NJ 08608
Phone: 609-695-6249
www.lsnj.org/cjls/index.htm

Community Development Project

Maryland Volunteer Lawyers Service
Jennifer Odendahl, CDP Director
1 North Charles Street, Suite 222
Baltimore, MD 21201
410-539-6800
jodendahl@mvlslaw.org

The Community Law Center

Kristin J. Dunkerton, Executive Director
2500 Maryland Avenue
Baltimore, MD 21218
410-366-0922
www.communitylaw.org/

Community Economic Development

Pro Bono Project

The District of Columbia Bar

Pro Bono Program

Regina Hopkins, Supervising Attorney
1250 H Street, NW, 6th Floor
Washington, DC 20005
202-737-4700, ext. 369
rhopkins@dcbar.org
www.dcbar.org/for_lawyers/pro_bono/
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Nonprofit Legal Support Program

Fairfax County Bar Association
4110 Chain Bridge Road, Suite 303
Fairfax, VA 22030
(703) 246-2740
fba@fairfaxbar.org

everyday focus. Delving into pro bono has allowed him to do that. "I wanted to get into domestic, bankruptcy and family law, so pro bono was a good outlet," he says.

Merck's corporate legal department offers pro bono services on several fronts. For example, it has partnered with Central Jersey Legal Services (CJLS), created by the 2003 merger of the Legal Aid Society of Mercer County, Middlesex County Legal Services Corporation and Union County Legal Services Corporation, to provide representation in civil cases to residents of central New Jersey. Through Merck's partnership with CJLS, corporate counsel consult with CJLS clients at the service provider's office or, if a client is unable to travel there, at the client's home.

Merck's legal department is also the first in New Jersey to participate in Street Law. In that program, Merck attorneys meet with high school students from Orange and Hoboken high schools, introducing them to the practice of law and answering general legal questions of interest to the students.

Daniel estimates that while the typical pro bono case requires 25 to 30 hours to dispose of, his most memorable case lasted nearly eight months and took approximately 250 hours to complete. A mother had deserted her husband and four young children, only to return to seek full custody. After an enormous amount of research and much legal wrangling, Daniel was successful in persuading the court to grant guardianship to the minors' grandparents.

Fitting pro bono into a demanding work schedule is a challenge, but "Merck work comes first," Daniel emphasizes. To ensure that he meets both his paid responsibilities and his pro bono commitments, he often works through lunch or stays late. Still, Daniel is committed to his pro bono service. "It's important to represent those who couldn't have legal representation," he says.

The time commitment is only one of the issues facing corporations that want to initiate pro bono services. PBI's Lardent has identified the following five concerns or obstacles to corporate pro bono: obtaining malpractice insurance coverage for pro bono cases; matching the skill sets of corporate lawyers with the legal needs of the clients; providing pro bono legal services to clients in a jurisdiction where the attorneys may not be licensed; finding the right public sector partner; and obtaining proper training for the lawyers. "These concerns kept corporate legal departments from offering pro bono," she says.

Fortunately, there are answers to these dilemmas. For example, most corporate law departments don't carry malpractice

insurance because they deal with only one client and the principles of indemnification apply in liability matters. If the corporate law department hitches its pro bono program to a bar association or law firm, however, its pro bono representations are likely to be insured, Lardent says. Corporations may also be able to purchase malpractice insurance only for its pro bono work, she adds.

Lardent offers some concrete suggestions for establishing or expanding a corporation's pro bono program. She believes the support of the general counsel is crucial to the success of the pro bono effort. "It needs to have a buy-in from the GC. That's important," she says.

Researching the pro bono efforts of other companies, within and outside similar industries, can provide information about what types of pro bono programs or services corporate law departments are engaged in. Lardent also suggests narrowing the focus of the pro bono program first by discussing the project with others in the department to "get a sense of what others in the office are doing, pro bono-wise, and what they'd be interested in doing," and then, if there is no clear consensus among the participants, contacting public interest organizations in the community to learn what their pro bono needs might be. "In almost any area you pick to work in, you'll be able to find a way to make a difference," she says.

Lardent also suggests partnering with an established entity, such as a bar association or law firm, that may be equipped to provide your company's law department with the training, mentoring and other resources necessary to develop a successful pro bono venture.

Initiating a pro bono program can seem daunting, but it needn't be. In fact, one method of offering pro bono legal services can even be delivered to your corporate offices. In a box.

CPBO created a "Clinic in a Box" to serve as the framework for an on-site pro bono clinic for corporate legal departments, law firms and other legal entities interested in providing free legal representation. "It's a manageable, discrete pro bono opportunity designed to give real benefits," says Lardent.

The clinic is a one-day commitment with two important components. In the morning, participating lawyers receive intensive training designed to teach them how to assess legal issues confronting small business owners and/or nonprofit organizations, the usual clients for this type of pro bono work. Armed with this new knowledge, the lawyers meet clients in the afternoon to address their legal concerns. Should the client require assistance or legal representation beyond that brief

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encounter, the lawyer has the option of providing ongoing pro bono services.

One goal of the "Clinic in a Box" is to encourage in-house lawyers to utilize their transactional legal skills to perform pro bono work by arming them with knowledge and providing them the venue. According to Lardent, the clinic is also designed to "foster closer ties between the corporations, their communities and public interest groups."

In Philadelphia, corporate legal departments enjoy an active partnership with nonprofit organizations that help coordinate local pro bono efforts. One such group, Philadelphia LawWorks, a project of Philadelphia Volunteers for the Indigent Program (VIP), contributes to the city's economic development by encouraging pro bono representation of homeowners, nonprofits and small business owners.

Stefanie Fleischer Seldin, managing attorney of Philadelphia VIP, coordinated Philadelphia LawWorks' second annual Corporate Pro Bono Day in September 2005. The program, held in cooperation with ACC's Delaware Valley chapter (DELVACCA) and CPBO, emulated the "Clinic in a Box" model. Seventeen lawyers representing eight corporate law departments, including Exelon Business Services, Arkema Inc. and Penn Virginia Corp., received continuing legal education training from three attorneys from the Philadelphia office of Duane Morris on legal issues facing the 13 pro bono clients they were to counsel later in the day. While the names of those clients are confidential, they included, among others, a cake company seeking incorporation guidance and a dance studio embroiled in a landlord/tenant issue, says Seldin.

Richard Cohen, one of the Duane Morris lawyers who participated in Corporate Pro Bono Day, views his involvement as an extension of his own pro bono efforts.

"I like to help corporate lawyers in their endeavors to provide pro bono because it expands the pro bono efforts in my city while helping small businesses, too," says Cohen. His favorite part of the day was that "participants were so engaged, interactive and excited to offer pro bono," he adds.

The program went so smoothly that Seldin will hold the third annual Corporate Pro Bono Day, Sept. 12 at the Enterprise Center, a small business assistance program in West Philadelphia. Seldin hopes that programs like this mark the beginning of the participating lawyers' pro bono efforts, not

the end. "We consider this an introduction to pro bono. We hope our volunteers use this as an entrée to doing pro bono on their own," she says.

PBI's Lardent believes that corporate pro bono is on the upswing for a number of reasons. "Corporate pro bono is clearly growing because of the migration of attorneys from firms, typically larger ones, where pro bono is more the norm," she says. When a lawyer from a large firm with a vibrant pro bono atmosphere joins a corporate legal department without a similar program, they often seek to establish one, she explains. The belief that lawyers should "give back" to their communities is also common among large firm lawyers. When they join in-house legal departments, they bring that philosophy with them.

And not only do the recipients of pro bono legal services benefit from the generosity of the lawyers and support staff who help them, but so do the attorneys and even the corporations that participate. "Corporate social responsibility improves job satisfaction, morale and skills," says Lardent. The lawyers are also usually more productive because they demonstrate a greater commitment to their jobs, she says. "Corporations are also realizing that it is part of their responsibility, besides making money, to be a good corporate citizen and give back to the communities in which they work."

In 2002, CPBO sent a baseline survey to numerous corporate legal departments across the country to gauge their attitudes towards and participation in corporate pro bono projects. The survey "showed pro bono was under the radar, offered in snippets," Lardent says. This past May, CPBO sent an updated version of the survey to 2,000 legal departments across the country "to see where pro bono has gone since 2002," she says. While Lardent can't predict for certain what the survey results — expected to be released this fall — will reveal, she predicts, "My guess is it will show more participation in pro bono and more formal responses to pro bono requests." •

Tami Kamin-Meyer is a writer and attorney who volunteered in the Street Law program while a student at Capital University Law School in Columbus, OH.

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