

2014 BENCHMARKING REPORT

An Overview of In-House Pro Bono | March 2015

© 2015 Pro Bono Institute
This report may not be reproduced
in whole or in part without the prior
written consent of Corporate Pro Bono.



INTRODUCTION

The momentum for in-house legal pro bono has grown tremendously in the last ten years. During this time, [Corporate Pro Bono](#) (CPBO), a partnership project of [Pro Bono Institute](#) and the [Association of Corporate Counsel](#), has worked with more than 500 legal departments and ACC chapters, helping them grow, develop, and expand in-house pro bono programs and offerings for their legal staff and chapter members.

This report includes responses from 64 legal departments and highlights several key trends in in-house pro bono that CPBO observed in 2014. This is the third benchmarking report CPBO has published. In 2013, CPBO issued its [2012 Benchmarking Report](#), which provided responses from 50 legal departments, 32 of which answered the survey in 2014. As in-house pro bono evolves, CPBO will continue to expand and update these materials. CPBO extends its appreciation and thanks to those departments that participated in the survey and commends them for their commitment to pro bono service.

For more information about this benchmarking report or for general information about in-house pro bono, please contact Corporate Pro Bono at cpbo@probonoinst.org.

CONTENTS

Notable Trends	Page 3	Malpractice Insurance	Page 11	Pro Bono Metrics	Page 19
Company Overview	Page 5	Pro Bono Partnerships	Page 12	Pro Bono Representation	Page 20
Program Administration	Page 7	Global Pro Bono	Page 14	Communications	Page 21
Policy Details	Page 9	Pro Bono Projects	Page 16	Pro Bono Budgets	Page 23

NOTABLE TRENDS

Since first published in 2011, CPBO's benchmarking reports have revealed several trends that have become almost truisms in in-house pro bono performance and program management, including:

- in-house pro bono is voluntary
- participation in in-house pro bono is permitted during normal work hours
- in-house pro bono is not just for lawyers; it engages lawyers as well as other professional staff within legal departments

Other key measures have shifted. From 2012 to 2014, CPBO's benchmarking reports showed several notable changes in pro bono performance. While these values cannot be directly compared – the pool of respondents to the benchmarking reports changed from 2012 to 2014 – these statistical shifts highlight interesting trends CPBO has been and will continue to monitor in years to come.

Global Pro Bono

In 2012, 45 percent of 50 respondents reported engaging in global pro bono, which was defined to include:

- attorneys and legal staff abroad working on matters local to their jurisdiction;
- attorneys and legal staff in the U.S. and abroad working jointly;
- attorneys and legal staff in the U.S. working on matters abroad; and
- attorneys and legal staff abroad working on matters that are not local to their jurisdiction.



However, in 2014, only 23 percent of 64 respondents reported engaging in global pro bono.

Contrary to what the decline in participation implies, interest in global pro bono has been growing. In the past five years, CPBO has worked with numerous departments eager to engage legal staff around the world in pro bono legal services. In response, in 2012, CPBO and PBI formed the Corporate Task Force on Global Pro Bono to focus on this developing movement. However, global pro bono remains a difficult area to navigate.

While many companies, particularly multi-national firms, are well-suited to pursue global pro bono projects, much remains to be done to create the infrastructure necessary for such work. Restrictions on pro bono, as well as a limited number of pro bono intermediaries, create challenges in many countries. Consequently, participation in in-house global pro bono can fluctuate from year to year.

CPBO and PBI are developing resources to support further advancements in global pro bono. However, we anticipate that global pro bono will continue to produce mixed results over the next several years.

Pro Bono Partnerships

From 2012 to 2014, pro bono partnerships between legal departments and legal services providers and law firms remained strong. During the same time, partnerships with other legal departments increased. In 2012, 42 percent of respondents reported their departments partnered with other legal departments on pro bono. In 2014, that number increased to 55 percent.



These responses are consistent with CPBO's observations over the two years that there is greater collaboration among legal departments. These partnerships include departments hosting joint pro bono projects, larger departments with more mature pro bono programs inviting smaller departments or departments newer to pro bono to join with them on pro bono projects, as well as groups of legal departments coming together to share best practices and project ideas. This has been an exciting trend that CPBO believes highlights a maturation in in-house pro bono, where legal departments provide expertise, support, and resources to each other to further support the growth of in-house pro bono.

CPBO anticipates that in-house partnerships with law firms and legal services providers will remain strong, while there will be a continued strengthening of partnerships among legal departments similarly situated in their desire to expand and strengthen in-house pro bono.

Liability Insurance for Pro Bono

Another interesting shift that CPBO will closely monitor and that may signify growing maturation in in-house pro bono regards malpractice insurance. While not a barrier to in-house pro bono, securing insurance coverage for pro bono is an important early step for in-house counsel and legal departments engaging in pro bono. Many departments partner with legal services providers to secure coverage for volunteer work. However, from 2012 to 2014, the percentage of legal departments relying on the insurance policies of legal services providers dropped from 92 percent to 76 percent.



As more departments organize and develop programming that uniquely meet the needs of their volunteers as well as those in the community, the need for departments to secure insurance independent of legal services providers increases. Ensuring other options are available, including obtaining a policy or an endorsement that provides coverage, offers legal departments independence and flexibility with regard to the types of matters their volunteers can take on and the source of those opportunities. In addition, as in-house pro bono grows, greater understanding of the different options for insurance coverage, which may be obtained often at low to no cost, also grows. CPBO is eager to follow the developments with regard to pro bono insurance in the upcoming years.

Departments

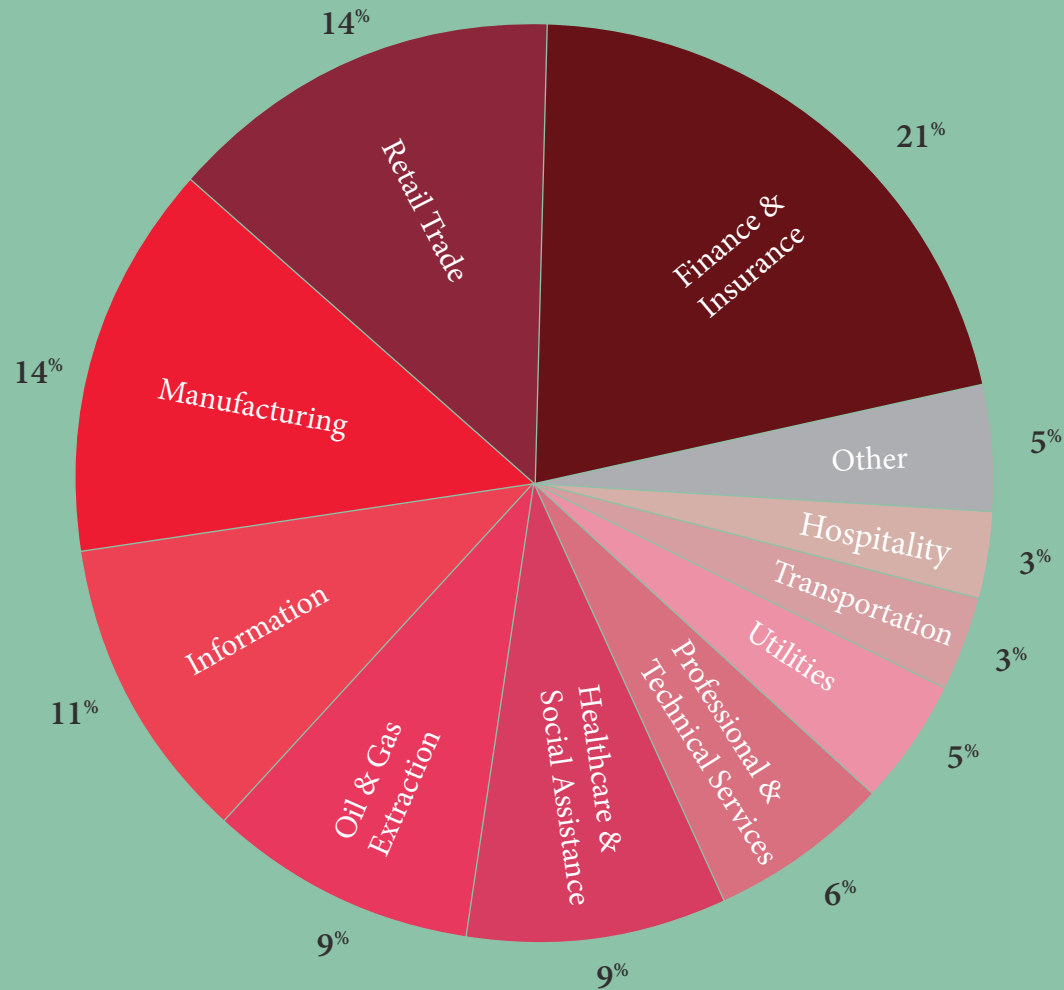
The following legal departments contributed to the results in this report:

Aetna Inc.	Gallup, Inc.	The Pep Boys - Manny, Moe & Jack*
American International Group Inc.*	The Gap, Inc.*	Pfizer Inc.
AOL Inc.	General Electric Company*	QUALCOMM Incorporated
Bank of America Corporation*	General Mills, Inc.	Shell Oil Company
Best Buy Co., Inc.	GlaxoSmithKline plc	Sony Electronics Inc.
Boston Scientific Corporation	The Goodyear Tire & Rubber Company	Starbucks Corporation
Capital One Financial Corporation	Google Inc.	Symantec Corporation
Cargill, Incorporated*	Hewlett-Packard Company*	Target Corporation*
Caterpillar Inc.*	Hyatt Hotels Corporation	TXU Energy
Chevron Corporation	Intel Corporation	U.S. Bancorp*
The Chubb Corporation	International Business Machines Corporation*	UBS Financial Services Inc.*
CIGNA Corporation*	JPMorgan Chase & Co.*	United Continental Holdings, Inc.*
Cisco Systems, Inc.*	Marathon Oil Corporation	United Parcel Service, Inc.*
Consolidated Edison Company of New York, Inc.	McDonald's Corporation*	UnitedHealth Group Incorporated*
Counsel on Call	Medtronic, Inc.*	Verizon Communications Inc.*
Deere & Company*	Merck & Co., Inc.*	Walgreen Co.
Discover Financial Services*	Metlife, Inc.*	Wal-Mart Stores, Inc.*
Duquesne Light Company	Microsoft Corporation*	The Walt Disney Company
DuPont*	MVG Development, Inc.	WPX Energy, Inc.
Exxon Mobil Corporation*	Nationwide Mutual Insurance Company*	Yahoo! Inc.
Ford Motor Company*	Navistar, Inc.	
The Federal Home Loan Mortgage Corporation (Freddie Mac)	Office Depot, Inc.*	

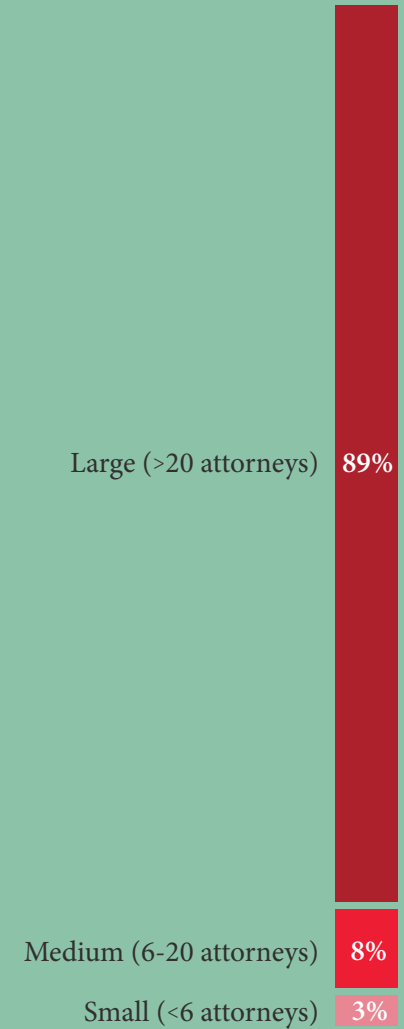
*Responded to 2012 and 2014 surveys

COMPANY OVERVIEW

Industry or Service Sector

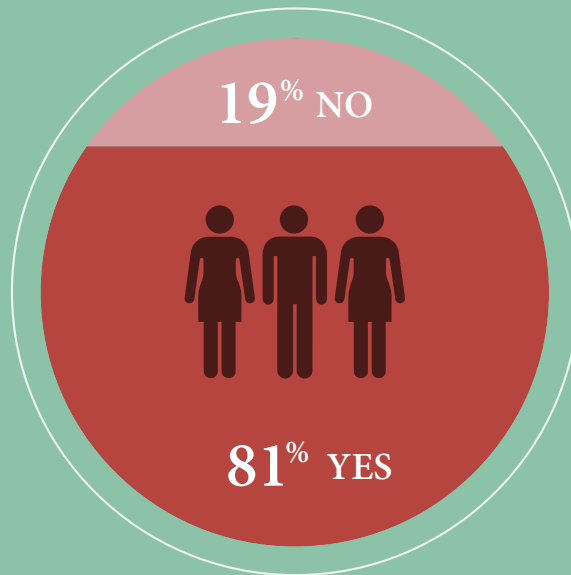


Legal Department Size



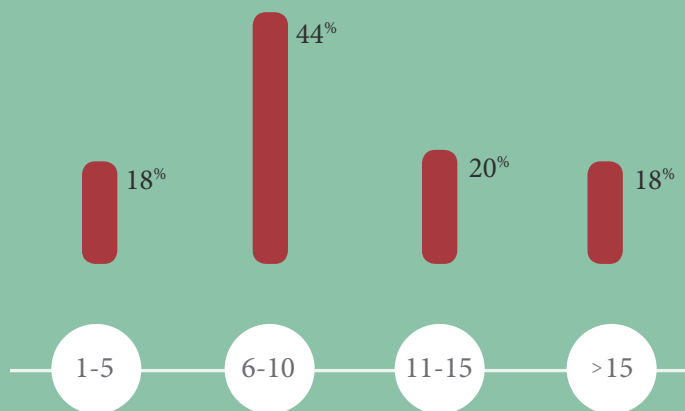
Managed by Pro Bono Committee

Does your legal department have a pro bono committee?



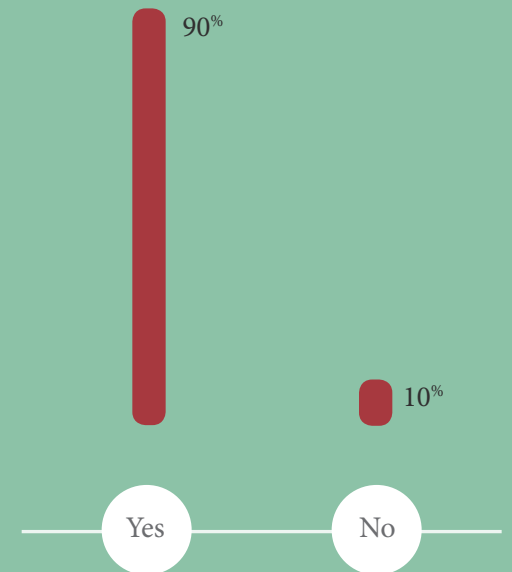
Committee Members

How many members comprise the pro bono committee?



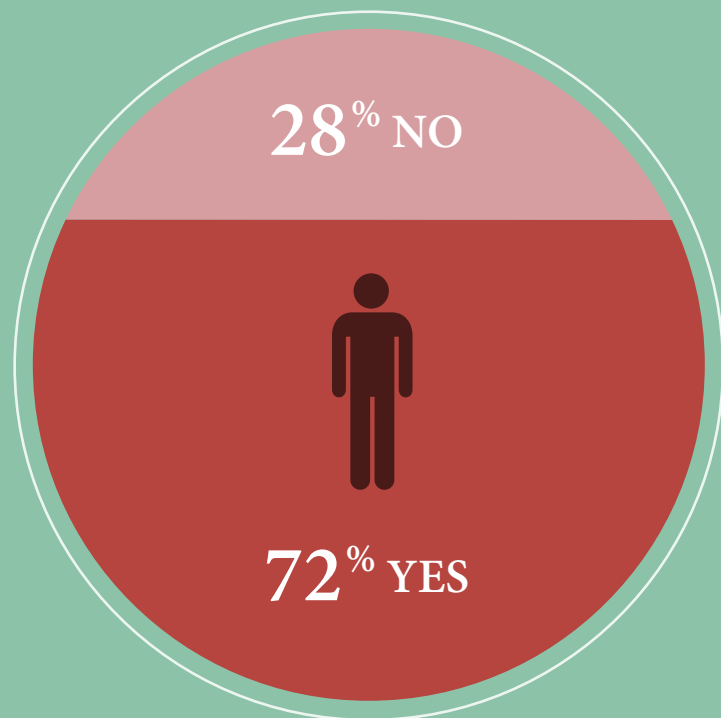
Committee Chair / Co-Chairs

Does your legal department have a committee chair/co-chairs?



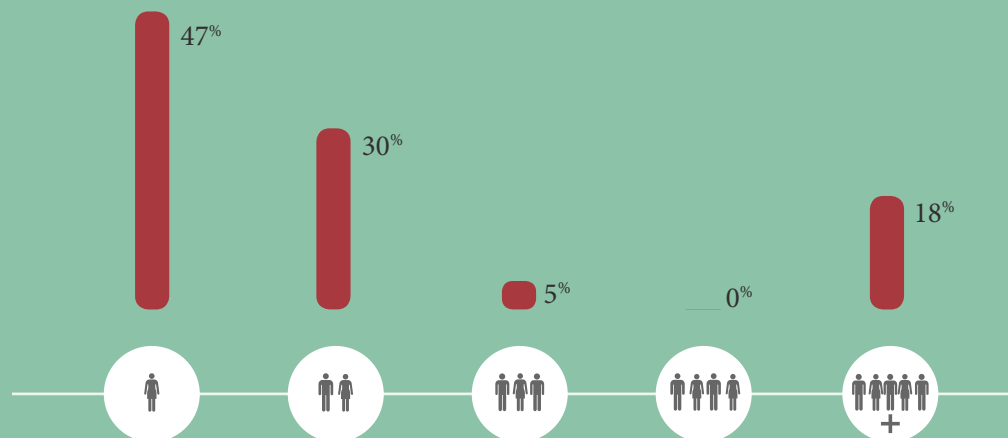
Pro Bono Coordinator

Does your legal department have a pro bono coordinator(s)?



Number of Coordinators

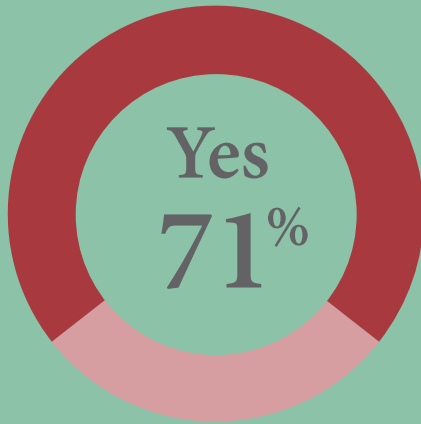
How many coordinators does your legal department have?



POLICY DETAILS

Pro Bono Policy

Does your legal department have a written pro bono policy?



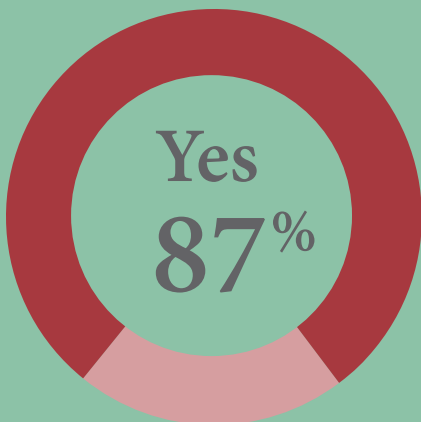
Mandatory Pro Bono

Is participation in your legal department's pro bono program mandatory?



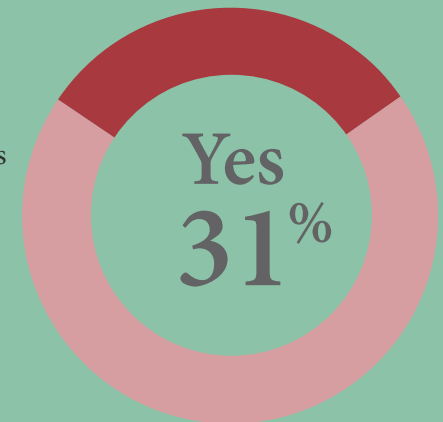
Non-Attorney Participation

Do non-attorneys participate in the pro bono program?



Factor in Evaluations

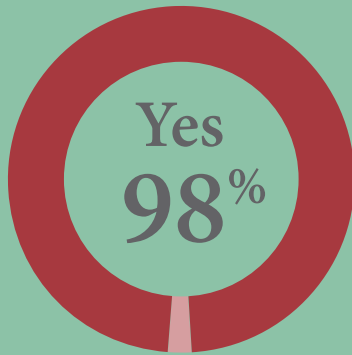
Is pro bono work used as a factor in evaluations, advancement, or bonuses?



POLICY DETAILS

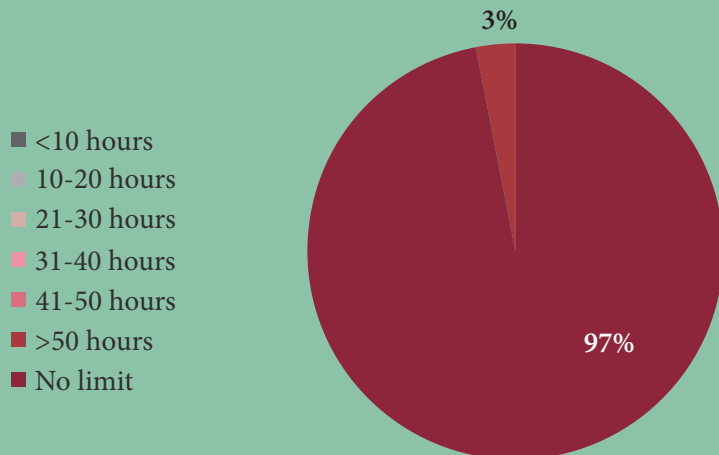
Pro Bono Hours

Are members of the legal department permitted to do pro bono during normal work hours?



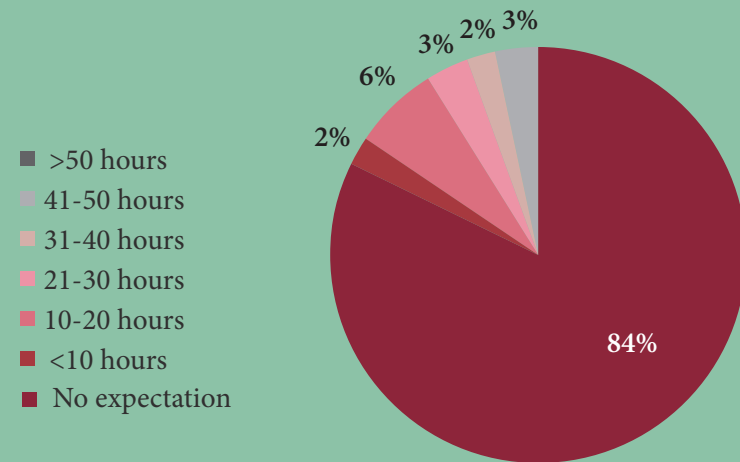
Annual Limit of Pro Bono Hours

Is there an annual limit on the hours spent on pro bono?



Expectation of Pro Bono Hours

Is there an expectation for members of the legal department to spend a certain number of hours annually on pro bono?

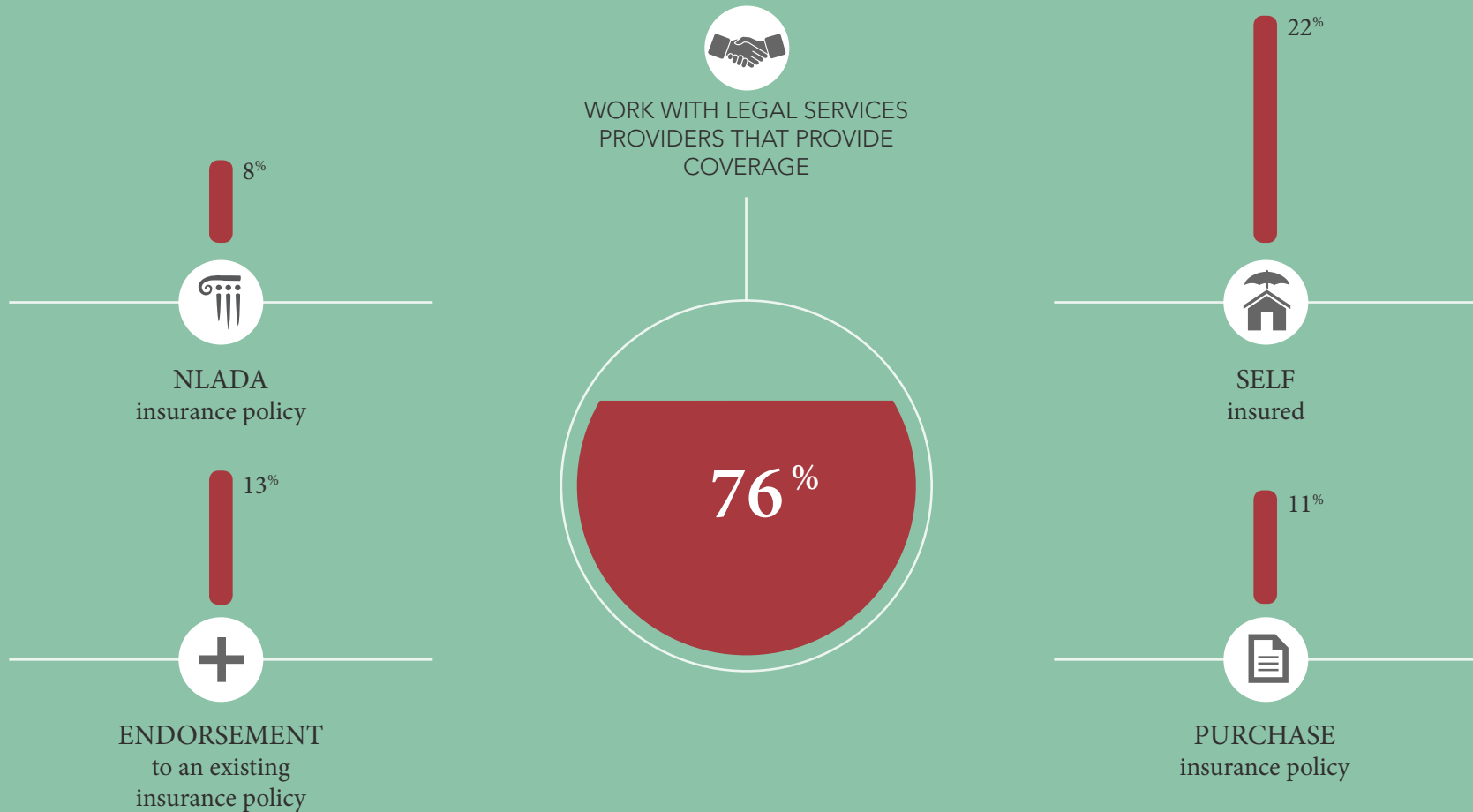


84%

CAN TAKE ON PRO BONO MATTERS OUTSIDE THE OFFICIAL PROGRAM

Professional Liability Insurance

How does your legal department address professional liability coverage?
(select all that apply)

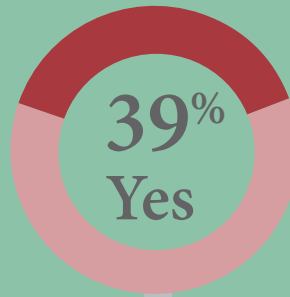


PRO BONO PARTNERSHIPS

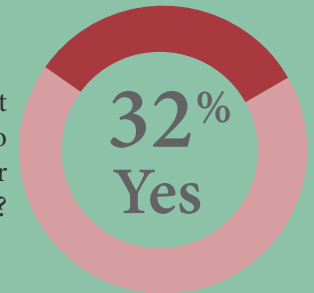
Partnerships with Law Firms



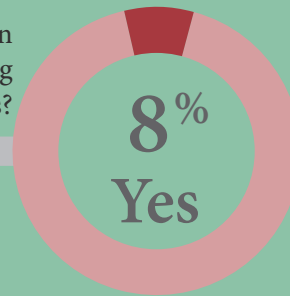
Does your legal department consider a firm's pro bono performance when evaluating outside counsel?



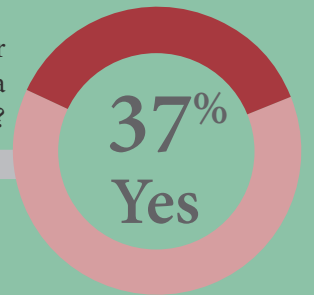
Does your legal department inquire regarding pro bono in RFPs, beauty contests, or retention processes?



Has your legal department entered into a written agreement or memorandum of understanding with one or more of its law firm partners?



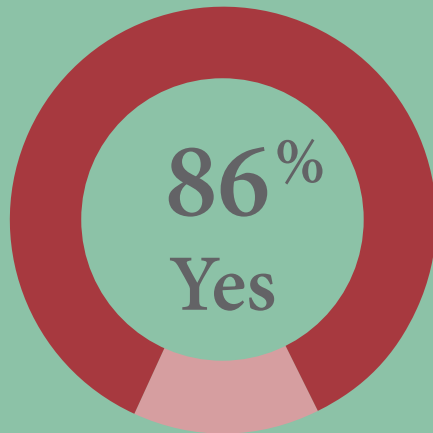
Does your legal department partner with firms whom it does not have a prior business relationship?



PRO BONO PARTNERSHIPS

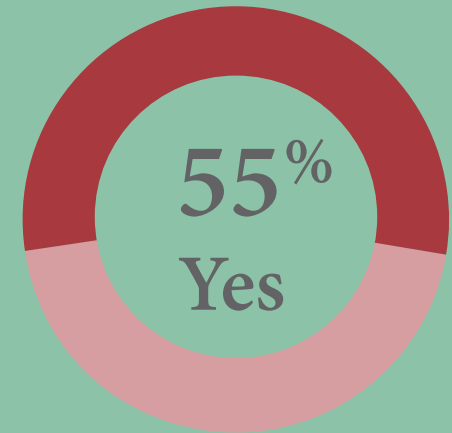
Partnerships with Legal Services Providers

Does your legal department enter into pro bono partnerships with legal services providers?



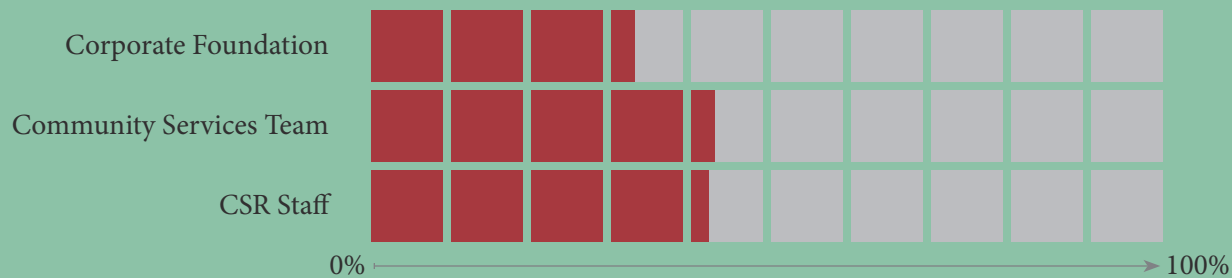
Partnerships with Legal Departments

Does your legal department enter into pro bono partnerships with other legal departments?



Internal Partnerships

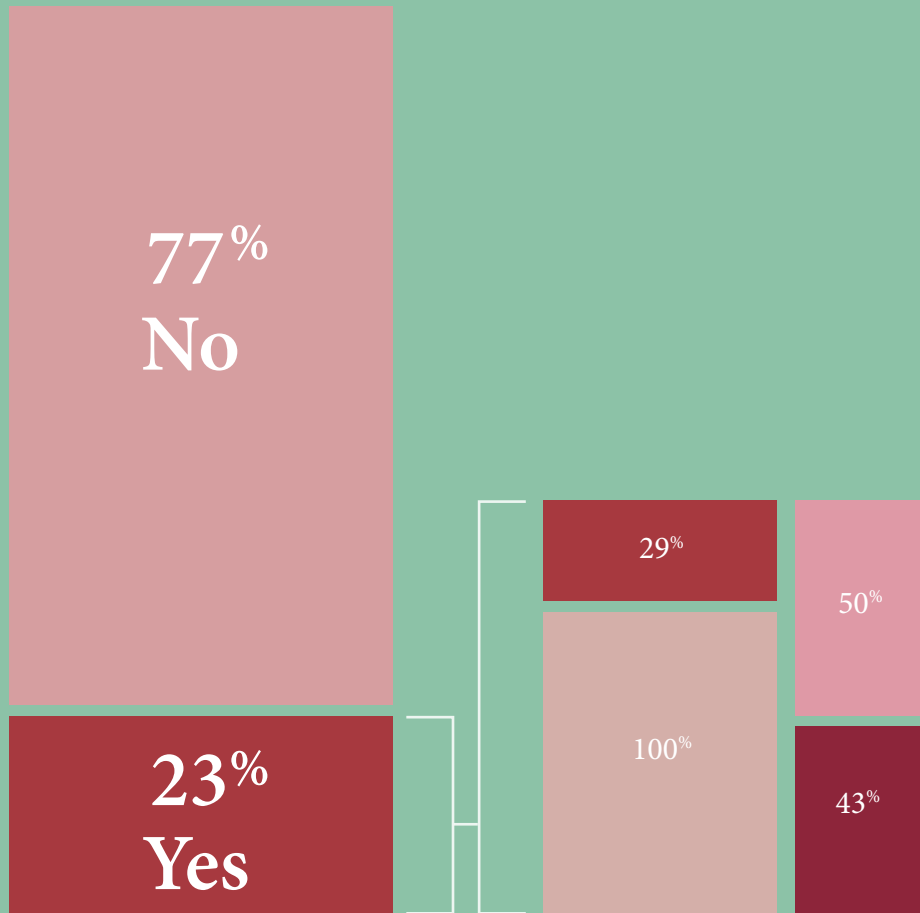
With regard to pro bono, with whom does your legal department work?
(select all that apply)



GLOBAL PRO BONO

Global Pro Bono

Do members of your legal department engage in global pro bono?



23%
of all departments surveyed have attorneys abroad working on matters local to their jurisdiction



Type of Global Pro Bono

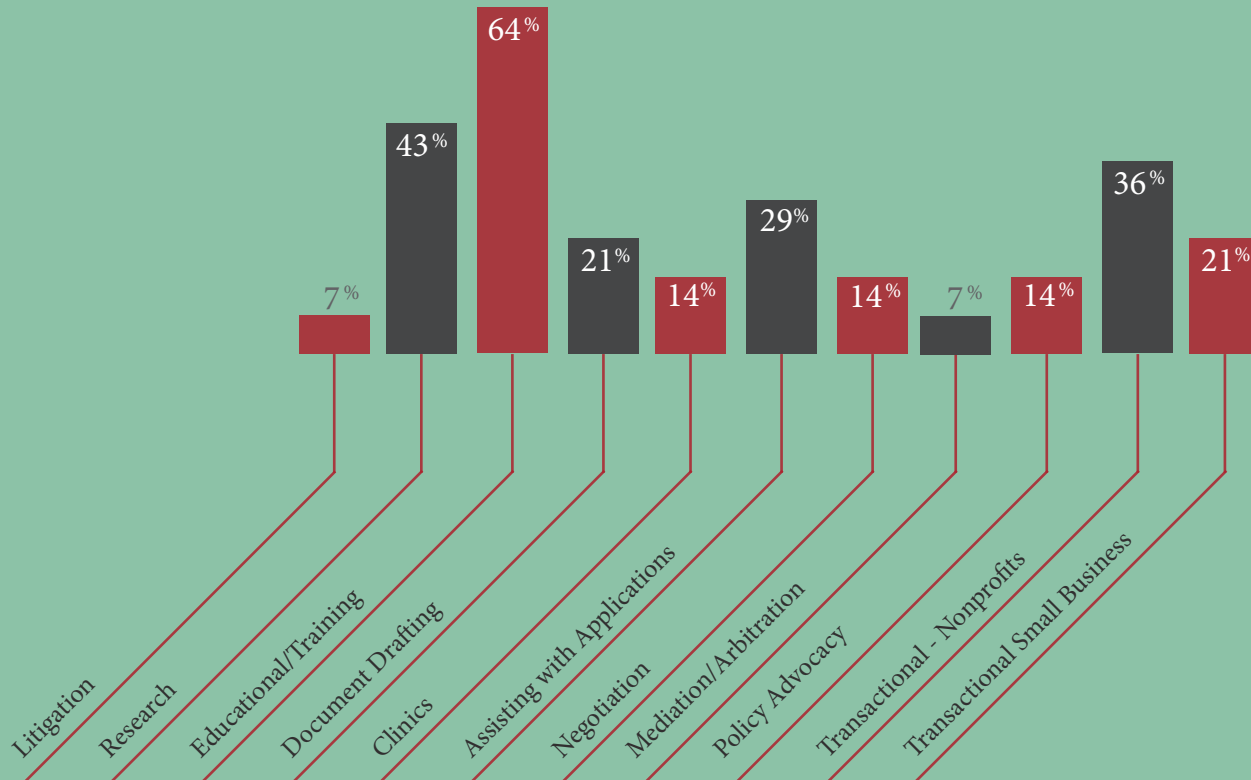
Which of the following does it involve? (select all that apply)

- Attorneys and legal staff in both the U.S. and abroad working jointly
- Attorneys and legal staff abroad working on matters that are not local to their jurisdiction
- Attorneys and legal staff in the U.S. working on matters abroad
- Attorneys and legal staff abroad working on matters local to their jurisdiction

Project Selection

In 2013, what types of global projects did members of your legal department undertake? (please select all that apply)

64% OF DEPARTMENTS ENGAGE IN EDUCATIONAL/TRAINING PROGRAMS

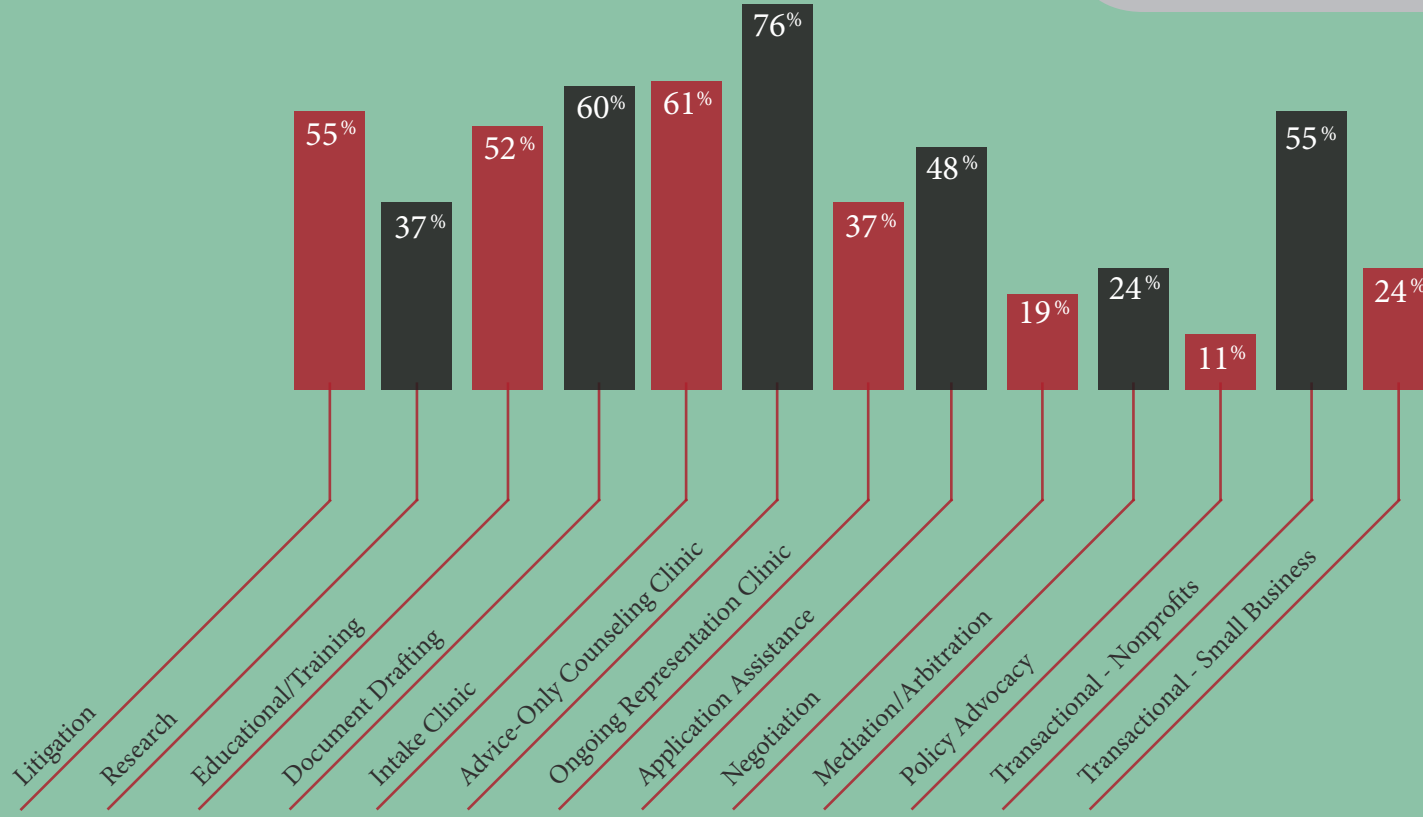


PRO BONO PROJECTS

Project Selection

In 2013, what types of projects did members of your legal department undertake?
(select all that apply)

76% OF DEPARTMENTS ENGAGE IN
ADVICE-ONLY COUNSELING
CLINICS

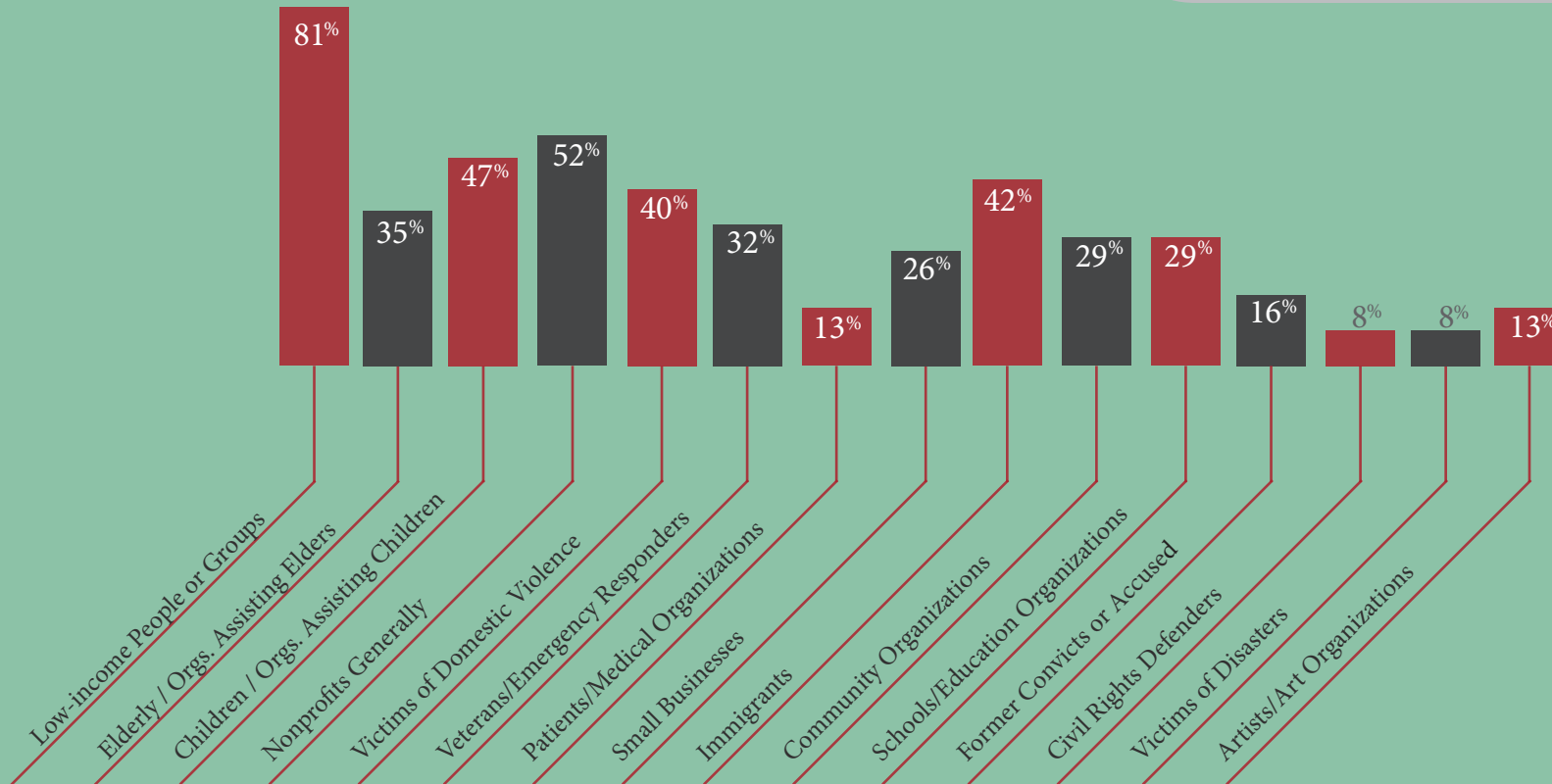


PRO BONO PROJECTS

Clients Assisted

In 2013, what categories of clients did members of your legal department work with in particular?
(select all that apply)

81% OF DEPARTMENTS PROVIDE PRO BONO SERVICES TO LOW-INCOME PEOPLE OR GROUPS



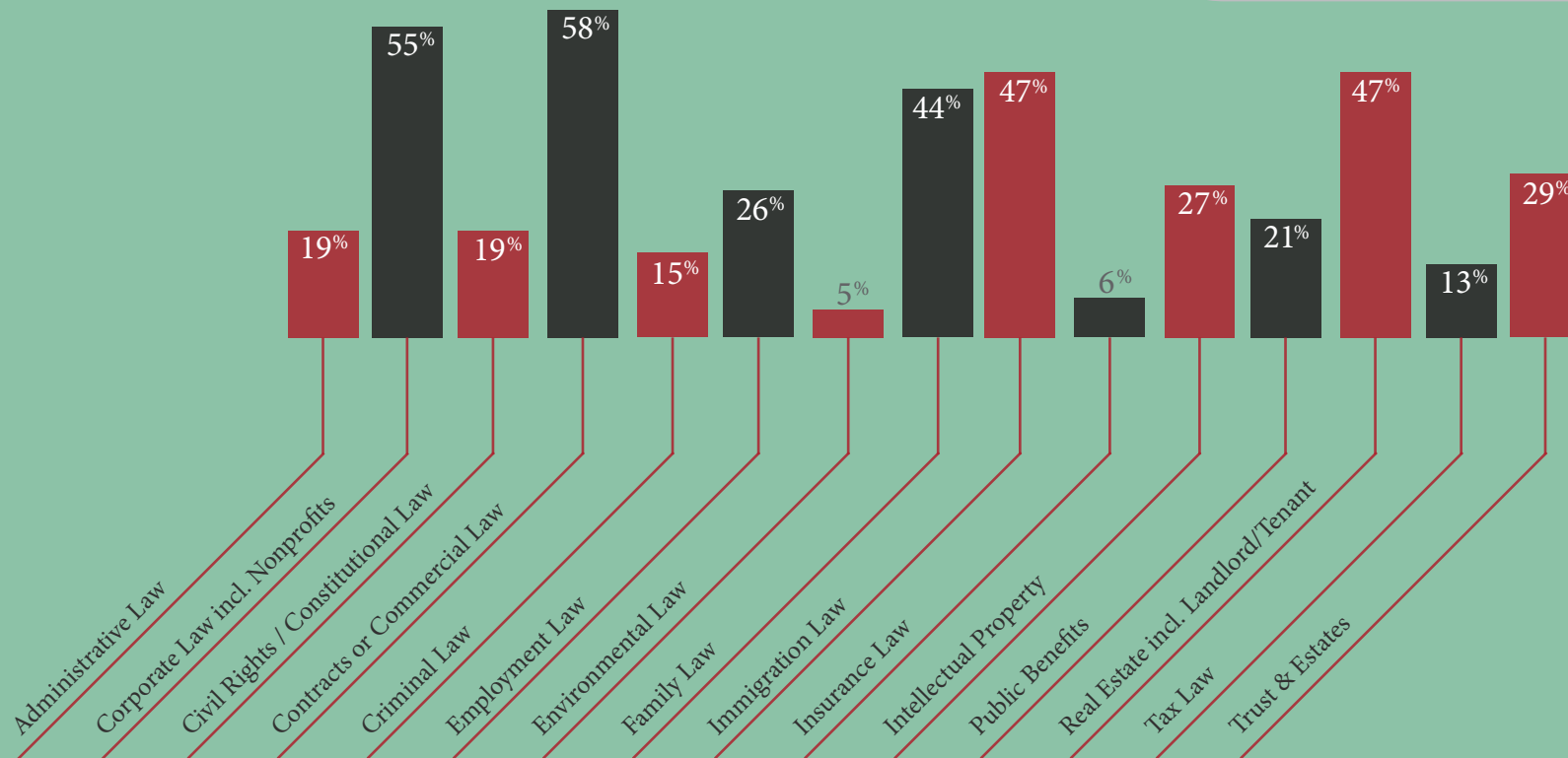
PRO BONO PROJECTS

Area of Law Practiced

In 2013, what areas of law were involved in the pro bono provided by your legal department?
(select all that apply)

58%

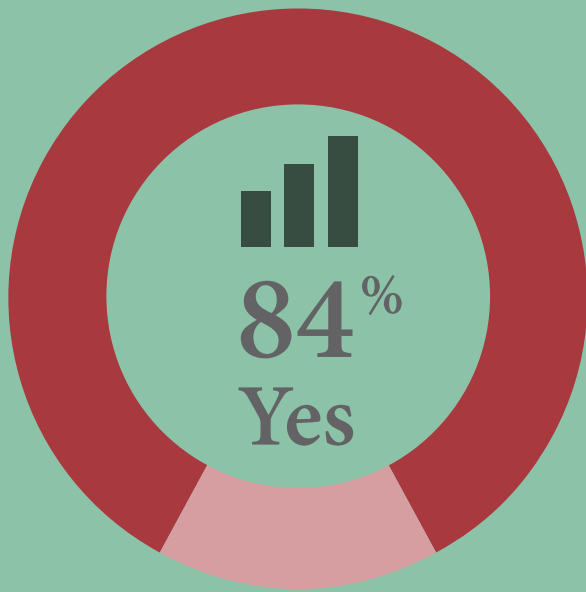
OF DEPARTMENTS UNDERTAKE PRO BONO PROJECTS THAT INVOLVE CONTRACTS OR COMMERCIAL LAW



PRO BONO METRICS

Tracking Pro Bono

Does your legal department track pro bono participation?



Tracking Pro Bono

How does your legal department track pro bono participation?
(select all that apply)



PRO BONO REPRESENTATION

Client Representation

When representing a client as part of your legal department's pro bono program, does an attorney undertake the representation as a representative of your company or as an individual?



Client Contact Alternatives

If volunteers are not permitted to use your company's letterhead, email addresses, or phone numbers, is there an alternative?

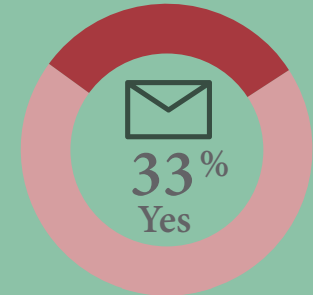


Top Alternatives

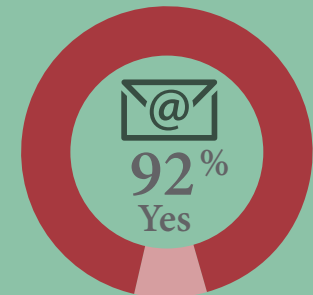
- Use letterhead of partners
- Provide generic letterhead
- Use pro bono letterhead, PO Box, and phone

Client Correspondence

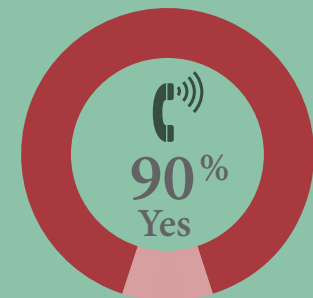
When corresponding about a pro bono matter, do volunteers use your company's letterhead?



When corresponding about a pro bono matter, do volunteers use your company's email account?

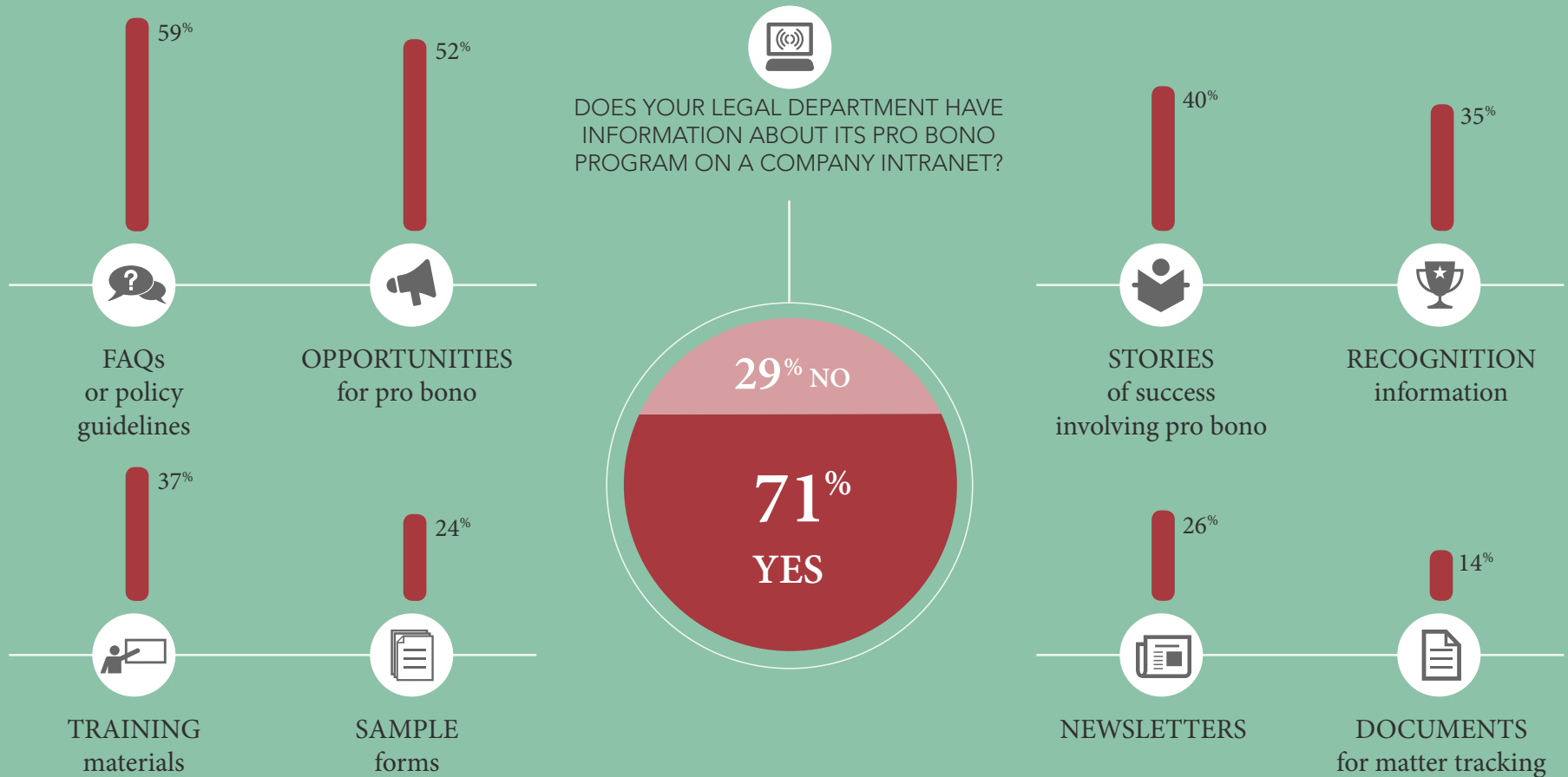


Do volunteers have pro bono clients contact them at your company's phone number?



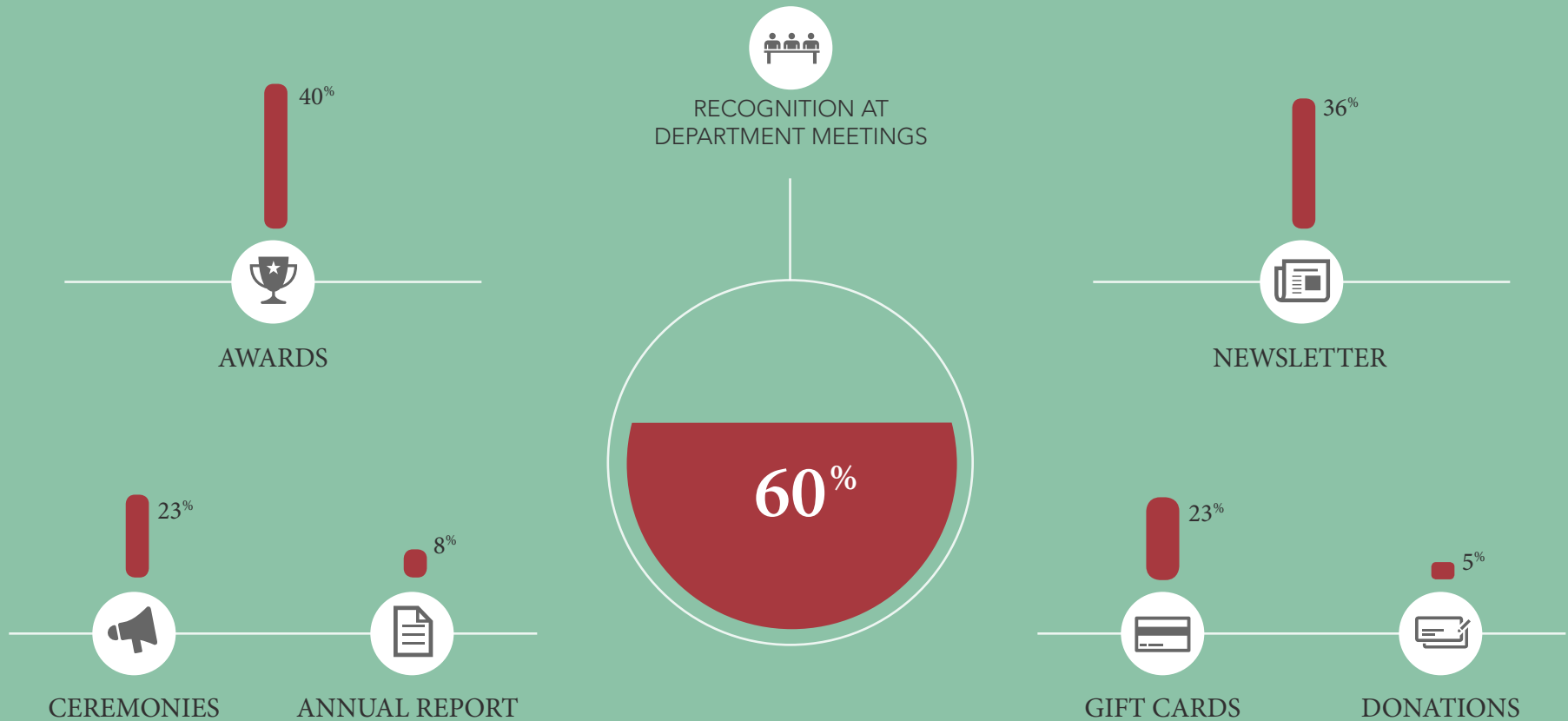
Company Intranet

What is housed on your company intranet regarding pro bono?
(select all that apply)



Pro Bono Recognition

How does your legal department recognize pro bono participation and accomplishments?
(select all that apply)



PRO BONO BUDGETS

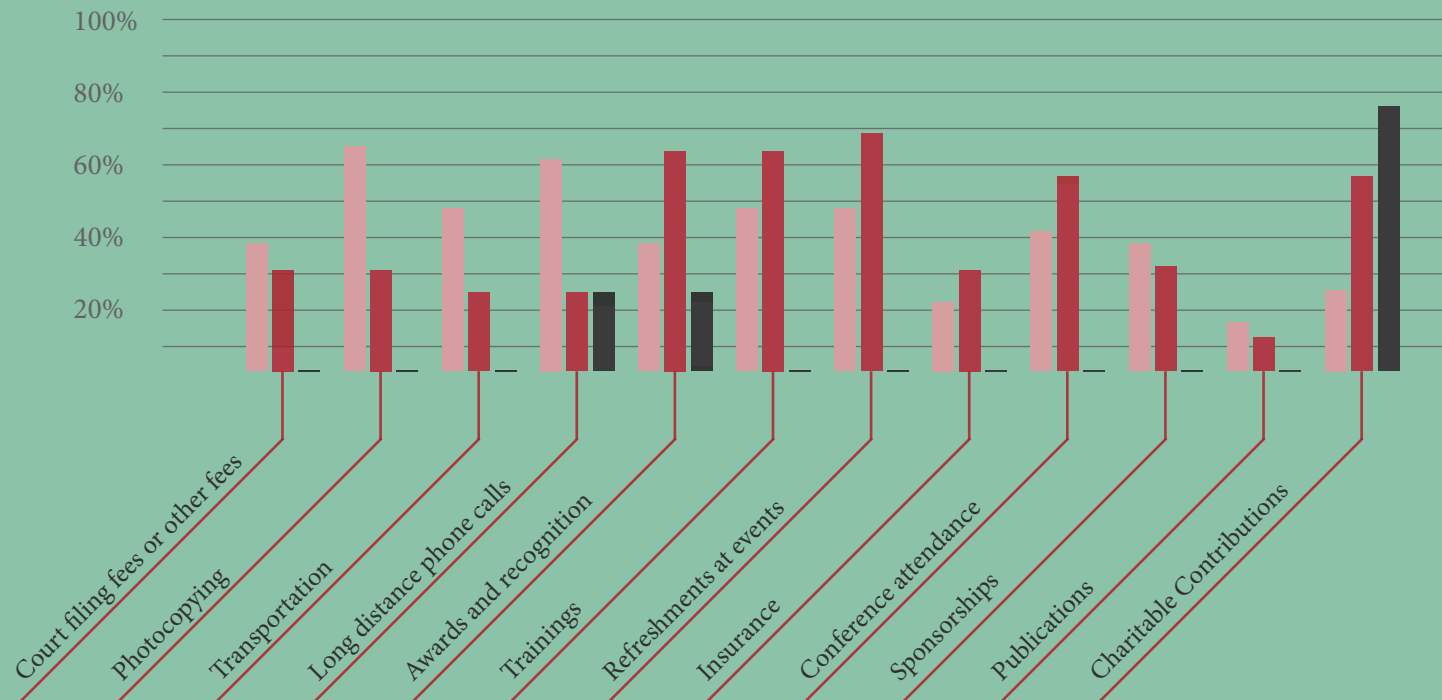
Pro Bono Budgeting

How does your legal department cover pro bono expenses? (select all that apply)



Pro Bono Expenses

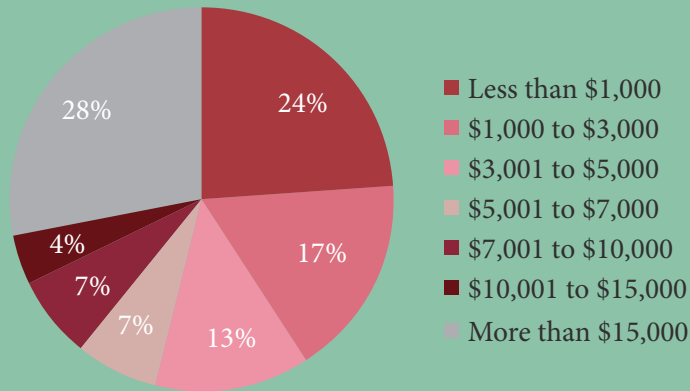
What expenses are covered in this budget? ■ General budget ■ Separate budget ■ Foundation / CSR



PRO BONO BUDGETS

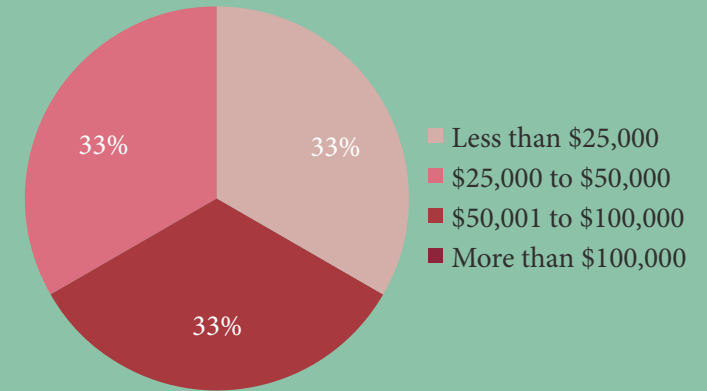
Budget Allocation Amount

If your pro bono program has a separate budget or a line item within the legal department's budget, how much was the annual budget in 2013?



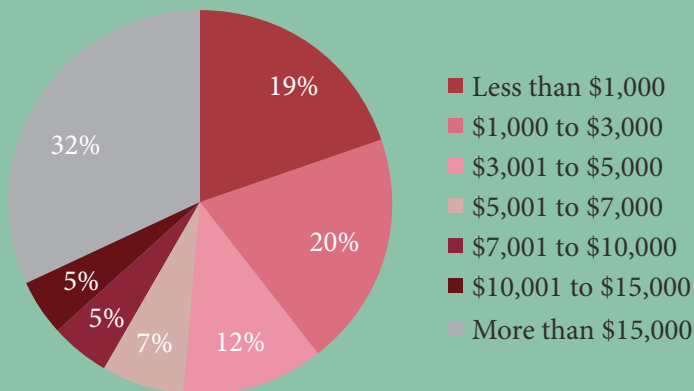
Foundation Funding

If your pro bono program receives support from your company's foundation or CSR department, how much was received in 2013?



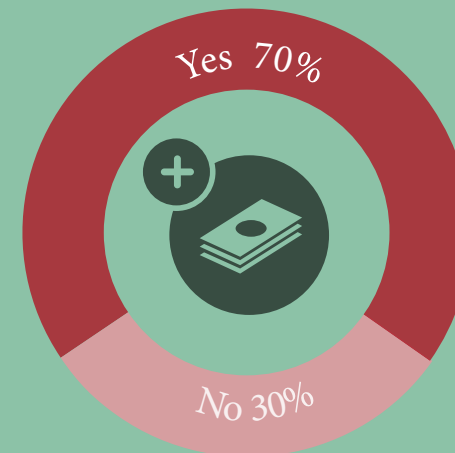
Budget Allocation Amount (Large Departments)

If your pro bono program has a separate budget or a line item within the legal department's budget, how much was the annual budget in 2013?



Under-Budgeting

Can expenditures on pro bono exceed the budgeted amount if it is deemed necessary?





www.cpbo.org

1025 Connecticut Avenue, NW, Suite 205 | Washington, DC 20036

Phone: (202) 729-6699 | cpbo@probonoinst.org

Corporate Pro Bono (**CPBO**) is a global partnership project of the Association of Corporate Counsel and the Pro Bono Institute. Through online services, consulting to the in-house community, and educational outreach, CPBO seeks to encourage and support the participation of in-house counsel in pro bono legal services.

Developed by Corporate Pro Bono

A global partnership project of the Pro Bono Institute and the Association of Corporate Counsel

www.cpbo.org

© 2015 Pro Bono Institute

CPBO® is a registered trademark of Pro Bono Institute