

2016 BENCHMARKING REPORT

An Overview of In-House Pro Bono | April 2017



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 900 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 55 legal departments. This is the fourth benchmarking report CPBO has published. In 2015, CPBO issued its [2014 Benchmarking Report](#), which provided responses from 64 legal departments. As in-house pro bono evolves, CPBO will continue to 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.

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Since CPBO began publishing the benchmarking report in 2011, several trends have emerged as near truisms in in-house pro bono performance and management, such as, in-house pro bono is voluntary; participation in pro bono service is permitted during normal work hours; and in-house pro bono engages lawyers as well as other professional staff. For 2016, we would include among those truisms the following:

- in-house pro bono programs are managed by a pro bono committee and/or a point person (e.g., committee chair and/or pro bono coordinator)
- communications is an important element of the pro bono program (e.g., use of the company intranet to communicate pro bono information; recognizing pro bono service at department meetings, promoting pro bono success stories)

Pro Bono Projects

Areas of Law

The interest in undertaking projects involving corporate or non-profit law as well as projects serving low-income people or groups has remained consistently popular since 2012. However, from 2012 to 2016, there have been distinct shifts in the areas of law that in-house pro bono programs have focused their practice. In 2012, participation in family law was the second highest after corporate law; in 2014, contract and commercial law garnered the most involvement; and in 2016, immigration saw the highest percentage of in-house pro bono involvement.

Clients Served

Since 2012, serving children or the organizations serving children and serving nonprofits have remained the strongest pro bono interests for legal departments. These two categories of clients have consistently been among the top three types of clients served by legal departments. In 2016, children were the second highest with 78 percent of legal departments serving them. Nonprofits slipped to the fourth highest in 2016 with 53 percent of departments serving them, dropping behind the third highest group served, immigrants, which jumped to 67 percent from 42 percent and 34 percent in 2014 and 2012, respectively.

Type of Project

Advice-only counseling clinics have maintained steady popularity, consistently eliciting the highest percentage of participation since 2012. In 2016, 81 percent of departments engaged in this type of clinic. We also note a steady rise in litigation projects from 33 percent in 2012 and 55 percent in 2014 to 65 percent in 2016.

NOTABLE TRENDS

CPBO anticipates that as in-house pro bono continues to grow and mature, departments will seek ways to respond to emerging legal needs presented by broader societal changes even as they engage in ongoing projects and longstanding commitments. CPBO will be following with interest how in-house departments respond to fluctuating legal needs and manage shifts in departments' pro bono priorities.

Pro Bono Partnerships

Since 2012, partnerships between legal departments and legal services providers and law firms remain highly popular. Also in this period, partnerships with other legal departments have grown and remained steady from 42 percent in 2012 to 55 percent in 2016. A noteworthy trend is the increase in partnerships with law firms whom legal departments do not have a prior business relationship, jumping from 23 percent in 2012 to 47 percent in 2016.



Consistent with CPBO's observations over the past four years, in-house partnerships with law firms and legal services organizations have held strong. Since 2012, there has been an incremental increase in legal departments entering into formal agreement or understanding with their law firm partners. CPBO notes an interesting development in the growth of legal departments partnering with law firms with whom they have no prior business relationship. This exciting trend may signal a level of maturity in in-house pro bono, manifesting in departments expanding pro bono relationships through new avenues.

Departments

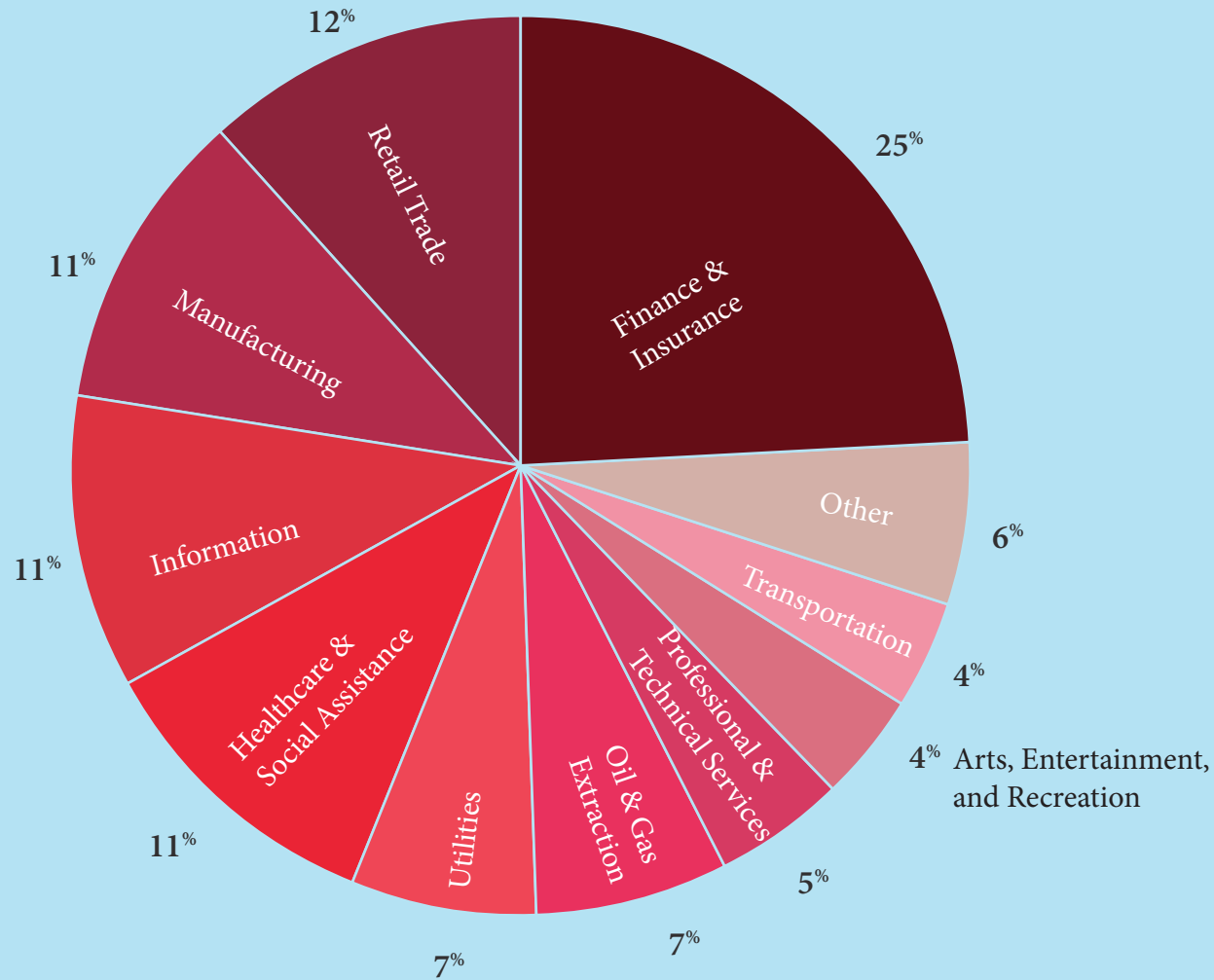
The following legal departments contributed to the results in this report:

| | | |
|---|--|--|
| 3M Company | General Growth Properties, Inc. | State Farm Mutual Automobile Insurance Company |
| ACE Group Holdings, Inc. | The Gap, Inc.* | Target Corporation* |
| American International Group Inc.* | General Mills, Inc.* | TE Connectivity, Ltd. |
| AOL Inc.* | GlaxoSmithKline plc* | U.S. Bancorp* |
| Bank of America Corporation* | Google Inc.* | United Continental Holdings, Inc.* |
| BMO Financial Group | Hewlett-Packard Company* | UnitedHealth Group Incorporated* |
| Boston Scientific Corporation* | The Home Depot Inc. | Verizon Communications Inc.* |
| Cargill, Incorporated* | International Business Machines Corporation* | Viacom Inc. |
| Caterpillar Inc.* | Liberty Mutual Holdings Company Inc. | Walmart* |
| Centerpoint Energy | LinkedIn Corporation | The Walt Disney Company* |
| Chevron Corporation* | LyondellBasell Industries, N.V. | Whirlpool Corporation |
| CIGNA Corporation* | Marathon Oil Corporation* | Xerox Corporation |
| Comcast Corporation | McDonald's Corporation* | Yahoo! Inc.* |
| Deere & Company* | Merck & Co., Inc.* | |
| Discover Financial Services* | Nationwide Mutual Insurance Company* | |
| Duke Energy Corporation | Navistar International Corporation* | |
| Eisai Inc. | Office Depot, Inc.* | |
| Entergy Corporation | The Pep Boys - Manny, Moe & Jack* | |
| Exelon Corporation | The PNC Financial Services Group, Inc. | |
| Exxon Mobil Corporation* | Shell Oil Company* | |
| FedEx Ground Package System, Inc. | | |
| The Federal Home Loan Mortgage Corporation (Freddie Mac)* | | |

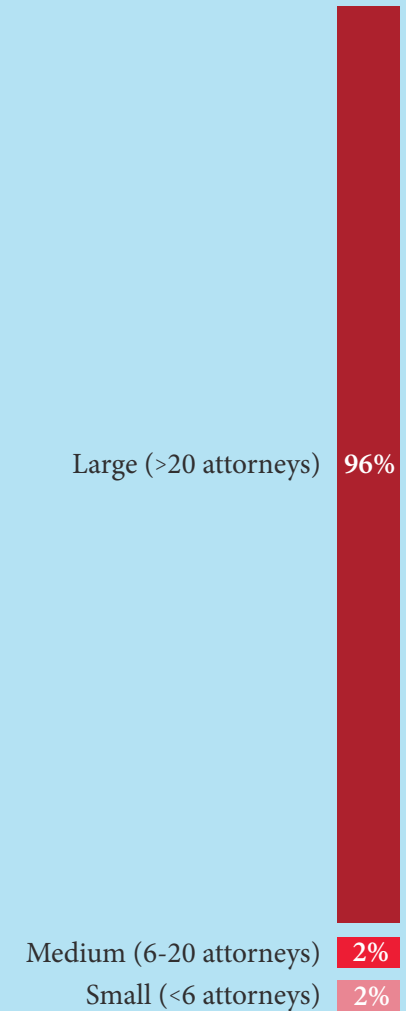
*Responded to 2014 and 2016 surveys

COMPANY OVERVIEW

Industry or Service Sector

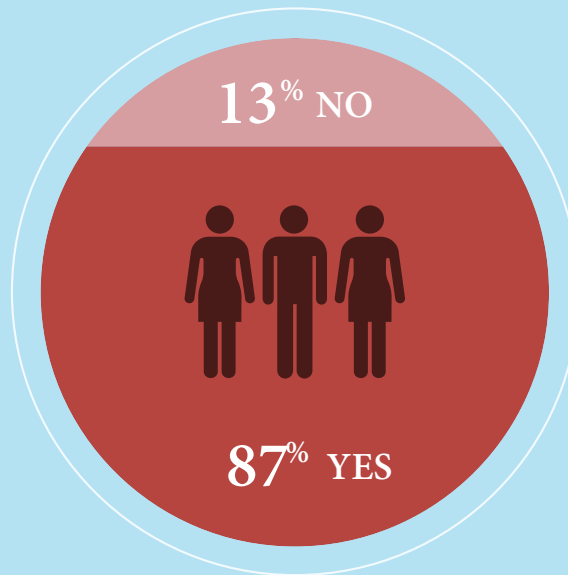


Legal Department Size



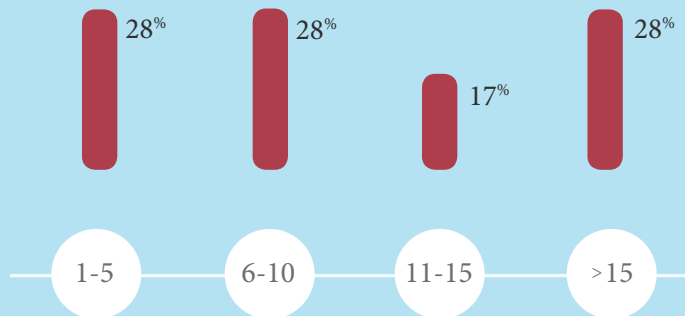
Managed by Pro Bono Committee

Does your legal department have a pro bono committee?



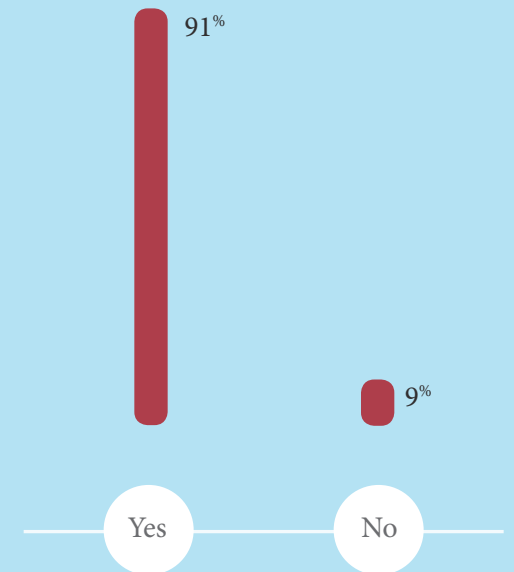
Committee Members

How many members comprise the pro bono committee?



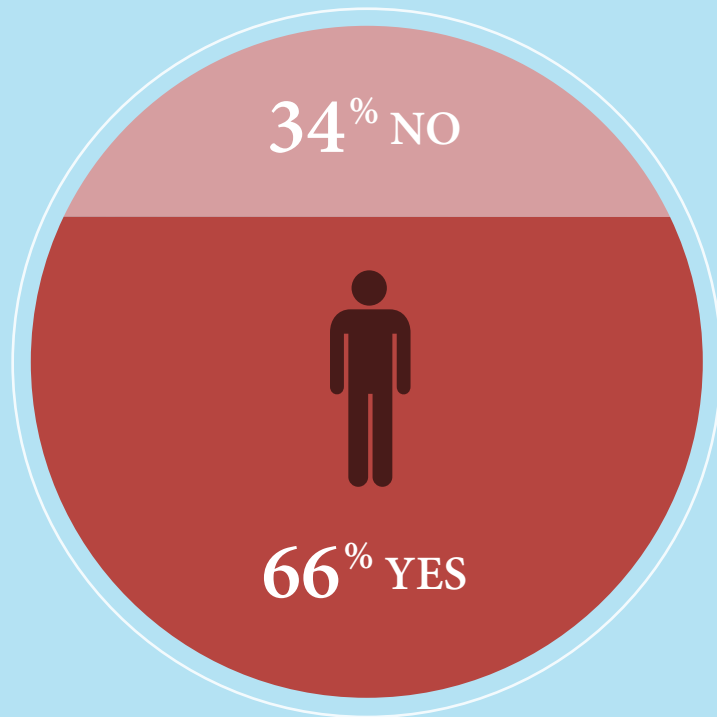
Committee Chair / Co-Chairs

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



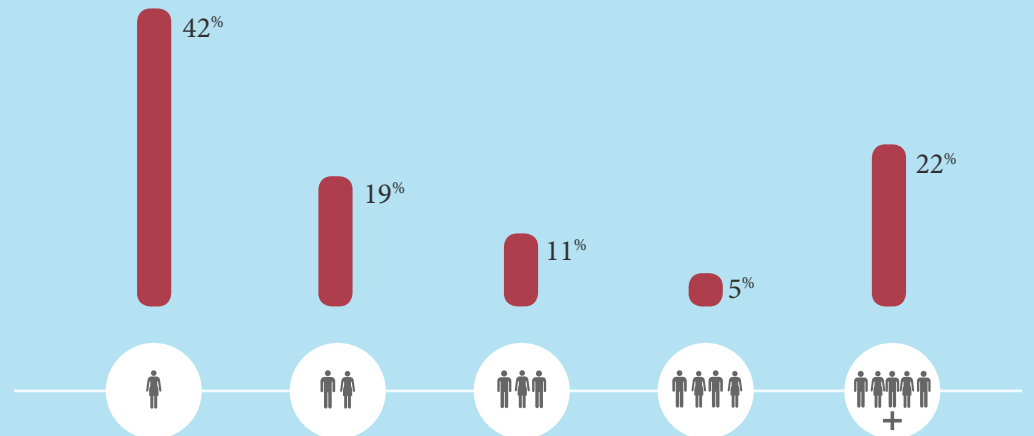
Pro Bono Coordinator

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



Number of Coordinators

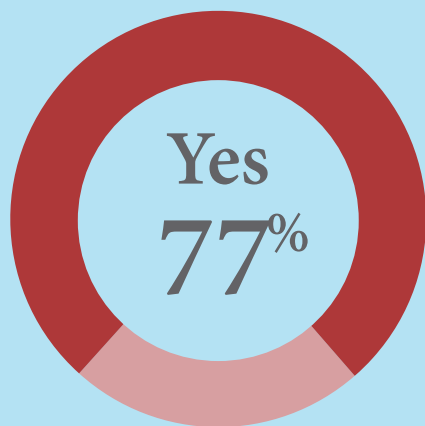
How many coordinators does your legal department have?



POLICY DETAILS

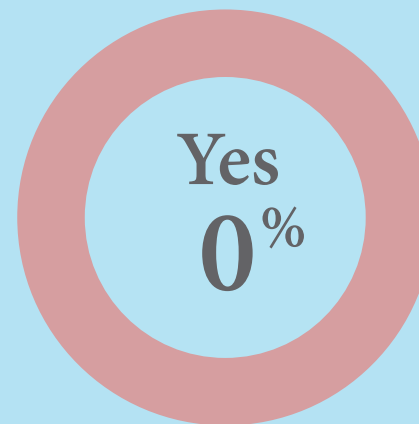
Pro Bono Policy

Does your legal department have a written pro bono policy?



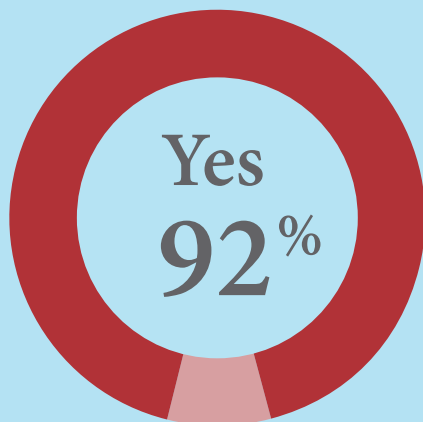
Mandatory Pro Bono

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



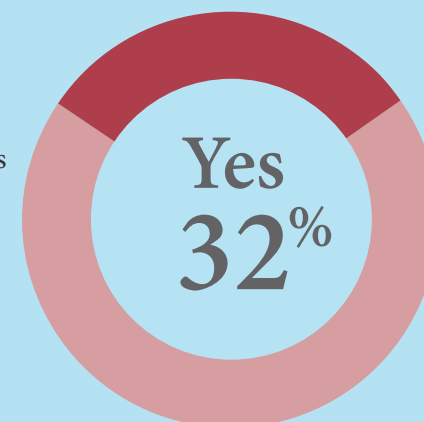
Non-Attorney Participation

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

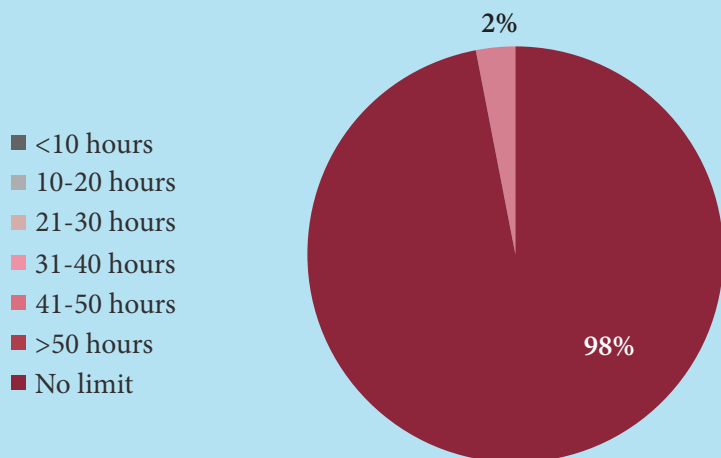
Pro Bono Hours

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



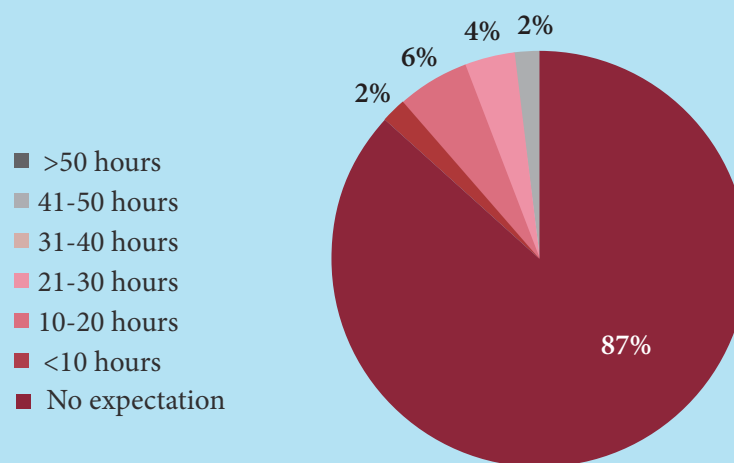
Annual Limit of Pro Bono Hours

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



Expectation of Pro Bono Hours

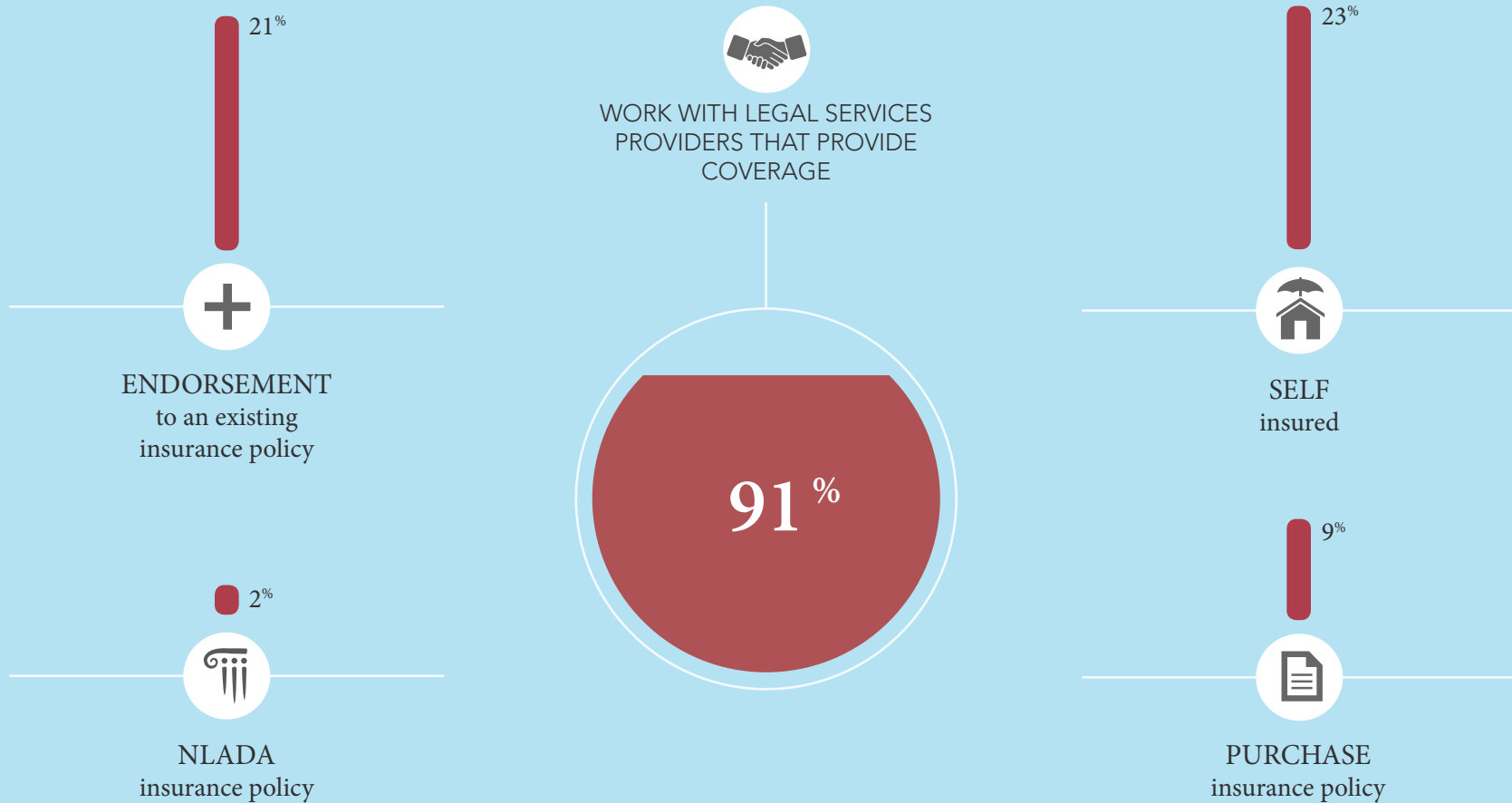
Is there an expectation for members of the legal department to spend a certain number of hours annually on pro bono?



87% 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)

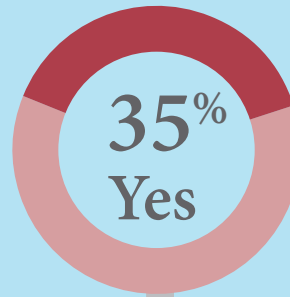


PRO BONO PARTNERSHIPS

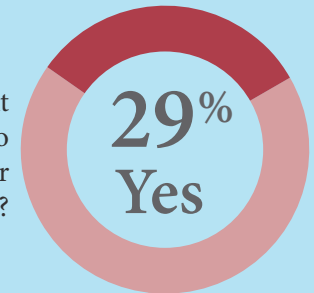
Partnerships with Law Firms



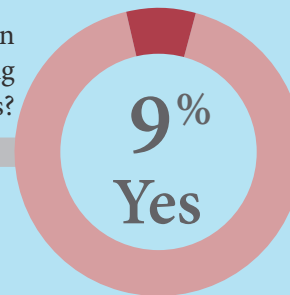
Does your legal department consider a firm's pro bono performance when evaluating outside counsel?



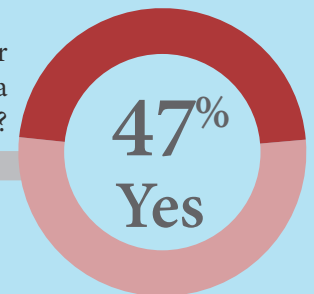
Does your legal department inquire regarding pro bono in RFPs, beauty contests, or retention processes?



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



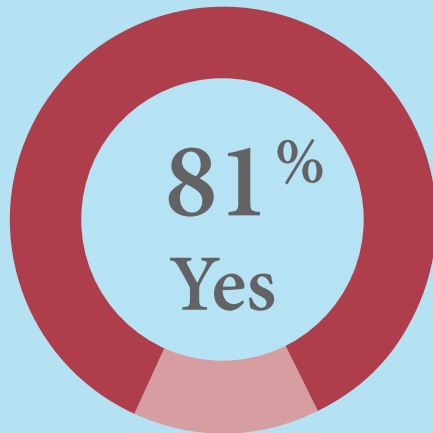
Does your legal department partner with firms whom it does not have a prior business relationship?



PRO BONO PARTNERSHIPS

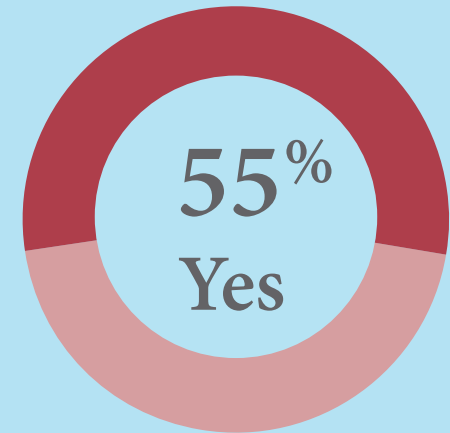
Partnerships with Legal Services Providers

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



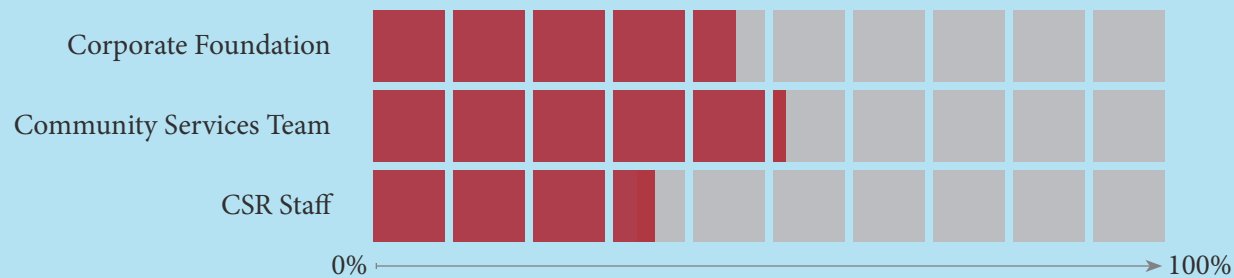
Partnerships with Legal Departments

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



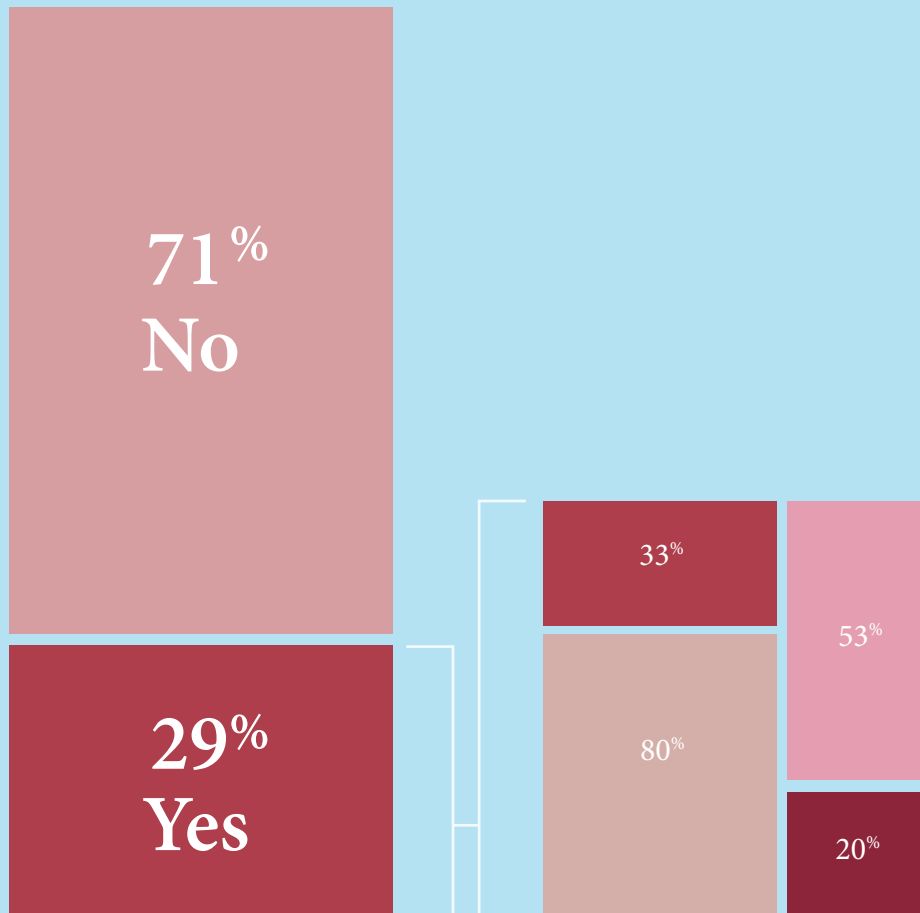
Internal Partnerships

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



Global Pro Bono

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



Type of Global Pro Bono

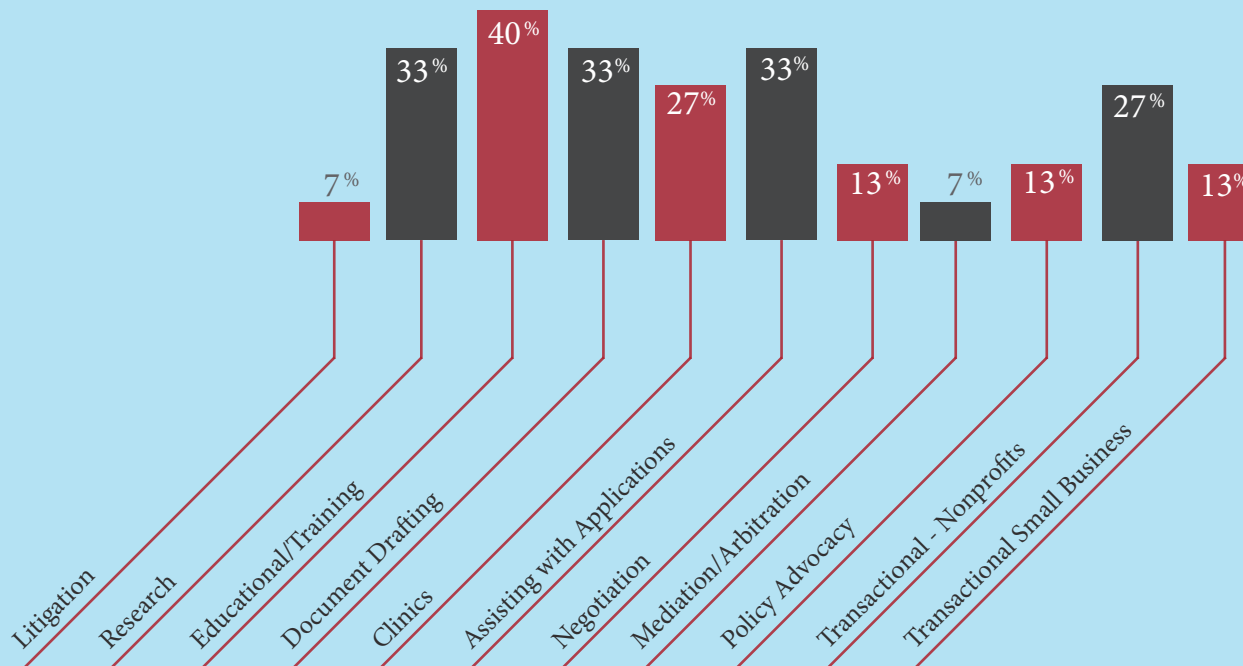
Which of the following does it involve? (select all that apply)

- 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 2015, what types of global projects did members of your legal department undertake? (please select all that apply)

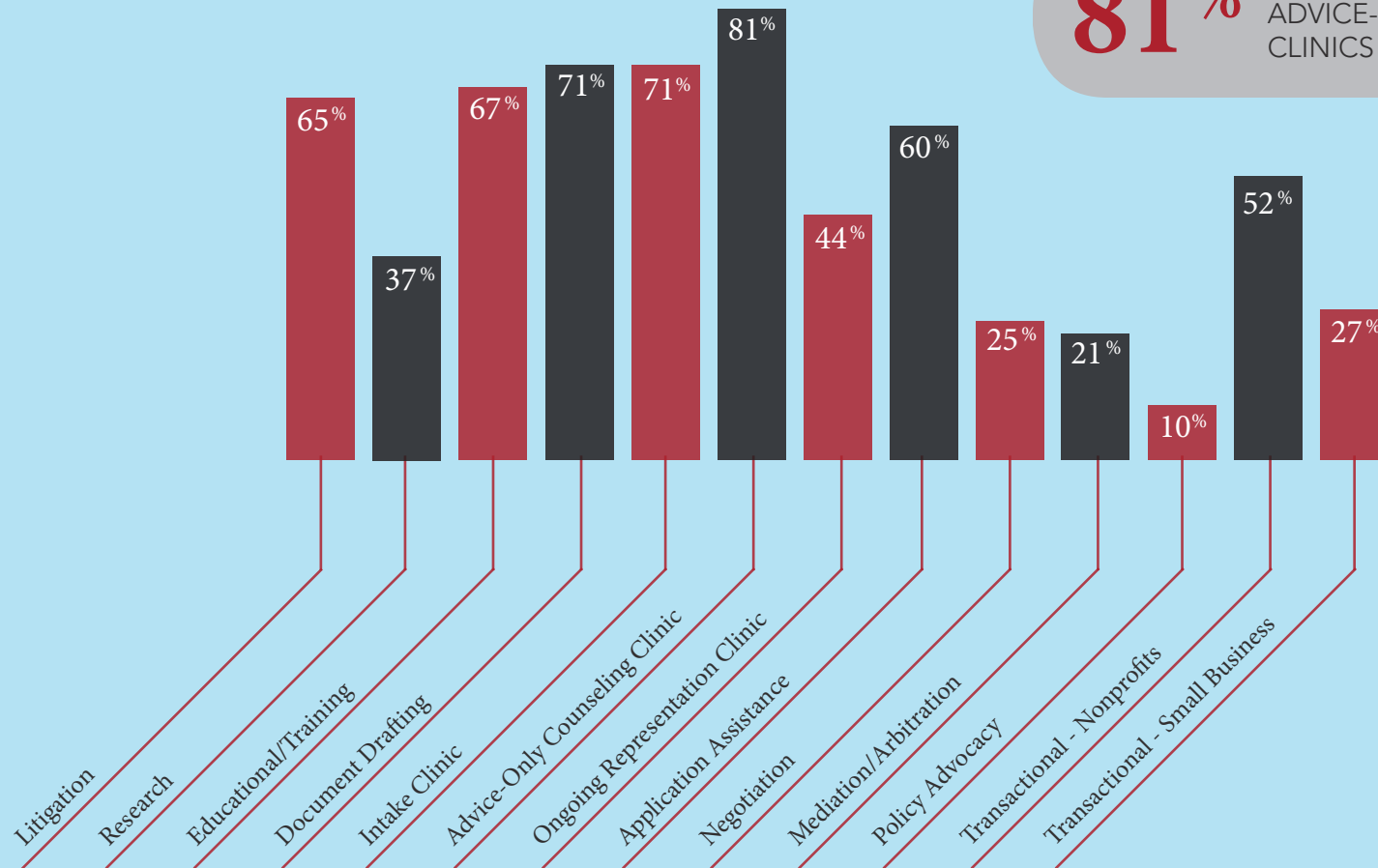
40% OF DEPARTMENTS ENGAGE IN EDUCATIONAL/TRAINING PROGRAMS



PRO BONO PROJECTS

Project Selection

In 2015, what types of projects did members of your legal department undertake?
(select all that apply)



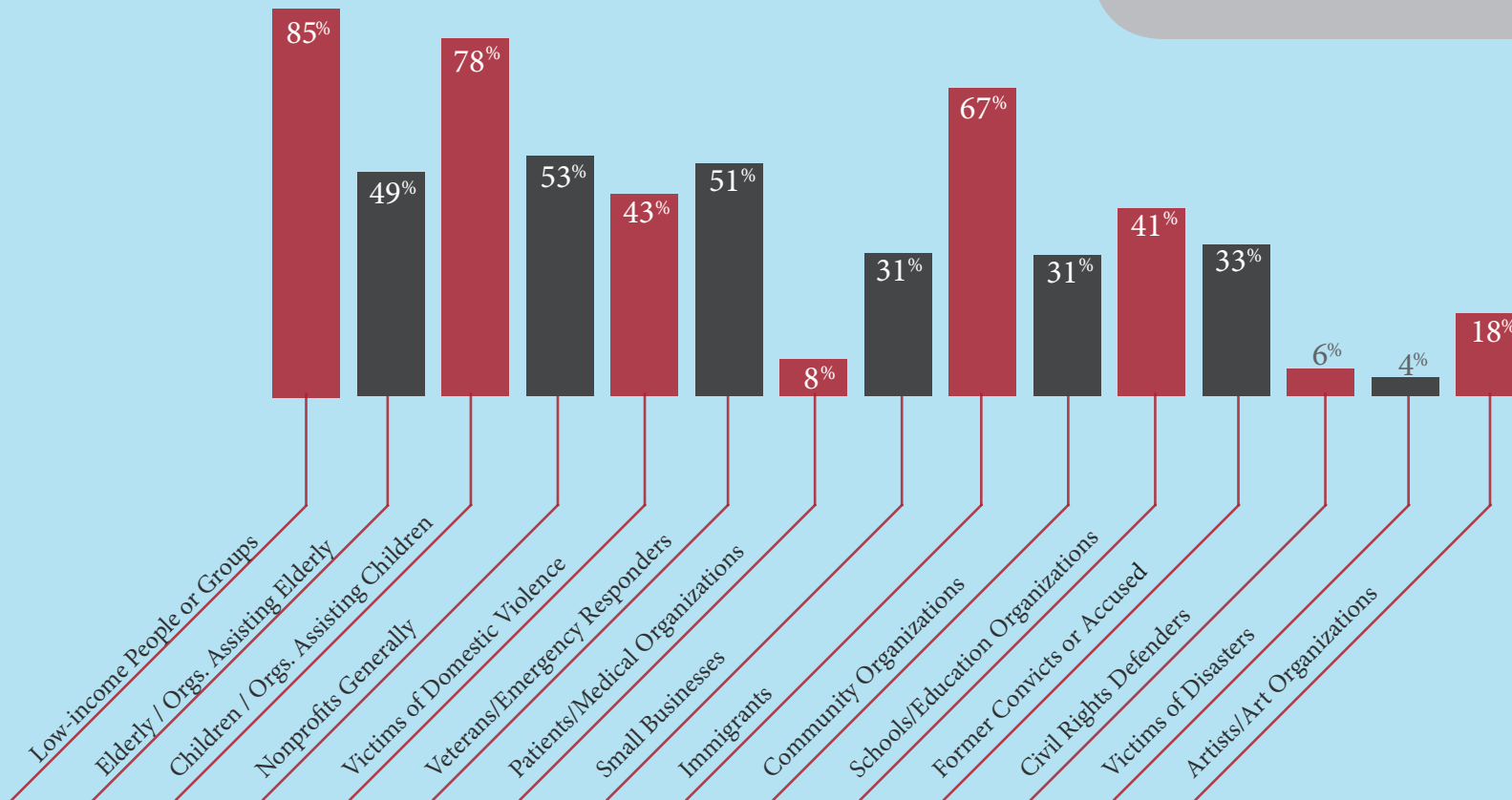
81% OF DEPARTMENTS ENGAGE IN
ADVICE-ONLY COUNSELING
CLINICS

PRO BONO PROJECTS

Clients Assisted

In 2015, what categories of clients did members of your legal department work with in particular?
(select all that apply)

85% OF DEPARTMENTS PROVIDE PRO BONO SERVICES TO LOW-INCOME PEOPLE OR GROUPS

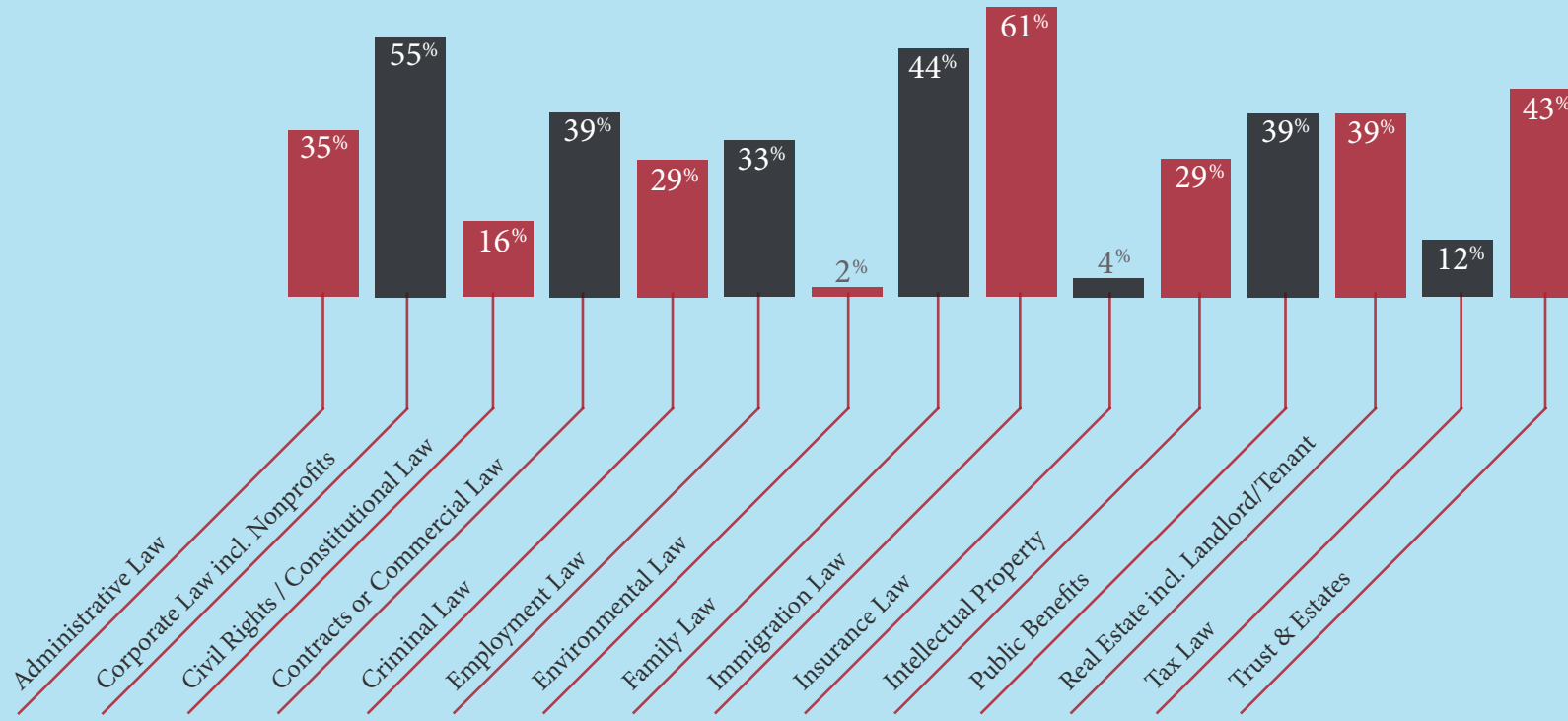


PRO BONO PROJECTS

Area of Law Practiced

In 2015, what areas of law were involved in the pro bono provided by your legal department?
(select all that apply)

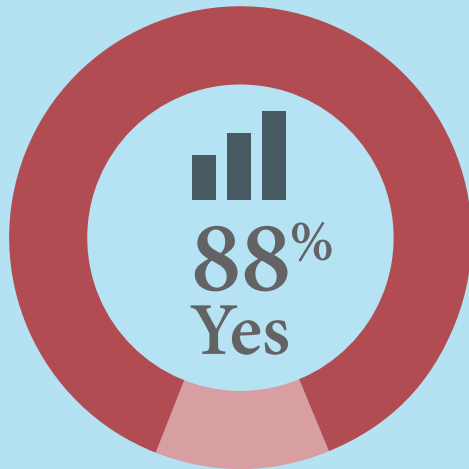
61% OF DEPARTMENTS UNDERTAKE PRO BONO PROJECTS THAT INVOLVE IMMIGRATION LAW



PRO BONO METRICS

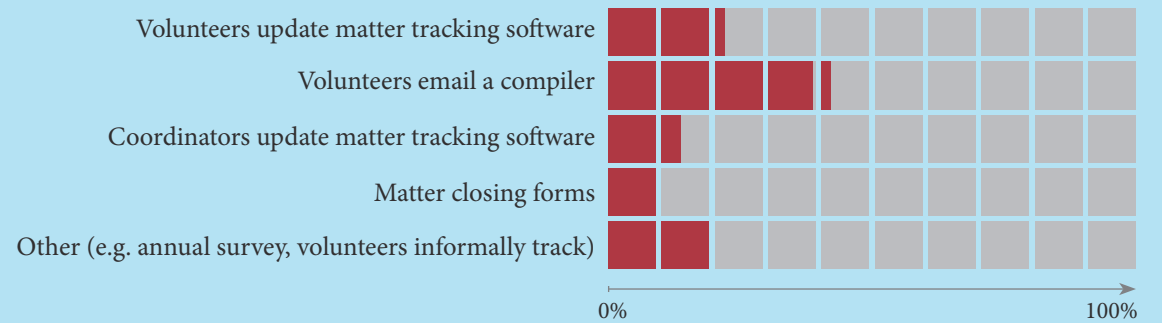
Tracking Pro Bono

Does your legal department track pro bono participation?



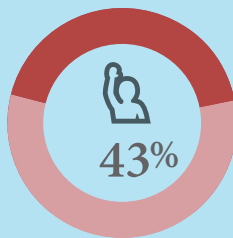
Tracking Pro Bono

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

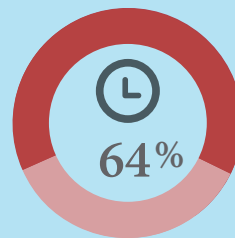


Measuring Pro Bono

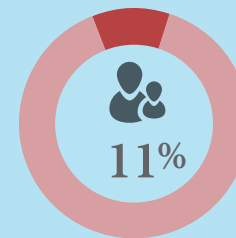
What information does your legal department track?
(select all that apply)



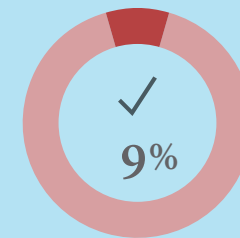
Participation Rate



Number of Hours



Clients Served



Outcome of Matter

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?

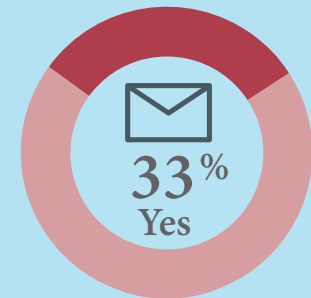
YES 38%

Top Alternatives

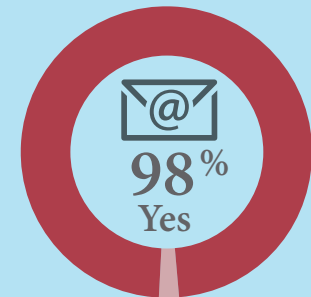
- Use letterhead of partners
- Provide generic letterhead specific to attorney
- Use pro bono letterhead and phone

Client Correspondence

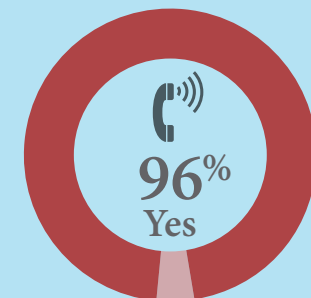
When corresponding about a pro bono matter, do volunteers use your company's letterhead?



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

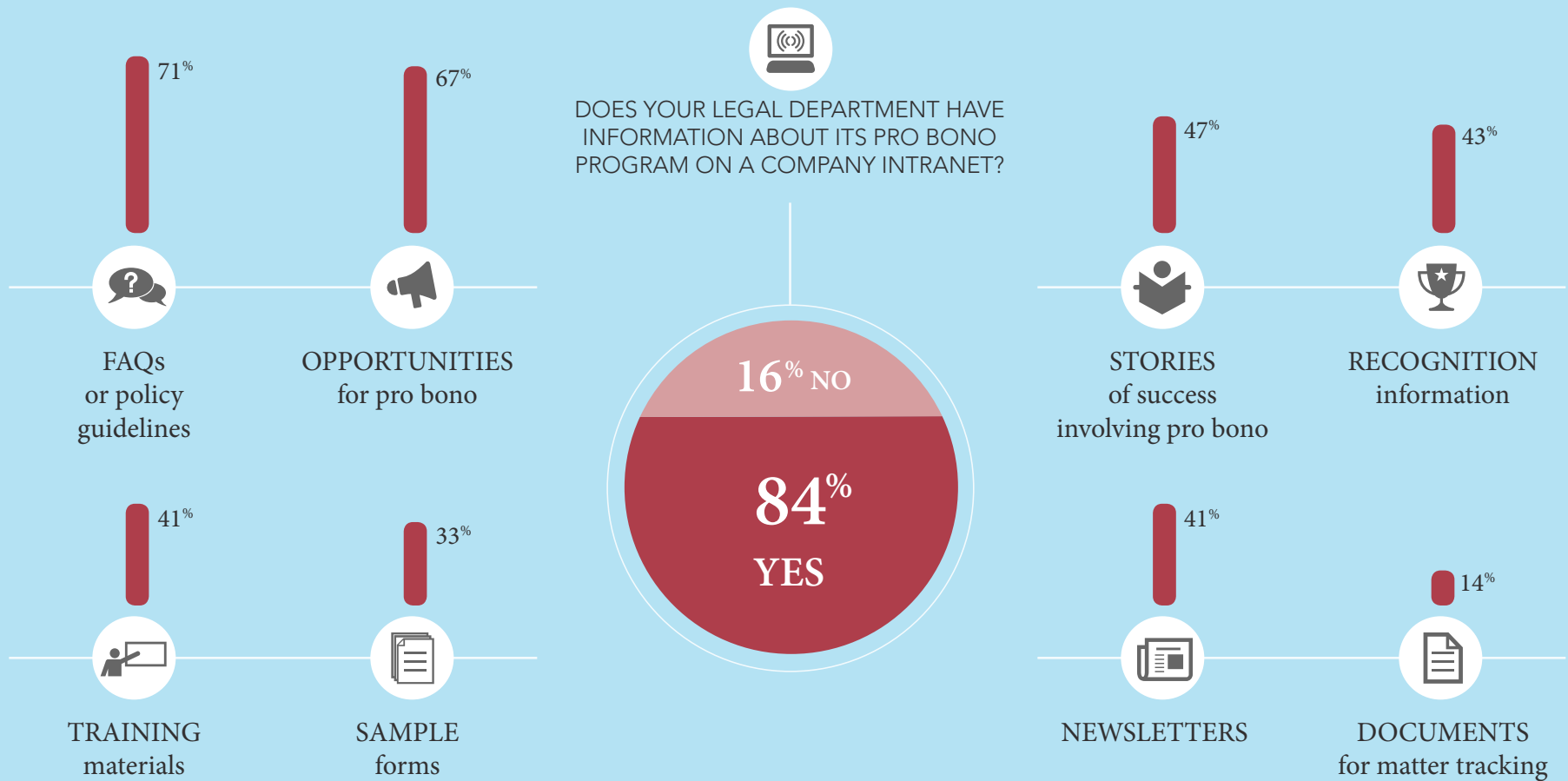


Do volunteers have pro bono clients contact them at your company's phone number?



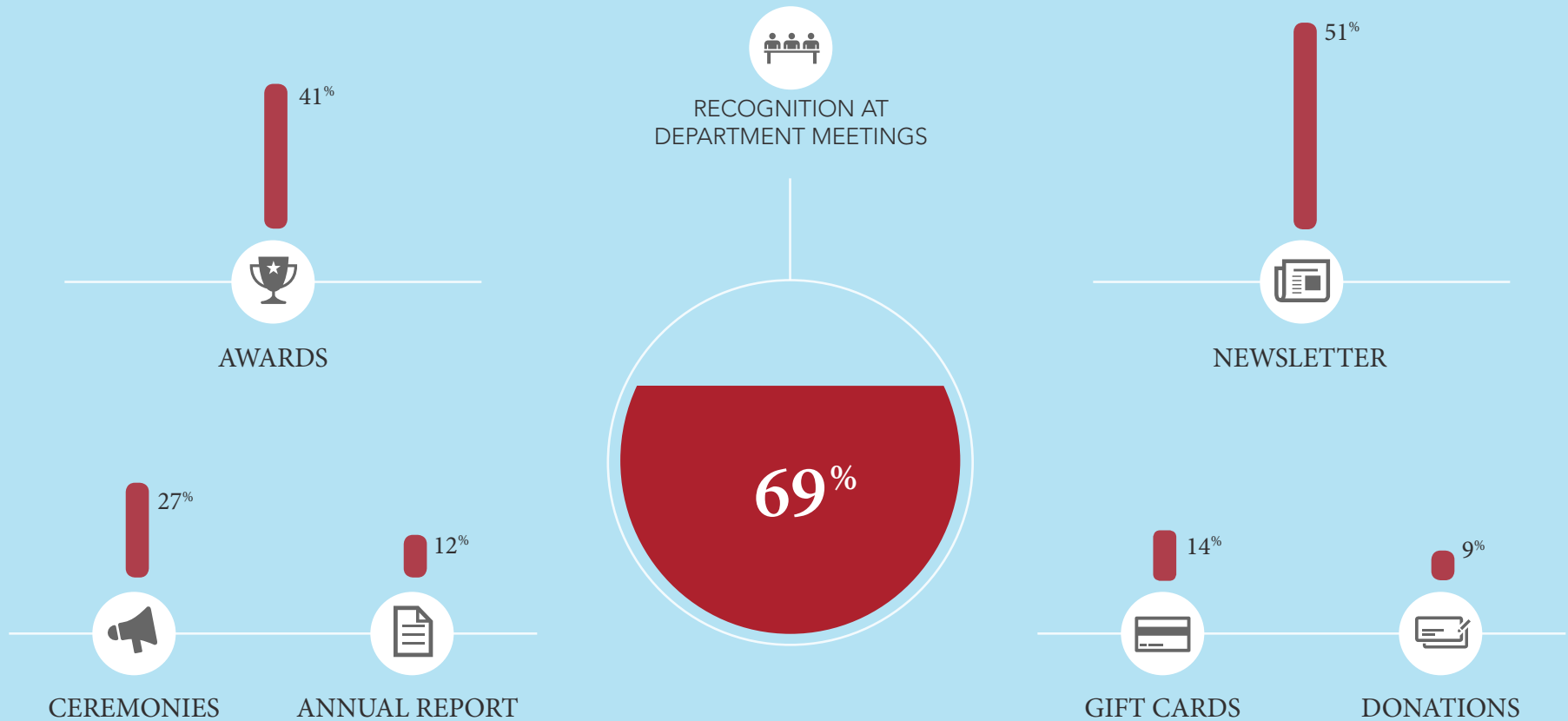
Company Intranet

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



Pro Bono Recognition

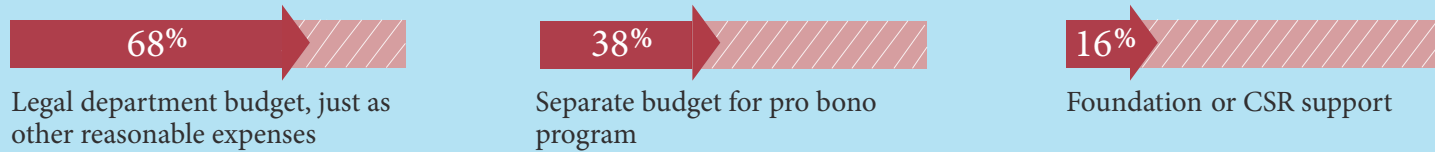
How does your legal department recognize pro bono participation and accomplishments?
(select all that apply)



PRO BONO BUDGETS

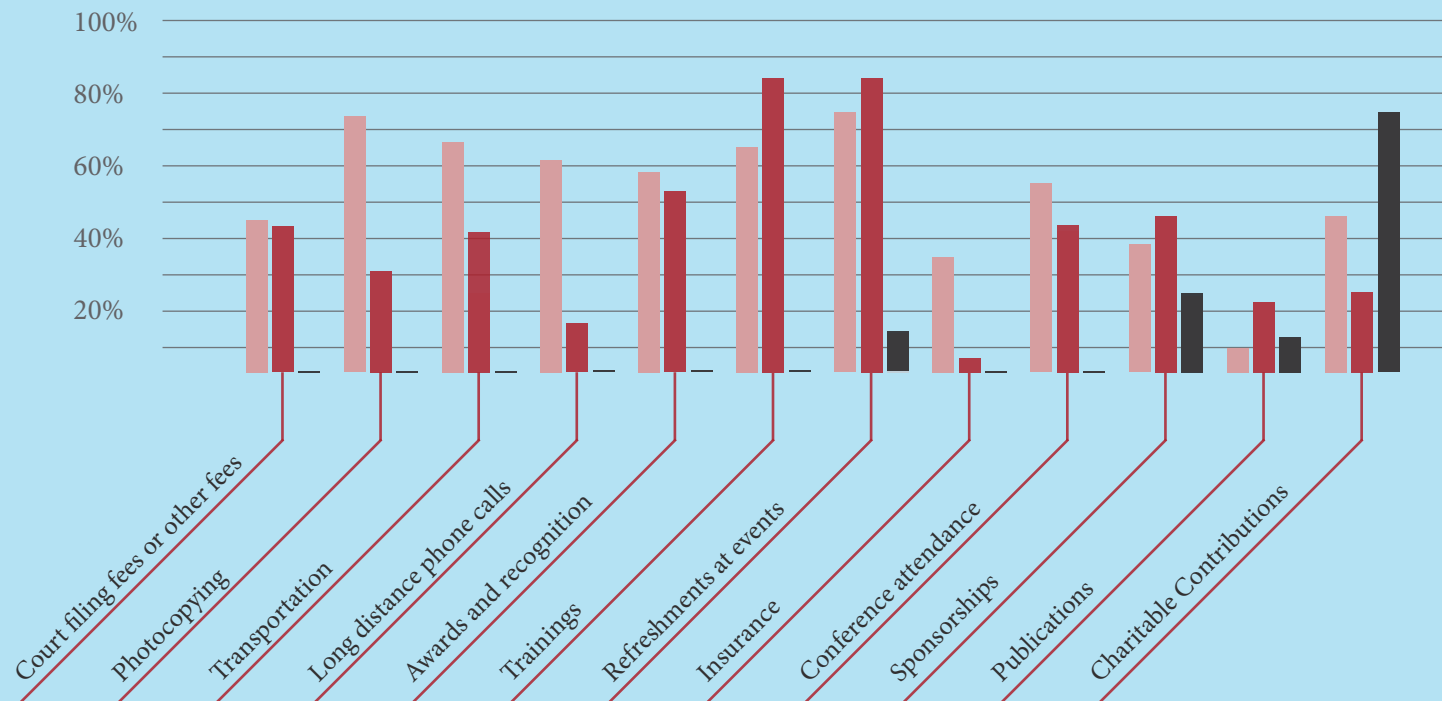
Pro Bono Budgeting

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



Pro Bono Expenses

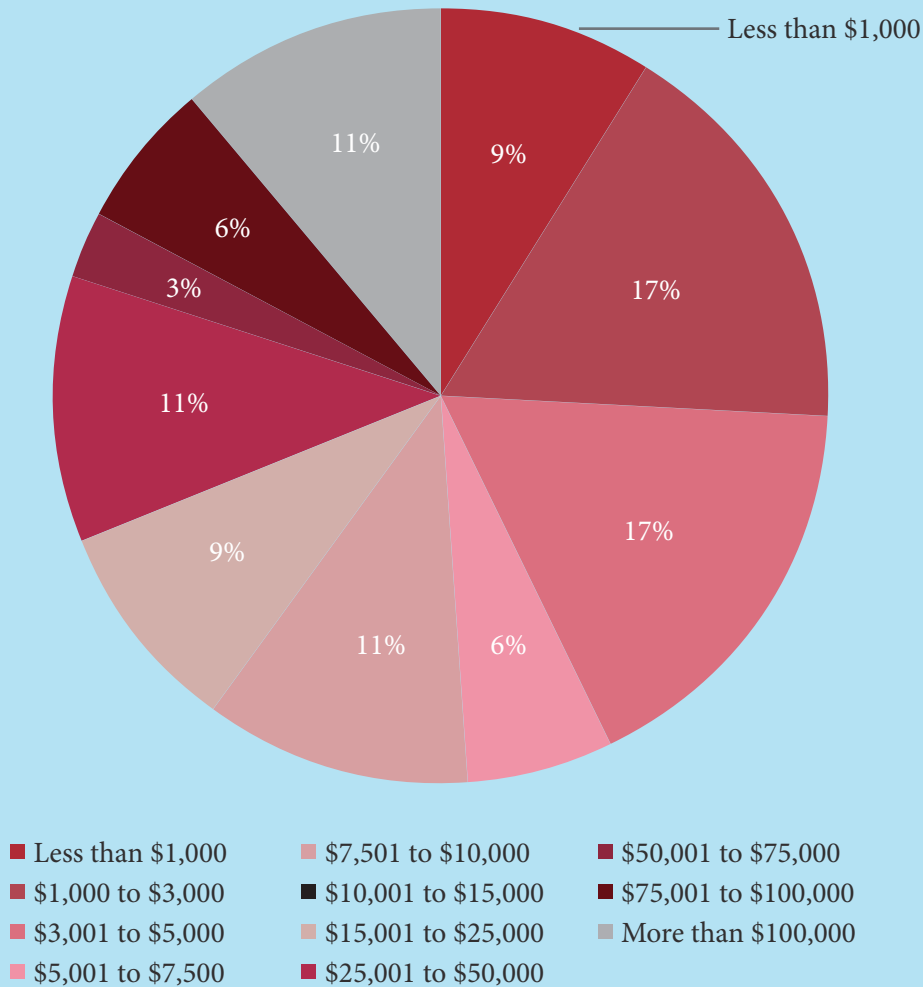
What expenses are covered in this budget? ■ General budget ■ Separate budget ■ Foundation / CSR



PRO BONO BUDGETS

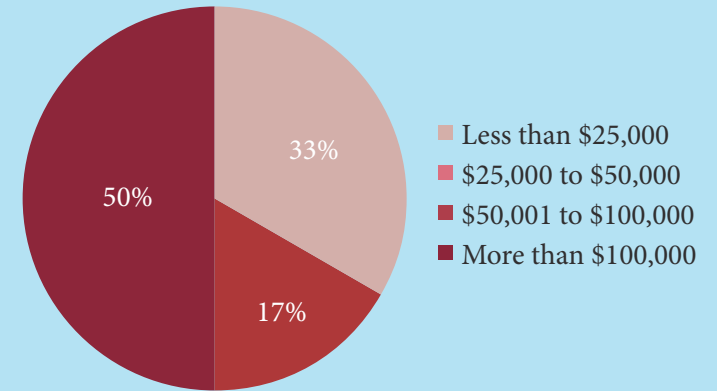
Budget Allocation Amount

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 2015?



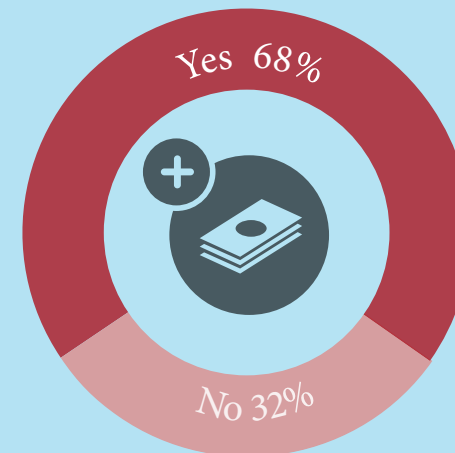
Foundation Funding

If your pro bono program receives support from your company's foundation or CSR department, how much was received in 2015?



Under-Budgeting

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





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Corporate Pro Bono (**CPBO**) is a global partnership project of the Association of Corporate Counsel and 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.

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