

ENGAGING LEGAL DEPARTMENT PROFESSIONALS AND OTHER COMPANY EMPLOYEES IN PRO BONO

Involving all legal staff in pro bono, including lawyers, paralegals, support staff, and others, is a common practice in in-house pro bono that presents several advantages, including expanding a legal department's pro bono efforts and helping meet the growing demand for legal services among underserved communities. This paper explores the strategic benefits of engaging all members of a legal department as well as employees outside of the department in pro bono, the types of pro bono opportunities available to those without a legal license, and real-world examples of how both legal department professionals and professionals outside the legal department are fulfilling a critical role in delivering pro bono legal services or supporting departments' pro bono programs.

Why Broaden Engagement in Pro Bono?

Corporate Pro Bono's [2016 Benchmarking Report](#) reports that 92% of in-house legal departments create opportunities that can engage all members of the legal staff in their pro bono programs. This survey result shows that legal departments widely recognize the value of including all legal staff in pro bono. The **Corporate Pro Bono Challenge**[®] initiative counts participation in pro bono by lawyers as well as other professionals, support staff, paralegals, and administrative staff working in the legal department ("legal department professionals"). The 2017 [CPBO Challenge[®] Report](#) showed that, on average, more than one-third of legal department professionals participated in pro bono.

The [business case](#) for in-house pro bono also extends to participation by all legal staff in pro bono matters. For example, participation in pro bono projects promotes employee engagement with the company and its values. Additionally, involving all legal staff in delivering pro bono services can reinforce corporate social responsibility objectives, including making a positive impact on the community. Providing pro bono opportunities to everyone can improve morale, foster teamwork among employees who do not ordinarily work together, and increase company integration. It can also enhance the reputation of the department. For example, *Corporate Counsel* magazine considers pro bono participation by non-lawyers and lawyers alike in its annual awards for best legal department.

Legal department professionals recruited for a pro bono project often bring unique skills and experiences that are an asset to pro bono work, taking the lead on critical tasks that do not require legal training, and allowing the lawyers to focus on elements appropriate for their skillset.

Involving employees outside the legal department can also improve the legal department's delivery of pro bono services by accessing skill sets in areas not available within the department.

Engaging In-House Legal Department Support Staff

In-house legal departments can effectively leverage their paralegals, administrative assistants, and other support staff in pro bono matters. Just as these legal department professionals have a variety of roles to play in providing legal services to their corporate client, they can perform similar functions in delivering legal services to pro bono clients. When working with pro bono clients, paralegals can prepare affidavits, review case files in detail, conduct factual research, and assist in mediation. Paralegals can also meet with clients to provide supplementary pro bono assistance as long as an attorney reviews decisions and supervises appropriately.¹ Administrative assistants and support staff can educate clients about their rights, build rapport and trust with clients, serve as notaries or witnesses, and conduct intake screenings.

While legal department professionals are equipped to provide assistance on a wide variety of pro bono matters, some examples of pro bono practice areas that may lend themselves to broadening engagement include housing and consumer debt cases, wills and estate planning cases, children's advocacy cases, social security and benefits cases, immigration matters, and veterans' clinics. These types of engagements offer a variety of tasks that supervised professionals can perform. For instance, paralegals and staff can conduct intake interviews with clients in a clinic setting, preparing notes for the attorney to review. Legal department professionals may also help clients fill out forms, such as preparing a list of assets for a will or preparing a list of consumer debts. They can perform factual research on issues such as country conditions for an immigration matter. They also can conduct an initial review of records necessary for matters such as veterans' cases or social security cases, which may require extensive review of voluminous medical documentation. Paralegals can draw on their skills to prepare exhibits and the initial draft of documents for proceedings in landlord-tenant court, immigration court, or family court. Moreover, paralegals with foreign language skills are invaluable as interpreters for non-English-speaking clients.

Additionally, paralegals and support staff can play a vital role in coordinating the department's pro bono program and can serve alongside attorneys on pro bono committees. Sharing these responsibilities opens up to staff opportunities for leadership and management, and fosters professional development.

In-house legal departments can encourage the participation of their staff by including paralegals and administrative assistants in their annual pro bono goals and by creating pro bono programs that capitalize on their skills.

Examples of Legal Department Professionals' Involvement in Pro Bono

There are many examples of companies that have engaged legal department professionals in their pro bono projects. For instance, many companies choose to involve paralegals and staff in clinics

¹ See American Bar Association, "Model Rule 5.3: Responsibilities Regarding Nonlawyer Assistance," https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_3_responsibilities_regarding_nonlawyer_assistant/. See also "Considerations for Successful Expansion of Pro Bono Programs," "7. Supervision," *infra*, at 7.

and follow-up matters. Other companies have found ways to bring them into both short-term and longer-term pro bono engagements.

Clinics

- Prudential Financial, Inc.**: Legal department professionals, alongside lawyers from Prudential and volunteers from partners Lowenstein Sandler* and Volunteer Lawyers for Justice, participate in staffing a monthly court-based clinic in Newark, New Jersey to provide legal advice to tenants facing eviction. Paralegal and support staff volunteers assist in preparing an extensive legal memo outlining each scheduled client's possible defenses and preparing letters to the court and the landlord asserting these defenses.
- Liberty Mutual Group: In partnership with the Lawyers Clearinghouse on Affordable Housing and Homelessness and Mintz Levin Cohn Ferris Glovksy and Popeo*, paralegals and lawyers from Liberty Mutual Group volunteer at a legal clinic hosted at a Boston homeless shelter to provide legal services. Teams provide representation in a wide variety of matters including those involving housing, Social Security and other benefits, Criminal Offender Record Information (CORI), credit/bankruptcy, immigration, and employment. Legal department professionals participate in collecting information from clients at the clinic.
- Many in-house legal departments have participated in CPBO's **Clinic in a Box**[®] program where paralegals, professionals, and support staff regularly work in teams with their attorney colleagues at the clinic. The Clinic in a Box[®] program is a half-day transactional clinic that includes volunteer training during the first half and client consultations in the second half of the clinic. Following the training, in-house volunteers – lawyers and other professionals – team up to meet with their clients, representatives of nonprofit organizations or small businesses, to provide counsel on specific issue areas or conduct a legal audit.

Short-term engagement

- UnitedHealth Group**: UnitedHealth Group (UHG) and The Connecticut Veterans Legal Center (CVLC) launched Review-a-Rama, a limited-scope pro bono assistance model to review veteran medical and military files and summarize the contents to assist CVLC lawyers in seeking benefits for veterans. More than 170 UHG law department employees, including paralegals and administrative staff, across 26 states, have reviewed thousands of pages of veteran medical and military files. Lawyers and legal department professionals alike received training on how to review the records and what type of information to look for in summarizing the files.
- Hewlett Packard Enterprise Company**: Hewlett Packard Enterprise Company (HPE) provides meaningful pro bono opportunities for its attorneys and professional staff alike, including on efforts helping veterans with their appeals to obtain much needed Combat Relief Benefits. While lawyers receive training and then provide

limited advice counseling to veterans about their benefits, professional staff engage in reviewing and summarizing files from the Board of Veterans' Appeals. Nearly 200 HPE attorneys and other professional staff have donated thousands of hours to the legal needs of veterans.

Long-term engagement

- Amazon.com, Inc.**: Lawyers, professionals, and staff from across Amazon's legal department participate in case teams, along with partners from Kids in Need of Defense (KIND), Bet Tzedek, and Davis Wright Tremaine*, to represent unaccompanied immigrant and refugee children in navigating the U.S. immigration system and pursuing relief, including Special Immigrant Juvenile Status cases. Legal department professionals on case teams participate in interviewing clients and preparing case documents.
- Federal Home Loan Mortgage Corporation (Freddie Mac)**: Teams of Freddie Mac attorneys and legal department professionals partner with the Capital Area Immigrants' Rights (CAIR) Coalition to provide pro bono legal representation for detained immigrants facing deportation and for juveniles seeking protective status under U.S. immigration laws. Professional staff can choose either to be lead team members, assisting in preparing cases for trial, or to pitch in to handle discrete projects. This model allows more members of the Legal Division to participate in cases as their schedules permit.

Engaging Attorneys and Professionals Outside of the Legal Department

Broadening engagement outside of the legal department can confer many benefits on a department's pro bono efforts. Often, many companies also employ lawyers and legal professionals outside the legal department. Pro bono work for lawyers and legal professionals outside the department provides a chance to gain experience in a field of law outside their expertise, to work more directly with a client, and to team with colleagues in the legal department.

While professionals in marketing, communications, informational technology, compliance, government affairs, corporate libraries, and other company departments can provide pro bono legal services through the types of activities described above, many utilize their specialized skills to support the legal department's pro bono program more generally. For instance, marketing volunteers can help nonprofit clients with their websites and outreach programs. IT specialists can provide ongoing technical support, training, and troubleshooting for volunteers. Compliance professionals can assist in auditing and risk assessment work, and librarians can organize legal documents and clients' resource materials. Though these efforts are not considered delivering pro bono legal services to clients, they are invaluable in helping a legal department grow and sustain its pro bono program.

An important aspect to consider is how to extend the reach of the pro bono program's communications beyond the legal department in order to recruit volunteers. If available, using

company intranet or social media share sites that face outward beyond the legal department can help recruit volunteers. Working with the company's Corporate Social Responsibility (CSR) team to widen communication channels is another option. Face-to-face recruiting by the pro bono coordinator is also vital to expanding engagement and communicating opportunities to employees outside the department.

Examples of Involvement of Professionals Outside the Legal Department in Pro Bono

There are many cutting-edge examples of companies that have broadened engagement outside the legal department to include IT professionals, data scientists, marketing professionals, and compliance department professionals in either providing pro bono legal services or generally supporting the efforts of the legal department's pro bono program.

IT Professionals

- Exelon**: IT employees at Exelon working outside of the legal department provide and transport company laptops for the senior clinic held quarterly. Exelon's pro bono program recognizes the IT department when it reports on its pro bono accomplishments for the quarter, and gives pro bono awards to non-attorneys for exemplary pro bono contributions.

Data Scientists

- Massachusetts Mutual Life Insurance Company (MassMutual)**: Data scientists at MassMutual contribute pro bono services to the Hampden County Legal Clinic, in addition to pro bono legal services contributed by in-house counsel. The Pro Bono Director of the Clinic is permitted to draw on the expertise of MassMutual's data scientists in order to provide technology and data capabilities to the Clinic. This is a unique partnership where the professionals have provided hardware, information, and human capital to help run the Clinic.

Marketing and Communications Professionals

- Dentsu Aegis Network (DAN)**: DAN has leveraged the company's internal marketing, communications, and PR personnel in its initiative to connect communities in need to the appropriate legal services. DAN's marketing team has helped a legal services organization develop social media strategies aimed at increasing pro bono volunteering in the aftermath of a natural disaster.

Lawyers and Legal Staff Outside the Legal Department

- JPMorgan Chase**: JPMorgan Chase partners with the Chicago Coalition for the Homeless for pro bono projects involving professionals and compliance lawyers from outside the legal department who work alongside volunteers from the legal department. Volunteers have participated in walk-in clinics to help homeless and low-income students overcome barriers to their education, such as obtaining school fee waivers for graduation or other in-school activities.

- Zurich**: The Zurich North America Pro Bono Program engages not only attorneys, paralegals, and administrative assistants from the legal department but also employees from the Compliance, Government & Industry Affairs, Claims Legal, Claims Special Investigations Unit, Regulatory Affairs, and Operational Transformation teams. For example, professionals participate in staffing the Equip for Equality legal advice program in Chicago, and help educate parents of disabled children regarding their legal rights in the school system.

Employees with Foreign Language Skills

- Microsoft**: Microsoft's legal department works with Kids in Need of Defense (KIND) to litigate pro bono cases for children migrating to the U.S. The legal department engages other Microsoft department employees who can speak Spanish to aid in translation.

Considerations for Successful Expansion of Pro Bono Programs

To ensure the successful inclusion of legal department professionals and lawyers and professionals outside the legal department in pro bono programs, companies should consider the following:

1. *Pro Bono Policy* – An in-house legal department should have a clear written policy to encourage and support pro bono work. The policy should expressly address who is welcome to participate in pro bono projects – including paralegals, administrative staff, and other professionals, as appropriate – and address any limitations to the time staff spend on pro bono work.
2. *Skills & Interests* – Consider asking staff to participate in surveys to determine what special skills they bring to the table and what their interests are when it comes to pro bono. Staff, like attorneys, are more likely to volunteer when they care about the pro bono cause or client, and when they believe they have the skills necessary to contribute.
3. *Insurance* – Legal departments must ensure that employees both inside and outside the legal department have [professional liability or malpractice insurance for pro bono work](#). There are many [strategies](#) legal departments can pursue to ensure volunteers are adequately covered by insurance for their pro bono work. It is important that volunteers are informed of such coverage for their pro bono work.
4. *Communications* – The pro bono committee or organizers of the pro bono program should communicate opportunities for pro bono involvement to all employees eligible to participate in those matters. Educating paralegals and staff about specific ways for them to get involved and personally inviting them to participate in pro bono opportunities are two strategies to encourage staff engagement.
5. *Training* – Because pro bono opportunities often introduce volunteers to new subject areas outside their comfort zone, the department should provide training to all new

volunteers, not only the lawyers. Often, legal departments provide pro bono training by partnering with a law firm or legal services organization working on the issue and including all eligible employees in such trainings is key to encouraging their participation. Additionally, training should make clear what employees without a legal license can and cannot do to ensure that they are not inadvertently performing legal work in violation of professional conduct rules.²

6. *Teamwork* – Legal department professionals, attorneys, and other volunteers should be invited to team up on pro bono matters. This not only alleviates volunteers’ concern about working on a new issue but also contributes to team building and promoting a positive office culture.
7. *Supervision* – The Model Rules of Professional Conduct and similar rules in each jurisdiction require that non-lawyers be supervised by an attorney. Additionally, supervising attorneys are responsible for non-lawyer work product. The pro bono program should ensure that volunteers without a license to practice law have adequate supervision for all work and that attorneys understand their obligation to supervise.³
8. *Compensation* – The company should determine when employees may work on pro bono matters, and whether overtime pay will be required, in consultation with the Fair Labor Standards Act⁴ and applicable state and local laws and regulations. The company should not compel staff to volunteer for pro bono matters outside of their regularly scheduled hours. The company should clearly communicate its policy on when employees may do pro bono. Ensuring that pro bono hours are not counted as personal time off is important to removing a barrier to pro bono engagement by employees.
9. *Recognition* – Honoring legal department professionals and volunteers outside the department for their pro bono contributions, perhaps through an award, honor roll, or other acknowledgement program, can motivate them to volunteer. A recognition program also can eliminate any perceived stigma associated with participating in pro bono programs. Additionally, to encourage pro bono work, the company may choose to consider staff participation in pro bono during performance reviews.

² See American Bar Association, “Model Rule 1.1: Competence,”

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_1_1_competence/; American Bar Association, “Model Rule 5.3: Responsibilities Regarding Nonlawyer Assistance,”

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_3_responsibilities_regarding_nonlawyer_assistant/. See also “Considerations for Successful Expansion of Pro Bono Programs,” “7. Supervision,” *infra*, at 7.

³ See American Bar Association, “Model Rule 5.3: Responsibilities Regarding Nonlawyer Assistance,”

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_3_responsibilities_regarding_nonlawyer_assistant/.

⁴ 29 U.S.C. § 203 et seq.

Advance planning to address these considerations can improve the legal department's likelihood of success in broadening engagement in its pro bono program.

Conclusion

In-house legal departments are actively exploring the roles that legal department professionals as well as lawyers and professionals outside the department can play in the delivery of pro bono legal services. This movement toward broadening engagement is showing promising results. Legal departments that encourage paralegals and staff to participate in pro bono committees or plan pro bono activities bring leadership and team-building opportunities that enhance the company's work culture. Significantly, these individuals can increase a pro bono program's overall impact, offering a great variety of skills that can be put to use toward the provision of legal services. Maximizing the contribution of all members of the legal department – and employees outside the department – toward the provision of pro bono services is a productive undertaking for any in-house legal department and can be extremely effective in helping to provide legal services to communities in need.

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