The momentum for in-house legal pro bono has grown tremendously in the last fifteen years. During this time, Corporate Pro Bono (CPBO), a project of Pro Bono Institute, 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 60 legal departments. This is the fifth benchmarking report CPBO has published. In 2017, CPBO issued its 2016 Benchmarking Report, which provided responses from 55 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.
Notable Trends

For the 2018 Benchmarking Report, CPBO incorporated new questions in the survey we sent to in-house legal departments that included questions about dedicated pro bono managers, the tools departments use to track metrics, and strategies to encourage pro bono participation. This year’s report contains the results of some of those questions, and we look forward to monitoring those trends in coming years.

CPBO has previously noted several trends that have become near universal features of pro bono performance and management since we began publishing the Benchmarking Report in 2011:

- in-house pro bono is voluntary
- participation in pro bono service is permitted during normal work hours
- in-house engages lawyers and other professional staff
- in-house pro bono programs are managed by committee or a point person
- communications is an element of in-house pro bono programs

Those aspects of in-house pro bono generally have held steady or shown growth in this reporting cycle.

Program Administration

This year, we asked legal departments whether their department or company pays someone to manage or coordinate their pro bono program. Eight percent of respondents answered yes to the question, indicating they had either a part-time or full-time paid coordinator.

An important indicator of a legal department’s commitment to pro bono is inclusion of pro bono as a factor in evaluations, advancement, or bonuses. We note a steady rise over the years in legal departments that consider pro bono work as a factor -- 31 percent in 2014, 32 percent in 2016, and 38 percent in 2018.
Metrics

Based on growing interest in measuring pro bono among legal departments CPBO works with, the 2018 Benchmarking Survey asked a new question about the types of tools companies use to track pro bono metrics. We compiled the responses into the following categories: CSR Platform or Software, Document Management Software, Email, Hours Tracking Software, Intranet, Legal Management Software, Spreadsheets (includes Excel and Google Sheet), and Surveys. Spreadsheets are the most popular tool, followed by document management software and CSR platforms or software.

Among respondents that track pro bono participation, there has been a marked increase in the use of matter tracking software to measure pro bono participation, from 22 percent in 2016 to 33 percent in 2018. Concomitantly, there has been a decline in the use of volunteers emailing a compiler to track participation. Notably, among the types of information that legal departments track, there has been a significant increase in tracking participation rate from 43 percent in 2016 to 91 percent in 2018, and a general rise in tracking the number of hours, clients served, and outcomes of matters, that indicate a growing sophistication in utilizing metrics for in-house pro bono.

Communications

As legal departments seek ways to sustain and deepen pro bono engagement within their companies, communicating the importance of pro bono and recognizing pro bono participation and accomplishments are key. There has been a steady growth in the use of certain tools and strategies to demonstrate the importance of pro bono. Recognition at department meetings has risen markedly among respondents from 36 percent in 2012 to 73 percent in 2018. Similar steady increases are evident in the use of awards and newsletters to communicate pro bono recognition. For the 2018 Benchmarking Survey, we included a question on what strategies legal departments use to encourage pro bono participation. Individual outreach to volunteers was by far the most popular method.
## Departments

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

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Company Name</th>
<th>Company Name</th>
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</thead>
<tbody>
<tr>
<td>Allstate Insurance Company</td>
<td>Deloitte LLP</td>
<td>Microsoft Corporation</td>
</tr>
<tr>
<td>Amazon.com, Inc.</td>
<td>Dentsu Aegis Network</td>
<td>Nationwide Mutual Insurance Company*</td>
</tr>
<tr>
<td>American Express Company</td>
<td>Discover Financial Services*</td>
<td>NHL, Inc.</td>
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<tr>
<td>AT&amp;T Inc.</td>
<td>Duquesne Light Company</td>
<td>The PNC Financial Services Group, Inc.*</td>
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<td>Bank of America Corporation*</td>
<td>Entergy Corporation*</td>
<td>Prudential Financial, Inc.</td>
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<tr>
<td>Barclays Bank PLC</td>
<td>Epoch Payment Solutions</td>
<td>Square, Inc.</td>
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<tr>
<td>Best Buy Co., Inc.</td>
<td>Exxon Mobil Corporation*</td>
<td>State Farm Mutual Insurance Company*</td>
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<tr>
<td>Bloomberg L.P.</td>
<td>FedEx Ground Package System, Inc.*</td>
<td>Target Corporation*</td>
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<tr>
<td>BNY Mellon</td>
<td>The Federal Home Loan Mortgage Corporation (Freddie Mac)*</td>
<td>Thrivent Financial</td>
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<tr>
<td>Boston Scientific Corporation*</td>
<td>Ford Motor Company</td>
<td>U.S. Bancorp*</td>
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<tr>
<td>Cargill, Incorporated*</td>
<td>General Mills, Inc.*</td>
<td>Verizon Communications Inc.*</td>
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<tr>
<td>Caterpillar Inc.*</td>
<td>Hewlett-Packard Company*</td>
<td>Wal-Mart Stores, Inc.*</td>
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<tr>
<td>Chubb Group of Insurance Companies</td>
<td>The Home Depot Inc.*</td>
<td>Whirlpool Corporation*</td>
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<td>The Clorox Company</td>
<td>Leidos, Inc.</td>
<td>Xerox Corporation*</td>
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<td>Comcast Corporation*</td>
<td>Liberty Mutual Holdings Company Inc.*</td>
<td>Zurich American Insurance Company</td>
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<tr>
<td>Counsel on Call</td>
<td>Mayo Clinic</td>
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<tr>
<td>Crown Canyon Capital, LLC</td>
<td>McDonald’s Corporation*</td>
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<tr>
<td>CSAA Insurance Group</td>
<td>MCR Development</td>
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<tr>
<td>CUNA Mutual Group</td>
<td>MetLife, Inc.</td>
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<td>Deere &amp; Company*</td>
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*Responded to 2016 and 2018 Benchmarking surveys
Managed by Pro Bono Committee

Does your legal department have a pro bono committee?

Committee Members

How many members comprise the pro bono committee?

<table>
<thead>
<tr>
<th>Range</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>1-5</td>
<td>15%</td>
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<tr>
<td>6-10</td>
<td>40%</td>
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<tr>
<td>11-15</td>
<td>12%</td>
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<tr>
<td>&gt;15</td>
<td>33%</td>
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Committee Chair / Co-Chairs

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

- Yes: 94%
- No: 6%
Program Administration

Program Management
Does your legal department or company pay someone to manage or coordinate your pro bono program?

- No
- Yes, a full-time employee
- Yes, a part-time employee

92% 4% 4%

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

43% NO
57% YES

Number of Coordinators
How many coordinators does your legal department have?

- 38% 1
- 14% 2
- 3% 3
- 3% 4
- 41% 5 or more
**Policy Details**

**Pro Bono Policy**
Does your legal department have a written pro bono policy?

- Yes 72%

In what year did your legal department adopt a written pro bono policy?

- 1980s 58%
- 1990s 32%
- 2000-2010 7%
- 2011-2017 3%

**Mandatory Pro Bono**
Is participation in your legal department's pro bono program mandatory?

- Yes 0%

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

- Yes 38%

**Non-Attorney Participation**
Do non-attorneys participate in the pro bono program?

- Yes 88%
Policy Details

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

Yes 95%

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?

78% CAN TAKE ON PRO BONO MATTERS OUTSIDE THE OFFICIAL PROGRAM

- No expectation
- <10 hours
- 10-20 hours
- 21-30 hours
- 31-40 hours
- 41-50 hours
- >50 hours

- 76% No limit
- 5% <10 hours
- 3% 10-20 hours
- 2% 21-30 hours
- 5% 31-40 hours
- 2% 41-50 hours
- 3% >50 hours
Professional Liability Insurance

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

- WORK WITH LEGAL SERVICES PROVIDERS THAT PROVIDE COVERAGE (19%)
- ENDORESEMENT to an existing insurance policy (14%)
- NLADA insurance policy (77%)
- SELF insured (9%)
Partnerships with Law Firms

81% enter into pro bono partnerships with law firms

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

24% Yes

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

18% Yes

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

41% Yes

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

24% Yes
Pro Bono Partnerships

Partnerships with Legal Services Providers
Does your legal department enter into pro bono partnerships with legal services providers?

84% Yes

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

52% Yes

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

- Affinity/Diversity Groups
- Corporate Foundation
- Community Services Team
- CSR Staff

0% 100%
In 2017, what types of projects did members of your legal department undertake? (select all that apply)

- 91% of departments engage in Advice-Only Counseling Clinics
- Assisting with Applications: 64%
- Clinic with Ongoing Representation: 52%
- Document Drafting: 67%
- Educational/Training: 69%
- Intake Clinic: 57%
- Litigation: 21%
- Mediation/Arbitration: 33%
- Negotiation: 16%
- Other: 17%
- Policy Advocacy: 46%
- Research: 40%
- Transactional - Nonprofits: 40%
- Transactional Small Business: 17%
- Research: 16%

**Project Selection**
Clients Assisted

In 2017, what categories of clients did members of your legal department work with in particular? (select all that apply)

- Elderly / Orgs. Assisting Elderly: 88%
- Children / Orgs. Assisting Children: 74%
- Nonprofits Generally: 72%
- Victims of Domestic Violence: 50%
- Patients/Medical Organizations: 59%
- Small Businesses: 10%
- Immigrants: 76%
- Community Organizations: 34%
- School/Education Organizations: 34%
- Former Convicts or Accused: 41%
- Civil Rights Defenders: 36%
- Victims of Disasters: 17%
- Artists/Art Organizations: 5%
- Low-income People or Groups: 21%
Area of Law Practiced

In 2017, what areas of law were involved in the pro bono provided by your legal department? (select all that apply)

- Administrative Law: 28%
- Corporate Law incl. Nonprofits: 16%
- Civil Rights / Constitutional Law: 21%
- Criminal Law: 3%
- Employment Law: 62%
- Environmental Law: 41%
- Family Law: 71%
- Immigration Law: 71%
- Intellectual Property: 40%
- Public Benefits: 36%
- Real Estate incl. Landlord/Tenant: 34%
- Tax Law: 40%
- Trust & Estates: 14%
Global Pro Bono

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

72% No

28% Yes

Type of Global Pro Bono

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

- 94% Attorneys and legal staff in both the U.S. and abroad working jointly
- 38% Attorneys and legal staff abroad working on matters that are not local to their jurisdiction
- 19% Attorneys and legal staff in the U.S. working on matters abroad
- 13% Attorneys and legal staff abroad working on matters local to their jurisdiction

26% of all departments surveyed have attorneys abroad working on matters local to their jurisdiction.
Project Selection

In 2017, what types of global projects did members of your legal department undertake? (please select all that apply)
Pro Bono Metrics

Tracking Pro Bono
Does your legal department track pro bono participation?

- 80% Yes

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

- Volunteers update matter tracking software
- Volunteers email a compiler
- Coordinators update matter tracking software
- Matter closing forms
- Other (e.g. annual survey, volunteers informally track)

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

- 91% Participation Rate
- 72% Number of Hours
- 35% Clients Served
- 15% Outcome of Matter
Metrics Tools
What tool(s) does your department use to measure and/or track pro bono participation? (please include brand if relevant)

33% Of departments that track metrics use Excel
**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?

- Individual: 62%
- Company: 38%

**Client Contact Alternatives**

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

- Yes: 37%

  **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?

- Yes: 34%

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

- Yes: 93%

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

- Yes: 90%
Company Intranet

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

- 82% FAQS or policy guidelines
- 82% OPPORTUNITIES for pro bono
- 49% TRAINING materials
- 45% SAMPLE forms
- 71% STORIES of success involving pro bono
- 65% RECOGNITION information
- 39% NEWSLETTERS
- 16% DOCUMENTS for matter tracking

83% YES
17% NO
**Pro Bono Recognition**

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

- Recognition at department meetings: 73%
- Awards: 52%
- Ceremonies: 23%
- Annual report: 13%
- Newsletter: 57%
- Gift cards: 5%
- Donations: 11%

**Pro Bono Participation**

What strategies do you use to encourage pro bono participation? (select all that apply)

- Individual outreach to volunteers: 73%
- Created department-wide competition: 17%
- Incorporated social element: 0%
- Recognition events: 100%
- CLO/GC engagement: 0%
Pro Bono Budgeting

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

- Legal department budget, just as other reasonable expenses: 82%
- Separate budget for pro bono program: 26%
- Foundation or CSR support: 11%

Pro Bono Expenses

What expenses are covered in this budget?

- General budget
- Separate budget
- Foundation / CSR

- Court filing fees or other fees
- Photocopying
- Transportation
- Long distance phone calls
- Awards and recognition
- Trainings
- Refreshments at events
- Insurance
- Conference attendance
- Sponsorships
- Publications
- Charitable Contributions
**Pro Bono Budgets**

**Foundation Funding**

How much support did your pro bono program receive from your company’s foundation or CSR department in 2017?

- Less than $25,000: 17%
- $25,000 to $50,000: 33%
- $50,001 to $100,000: 50%
- More than $100,000: 3%

**Donations**

How much did your company donate to organizations that provide legal services free of charge to persons of limited means in 2017?

- Less than $5,000: 33%
- $5,000 to $20,000: 14%
- $20,001 to $50,000: 19%
- $50,001 to $100,000: 8%
- More than $100,000: 7%
- Unknown/None: 22%

**Budget Allocation Amount**

How much was your department’s pro bono program annual budget in 2017?

- Less than $5,000: 4%
- $5,000 to $20,000: 13%
- $20,001 to $50,000: 11%
- $50,001 to $75,000: 18%
- More than $75,000: 4%
- Unknown/None: 4%
Corporate Pro Bono (CPBO) is a project of 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.