The momentum for in-house legal pro bono has grown tremendously in the past two decades. During this time, Corporate Pro Bono (CPBO), a project of Pro Bono Institute, has worked with more than 1,000 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.

CPBO invited Corporate Pro Bono Challenge® signatories and additional legal departments that participate in CPBO programs and initiatives to participate in our 2020 Benchmarking Survey. The survey, which was open between March and June 2020, collected data from calendar year 2019. Therefore, the data in this report does not reflect the shift to remote work, including virtual pro bono, which occurred in 2020 as a result of the global COVID-19 pandemic. Nor did the survey ask questions about engagement in pro bono to address systemic racism, which has become a burgeoning area of interest among corporations since spring 2020, following the protests to support racial justice in response to the police killing of George Floyd, Breonna Taylor, and other Black Americans. CPBO will address these developments in future surveys and publications that examine pro bono in 2020.

This report includes responses from 55 legal departments. CPBO extends its deep appreciation and thanks to those departments that participated in the survey and commends them for their commitment to pro bono service.

This is the sixth benchmarking report CPBO has published. In 2019, CPBO issued its 2018 Benchmarking Report based on the responses of 60 legal departments. Anecdotally, CPBO understands the lower response rate to the 2020 Benchmarking Survey is due to the timing of the survey, which coincided with the difficult period when the first wave of the pandemic struck the United States. We hope to see greater participation in the survey from our valued stakeholders for the next edition of the biennial benchmarking report.

For more information about this report or for general information about in-house pro bono, please contact Corporate Pro Bono at cpbo@probonoinst.org.
CPBO’s 2020 Benchmarking Report documents the continuation of several trends that have become near-universal features of in-house pro bono programs since we published the first report in 2011. These trends include:

- Participation in pro bono service is permitted during normal work hours. (100% of respondents in 2020)
- Engagement in in-house pro bono is not limited to attorneys but also includes paralegals and other professional staff in the legal department. (96% of respondents in 2020)
- There is no annual limit on the hours spent on pro bono. (96% of respondents in 2020)
- Participation in pro bono is voluntary. (98% of respondents in 2020)

This last metric, though still near-universal, is notable because historically 100 percent of respondents have reported that participation in the legal department’s pro bono program is not mandatory. This year, for the first time, one respondent reported that participation in the legal department’s pro bono program is mandatory.
NOTABLE TRENDS

Program Administration

We asked legal departments whether their department or company pays someone to manage or coordinate their pro bono program. In 2020, seven percent of respondents answered that they had a full-time paid coordinator (compared to four percent in 2018), and no respondents answered that they had a part-time paid coordinator (compared to four percent in 2018). Full-time paid coordinators include attorneys and project managers. Pro bono coordinators (paid and unpaid) have titles including Pro Bono Lead Counsel; Pro Bono Coordinator; Coordinator, Pro Bono & Diversity; Senior Attorney, Pro Bono Lead; Legal Access Program Lead; and Legal Operations Manager. Additionally, many full-time legal staff and attorneys with business titles devote some percentage of their time (in some instances up to 25 or even 50 percent) to leading their department’s pro bono program. One company reported hiring a project manager from another business division to manage the legal department’s pro bono program, and one company reported it is considering hiring a part-time paid pro bono leader.

The number of programs reporting that they have a written pro bono policy dipped slightly this year compared to previous report: 67 percent of respondents reported having a formal policy, compared to 72 and 77 percent of respondents in the 2018 and 2016 Benchmarking Reports, respectively. These values cannot be directly compared, because the pool of respondents to the Benchmarking Surveys differs each survey year. Generally, a pro bono policy is an effective tool to define expectations, procedures, and goals for the pro bono program. However, some departments may eschew pro bono policies because their companies have broader volunteerism policies applicable to pro bono, while others operate on a more ad hoc basis due to the department’s culture or size.

Law Firm Partnerships

We have consistently seen that approximately four-fifths of responding legal departments report that they partner with law firms on some of their pro bono projects. This year, 80 percent of respondents answered that they do partner with law firms (compared to 81 percent in 2018 and 87 percent in 2016). We saw an uptick in the percentage of companies reporting that they consider a firm’s pro bono performance when evaluating outside counsel (42 percent of respondents in 2020, compared to 24 percent in 2018 and 35 percent in 2016).

Legal departments reported that their evaluation of law firm pro bono can take several forms, such as evaluating a firm’s pro bono service as a factor in addition to the firm’s experience and diversity; not requiring outside counsel to discuss pro bono but considering whether outside counsel does so in response to RFPs; and considering whether the firm takes pro bono as seriously as its billable work.
Internal Partnerships

Increasingly, in-house pro bono programs work with internal partners at their companies. Approximately half of the responding departments work with corporate foundations, while approximately two-thirds of the respondents work with each of the following: affinity/diversity groups, community services teams, and corporate social responsibility (CSR) staff.

These collaborations include: selecting pro bono projects that align with social responsibility goals or diversity goals; identifying non-profits and non-governmental organizations (NGOs) in need of legal services; accepting pro bono matters from legal services organizations that receive funding from the corporate foundation; leveraging CSR tools to track metrics; reporting pro bono hours and achievements to CSR to support broader company goals; participating in company-wide volunteerism-incentive programs or volunteer recognition; and collaborating in the selection of public service fellows who are funded by the company. These internal partnerships can bolster the reputation and value of the legal department’s pro bono program within the company.

Volunteer Recognition and Engagement

Legal departments seeking to expand and sustain pro bono engagement use a variety of strategies to recognize their pro bono volunteers. Recognition of pro bono volunteers at legal department meetings is increasingly common, with 83 percent of respondents to the 2020 Benchmarking Survey reporting they do this, compared to 73 percent in 2018 and 69 percent in 2016. Half of the respondents give pro bono awards to volunteers (51 percent in 2020, compared to 52 percent in 2018, up from 41 percent in 2016). Recognition of pro bono volunteers in company newsletters is somewhat less common than in past years (37 percent in 2018, compared to 57 percent in 2018 and 51 percent in 2016).

Individual outreach to new pro bono volunteers remains the most popular engagement strategy, with 94 percent of respondents to the 2020 survey conducting such outreach (similar to 93 percent in 2018, the first time we asked this question in a Benchmarking Survey). Incorporating a social element into the activity was the second-most popular strategy (62 percent in 2020, compared to 49 percent in 2018). We will track whether these volunteer recognition and engagement strategies change as a result of the shift to virtual pro bono.
Departments

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

Accenture plc
American Counsel on Exercise
American International Group Inc.*
Apple Bank
Archer-Daniels-Midland Company
AT&T Inc.*
Barclays Bank PLC*
Best Buy Co., Inc.*
Bloomberg L.P.*
BMO Financial Group
BNY Mellon*
Boston Scientific Corporation*
Brookfield Properties
Cargill, Incorporated*
Citigroup Inc.
Comcast NBCUniversal*
CSAA Insurance Group*
CUNA Mutual Group*
Deere & Company*
Delta Dental of California
Dentsu Aegis Network*
Discover Financial Services*
Dun & Bradstreet, Inc.
Duquesne Light Company*
Eli Lilly
Energy Corporation*
Exelon Corporation
FedEx Ground Package System, Inc.*
The Federal Home Loan Mortgage Corporation (Freddie Mac)*
General Electric Company
General Mills, Inc.*
GlaxoSmithKline plc
Hewlett Packard Enterprise Company*
Huntington Banchares Incorporated
Hydro Extrusion North America, LLC
Intel Corporation
Mayo Clinic*
MetLife, Inc.*
Microsoft Corporation*
Morgan Stanley
Nationwide Mutual Insurance Company*
NHL, Inc.*
NIKE, Inc.
The PNC Financial Services Group, Inc.*
Square, Inc.*
State Farm Mutual Insurance Company*
Target Corporation*
TCF Financial Corporation
U.S. Bancorp*
Ullico Inc.
United Airlines Holdings, Inc.*
UnitedHealth Group Incorporated
Verizon Communications Inc.*
Walmart*
Zurich American Insurance Company*

*Responded to 2018 and 2020 Benchmarking surveys
Managed by Pro Bono Committee

Does your legal department have a pro bono committee?

23% NO
77% YES

Committee Members
How many members comprise the pro bono committee?

Committee Chair / Co-Chairs
Does your legal department have a committee chair/co-chairs?

Yes 93%
No 7%

1-5 12%
6-10 25%
11-15 21%
>15 27%
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

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<th>Percentage</th>
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<tr>
<td>No</td>
<td>7%</td>
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<tr>
<td>Yes, full-time</td>
<td>51%</td>
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<tr>
<td>Yes, part-time</td>
<td>93%</td>
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Pro Bono Coordinator
Does your legal department have a pro bono coordinator(s)?

- Yes: 51%
- No: 49%

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

- 1 coordinator: 19%
- 2 coordinators: 5%
- 3 coordinators: 5%
- 4 coordinators or more: 19%
**Pro Bono Policy**

Does your legal department have a written pro bono policy?

- Yes 67%

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

- 1990-1999: 3%
- 2000-2009: 36%
- 2010-2019: 61%

**Mandatory Pro Bono**

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

- Yes 2%

**Factor in Evaluations**

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

- Yes 33%

**Legal Staff Participation**

Do paralegals and other legal department staff participate in the pro bono program?

- Yes 96%
**Pro Bono Hours**
Are members of the legal department permitted to do pro bono during normal work hours?

Yes 100%

**Annual Limit of Pro Bono Hours**
Is there an annual limit on the hours spent on pro bono?

- <10 hours: 2%
- 10-20 hours: 2%
- 21-30 hours: 2%
- 31-40 hours: 4%
- 41-50 hours: 5%
- >50 hours: 8%
- No limit: 96%

**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?

- No expectation: 79%
- <10 hours: 4%
- 10-20 hours: 2%
- 21-30 hours: 2%
- 31-40 hours: 8%
- 41-50 hours: 5%
- >50 hours: 2%

80% 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)

- Work with legal services providers that provide coverage [23%]
- Endorsement to an existing insurance policy [9%]
- NLADA insurance policy [75%]
- Self insured [19%]
- Purchase insurance policy [13%]
Partnerships with Law Firms

80% 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? 7% Yes

Does your legal department consider a firm’s pro bono performance when evaluating outside counsel? 42% 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? 29% Yes
**Pro Bono Partnerships**

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

- **80%** Yes

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

- **48%** Yes

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

- **Affinity/Diversity Groups**: 61%
- **Corporate Foundation**: 47%
- **Community Services Team**: 61%
- **CSR Staff**: 67%

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**PRO BONO PROJECTS**

**Project Selection**

In 2019, what types of projects did members of your legal department undertake? (select all that apply)

- **73%** of departments engage in advice-only counseling clinics

- **Advice/Counseling Clinics**
  - 73%

- **Assisting with Applications**
  - 69%

- **Clinic with Ongoing Representation**
  - 41%

- **Document Drafting**
  - 47%

- **Educational/Training**
  - 41%

- **Intake Clinic**
  - 47%

- **Litigation**
  - 73%

- **Mediation/Arbitration**
  - 73%

- **Negotiation**
  - 14%

- **Policy Advocacy**
  - 22%

- **Research**
  - 4%

- **Transactional - Nonprofits**
  - 14%

- **Transactional Small Business**
  - 35%
Clients Assisted

In 2019, what categories of clients did members of your legal department work with in particular? (select all that apply)

- Elderly / Orgs. Assisting Elderly: 80%
- Children / Orgs. Assisting Children: 46%
- Nonprofits Generally: 48%
- Victims of Domestic Violence: 52%
- Patients/Medical Organizations: 38%
- Small Businesses: 62%
- Community Organizations: 68%
- Former Convicts or Accused: 46%
- Civil Rights Defenders: 38%
- Victims of Disasters: 28%
- Artists/AI Organizations: 18%
- Low-income People or Groups: 10%
- 80% OF DEPARTMENTS PROVIDE PRO BONO SERVICES TO LOW-INCOME PEOPLE OR GROUPS
In 2019, what areas of law were involved in the pro bono provided by your legal department? (select all that apply)

- Administrative Law
- Corporate Law incl. Nonprofits
- Civil Rights / Constitutional Law
- Contracts or Commercial Law
- Criminal Law
- Employment Law
- Environmental Law
- Family Law
- Immigration Law
- Insurance Law
- Intellectual Property
- Public Benefits
- Real Estate incl. Landlord/Tenant
- Tax Law
- Trust & Estates

73% of departments undertake pro bono projects that involve immigration law.
Global Pro Bono

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

65% No

35% Yes

Type of Global Pro Bono

For companies that engage in 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

35% of all departments surveyed have attorneys abroad working on matters local to their jurisdiction.
Project Selection

In 2019, 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?

- **93% Yes**

**Tracking Pro Bono**

How does your legal department track pro bono participation?

- Volunteers update matter tracking software: 37%
- Volunteers email a compiler: 30%
- Coordinators update matter tracking software: 15%
- Matter closing forms: 2%
- Other (e.g. annual survey, volunteers informally track): 27%

**Measuring Pro Bono**

What information does your legal department track?

- Participation Rate: 88%
- Clients Served: 42%
- Number of Hours: 73%
- Reason Matter Enclosed: 6%
- Outcome of Matter: 15%
- Professional Skills Enhanced: 10%
- Volunteer Satisfaction: 17%
- Feedback: 13%
Metrics Tools

What tool(s) does your department use to measure and/or track pro bono participation? (please include brand if relevant)

- **23%** of departments that track metrics use Benevity
- **30%** of departments that track metrics use Excel

Other tracking tools used by legal departments:
- YourCause
- Paladin
- Internal Software
- Hours Tracking Software
- Blackbaud
- Legal Management Software
- MyShare
- SharePoint
- MyGiving Database
- Surveys
- Track It Forward
- Cybergrant
- Website
- Ascent Time Tracking
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 58%
Company 42%

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 specific to attorney
- Use pro bono letterhead and phone

YES 17%

Client Correspondence

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

38% Yes

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

94% Yes

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

88% Yes
Company Intranet

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

- DOES YOUR LEGAL DEPARTMENT HAVE INFORMATION ABOUT ITS PRO BONO PROGRAM ON A COMPANY INTRANET?
  - YES: 73%
  - NO: 27%

- FAQs or policy guidelines: 70%
- OPPORTUNITIES for pro bono: 84%
- TRAINING materials: 43%
- SAMPLE forms: 41%
- STORIES of success involving pro bono: 65%
- RECOGNITION information: 45%
- NEWSLETTERS: 35%
- DOCUMENTS for matter tracking: 38%
Pro Bono Recognition

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

- Awards: 83%
- Ceremonies: 51%
- Annual Report: 24%
- Newsletter: 37%
- Recognition at department meetings: 14%
- Gift Cards: 2%
- Donations: 0%

Pro Bono Participation

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

- Individual outreach to volunteers: 94%
- Created department-wide competition: 12%
- Incorporated social element: 62%
- Recognition events: 38%
- CLO/GC engagement: 40%
Pro Bono Budgeting

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

- Legal department budget, just as other reasonable expenses: 63%
- Separate budget for pro bono program: 41%
- Foundation or Corporate Social Responsibility (CSR) support: 14%

Pro Bono Expenses

What expenses are covered in this budget?

- 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 2019?

- 14% Less than $25,000
- 29% $25,000 to $50,000
- 43% $50,001 to $100,000
- 14% More than $100,000

Donations
How much did your company donate to organizations that provide legal services free of charge to persons of limited means in 2019?

- 33% Less than $5,000
- 24% $5,000 to $20,000
- 6% $20,001 to $50,000
- 6% $50,001 to $100,000
- 6% More than $100,000
- 24% Unknown/None

Budget Allocation Amount
How much was your department’s pro bono program annual budget in 2019?

- 16% Less than $1,000
- 29% $1,000 to $3,000
- 13% $3,001 to $5,000
- 13% $5,001 to $7,500
- 13% $7,501 to $10,000
- 13% $10,001 to $15,000
- 29% $15,001 to $25,000
- 8% $25,001 to $50,000
- 5% More than $50,000

63% OF DEPARTMENTS ALLOW EXPENDITURES ON PRO BONO TO EXCEED THE BUDGETED AMOUNT IF NECESSARY
73% OF DEPARTMENTS WHO HAVE AN ANNUAL PRO BONO BUDGET OF LESS THAN $1,000 ARE MADE UP OF LESS THAN 50 EMPLOYEES
67% OF DEPARTMENTS WHO HAVE AN ANNUAL PRO BONO BUDGET OF MORE THAN $100,000 ARE MADE UP OF 250 EMPLOYEES OR MORE
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.