

2018 BENCHMARKING REPORT

An Overview of In-House Pro Bono | March 2019

INTRODUCTION

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.

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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.



NOTABLE TRENDS

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:

Allstate Insurance Company
Amazon.com, Inc.
American Express Company
American International Group Inc.*
AT&T Inc.
Bank of America Corporation*
Barclays Bank PLC
Best Buy Co., Inc.
Bloomberg L.P.
BNY Mellon
Boston Scientific Corporation*
Capital One Financial Corporation
Cargill, Incorporated*
Caterpillar Inc.*
Chubb Group of Insurance
Companies
The Clorox Company
Comcast Corporation*
Counsel on Call
Crown Canyon Capital, LLC
CSAA Insurance Group
CUNA Mutual Group
Deere & Company*

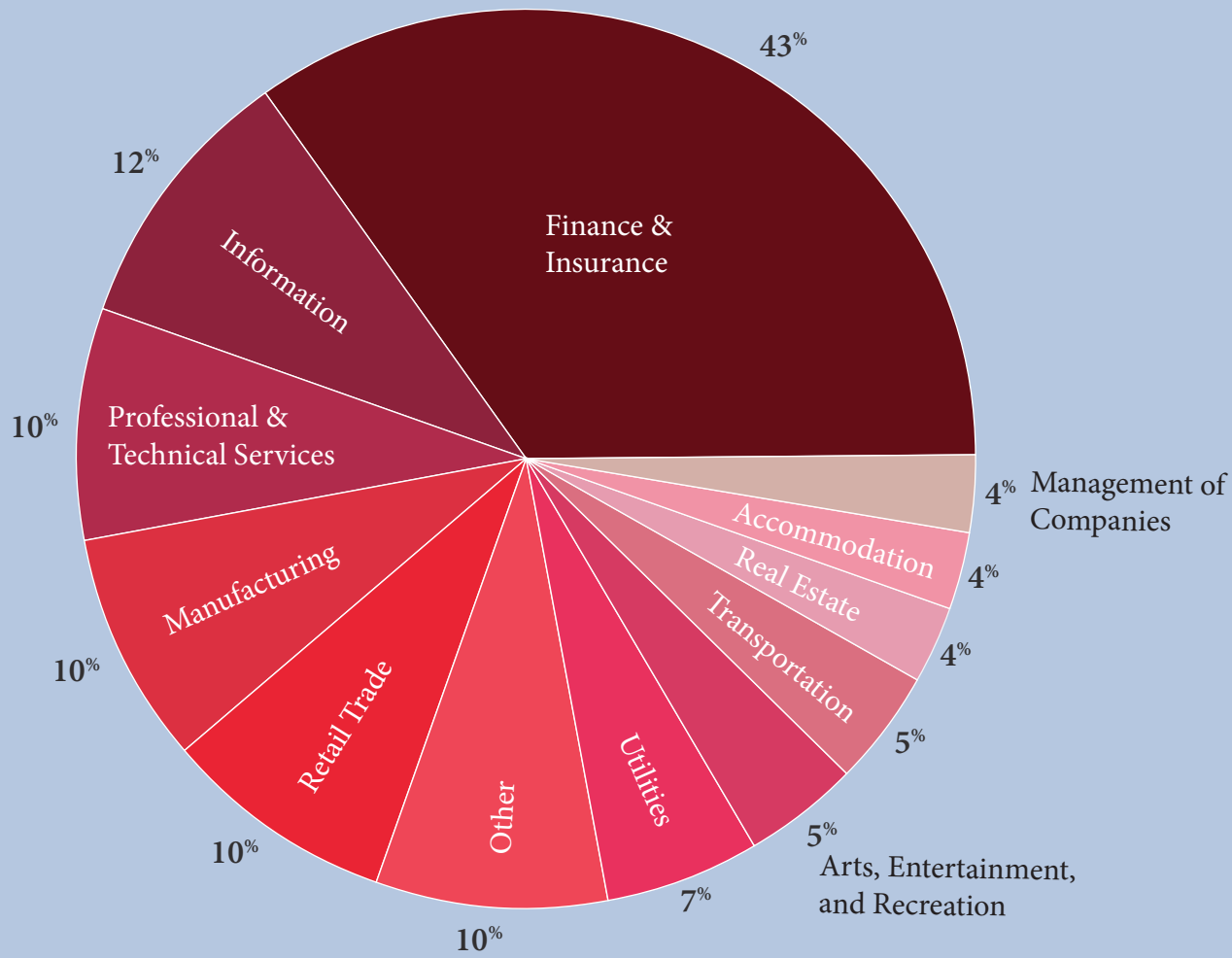
Deloitte LLP
Dentsu Aegis Network
Discover Financial Services*
Duke Energy Corporation*
Duquesne Light Company
Entergy Corporation*
Epoch Payment Solutions
Exxon Mobil Corporation*
FedEx Ground Package System, Inc.*
The Federal Home Loan Mortgage
Corporation (Freddie Mac)*
Ford Motor Company
General Growth Properties, Inc.*
General Mills, Inc.*
Hewlett-Packard Company*
The Home Depot Inc.*
Leidos, Inc.
Liberty Mutual Holdings Company
Inc.*
Mayo Clinic
McDonald's Corporation*
MCR Development
MetLife, Inc.

Microsoft Corporation
Nationwide Mutual Insurance
Company*
NHL, Inc.
Oath, Inc.
The PNC Financial Services Group,
Inc.*
Prudential Financial, Inc.
Square, Inc.
State Farm Mutual Insurance
Company*
Target Corporation*
Thrivent Financial
U.S. Bancorp*
United Continental Holdings, Inc.*
Verizon Communications Inc.*
Wal-Mart Stores, Inc.*
Whirlpool Corporation*
Xerox Corporation*
Zurich American Insurance
Company

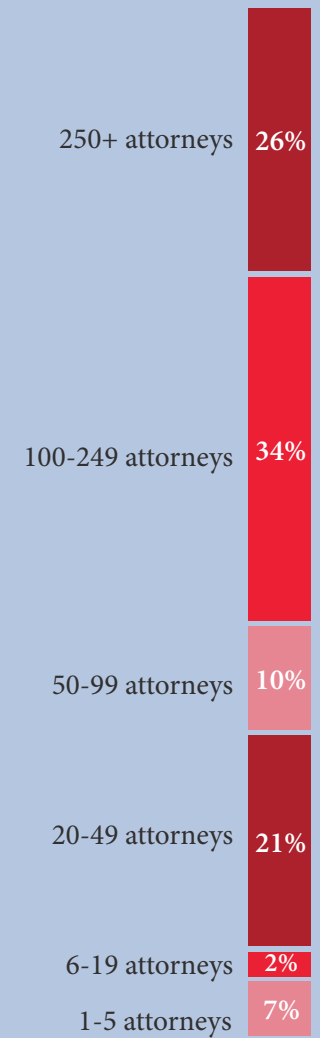
*Responded to 2016 and 2018 Benchmarking surveys

COMPANY OVERVIEW

Industry or Service Sector

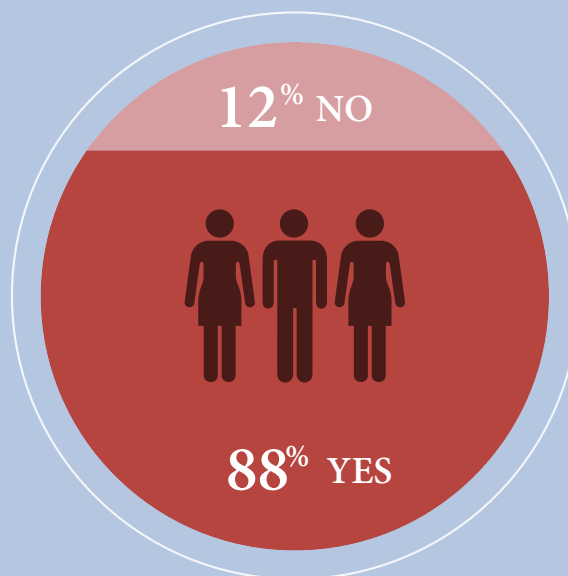


Legal Department Size



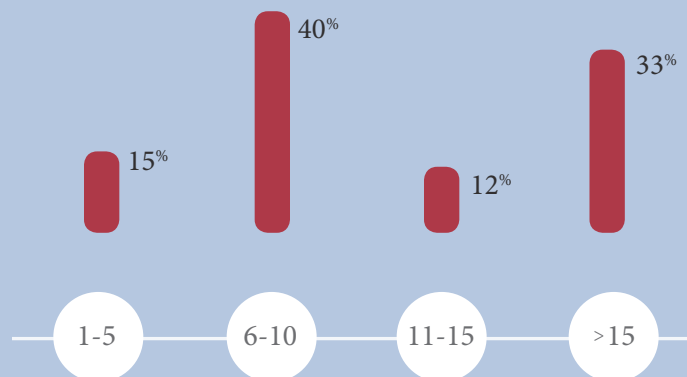
Managed by Pro Bono Committee

Does your legal department have a pro bono committee?



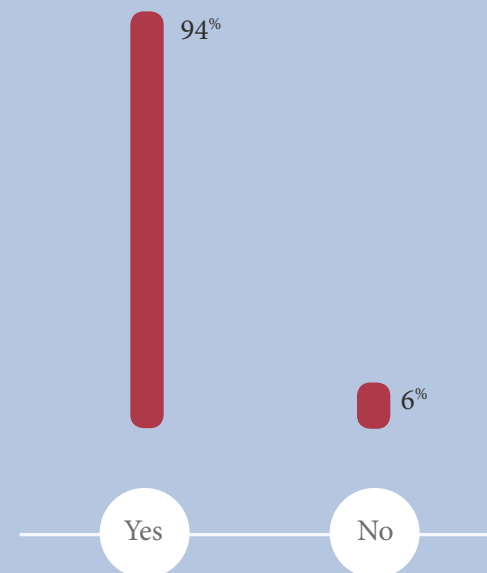
Committee Members

How many members comprise the pro bono committee?



Committee Chair / Co-Chairs

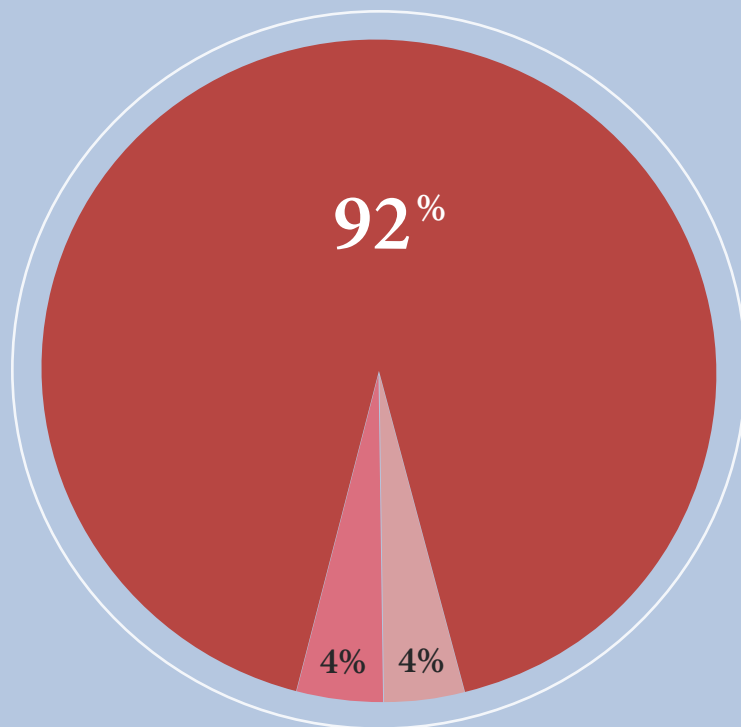
Does your legal department have a committee chair/co-chairs?



Program Management

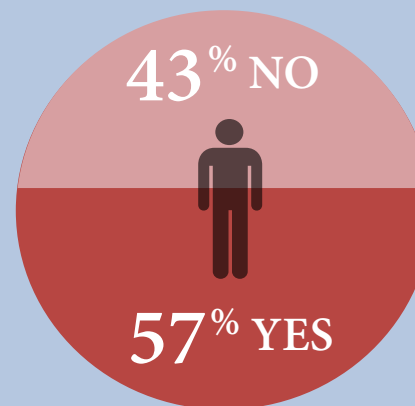
Does your legal department or company pay someone to manage or coordinate your pro bono program?

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



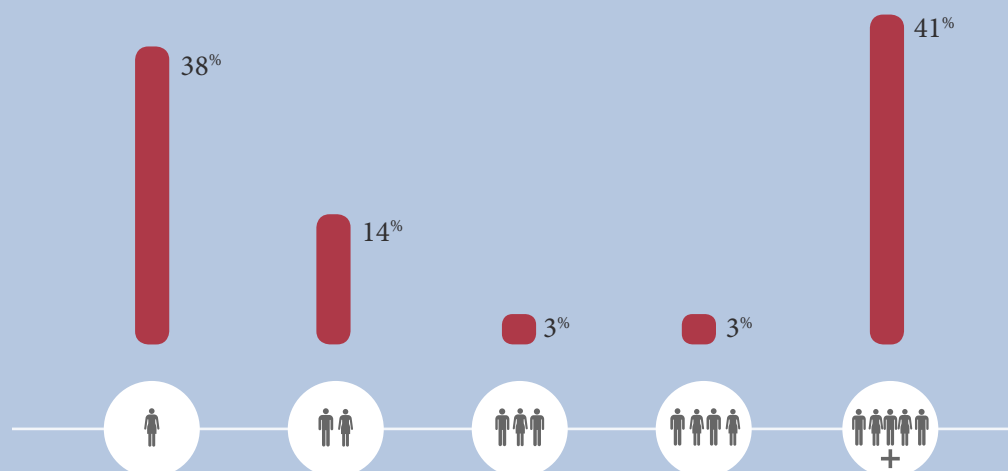
Pro Bono Coordinator

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



Number of Coordinators

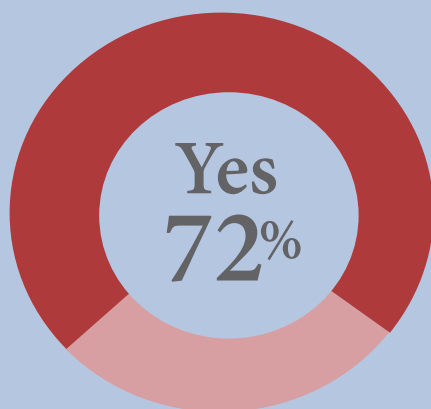
How many coordinators does your legal department have?



POLICY DETAILS

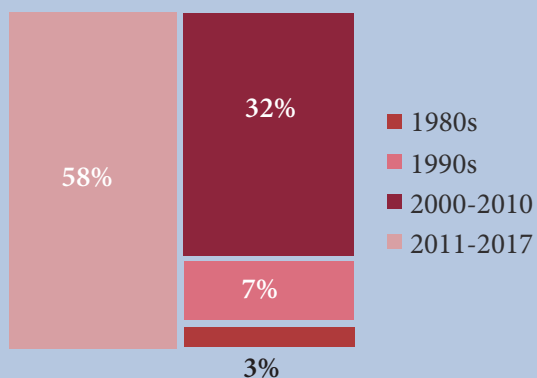
Pro Bono Policy

Does your legal department have a written pro bono policy?



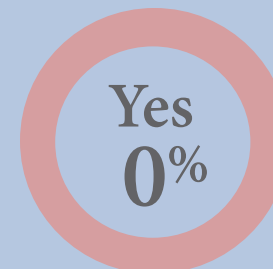
Pro Bono Policy

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



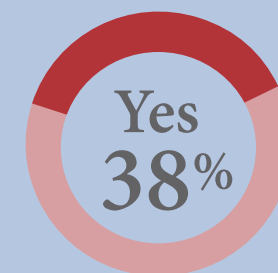
Mandatory Pro Bono

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



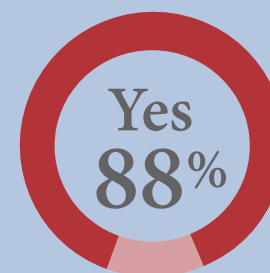
Factor in Evaluations

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



Non-Attorney Participation

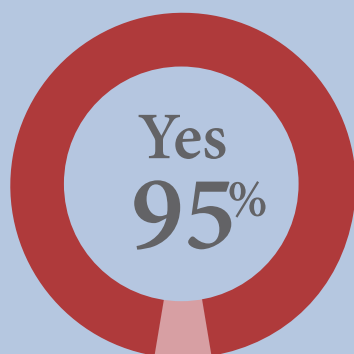
Do non-attorneys participate in the pro bono program?



POLICY DETAILS

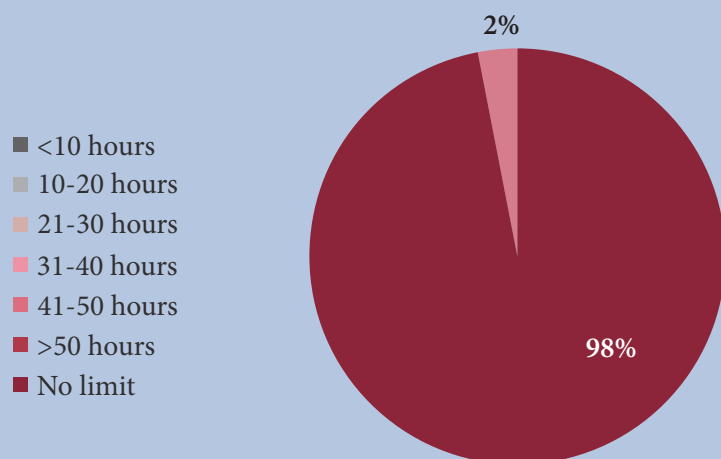
Pro Bono Hours

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



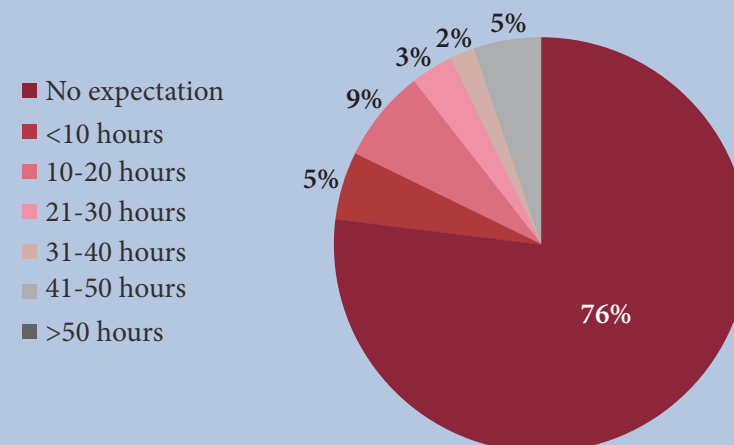
Annual Limit of Pro Bono Hours

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?

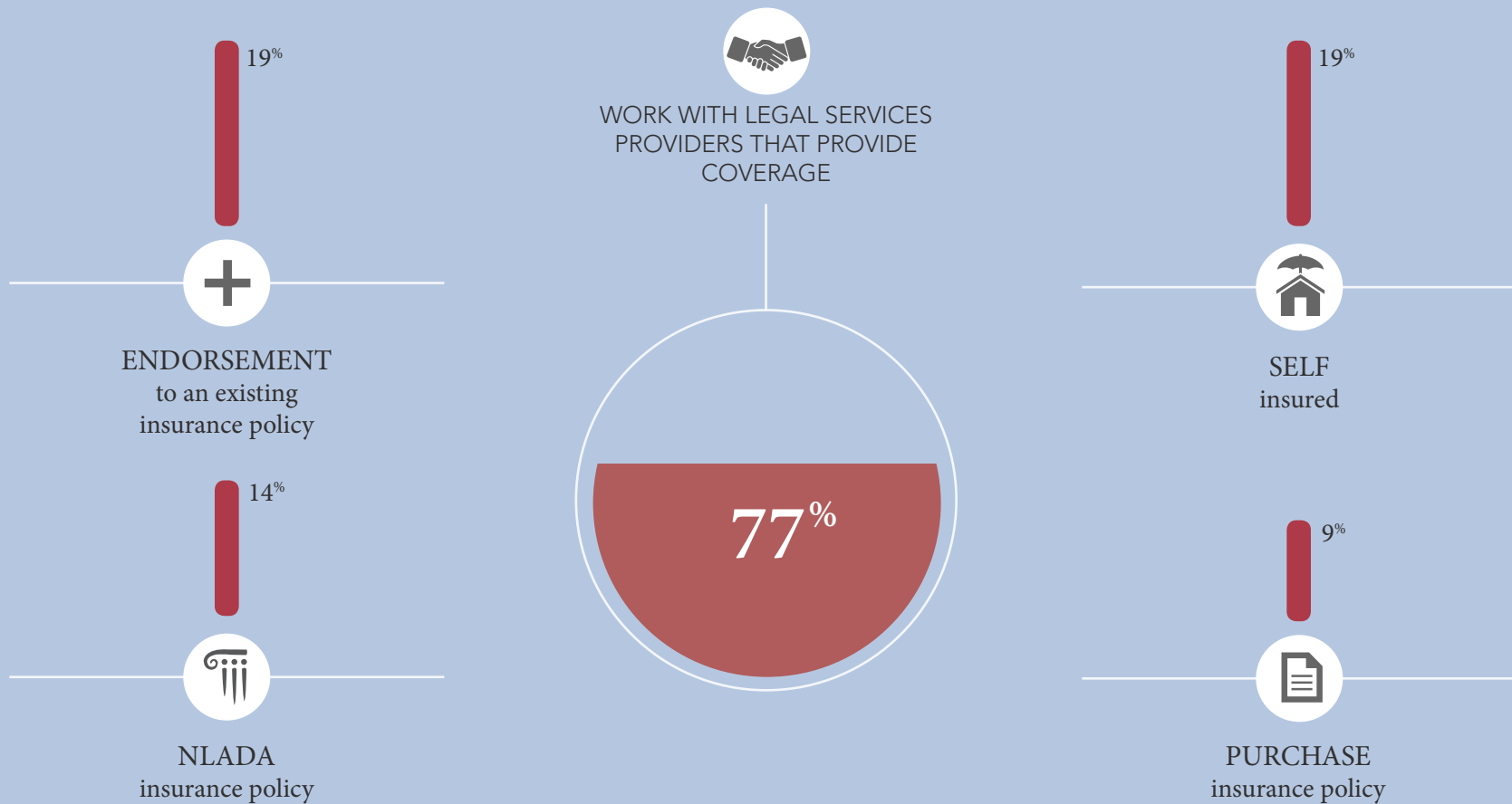


78%

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)

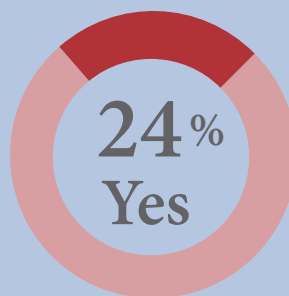


PRO BONO PARTNERSHIPS

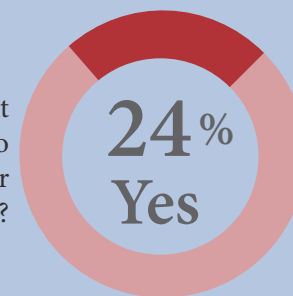
Partnerships with Law Firms



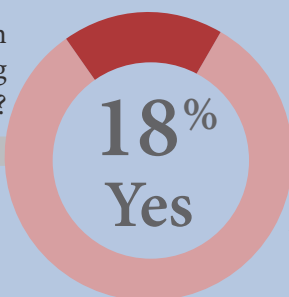
Does your legal department
consider a firm's pro
bono performance when
evaluating outside counsel?



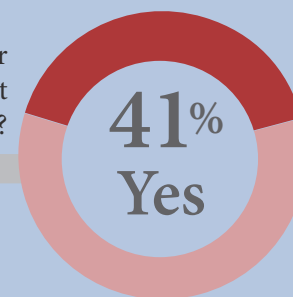
Does your legal department
inquire regarding pro bono
in RFPs, beauty contests, or
retention processes?



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



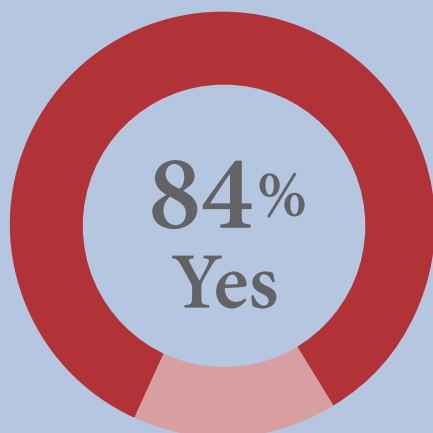
Does your legal department partner
with firms with whom it does not
have a prior business relationship?



PRO BONO PARTNERSHIPS

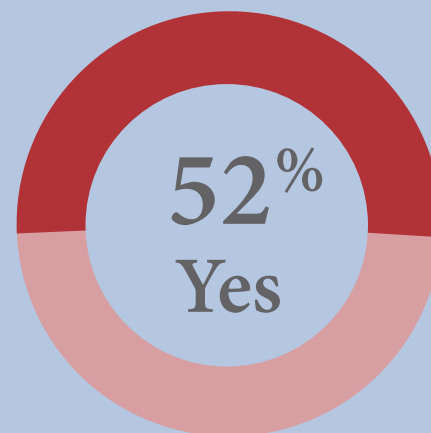
Partnerships with Legal Services Providers

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



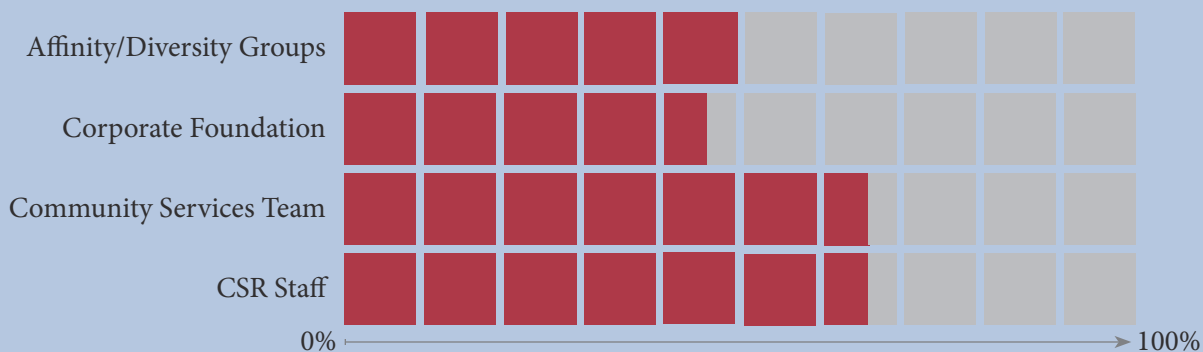
Partnerships with Legal Departments

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)

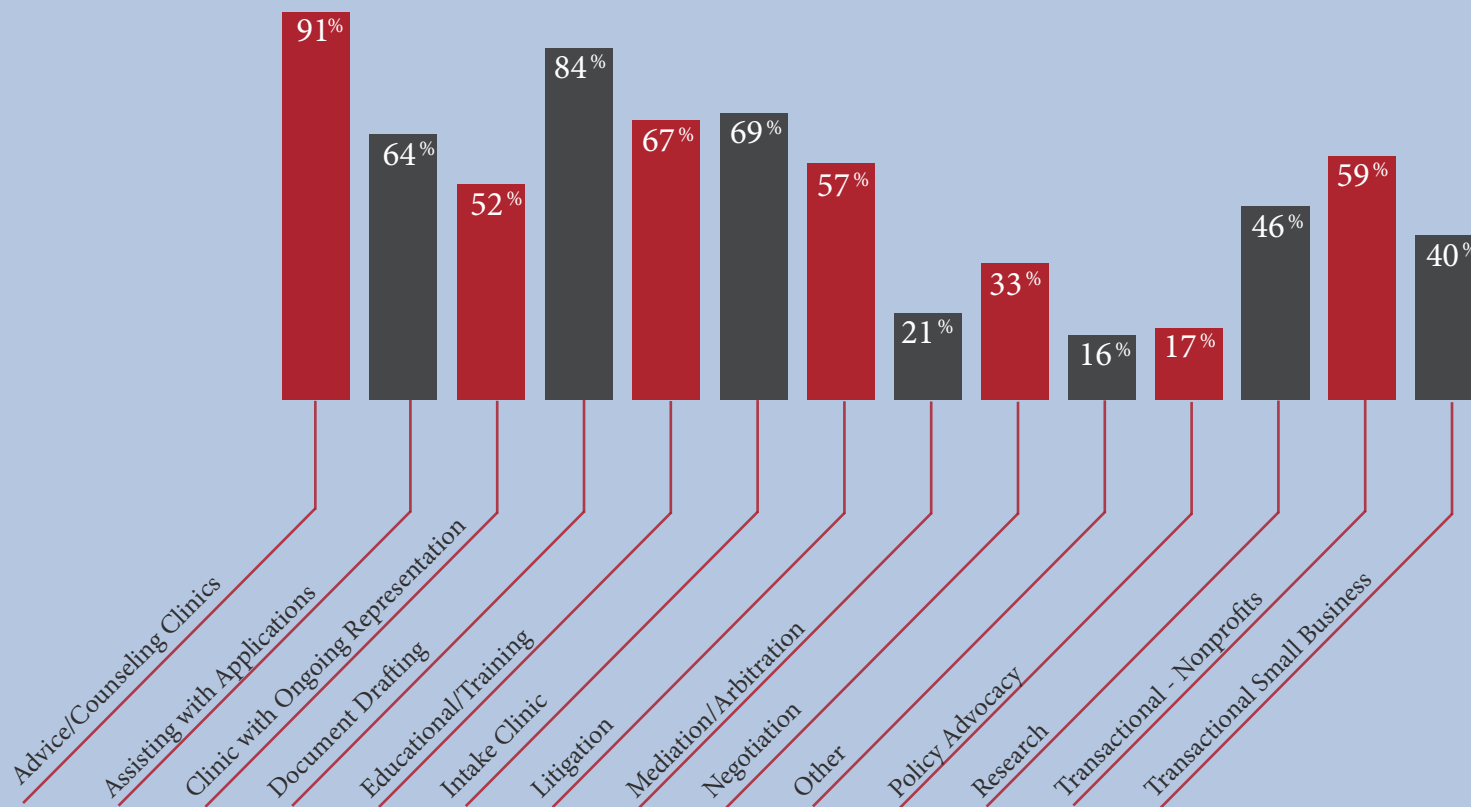


PRO BONO PROJECTS

Project Selection

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



PRO BONO PROJECTS

Clients Assisted

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

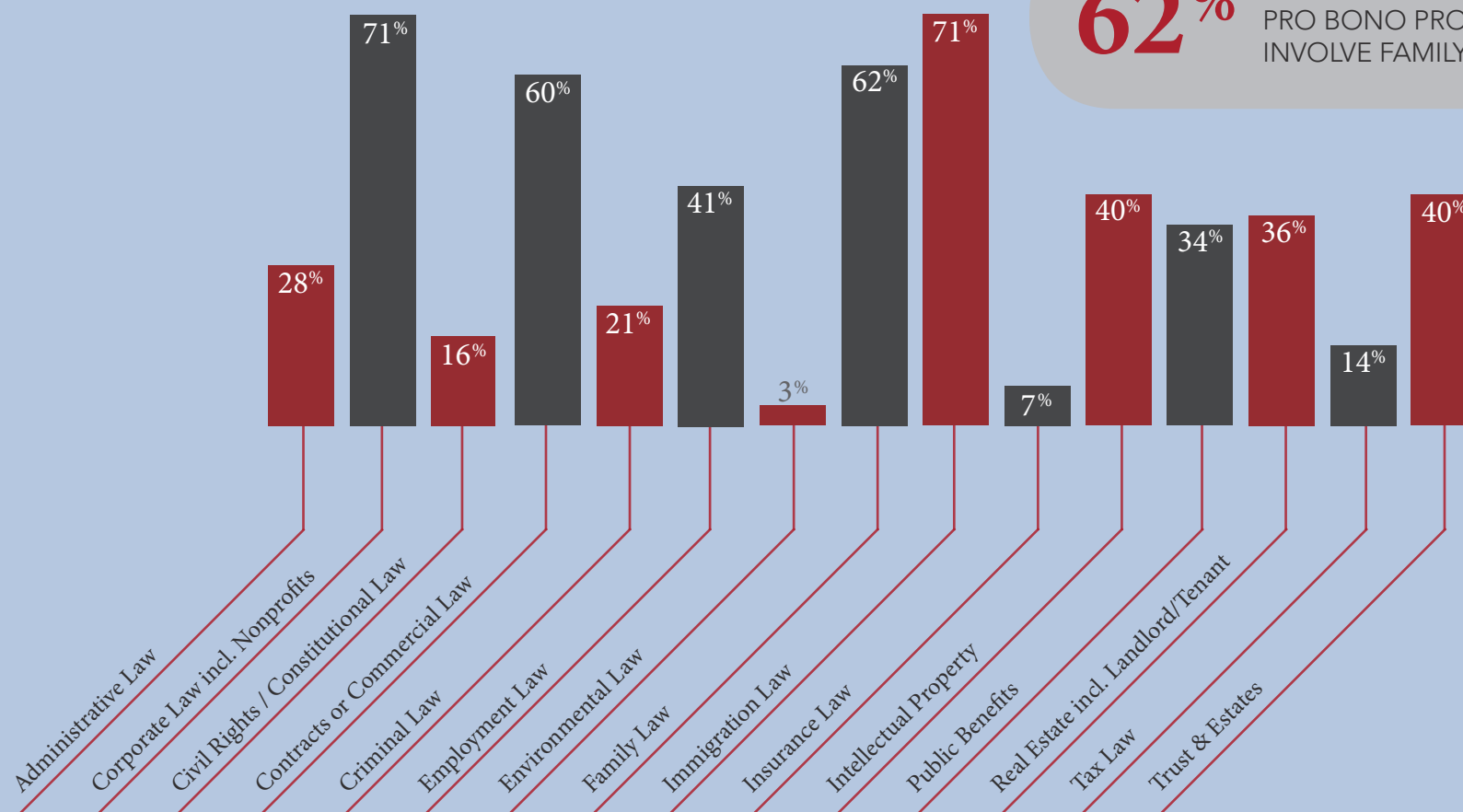
76% OF DEPARTMENTS PROVIDE
PRO BONO SERVICES TO
IMMIGRANTS



PRO BONO PROJECTS

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)

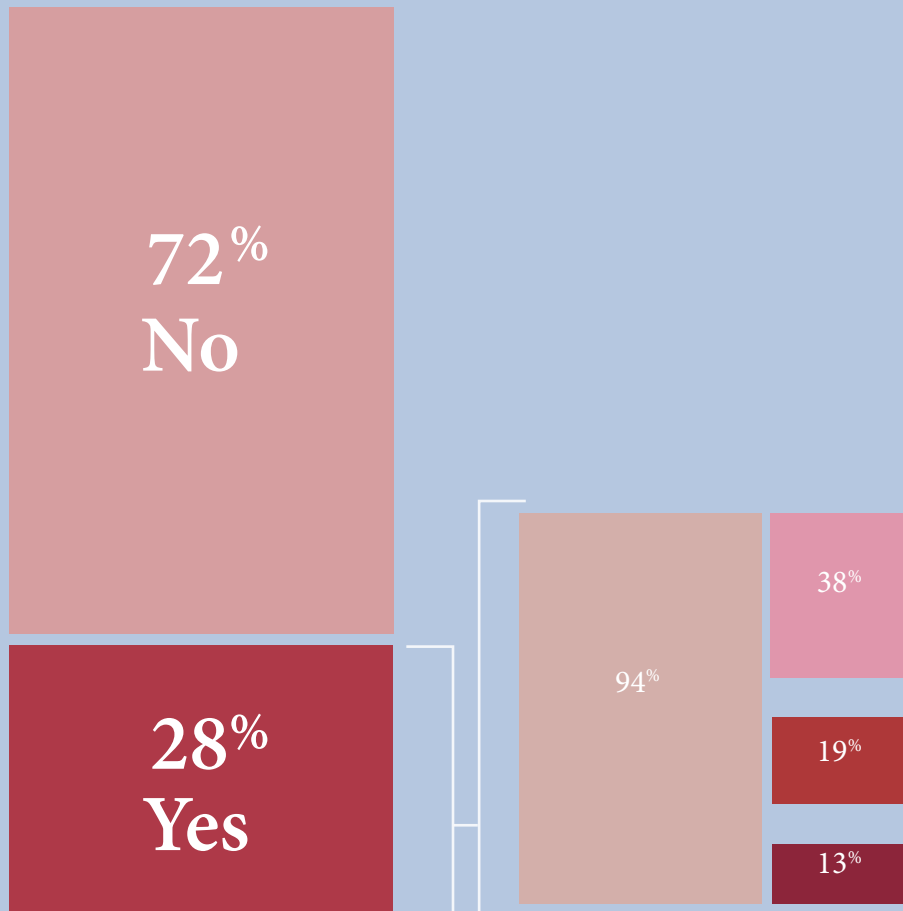


62% OF DEPARTMENTS UNDERTAKE PRO BONO PROJECTS THAT INVOLVE FAMILY LAW

GLOBAL PRO BONO

Global Pro Bono

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



26%

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



Type of Global Pro Bono

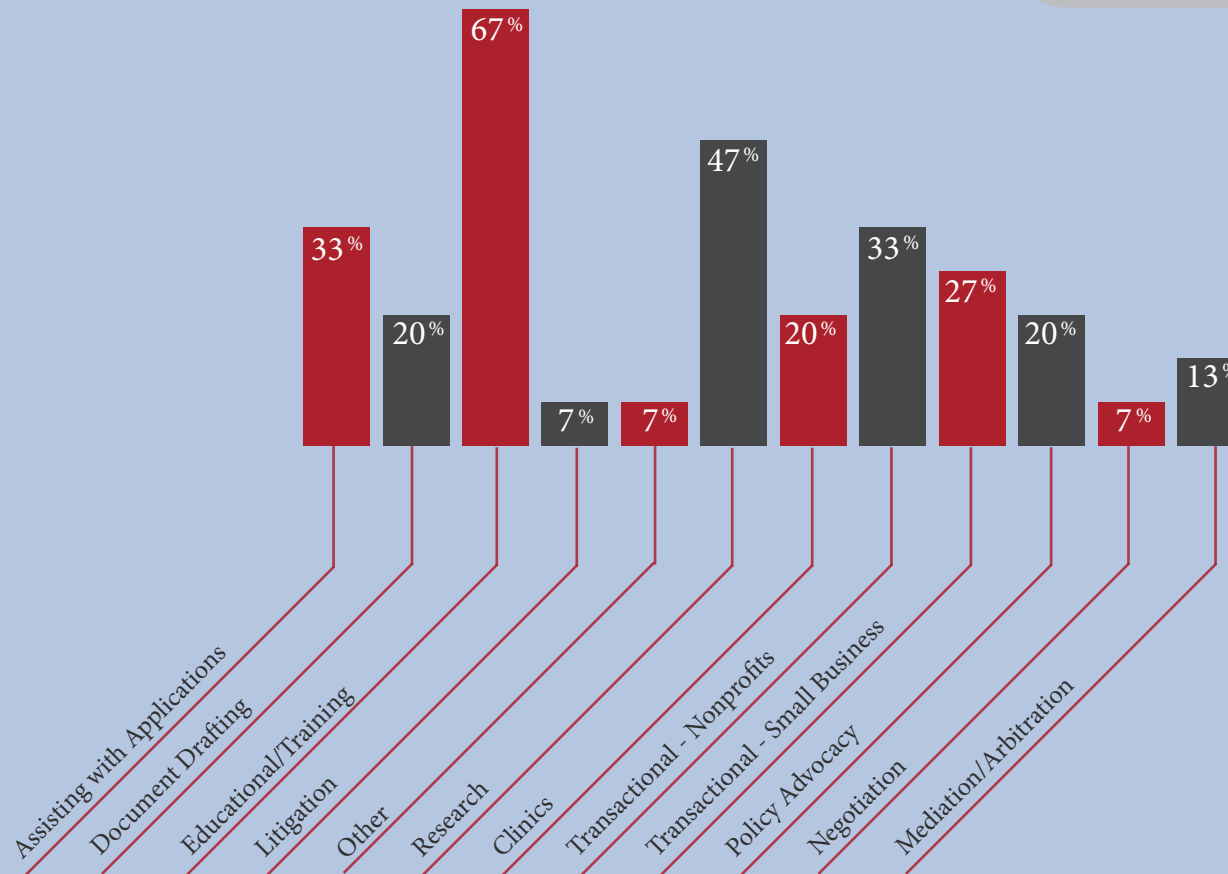
Which of the following does it involve? (select all that apply)

- ☐ 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 2017, what types of global projects did members of your legal department undertake? (please select all that apply)

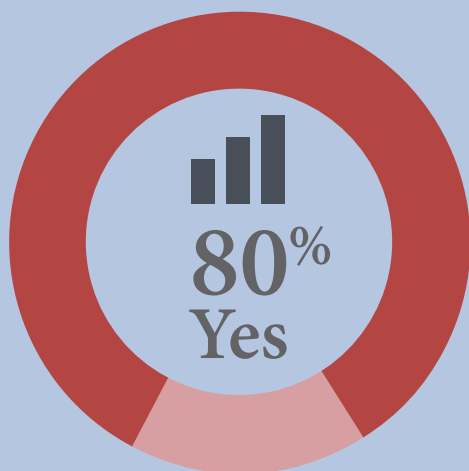
67% OF DEPARTMENTS ENGAGE IN EDUCATIONAL/TRAINING PROGRAMS



PRO BONO METRICS

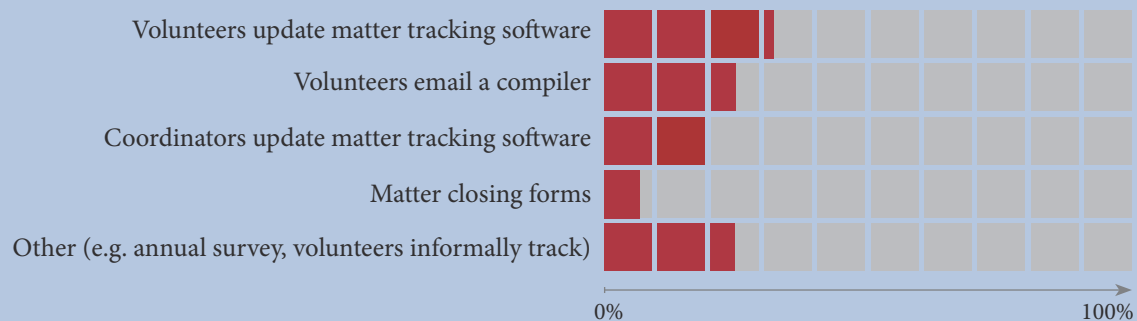
Tracking Pro Bono

Does your legal department track pro bono participation?



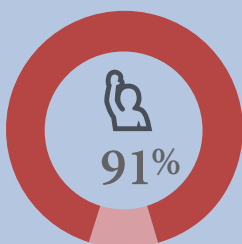
Tracking Pro Bono

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

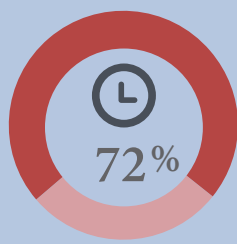


Measuring Pro Bono

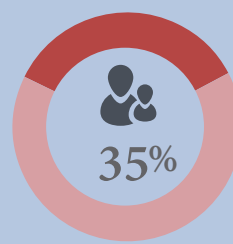
What information does your legal department track?
(select all that apply)



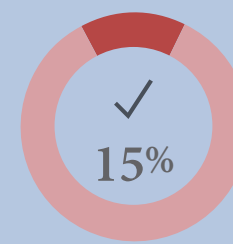
Participation Rate



Number of Hours



Clients Served



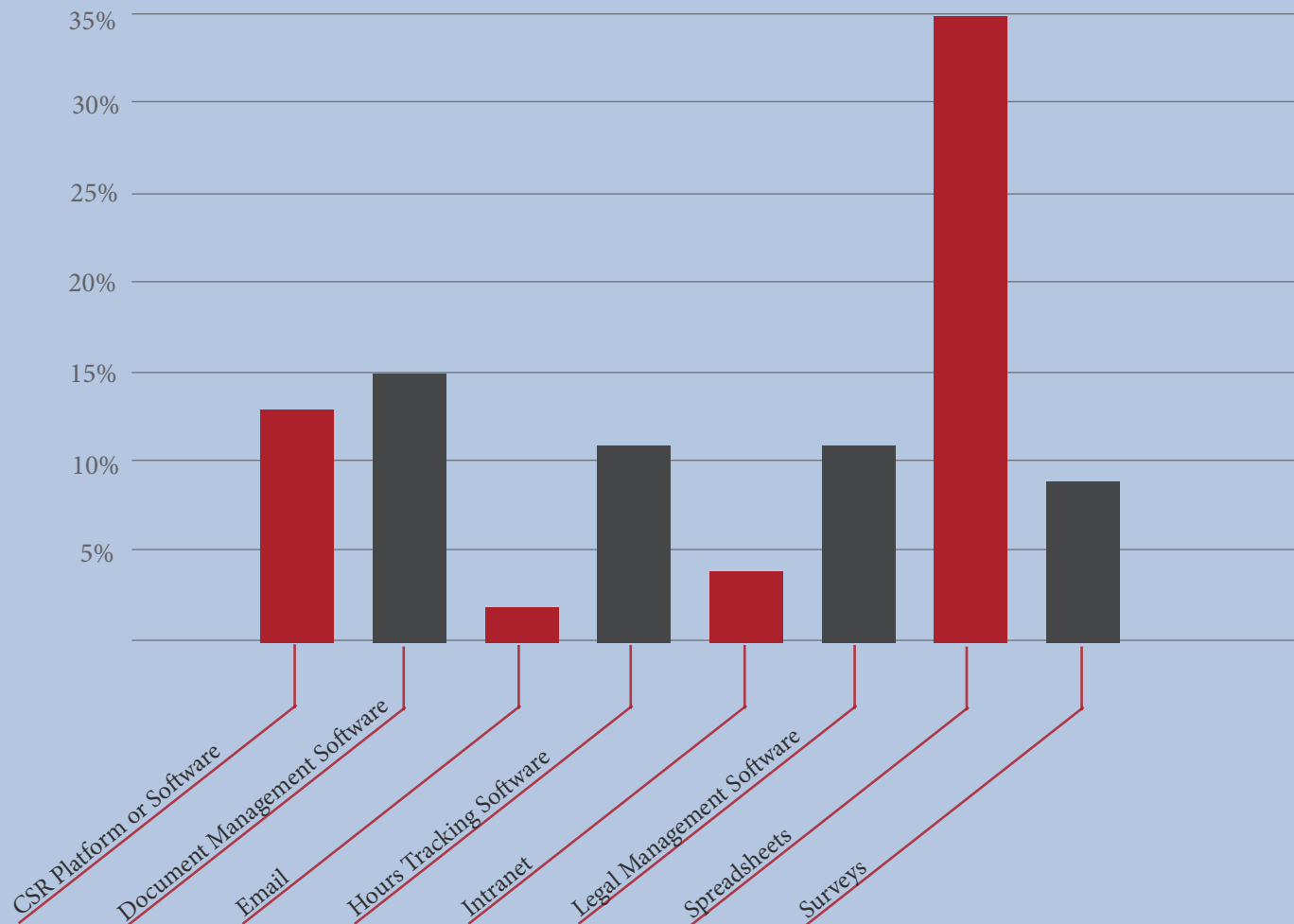
Outcome of Matter

PRO BONO METRICS

Metrics Tools

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

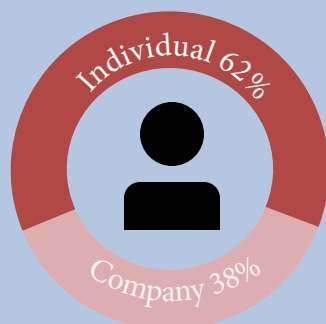
33% OF DEPARTMENTS THAT TRACK METRICS USE EXCEL



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?



Client Contact Alternatives

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

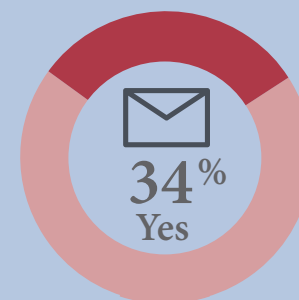
YES 37%

Top Alternatives

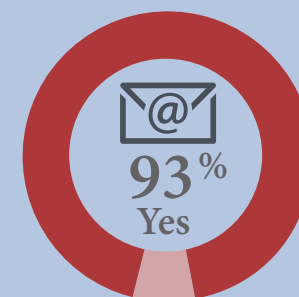
- Use letterhead of partners
- Provide generic letterhead specific to attorney
- Use pro bono letterhead and phone

Client Correspondence

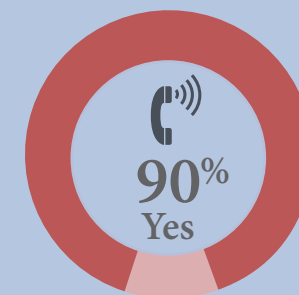
When corresponding about a pro bono matter, do volunteers use your company's letterhead?



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

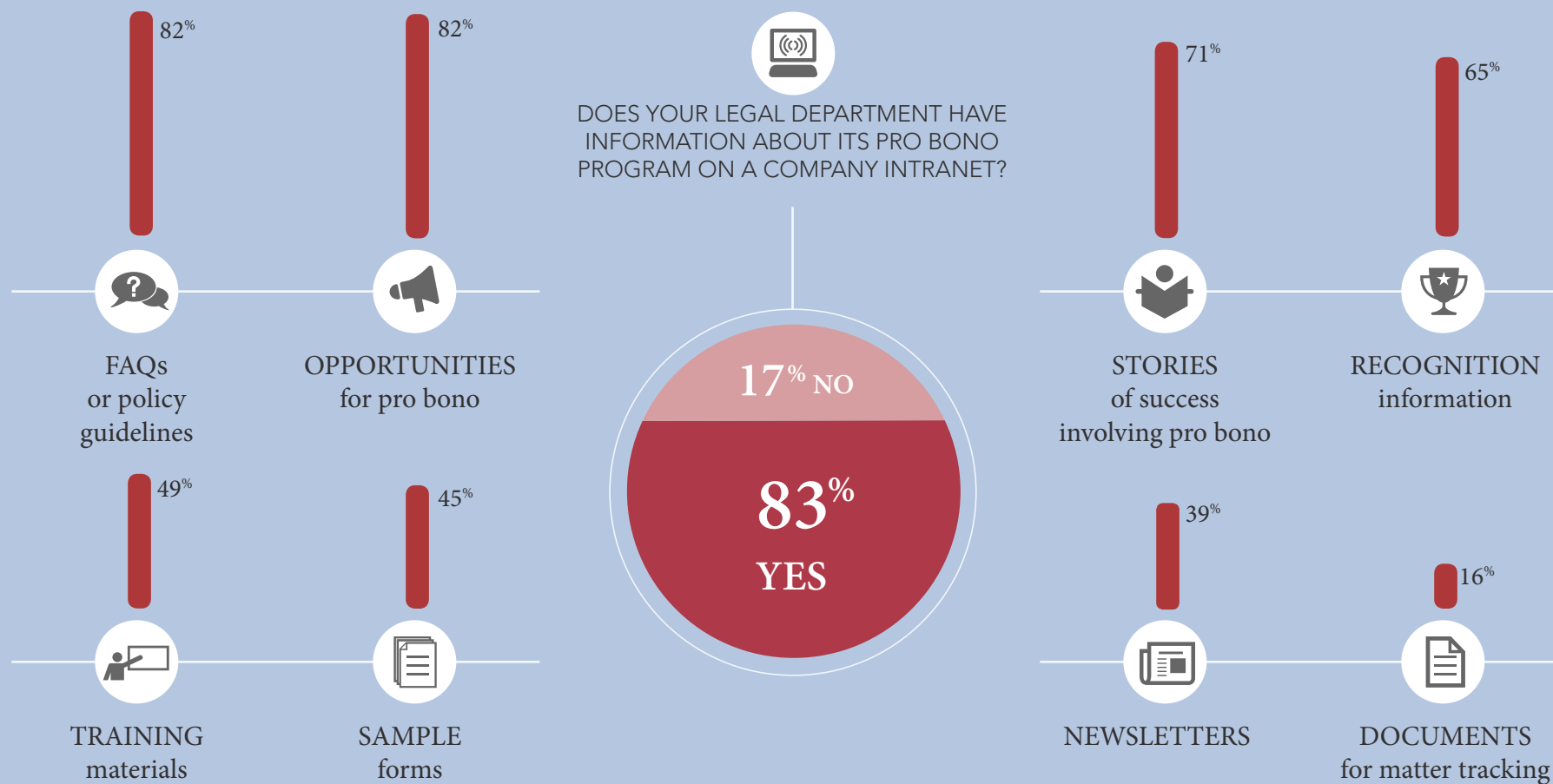


Do volunteers have pro bono clients contact them at your company's phone number?



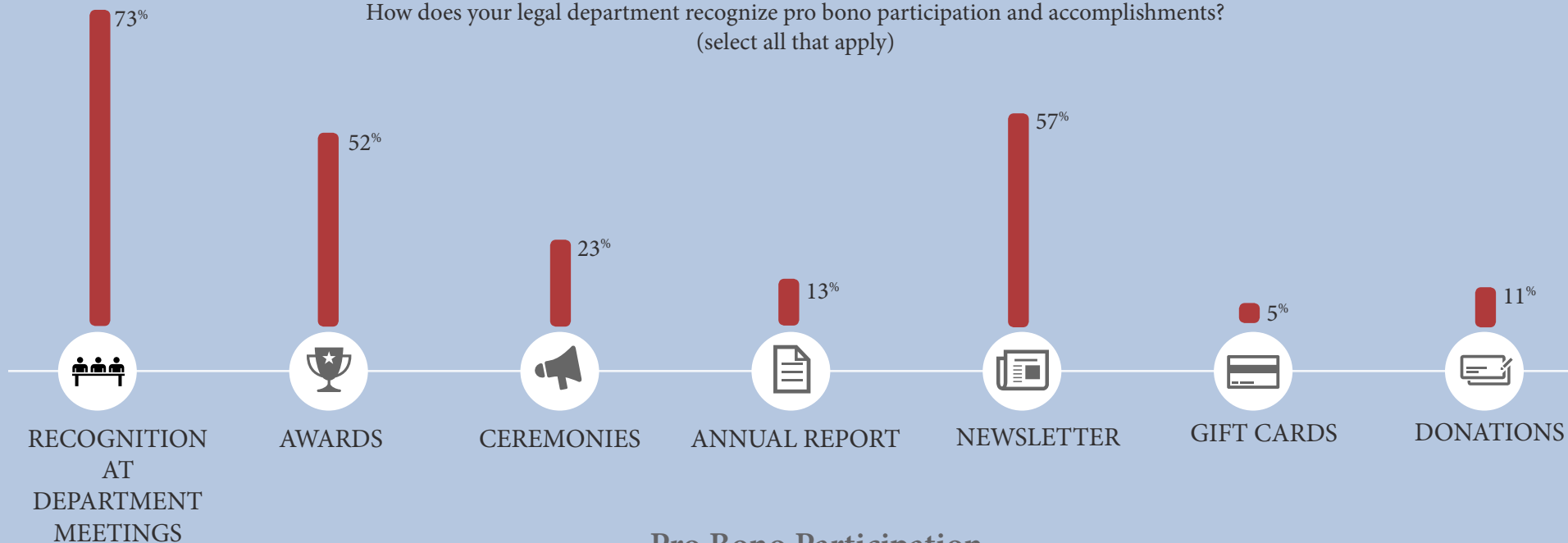
Company Intranet

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



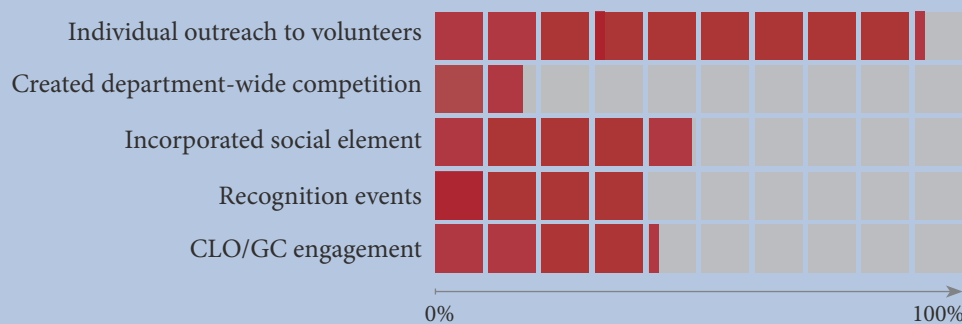
Pro Bono Recognition

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



Pro Bono Participation

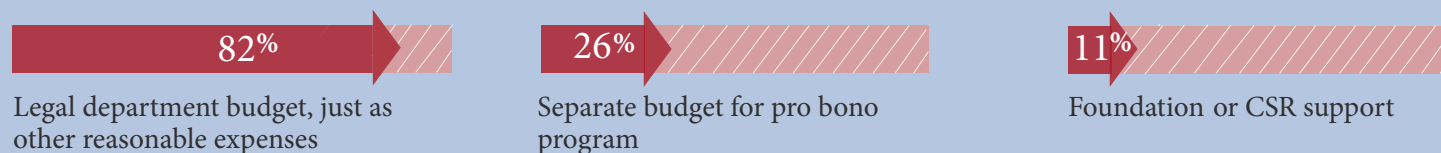
What strategies do you use to encourage pro bono participation?
(select all that apply)



PRO BONO BUDGETS

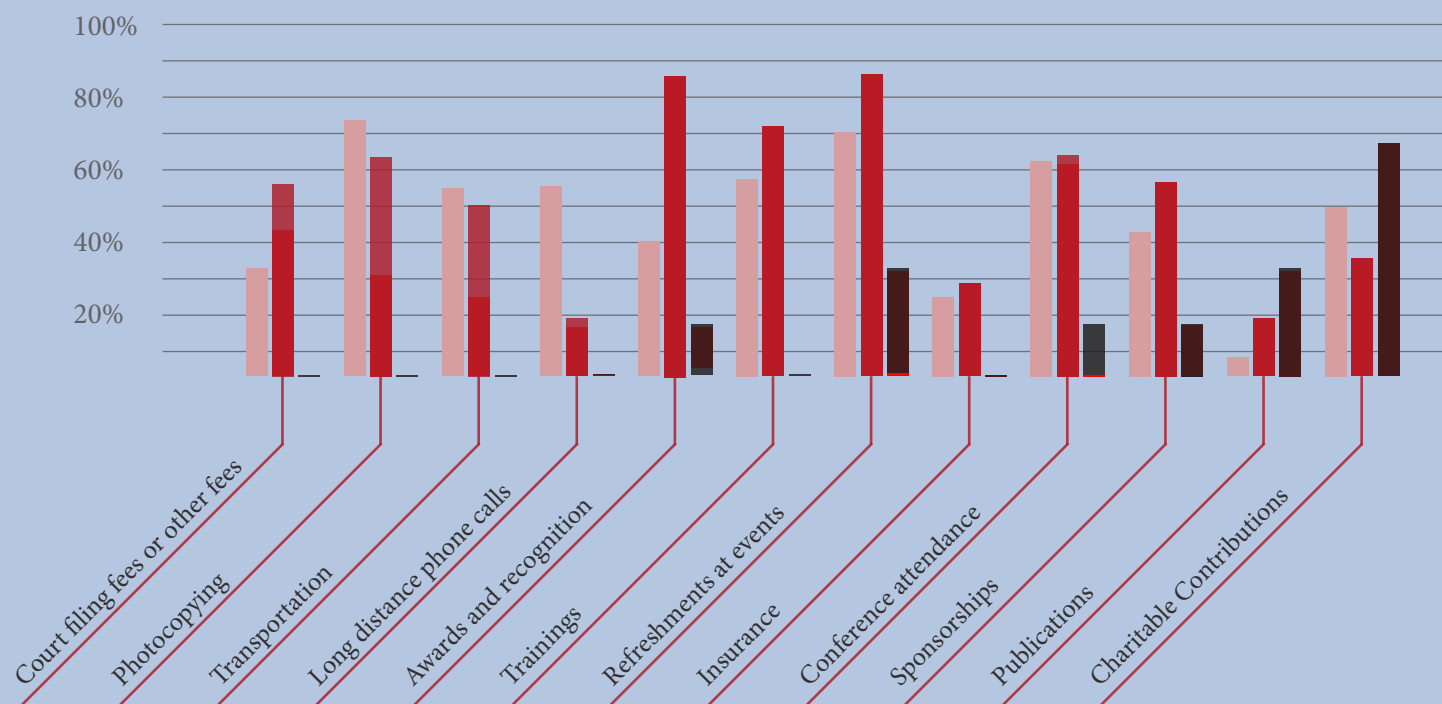
Pro Bono Budgeting

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



Pro Bono Expenses

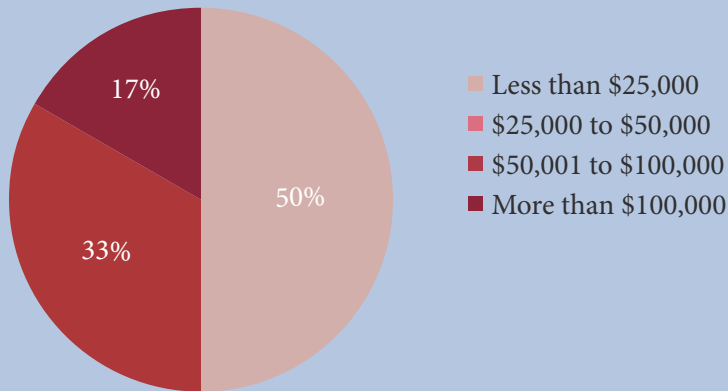
What expenses are covered in this budget? ■ General budget ■ Separate budget ■ Foundation / CSR



PRO BONO BUDGETS

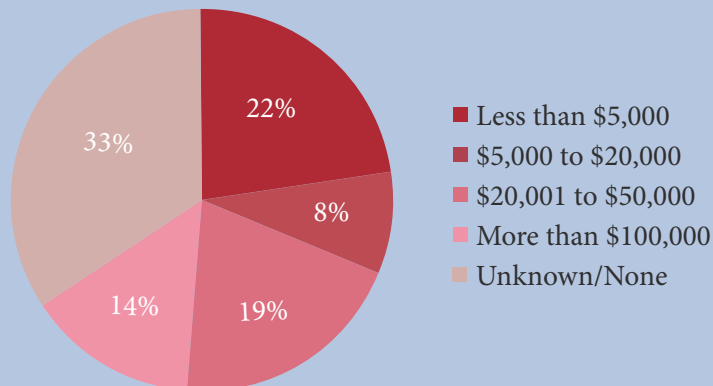
Foundation Funding

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



Donations

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

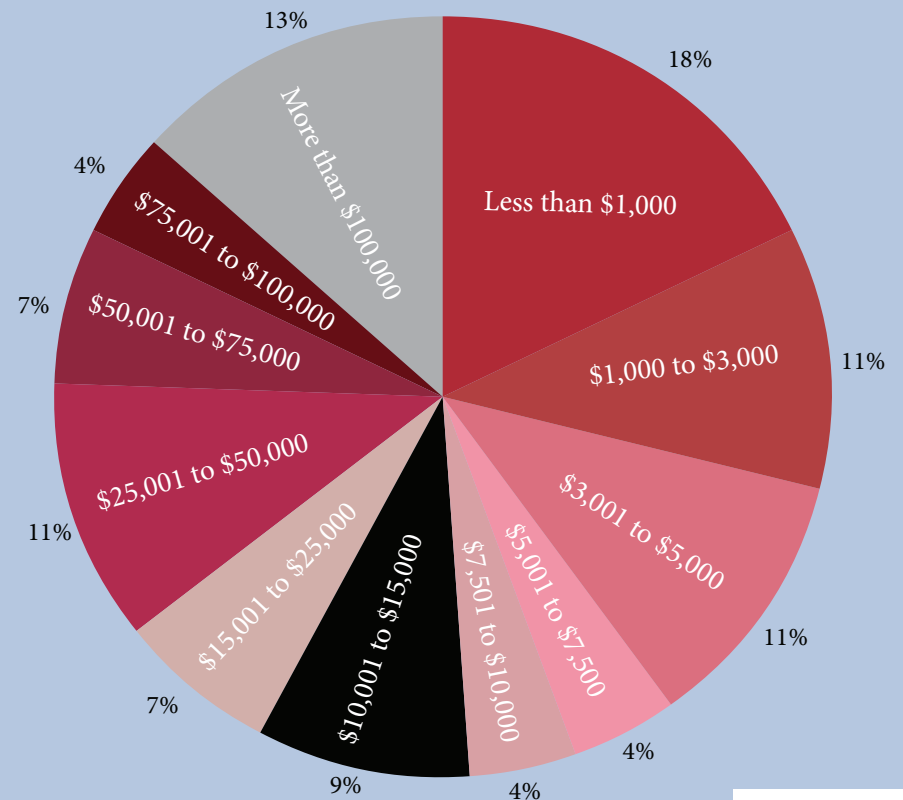


62%

OF DEPARTMENTS ALLOW EXPENDITURES ON PRO BONO TO EXCEED THE BUDGETED AMOUNT IF NECESSARY

Budget Allocation Amount

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





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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.