

2020 BENCHMARKING REPORT

An Overview of In-House Pro Bono | December 2020

INTRODUCTION

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.

CONTENTS

Notable Trends	Page 3	Malpractice Insurance	Page 12	Pro Bono Metrics	Page 20
Company Overview	Page 6	Pro Bono Partnerships	Page 13	Pro Bono Representation	Page 22
Program Administration	Page 8	Pro Bono Projects	Page 15	Communications	Page 23
Policy Details	Page 10	Global Pro Bono	Page 18	Pro Bono Budgets	Page 25

NOTABLE TRENDS

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.

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; including pro bono in CSR reports; coordinating messaging and project support; 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.

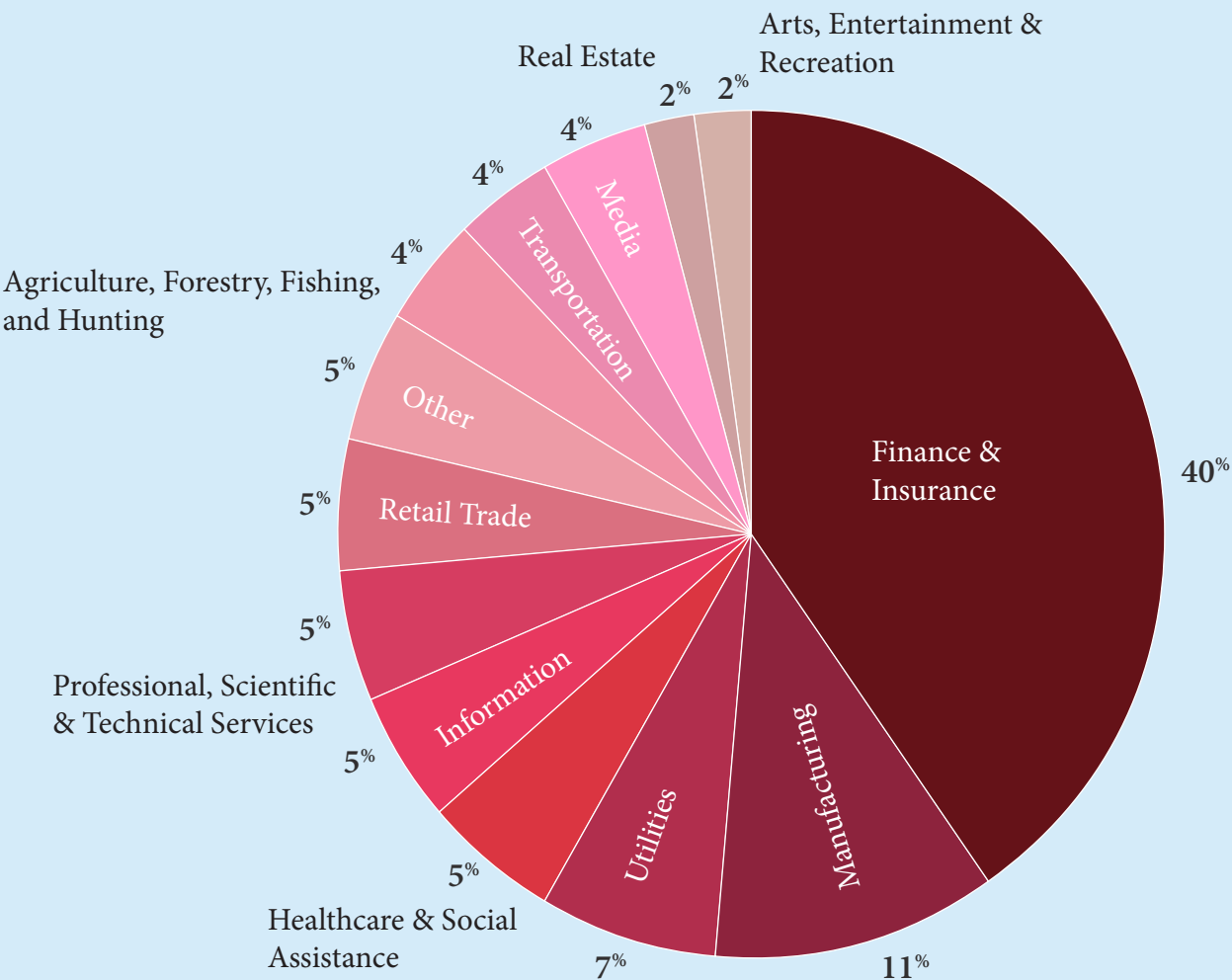
Departments

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

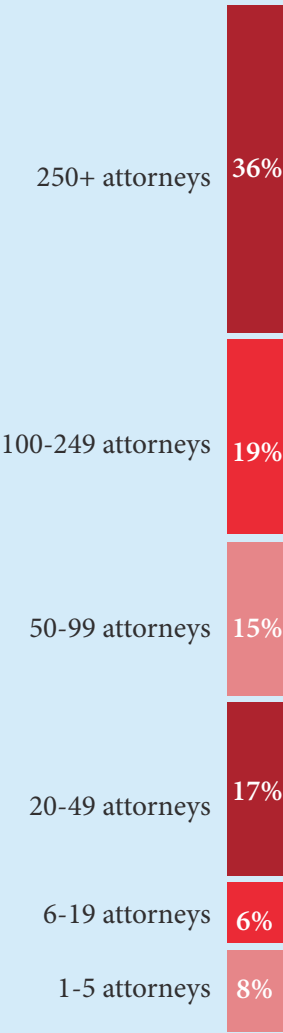
Accenture plc	Discover Financial Services*	Morgan Stanley
American Counsel on Exercise	Dun & Bradstreet, Inc.	Nationwide Mutual Insurance
American International Group Inc.*	Duquesne Light Company*	Company*
Apple Bank	Eli Lilly	NHL, Inc.*
Archer-Daniels-Midland Company	Entergy Corporation*	NIKE, Inc.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

*Responded to 2018 and 2020 Benchmarking surveys

Industry or Service Sector



Legal Department Size



Managed by Pro Bono Committee

Does your legal department have a pro bono committee?

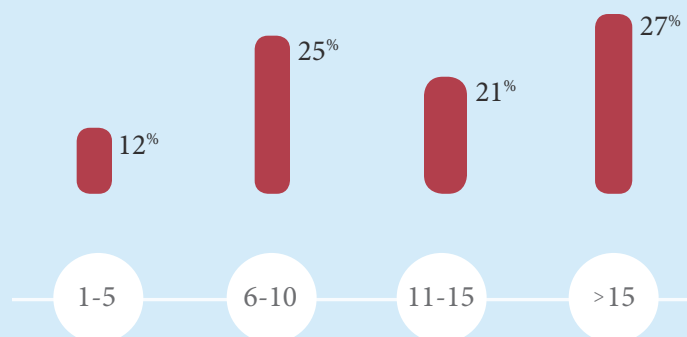
23% NO



77% YES

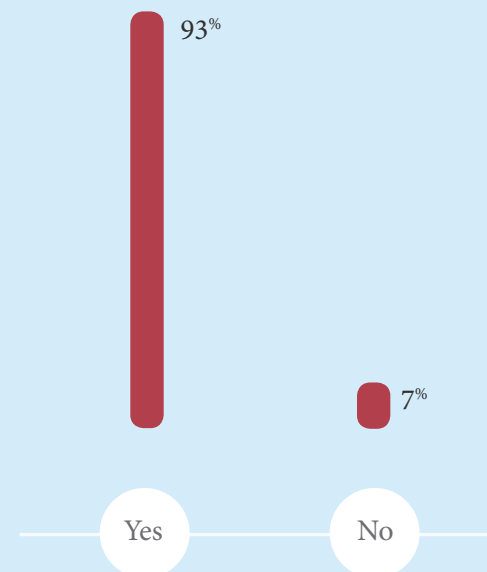
Committee Members

How many members comprise the pro bono committee?



Committee Chair / Co-Chairs

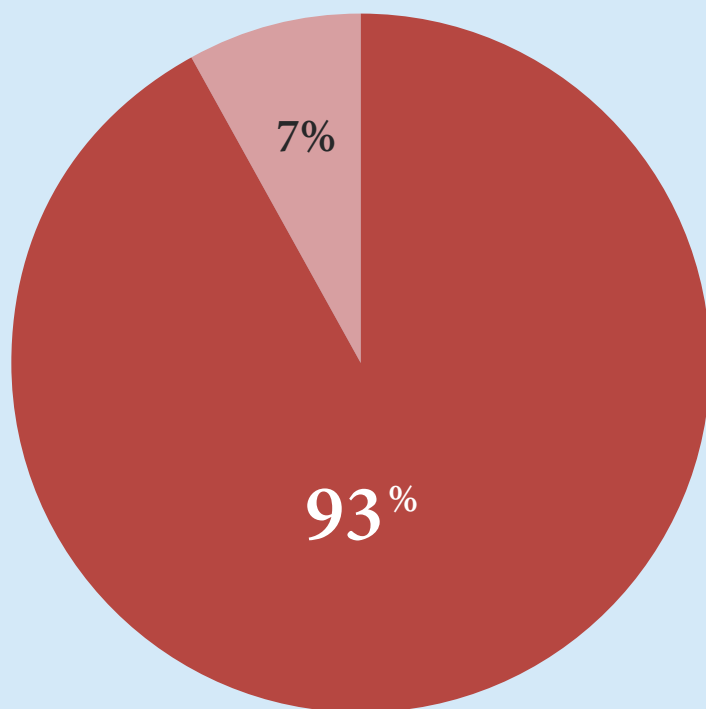
Does your legal department have a committee chair/co-chairs?



Program Management

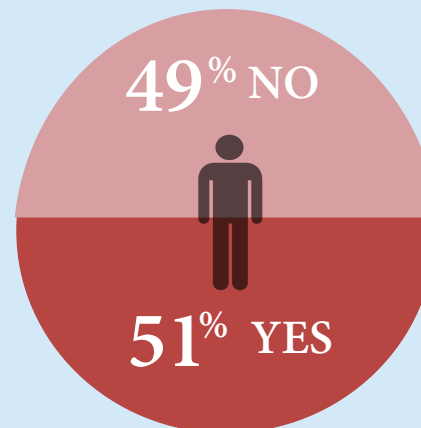
Does your legal department or company pay someone to manage or coordinate your pro bono program?

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



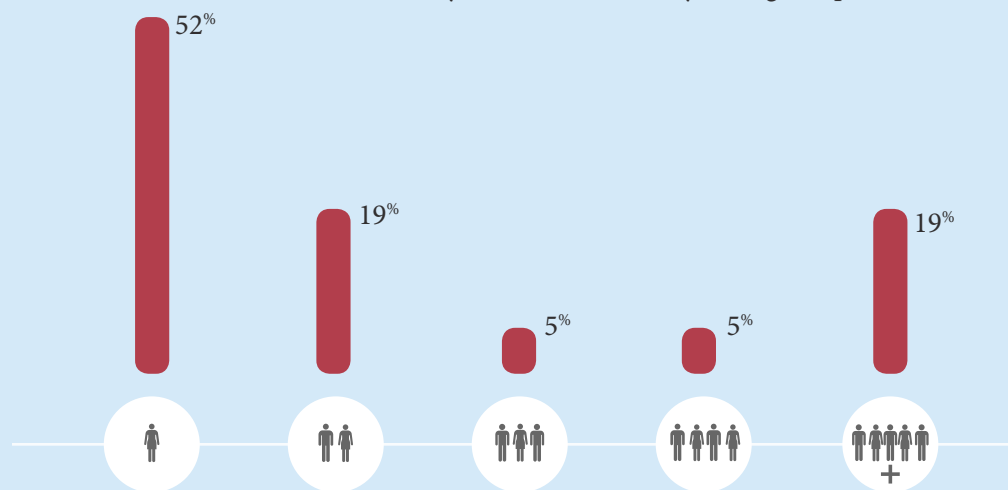
Pro Bono Coordinator

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



Number of Coordinators

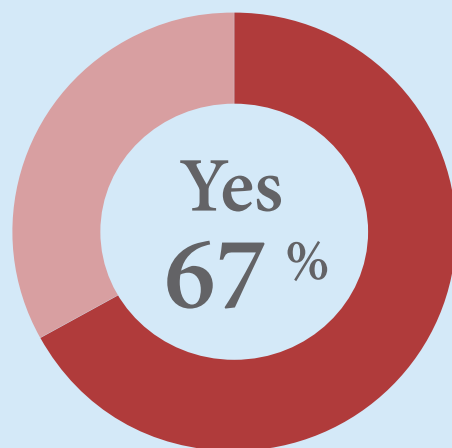
How many coordinators does your legal department have?



POLICY DETAILS

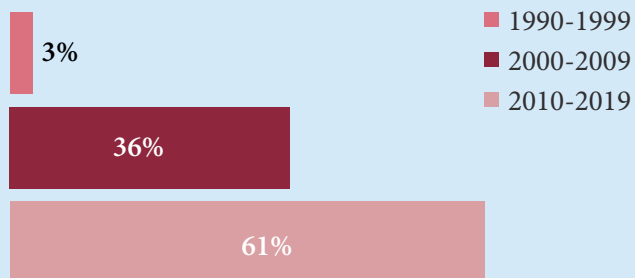
Pro Bono Policy

Does your legal department have a written pro bono policy?



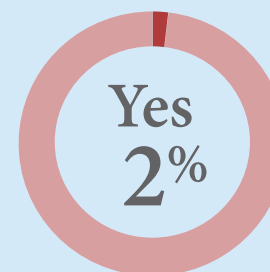
Pro Bono Policy

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



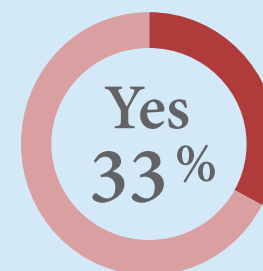
Mandatory Pro Bono

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



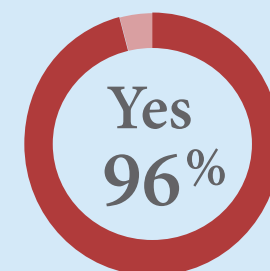
Factor in Evaluations

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



Legal Staff Participation

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



POLICY DETAILS

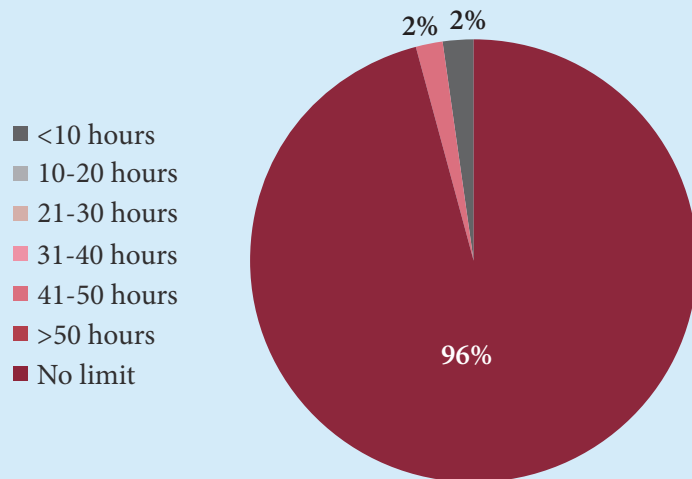
Pro Bono Hours

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



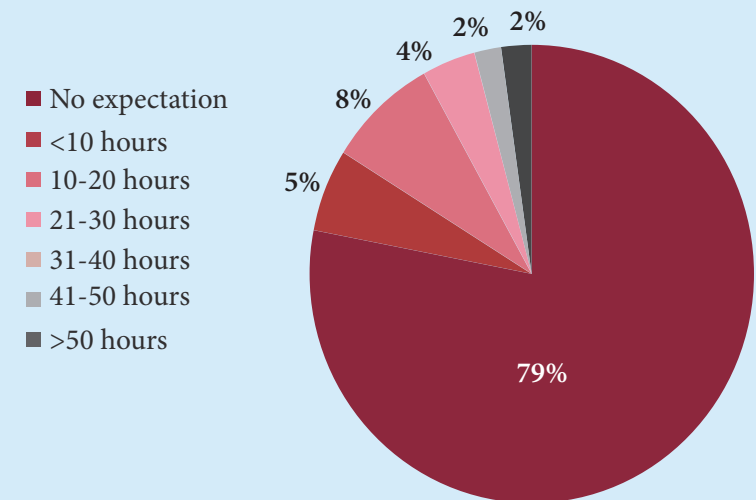
Annual Limit of Pro Bono Hours

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?

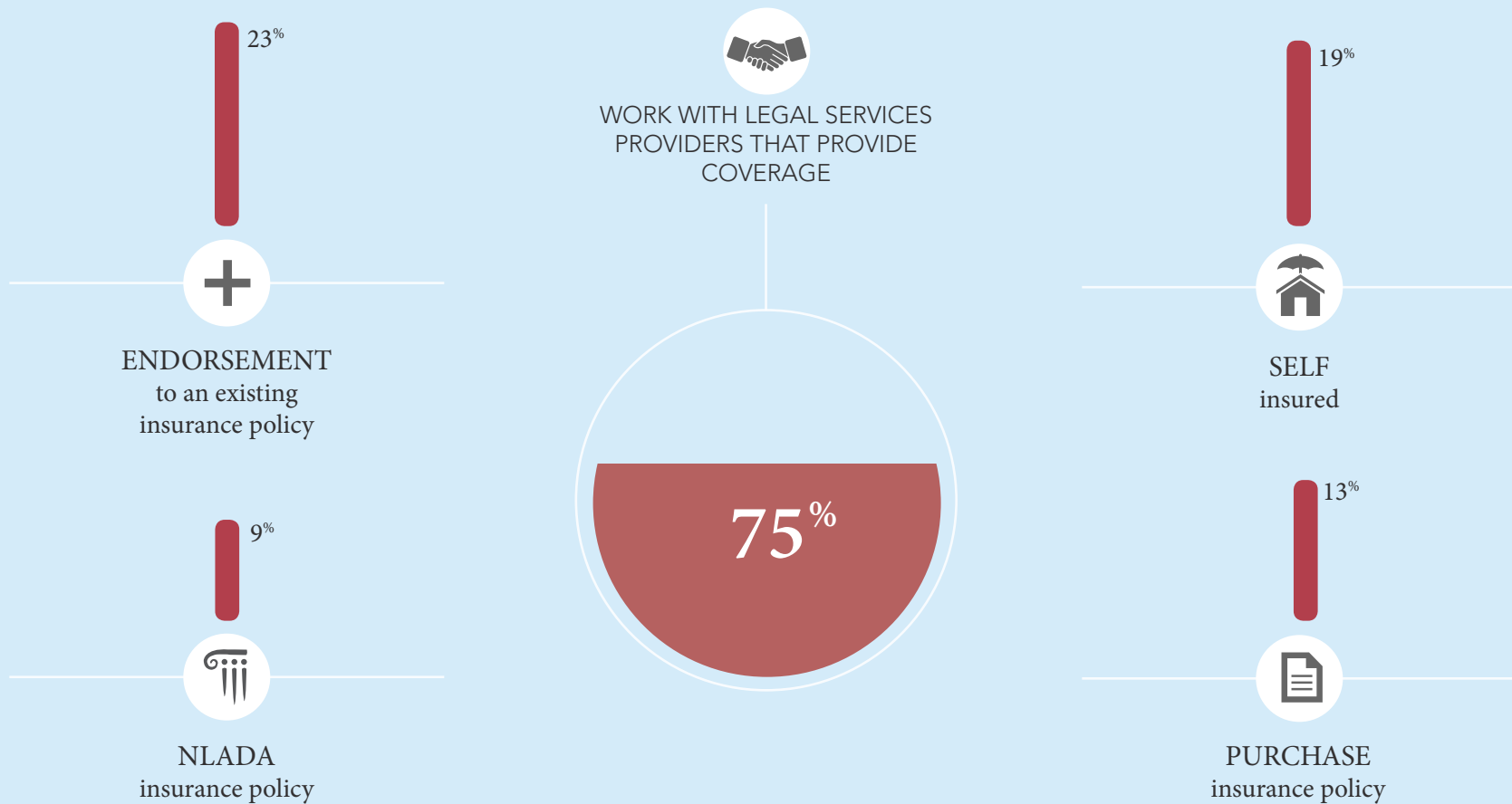


80%

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)

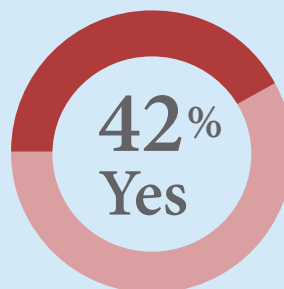


PRO BONO PARTNERSHIPS

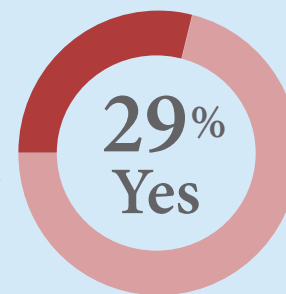
Partnerships with Law Firms



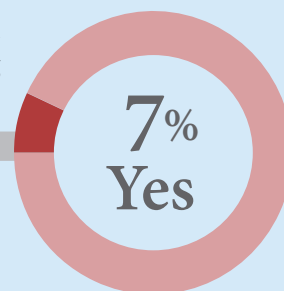
Does your legal department
consider a firm's pro
bono performance when
evaluating outside counsel?



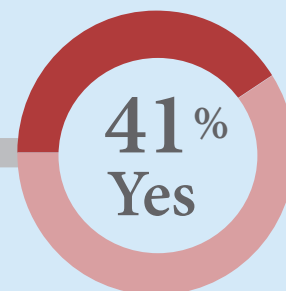
Does your legal department
inquire regarding pro bono
in RFPs, beauty contests, or
retention processes?



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



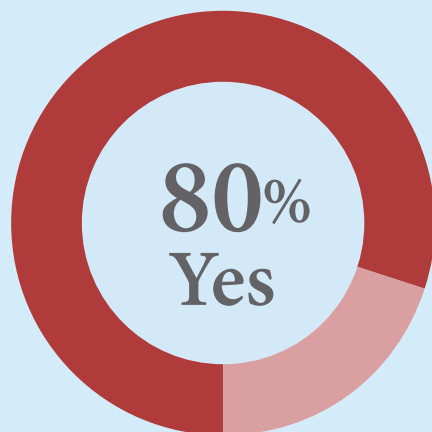
Does your legal department partner
with firms with whom it does not
have a prior business relationship?



PRO BONO PARTNERSHIPS

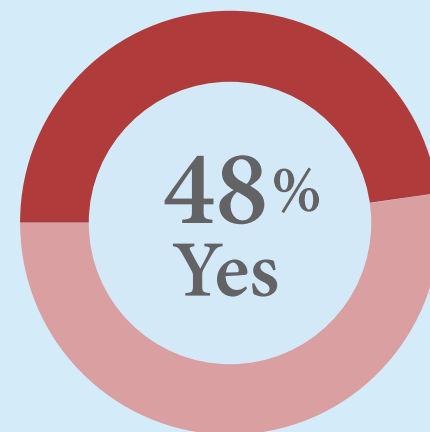
Partnerships with Legal Services Providers

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



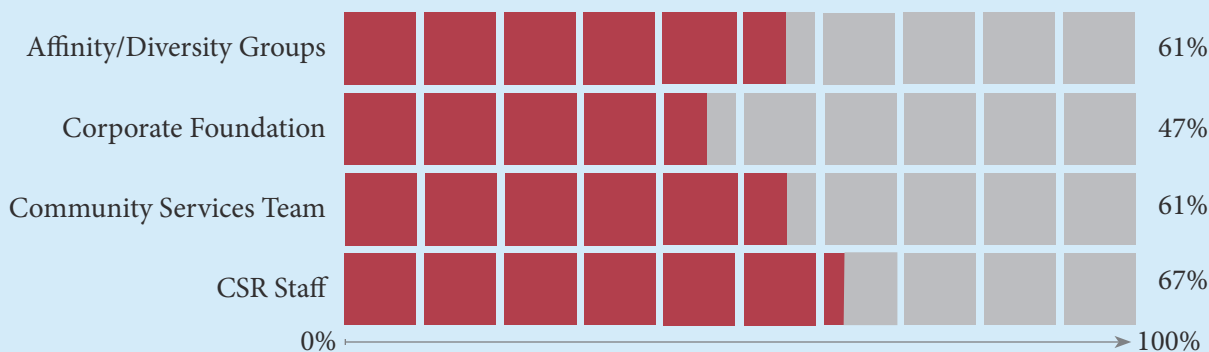
Partnerships with Legal Departments

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)

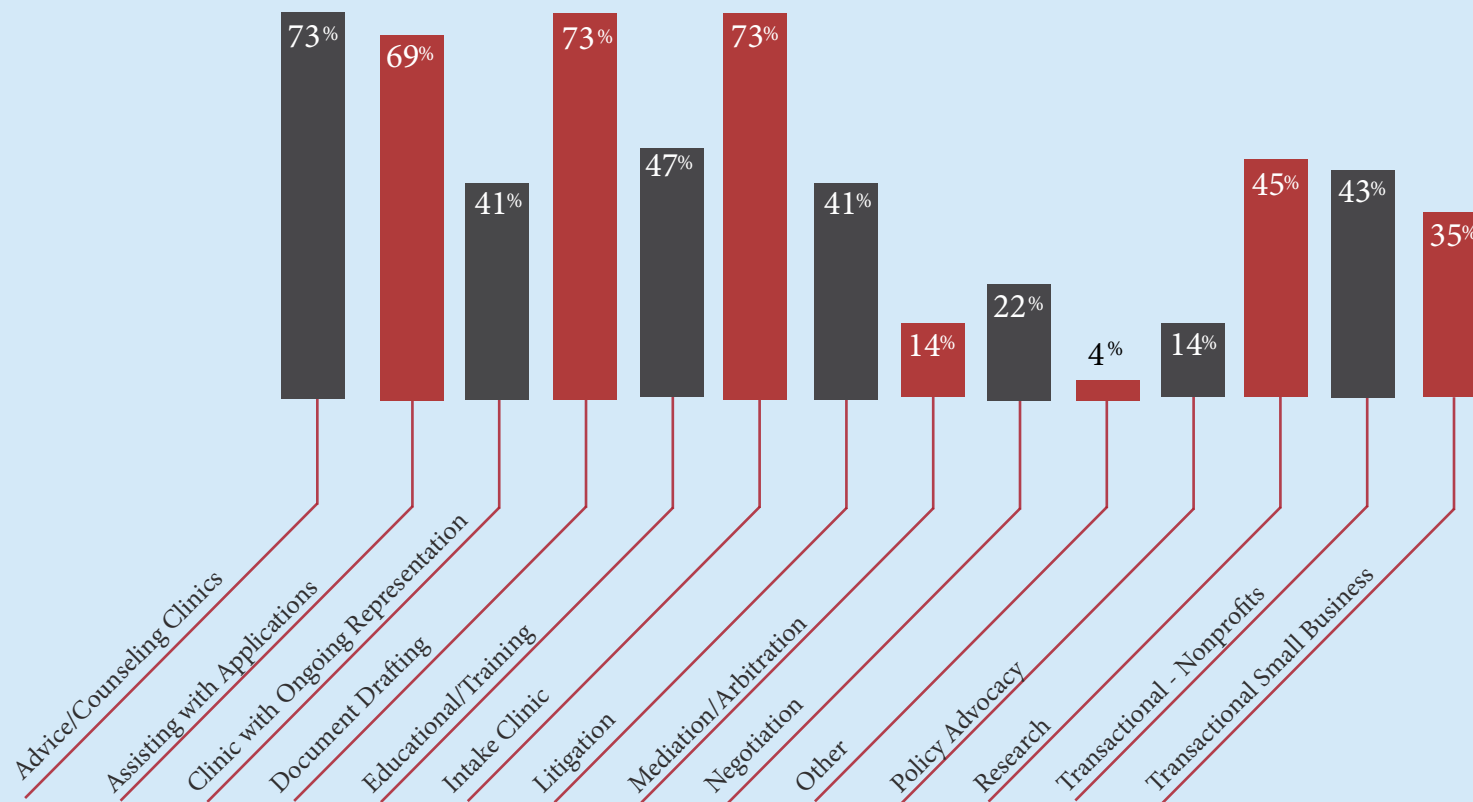


PRO BONO PROJECTS

Project Selection

In 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



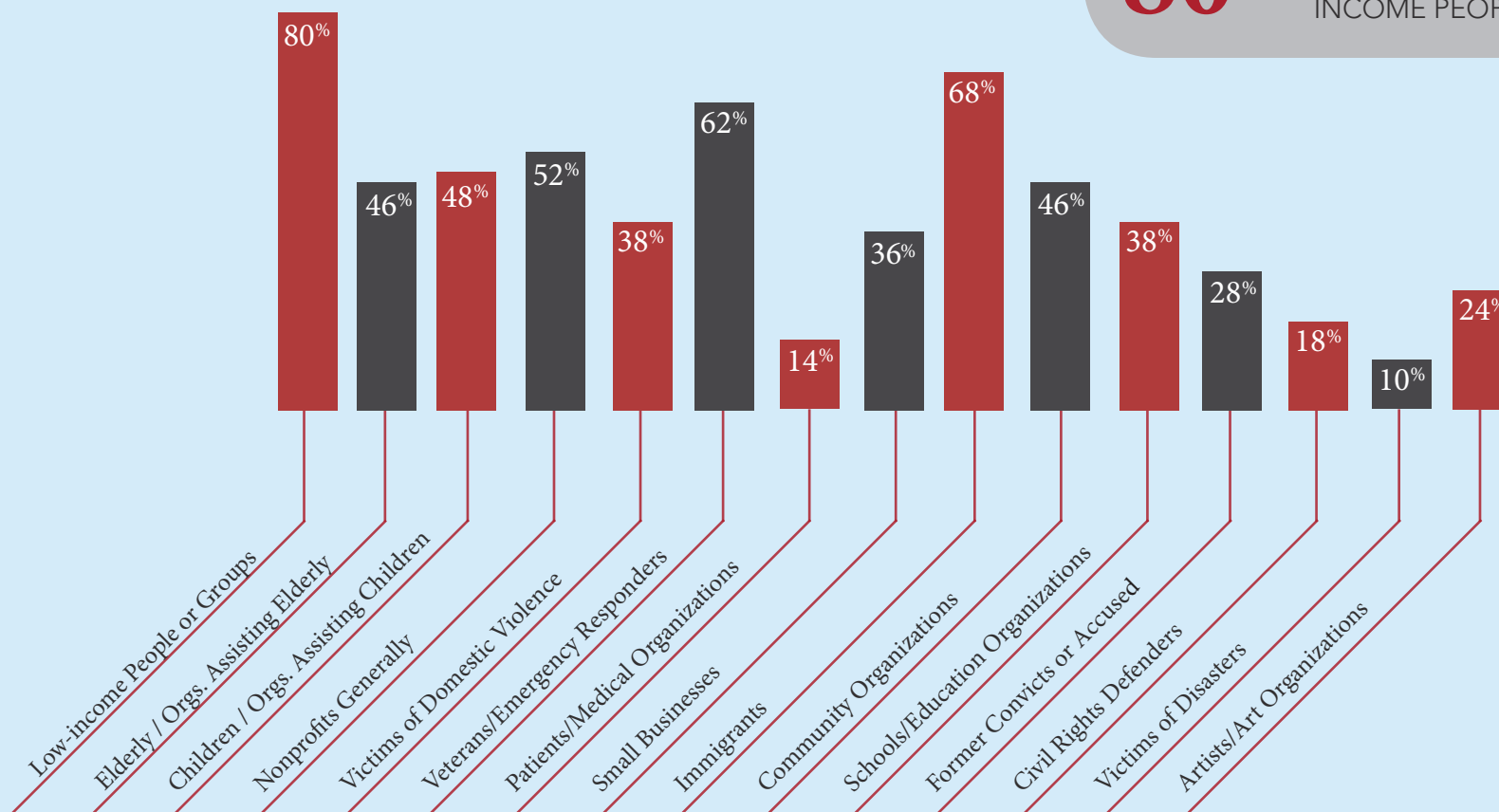
PRO BONO PROJECTS

Clients Assisted

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

80%

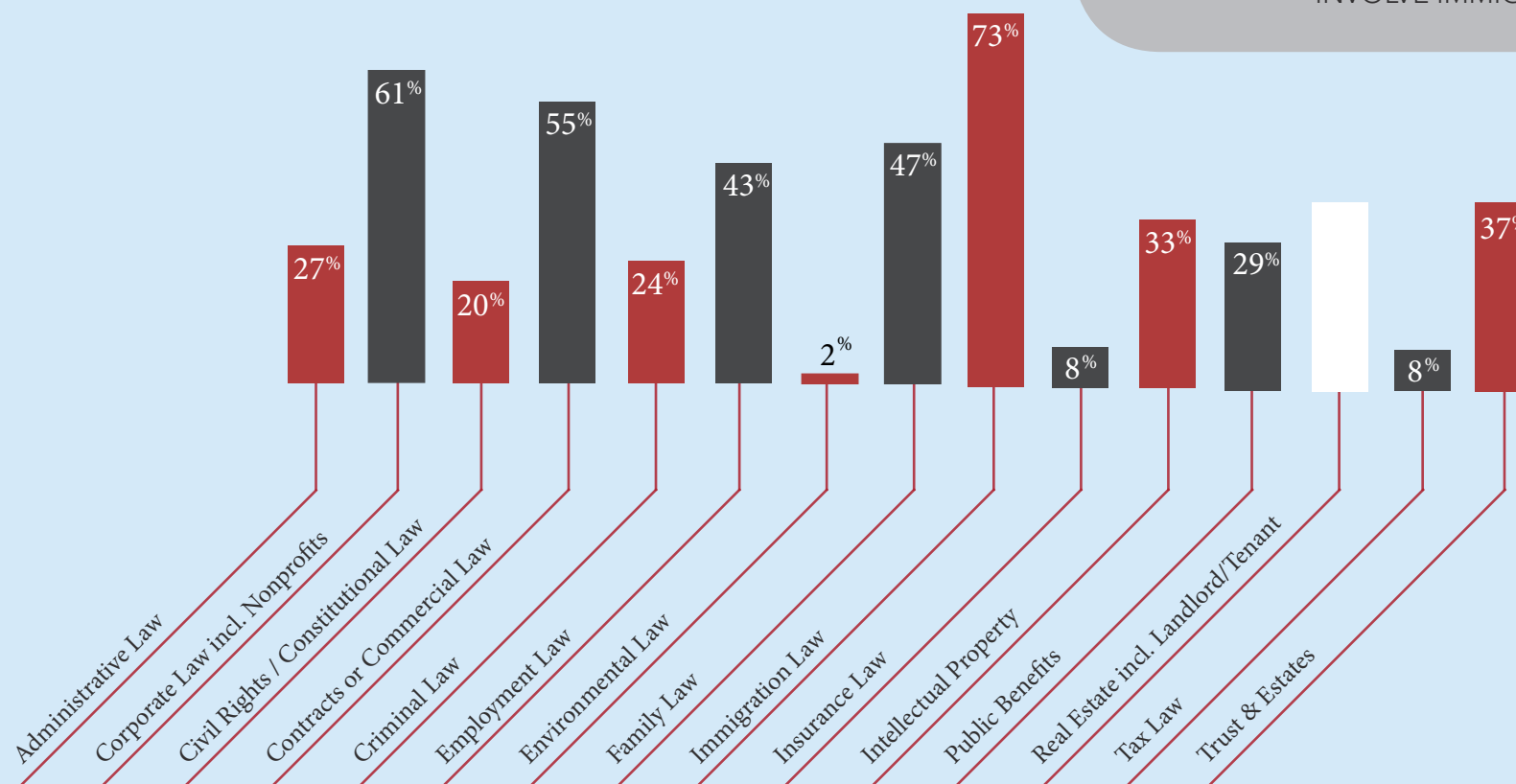
OF DEPARTMENTS PROVIDE
PRO BONO SERVICES TO LOW-
INCOME PEOPLE OR GROUPS



PRO BONO PROJECTS

Area of Law Practiced

In 2019, what areas of law were involved in the pro bono provided by your legal department?
(select all that apply)



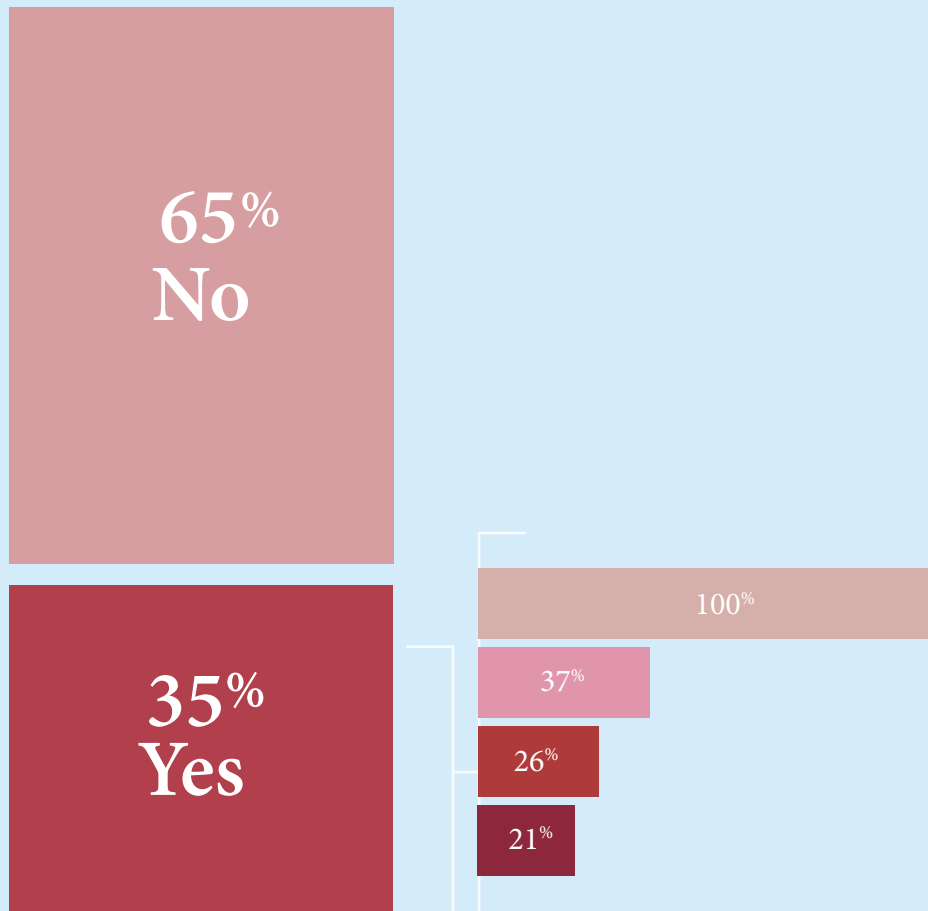
73%

OF DEPARTMENTS UNDERTAKE
PRO BONO PROJECTS THAT
INVOLVE IMMIGRATION LAW

GLOBAL PRO BONO

Global Pro Bono

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



35%

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



Type of Global Pro Bono

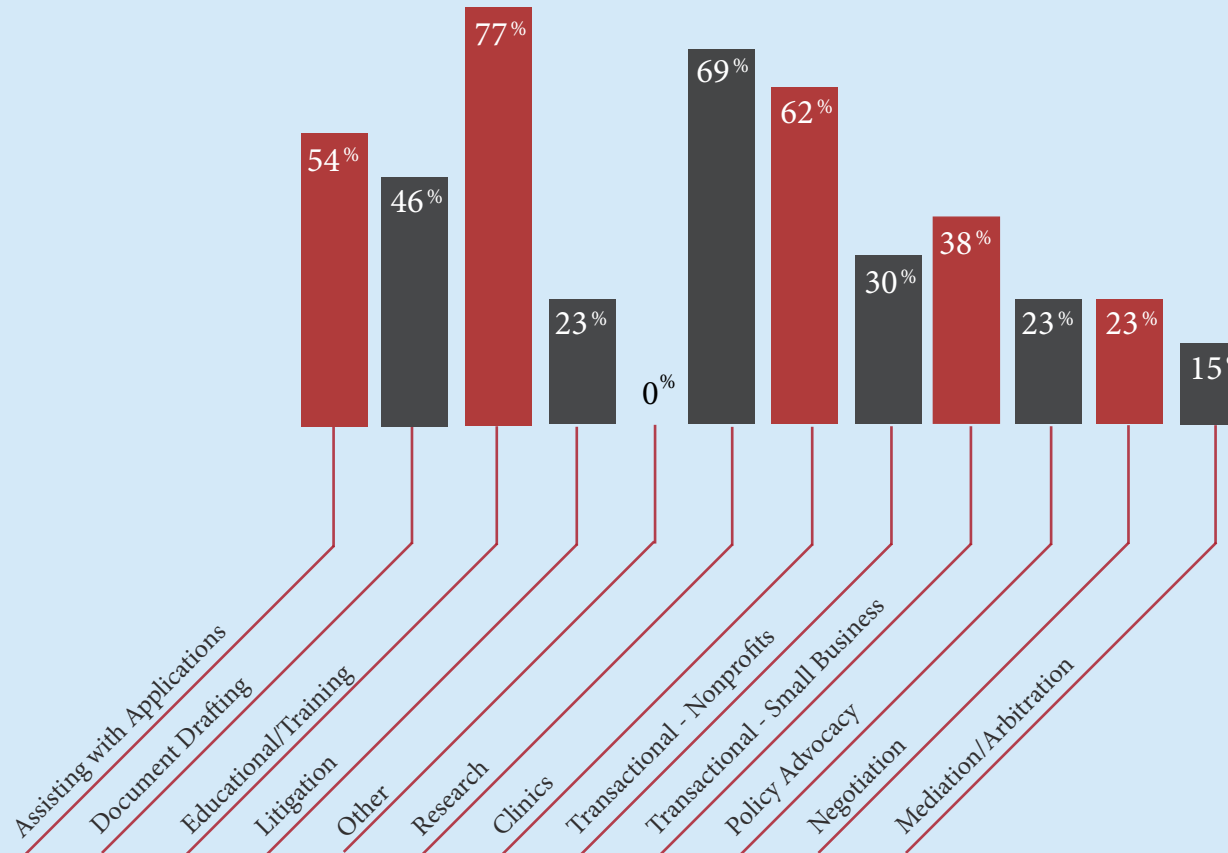
For companies that engage in global pro bono, which of the following does it involve? (select all that apply)

- ☐ 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

Project Selection

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

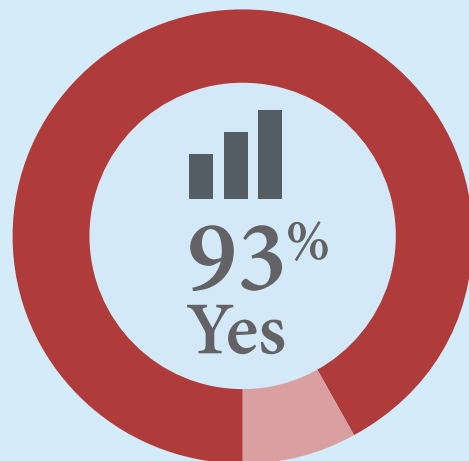
77% OF DEPARTMENTS ENGAGE IN EDUCATIONAL/TRAINING PROGRAMS



PRO BONO METRICS

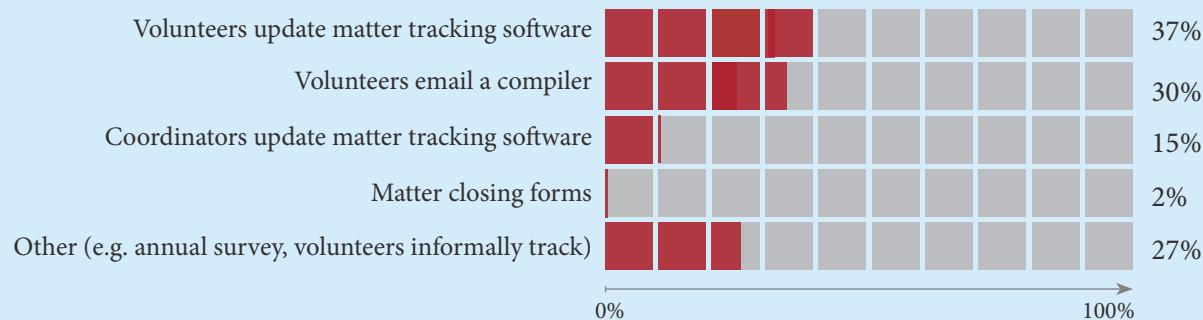
Tracking Pro Bono

Does your legal department track pro bono participation?



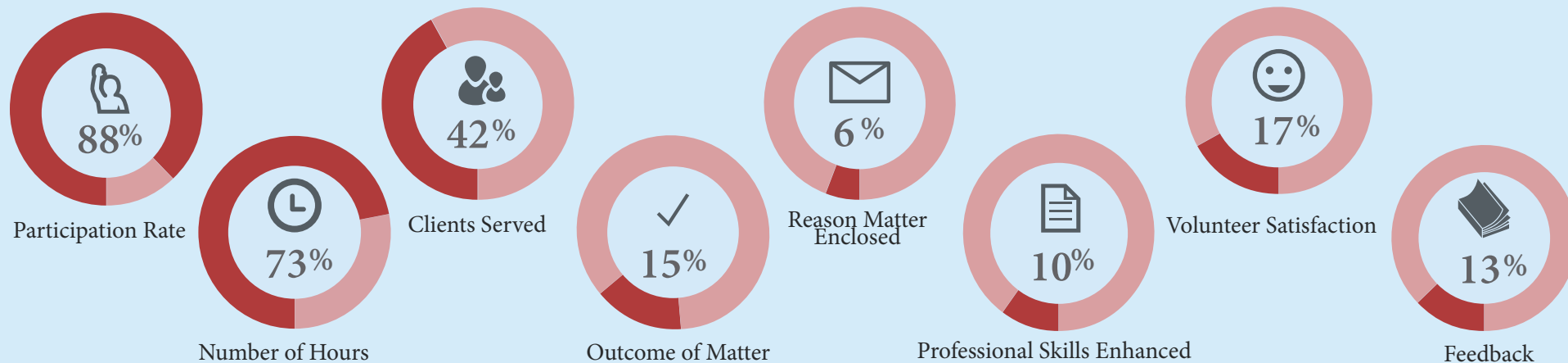
Tracking Pro Bono

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)



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?



Client Contact Alternatives

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

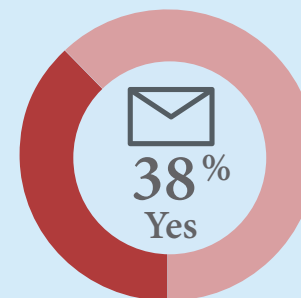
YES 17 %

Top Alternatives

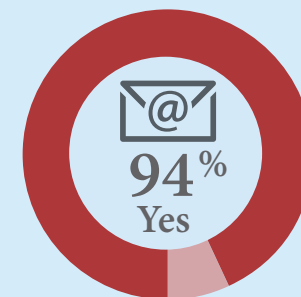
- Use letterhead of partners
- Provide generic letterhead specific to attorney
- Use pro bono letterhead and phone

Client Correspondence

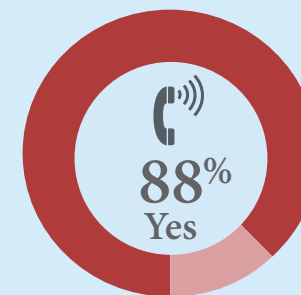
When corresponding about a pro bono matter, do volunteers use your company's letterhead?



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

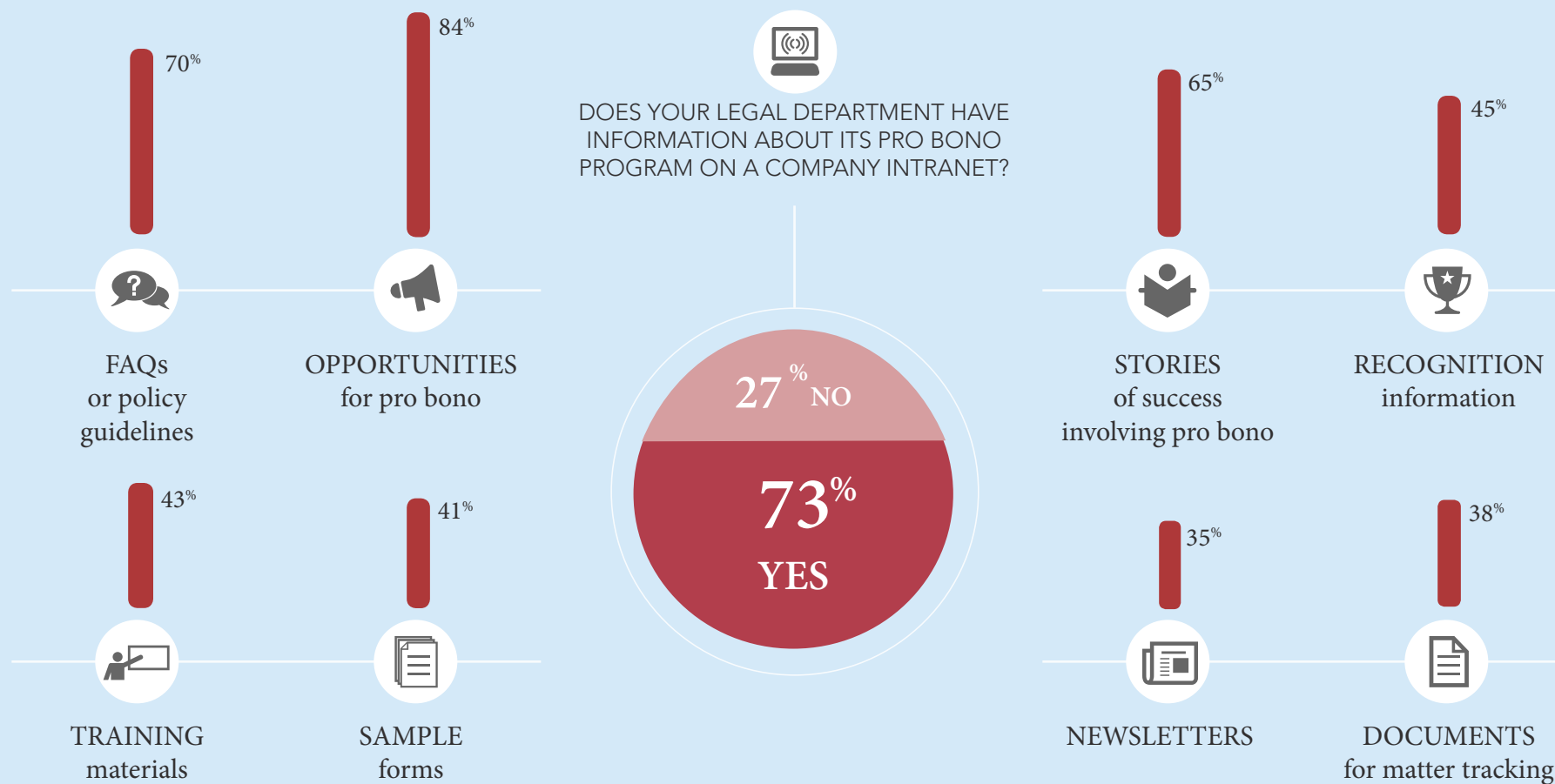


Do volunteers have pro bono clients contact them at your company's phone number?



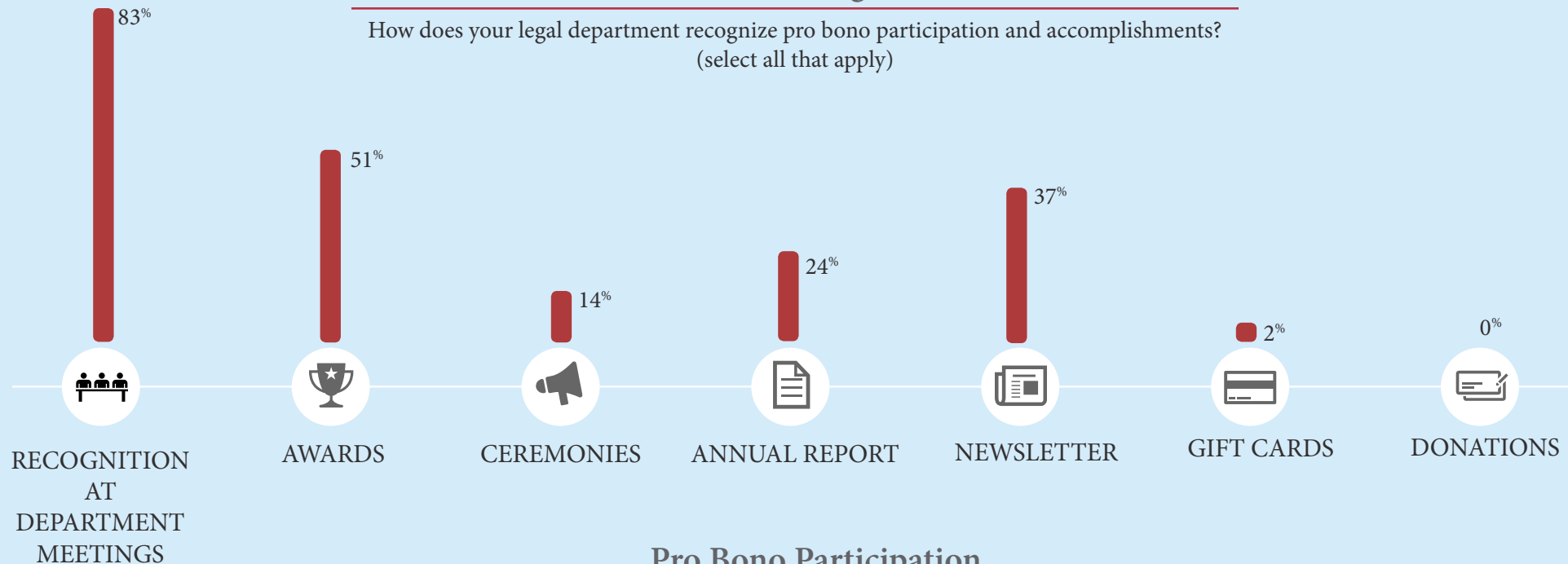
Company Intranet

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



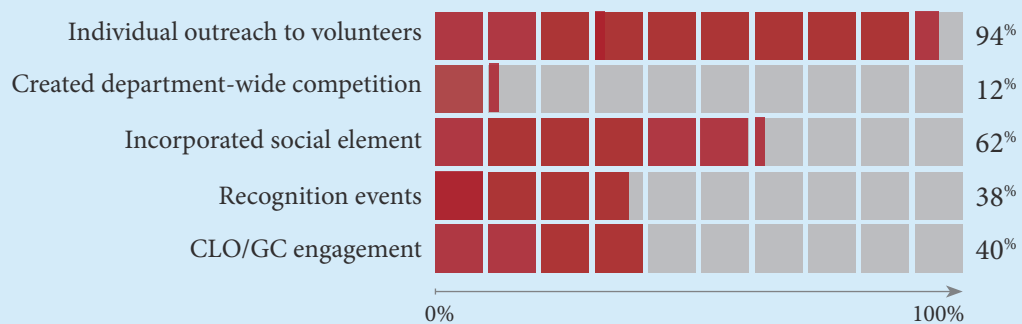
Pro Bono Recognition

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



Pro Bono Participation

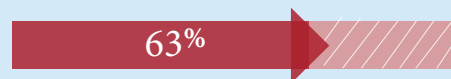
What strategies do you use to encourage pro bono participation?
(select all that apply)



PRO BONO BUDGETS

Pro Bono Budgeting

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



Legal department budget, just as other reasonable expenses



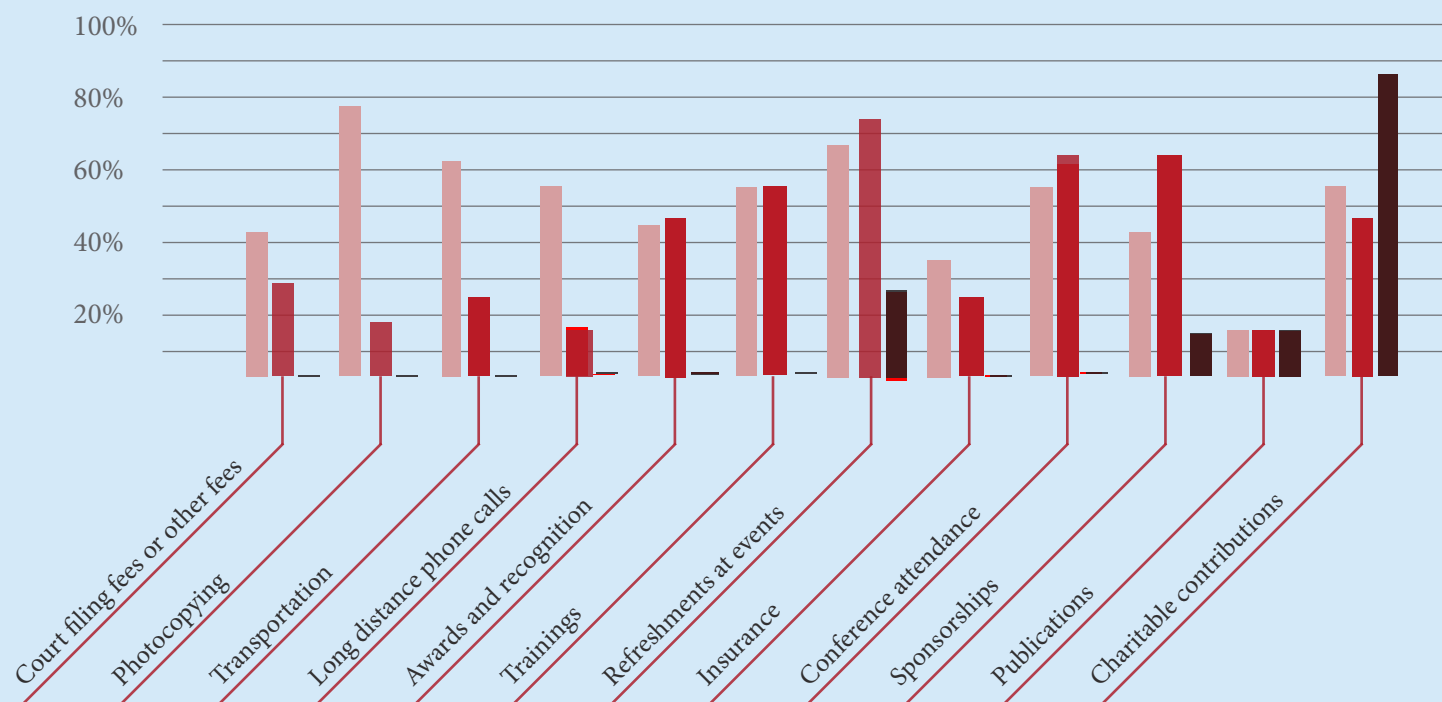
Separate budget for pro bono program



Foundation or Corporate Social Responsibility (CSR) support

Pro Bono Expenses

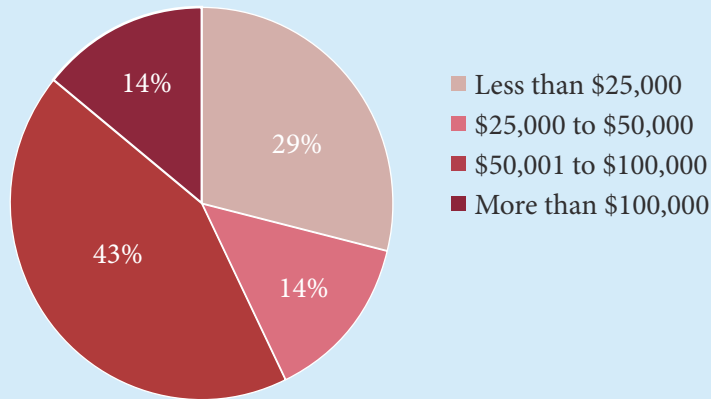
What expenses are covered in this budget? ■ General budget ■ Separate budget ■ Foundation / CSR



PRO BONO BUDGETS

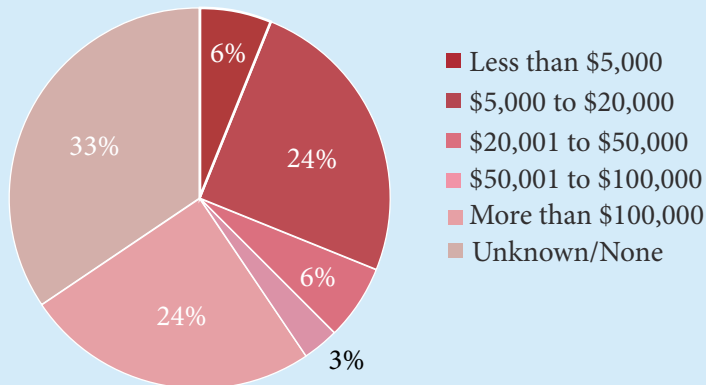
Foundation Funding

How much support did your pro bono program receive from your company's foundation or CSR department in 2019?



Donations

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



63%

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

73%

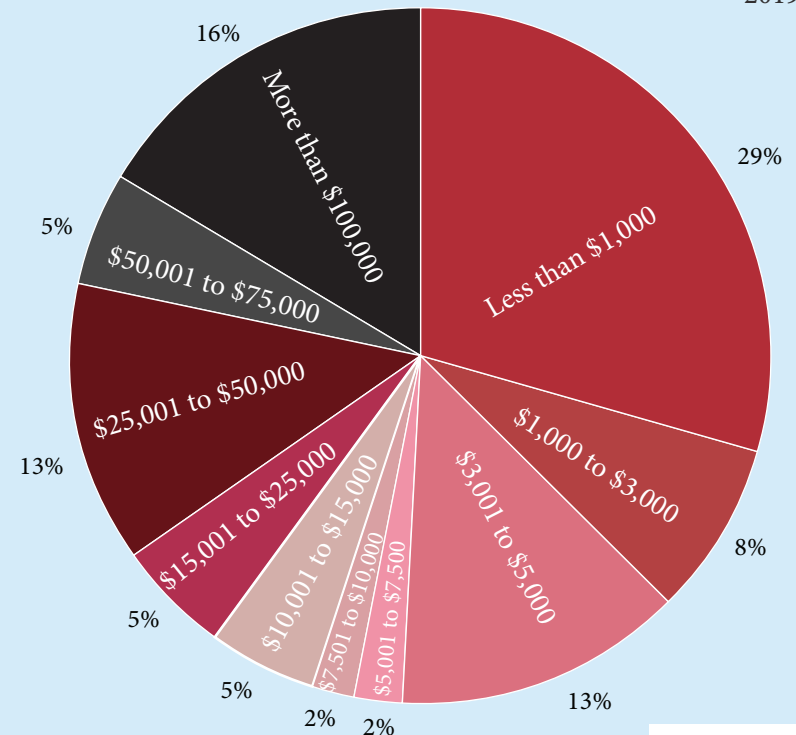
OF DEPARTMENTS WHO HAVE AN ANNUAL PRO BONO BUDGET OF LESS THAN \$1,000 ARE MADE UP OF LESS THAN 50 EMPLOYEES

67%

OF DEPARTMENTS WHO HAVE AN ANNUAL PRO BONO BUDGET OF MORE THAN \$100,000 ARE MADE UP OF 250 EMPLOYEES OR MORE

Budget Allocation Amount

How much was your department's pro bono program annual budget in 2019?





www.cpbo.org

1001 G Street, NW, Suite 305 West | Washington, DC 20001

Phone: (202) 729-6699 | cpbo@probonoinst.org

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.