IN-HOUSE PRO BONO IN PRACTICE PROFILE: BANK OF AMERICA CORPORATION
August 2018

Bank of America's robust pro bono practice has been going strong for more than a decade. The Bank's Legal Department first implemented a formal pro bono program in 2005-2006 when the bank's then general counsel signed the **Corporate Pro Bono Challenge® initiative**. Shortly after implementing the formal program, the Legal Department adopted a pro bono policy with the goal of encouraging the attorneys, paralegals and administrative staff of the Legal Department to volunteer with or otherwise support organizations that provide legal services to those in need. The pro bono program currently thrives under the leadership of Bank of America's Global General Counsel, David Leitch, who encourages his leadership team to support pro bono. Upon his appointment in 2016, Leitch encouraged every member of the Legal Department to adopt pro bono participation and community service activities as a performance objective.

"At Bank of America, we are trying to do our part. As a Charter Signatory to the Corporate Pro Bono Challenge, the Legal Department has successfully broadened its in-house volunteer base," said Leitch. "The bank steadfastly recognizes the ethical responsibility of its attorneys and other members of the department to perform pro bono service and facilitates volunteerism."

Bank of America encourages pro bono work in several ways, including sharing pro bono opportunities on the corporate intranet; actively supporting the Pro Bono Committee, which is comprised of volunteer lawyers and paralegals from across the country; eliminating hurdles for employees interested in pro bono by obtaining insurance coverage for pro bono practice; and providing financial support to both local and national pro bono organizations where the needs are the greatest. Bank of America also allows U.S.-based employees two hours of paid time off per week to volunteer with manager's approval.

General Program Information	
Offices with Legal Staff	HQ: Charlotte, NC The company operates in all 50 U.S. states, the District of Columbia, the U.S. Virgin Islands, Puerto Rico and more than 35 countries. Legal Department personnel are located around the world in support of the company.
Size of Legal Department	Approximately 500 attorneys and approximately 500 paralegals and administrative staff
Pro Bono Leadership Structure	The Pro Bono Committee is comprised of approximately 20 members of the Legal Department, and led by a Deputy General Counsel Executive Sponsor who reports to the Bank's Global General Counsel. The leadership structure also includes two co-chairs and 10

	regional chairs (consisting of both attorneys and non-attorneys) around the country who actively seek and encourage pro bono opportunities for Legal Department colleagues in their respective jurisdictions. The co-chairs serve for a two-year term, but no term limits are imposed on the regional chairs.
Pro Bono Policy	In 2006, the Legal Department adopted a pro bono policy. The policy seeks to implement the directive of the American Bar Association's Model Rules of Professional Conduct, which provide that "every lawyer" should support efforts to make legal services available to those who cannot otherwise afford those services. The policy addresses topics including: • **Participation**: Every employee in the Legal Department is encouraged to participate in, or otherwise support, the provision of legal services to the underserved. While support of pro bono legal services is encouraged, it is completely voluntary. • **Administration of Pro Bono**: To increase the awareness of and participation in pro bono activities, the Legal Department has created a Pro Bono Committee. • **Malpractice Insurance**: The Legal Department has obtained pro bono malpractice coverage for its employees. • **Conflict Checking**: While the Legal Department encourages its employees to undertake pro bono work, employees should not undertake any matter which could create an actual or potential conflict of interest for the bank. Employees should similarly not undertake any matter which could result in actual or potential reputational risk to the bank. • **Ethical Considerations**: Many attorneys in the Legal Department, though admitted and in good standing in one or more jurisdictions, are not licensed in the states in which they currently work. As a result, depending on the rules in the local jurisdiction, the attorney may or may not be eligible to provide volunteer pro bono legal services where direct client advice is involved. Non-locally licensed attorneys should check with the local bar to determine their eligibility for providing pro bono legal services. • **Use of Company Equipment and Resources**: When working on pro bono matters, employees may use office space, equipment and other resources, but every effort must be made to minimize expenses. Reimbursement for out-of-pocket expenses associated with pro bono volunteer work, including

	travel, is permitted, but prior approval from the employee's manager and a co-chair of the Pro Bono Committee must be obtained.
Communications	The co-chairs of the Pro Bono Committee oversee the communication of administrative issues pertaining to pro bono (e.g., policies, newsletters, announcements). The regional chairs are responsible for maintaining relationships with local pro bono providers and communicating specific pro bono opportunities to colleagues in their respective jurisdictions.
Recognitions/Awards	• **Performance Reviews**: Pro bono is included as a component of performance reviews for all members of the Legal Department. • **Internal Recognition**: Employees' pro bono accomplishments are highlighted both on the Legal Department's internal blog as well as published in a quarterly newsletter, which is distributed externally to approximately 200 law firms. An excerpt of the newsletter, called the *Pro Bono Bulletin*, is available here. • **External Recognition**: The bank publicizes external recognition of the Legal Department's pro bono accomplishments. For example: o In 2018, Cadwalader Wickersham & Taft recognized the Bank of America Legal Department with an award for Outstanding Pro Bono Service in the prior year. o In 2017, the Justice and Diversity Center of San Francisco recognized the Legal Department for outstanding volunteer efforts. o In 2016, the *Access to Justice Pro Bono Partners Program* selected the Legal Department for the Association of Corporate Counsel's annual pro bono award. The program is a joint initiative of Legal Services of Southern Piedmont and Legal Aid of North Carolina. o Also in 2016, the Mecklenburg County Bar (NC) recognized the bank, McGuireWoods*, Legal Services of Southern Piedmont, and Legal Aid of North Carolina with the Extraordinary Pro Bono Service Award.

	○ In 2014, the Los Angeles *Daily Journal* recognized the Legal Department as a pro bono "trailblazer." ○ In 2013, Legal Services of Southern Piedmont and Legal Aid of North Carolina, Charlotte recognized the Bank of America Legal Department with the Outstanding Corporate Pro Bono Award to honor their pro bono service for those in need in Mecklenburg County.
Tracking Pro Bono	Legal Department members are encouraged to record all volunteer hours on the bank's enterprise volunteer tracking system.
Partnerships	The Legal Department has in place numerous long- and short-term pro bono partnerships with law firms around the country. Examples of their work together this year include: • Bank of America Legal Department volunteers trained for domestic violence-related lawsuits on a pro bono basis in partnership with the Justice & Diversity Center (JDC). The JDC is the foundation of the Bar Association of San Francisco and is the largest provider of pro bono services in San Francisco. Other Bank of America volunteers joined Legal Department employees to assist with translation services for the many Spanish-speaking clients served by JDC. • Members of the Bank of America Legal Department in New York City worked with Her Justice and Shearman & Sterling to assist several low-income immigrants who are ready to become U.S. citizens through the naturalization process, including completing an application for naturalization on behalf of clients who are survivors of gender-based violence, and attending the naturalization interview with them. • Bank of America employees in New York City worked with Lawyers Alliance to provide transactional legal assistance to non-profits. • Bank of America worked side by side with attorneys from Fried Frank to assist Legal Services of New York City educate low-income and undocumented individuals about U-Visa status, which is available to victims of serious crimes who assist law enforcement, and to screen these individuals to assist a determination of whether this status might be available to them.

	• Members of the Bank of America Legal Department started a partnership with Davis Polk & Wardwell and Sanctuary for Families, New York's leading service provider and advocate for survivors of domestic violence, sex trafficking, and related forms of gender violence. Bank of America attorneys accompany an experienced Davis Polk attorney and assist in screening walk-in clients at the Manhattan Family Justice Center where clients may receive a variety of services, including legal assistance with family law and immigration-related matters. In a second project, Bank of America attorneys worked with Davis Polk and Sanctuary attorneys in a Lawful Permanent Resident adjustment clinic to assist Sanctuary clients who hold U Nonimmigrant Status in completing their Green Card applications. The Legal Department also routinely partners with legal services organizations to do pro bono work, as is detailed in many of the representative pro bono projects below.
Professional Liability	The bank has a dedicated malpractice policy for pro bono practice that covers all members of the department. Additionally, the bank partners with nonprofit organizations that have malpractice policies covering pro bono work.
Non-Lawyer Involvement	The Legal Department's paralegals and administrative staff are steadfast supporters of pro bono engagement. The Legal Department structures pro bono initiatives to include as many opportunities as possible for these members of the department.
Representative Pro Bono Projects	
Elderly	• **Annual Wills on Wheels Clinic.** The Wills on Wheels clinic, a longtime Legal Department project held in coordination with Charlotte Center for Legal Advocacy's "Legal Services for the Elderly" initiative, is staffed by Bank of America attorneys, paralegals and administrative personnel. At the clinic, volunteers draft wills and healthcare documents for seniors, hospice patients, veterans and disabled people who might otherwise die intestate. The most recent clinic served 50 clients.

	• **Wills for Seniors (Delaware).** Bank volunteers assist seniors in preparing wills.
Veterans	• **Veterans Legal Services Project.** Founded in 2011, the Veterans Legal Services Project provides volunteer opportunities for Legal Department attorneys and staff to assist veterans with benefits claims and other issues. The Charlotte office works in conjunction with area law firms and the Military Support & Assistance Group to provide these services. Charlotte Center for Legal Advocacy provides crucial training and supervision to the bank's lawyers to further their efforts. • **Warrior One (Military Overseas).** The bank facilitated pro bono representation between Goodwin Procter and active duty military spouses who sought to establish a unique program to provide free access to yoga and mindfulness programs for the military community. Goodwin advised on structuring the fledgling nonprofit's tax-exempt status and provided general business formation advice and trademark guidance.
Immigration	• **Naturalization Clinics.** Starting in the summer of 2017, Legal Department attorneys, administrative professionals and legal interns have staffed several naturalization clinics run by the Latin American Coalition of Charlotte. Volunteers assist immigrants with legal residency apply for permanent citizenship. • **DACA Clinic.** In September 2017, Legal Department attorneys helped staff a weekend clinic to assist immigrants seeking extensions under the Deferred Action from Childhood Arrival program.
Vulnerable communities	• **SHC Legal Relief Day Clinics.** SHC Legal Relief Day is an annual clinic held at a local site of Supportive Housing Communities (SHC). SHC helps homeless residents of Charlotte transition into permanent housing and back into the workforce. At the clinic, volunteers from the Legal Department, McGuireWoods, Charlotte Center for Legal Advocacy and Legal Aid of North Carolina provide assistance to the SHC residents, including wills, veterans' benefits issues, expunctions, tax relief and public benefits assessments.

	• **Charlotte Center for Legal Advocacy.** Charlotte Center for Legal Advocacy, with its partner organization Legal Aid of North Carolina, are the sole providers of free legal services for the underserved in the region. The Legal Department regularly partners with Charlotte Center for Legal Advocacy and Legal Aid of North Carolina for volunteer pro bono projects and training activities. • **Justice Bus (Los Angeles).** Bank volunteers traveled with lawyers from Bryan Cave Leighton Paisner* and Public Counsel to a rural part of Los Angeles County and provided an array of services and advice related to veterans benefits and misdemeanor expungements.
Family law	• **Court Volunteer Attorney Program (NYC).** This program provides family court, clinic-based pro bono assistance throughout numerous counties. Various clinics are staffed by bank volunteers several times per month. Volunteers provide legal advice on custody, visitation, child support, paternity, and similar issues. The Legal Department coordinated trainings in the fall of 2015 and winter of 2016 hosted by New York State UnifiedCourt System staff attorneys and Proskauer Rose*. • **Public Counsel Guardianship Clinic (Los Angeles).** The bank collaborated with Public Counsel and Goodwin Procter to assist families in need of guardianship petitions.
Voting rights	• **Election Protection (San Francisco).** Working with the Lawyers' Committee for Civil Rights Under Law, bank volunteers were trained in November 2016 to collect information about election irregularities from callers.
Nonprofits and small businesses	• **Neighborhood Entrepreneur Law Project Legal Clinic (NYC).** In a joint effort in November 2016, the bank and Skadden, Arps, Slate, Meagher & Flom* volunteers provided advice to low-to-moderate income "micro-entrepreneurs." • **Pro Bono-Diversity Leadership Program (Boston).** Since May 2016, the Legal Department in partnership with Morgan, Lewis & Bockius and another bank, with a focus on diverse and minority attorneys, have provided pro bono services to local nonprofit organizations.

Lessons Learned	
Support from the top	One critical reason why the pro bono program has thrived is the incredible support provided by the Legal Department's senior leadership. A message from "the top of the house" actively encouraging pro bono participation makes all the difference in having a successful program.
Develop partnerships	The bank has had many effective partnerships with law firms and nonprofit organizations. Collaborating with a law firm and a nonprofit on a pro bono project provides the best opportunity to develop diverse, high-impact, and meaningful pro bono initiatives that can be designed to address the legal needs of a wide variety of the most vulnerable members of the community.
Include all members of the Legal Department	Non-lawyer colleagues are just as enthusiastic about providing pro bono as lawyers and the bank structures pro bono programs to maximize their participation. Legal Department interns are included in pro bono activities as part of the in-house experience with the hope that they will view pro bono as something they should continue to engage in as part of their commitment to the profession.
Offer variety	Pro bono programs can be appropriately tailored to encourage participation by members of the department who have not traditionally engaged in pro bono activities. Once a colleague has participated in his or her first pro bono program, he or she is likely to volunteer for other initiatives. In order to increase participation, the department offers a broad array of pro bono opportunities to appeal to diverse interests and time commitments. Opportunities in a clinic setting, or those involving partnerships with outside counsel, are more likely to trigger greater participation within the department.
Added benefits for the Department	The most important component of the bank's pro bono program is the impact on underserved communities. Beyond this, the program has had an overwhelmingly positive impact on the department by fostering an environment where colleagues have an opportunity to bond outside of the workplace while simultaneously supporting the bank's local communities, as well as deepening its relationship with outside counsel partners.

*denotes a **Law Firm Pro Bono Challenge®** Signatory

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