

UHG Pro Bono Policy

UNITED HEALTH GROUP Pro Bono Program Policy and Procedure

I. Policy

It is the policy of UnitedHealth Group (UHG) to strongly encourage and facilitate pro bono service by UHG lawyers, legal assistants, and UHG legal department support staff in order to: (i) assist UHG in fulfilling its corporate responsibilities to the community; and (ii) to assist UHG attorneys in fulfilling the ethical obligations of the legal profession to provide pro bono service. In furtherance of this policy, UHG has established the UHG Pro Bono Committee to administer and support the provision of pro bono services by UHG legal staff through the UHG Pro Bono Program (Program).

II. The Pro Bono Responsibility

It is a basic responsibility of each lawyer engaged in the practice of law to provide public interest legal services. Section 6.1 of the American Bar Association Model Rules of Professional Conduct (Attachment A) sets forth the ethical responsibility to provide pro bono legal services and defines pro bono publico services. Most states have adopted rules of professional responsibility addressing the ethical responsibility to provide pro bono publico services.

III. Pro Bono Program

- A. **Scope of Program.** The UHG Pro Bono Program facilitates the provision of pro bono legal services (as defined in Attachment A) by UHG legal staff to people and organizations that otherwise could not afford them.
- B. **Goal.** UHG strongly encourages each UHG attorney to provide 50 hours of pro bono legal services annually. This is an aspirational goal.
- C. **Work Quality and Performance Evaluations.** UHG believes that pro bono matters must be handled with the same level of professional competence as any other matter handled by UHG attorneys and UHG legal staff. The decision to participate in the Pro Bono Program is an individual one. While no employee will be penalized for declining to participate in the Program; work on UHG authorized pro bono matters may be considered as a positive in the Program participant's performance evaluations.
- D. **Time Devoted to Pro Bono Activities.** UHG expects that pro bono work may be done during normal business hours. Any pro bono work undertaken is in addition to assigned work responsibilities. Please make sure to coordinate the provision of pro bono services with your supervisor and co-workers in your department to make sure that the performance of the pro bono services does not interfere with the performance of the duties by you or your department.

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IV. Administration

The UHG Pro Bono Program will be administered by a Pro Bono Committee. The Pro Bono Committee Chair will be appointed by the UHG Chief Legal Officer (CLO). The Pro Bono Committee Chair will appoint members of the Pro Bono Committee.

A. Pro Bono Committee

The responsibilities assigned to the UHG Pro Bono Committee include the following:

1. Implement and monitor the Program.
2. Select UHG pro bono service projects.
3. Pre approve not-for-profit agency partners for whom Program participants may perform pro bono services without the prior approval of the Pro Bono Committee.
4. Receive and approve or deny requests to perform pro bono services for other than pre approved non profit agency partners or UHG-sponsored pro bono service projects.
5. Ensure that pro bono service is in compliance with the objectives of the Program and that such service would not present an ethical, legal, or business/public relations conflict with UHG.
6. Provide for training opportunities (which may be provided by a law firm, a not-for-profit agency partner or by continuing legal education providers) in areas unfamiliar to members of the UHG Legal Department (i.e., landlord-tenant, wills and trusts, probate, etc.).
7. Maintain a list of resources for pro bono opportunities and serve as a source of information regarding the Program.
8. Promote the Program and communicate information regarding the Program both internally and externally.
9. Evaluate the Program annually and provide an annual report to the CLO containing the program evaluation.

B. Coordination and Approval

1. UHG legal staff desiring to perform pro bono legal services as part of the Program must request and receive approval from the Pro bono Committee unless such services will be performed for one of the pre-approved non-profit agency partners, or such service is part of a UHG-sponsored pro bono service project.
2. Each volunteer's participation in the Program is subject to the individual's workload constraints and must be done in a manner that is not disruptive to the operation of the volunteer's work unit. Volunteers must obtain the approval of their supervisor to perform pro bono services during the employee's scheduled work hours.

C Time, Expenses, and Recordkeeping

Employees performing pro bono services as part of the Program will report time spent and expenses incurred in the manner designated by the Pro Bono Committee.

D. Departmental Resources

Legal support staff, legal assistants, secretaries, word processing, duplicating, messenger service, and the like may be utilized for UHG approved pro bono matters. Requirements for support staff and expenses of a non-routine nature must be reviewed in advance and approved by the volunteer's supervisor. Program participants should make every effort to minimize all Program costs. UHG will reimburse Program participants for reasonable pre-approved out-of-pocket costs incurred in providing pro bono services including parking, mailings, copying, and training.

E. Pro Bono Resources

Pro Bono resources for specific geographic areas may be obtained by contacting the Pro Bono Committee.

F. Insurance

Professional liability insurance is generally provided by the non-profit organization through which pro bono services are provided. In addition to professional liability insurance coverage that may be provided by a non profit organization UHG maintains coverage against legal malpractice claims in connection with pro bono service provided by UHG employees as part of the Program. Any pro bono service provided outside of the Program is not covered by UHG's professional liability insurance.

G. Affiliation with UHG

While UHG strongly endorses the provision of pro bono services by its legal staff, legal staff must act in their individual capacity rather than as representatives or employees of UHG when performing pro bono services. As such, actions conveying the impression that UHG or its affiliated entities is providing legal services should be avoided. UHG's stationery (and that of its affiliated entities) may not be used for pro bono activities. Legal staff providing pro bono services should utilize the stationery of the pro bono, professional association, or civic organization they are assisting for correspondence. If stationery is not provided by the organization they are assisting, Program participants may not use UHG or its affiliate's letterhead, but must develop their own stationery (e.g., Jane Smith, Esq.).

H. Contacts

UHG legal staff interested in participating in the Program should contact the Pro Bono Committee. The Pro Bono Committee will provide interested UHG staff information regarding the Program and available opportunities for pro bono services.

I. Training

Legal staff providing pro bono services should exercise their best judgment regarding their qualifications to handle the issues necessary to provide pro bono services. Those providing pro bono services should obtain training on the legal issues they most likely will be asked to handle. Training is available through various pro bono organizations, bar associations, law firms, and CLE course offerings.

J. Conflict of Interest

UHG employees may not engage in the provision of any pro bono service which would create a conflict of interest or give the appearance of a conflict of interest. This includes, but is not limited to, direct conflicts, business/public relations conflicts, and politically sensitive issues. Conflicts analysis must be ongoing throughout the course of any representation as an issue raising a conflict may present itself at any time during the course of representation.

K. New Attorney/Paralegal Orientation

Each new attorney and paralegal will be given a copy of this policy and will be asked to complete a survey to indicate areas of interest in pro bono work. The Pro Bono Committee will contact each new attorney and paralegal to emphasize the Department's commitment to pro bono work, explain the Program, and inform them of available pro bono opportunities.

ATTACHMENT A

ABA MODEL RULE 6.1 VOLUNTARY PRO BONO PUBLICO SERVICE

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

(3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

Comment

[1] Every lawyer, regardless of professional prominence or professional workload, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. The American Bar Association urges all lawyers to provide a minimum of 50 hours of pro bono services annually. States, however, may decide to choose a higher or lower number of

hours of annual service (which may be expressed as a percentage of a lawyer's professional time) depending upon local needs and local conditions. It is recognized that in some years a lawyer may render greater or fewer hours than the annual standard specified, but during the course of his or her legal career, each lawyer should render on average per year, the number of hours set forth in this Rule. Services can be performed in civil matters or in criminal or quasi-criminal matters for which there is no government obligation to provide funds for legal representation, such as post-conviction death penalty appeal cases.

[2] Paragraphs (a)(1) and (2) recognize the critical need for legal services that exists among persons of limited means by providing that a substantial majority of the legal services rendered annually to the disadvantaged be furnished without fee or expectation of fee. Legal services under these paragraphs consist of a full range of activities, including individual and class representation, the provision of legal advice, legislative lobbying, administrative rule making and the provision of free training or mentoring to those who represent persons of limited means. The variety of these activities should facilitate participation by government lawyers, even when restrictions exist on their engaging in the outside practice of law.

[3] Persons eligible for legal services under paragraphs (a)(1) and (2) are those who qualify for participation in programs funded by the Legal Services Corporation and those whose incomes and financial resources are slightly above the guidelines utilized by such programs but nevertheless, cannot afford counsel. Legal services can be rendered to individuals or to organizations such as homeless shelters, battered women's centers and food pantries that serve those of limited means. The term "governmental organizations" includes, but is not limited to, public protection programs and sections of governmental or public sector agencies.

[4] Because service must be provided without fee or expectation of fee, the intent of the lawyer to render free legal services is essential for the work performed to fall within the meaning of paragraphs (a)(1) and (2). Accordingly, services rendered cannot be considered pro bono if an anticipated fee is uncollected, but the award of statutory lawyers' fees in a case originally accepted as pro bono would not disqualify such services from inclusion under this section. Lawyers who do receive fees in such cases are encouraged to contribute an appropriate portion of such fees to organizations or projects that benefit persons of limited means.

[5] While it is possible for a lawyer to fulfill the annual responsibility to perform pro bono services exclusively through activities described in paragraphs (a)(1) and (2), to the extent that any hours of service remained unfulfilled, the remaining commitment can be met in a variety of ways as set forth in paragraph (b). Constitutional, statutory or regulatory restrictions may prohibit or impede government and public sector lawyers and judges from performing the pro bono services outlined in paragraphs (a)(1) and (2). Accordingly, where those restrictions apply, government and public sector lawyers and judges may fulfill their pro bono responsibility by performing services outlined in paragraph (b).

[6] Paragraph (b)(1) includes the provision of certain types of legal services to those whose incomes and financial resources place them above limited means. It also permits the pro bono lawyer to accept a substantially reduced fee for services. Examples of the types of issues that may be addressed under this paragraph include First Amendment claims, Title VII claims and

environmental protection claims. Additionally, a wide range of organizations may be represented, including social service, medical research, cultural and religious groups.

[7] Paragraph (b)(2) covers instances in which lawyers agree to and receive a modest fee for furnishing legal services to persons of limited means. Participation in judicare programs and acceptance of court appointments in which the fee is substantially below a lawyer's usual rate are encouraged under this section.

[8] Paragraph (b)(3) recognizes the value of lawyers engaging in activities that improve the law, the legal system or the legal profession. Serving on bar association committees, serving on boards of pro bono or legal services programs, taking part in Law Day activities, acting as a continuing legal education instructor, a mediator or an arbitrator and engaging in legislative lobbying to improve the law, the legal system or the profession are a few examples of the many activities that fall within this paragraph.

[9] Because the provision of pro bono services is a professional responsibility, it is the individual ethical commitment of each lawyer. Nevertheless, there may be times when it is not feasible for a lawyer to engage in pro bono services. At such times a lawyer may discharge the pro bono responsibility by providing financial support to organizations providing free legal services to persons of limited means. Such financial support should be reasonably equivalent to the value of the hours of service that would have otherwise been provided. In addition, at times it may be more feasible to satisfy the pro bono responsibility collectively, as by a firm's aggregate pro bono activities.

[10] Because the efforts of individual lawyers are not enough to meet the need for free legal services that exists among persons of limited means, the government and the profession have instituted additional programs to provide those services. Every lawyer should financially support such programs, in addition to either providing direct pro bono services or making financial contributions when pro bono service is not feasible.

[11] Law firms should act reasonably to enable and encourage all lawyers in the firm to provide pro bono legal services called for by this Rule.

[12] The responsibility set forth in this Rule is not intended to be enforced through disciplinary process.

