

CORPORATE COUNSEL

Meeting the Challenge of In-House Pro Bono From the Experts

Brad Smith and Laura Stein, Corporate Counsel



In-house pro bono has made tremendous progress in the last decade. Anecdotally, we can talk about the great pro bono programs that have been recognized and assisted by [Corporate Pro Bono](#) (CPBO), a global partnership project of the Pro Bono Institute and the Association of Corporate Counsel. We can talk about the increasing desire of legal departments to partner with law firms and legal services organizations on their pro bono efforts. We can even talk about the growing interest among legal departments to expand their pro bono efforts to include communities around the globe. There is no shortage of examples that highlight the dramatic growth of in-house pro bono, but for the first time, we have compelling data that demonstrates it.

This year, CPBO released “[CPBO Challenge® Report: 2007-2012, The Development of In-House Pro Bono.](#)” This publication analyzes data reported by CPBO Challenge signatories from 2007-2012 and paints a detailed picture of the evolution of in-house pro bono over that time. The report quantifies many of the developments in in-house pro bono that we have witnessed firsthand.

In 2006, CPBO launched the CPBO Challenge initiative as an aspirational standard for legal departments, with a key benchmark of at least 50 percent legal staff participation in pro bono each year. Importantly, this goal is one that accommodates the diversity of legal departments and the evolving nature of in-house pro bono. It’s a feasible standard whether a legal department has a handful of attorneys or hundreds; operates out of a single office or several in the U.S. and even abroad; or has a formal pro bono program or involves attorneys in projects ad-hoc. In fact, in 2012, a number of departments reported involvement north of 50 percent, and several departments reported 100 percent engagement in pro bono.



Fundamentally, the CPBO Challenge initiative shows that pro bono is not just for law firms anymore. As highlighted in the report:

- **Meeting the CPBO Challenge Goal:** Since the inception of the CPBO Challenge initiative, signatories have reported an average participation rate of U.S. lawyers between 42 and 50 percent. In 2012, 54 percent of signatories met or exceeded the CPBO Challenge goal of 50 percent participation with regard to their U.S. attorneys.
- **Global Pro Bono:** In 2012, CPBO Challenge signatories reported providing pro bono legal services in more than 40 countries, including Argentina, Australia, Brazil, China, England, France, India, Israel, Japan, Mexico, Singapore, South Africa, Tunisia and United Arab Emirates.
- **Informal Pro Bono Programs:** In-house pro bono is not limited solely to departments that have adopted formal pro bono programs with processes and systems to manage the departments' pro bono engagement. The average lawyer participation rate for U.S. attorneys at respondents without a formal pro bono program was 66 percent in 2012.
- **Partnerships with Outside Law Firms:** Each year between 2007 and 2012, more than 50 percent of responding departments indicated that they partner on pro bono with at least one law firm. In 2012, 52 percent answered that they considered law firm pro bono performance when evaluating outside counsel.

Of course, there is more work to be done. There is a crisis in access to justice in this country and it is imperative that we do our part to close it. The in-house community has the knowledge and resources to help, and with like-minded partners including law firms, public interest and legal services organizations, the judiciary and other key stakeholders, we can make a difference. Moreover, CPBO can help legal departments find their place in this changing pro bono landscape as we all work to take pro bono to new levels of sophistication and deepen its impact.

When Microsoft and Clorox signed the CPBO Challenge statement as two of the 50 charter signatories, we were affirming the importance of pro bono as an essential part of being a lawyer. Since then, the number of signatories has grown to 131. As in-house counsel, using our specialized skills for the benefit of others is the right thing to do, and we are proud to have 129 legal departments standing with us to convey that message.

For companies that have not yet joined the CPBO Challenge initiative, we encourage you to enroll. There is no downside. CPBO provides support and resources to help signatories' pro bono programs be the best that they can be.

For more information about the CPBO Challenge initiative or to receive a copy of the report, please contact CPBO director [Eve Runyon](#), and [see a video of highlights from the report here](#).

Brad Smith is executive vice president and general counsel of Microsoft Corporation, and Laura Stein is senior vice president and general counsel of The Clorox Company. They are co-chairs of the CPBO Advisory Board.