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[DATE]

Chief Justice Thomas L. Kilbride  
Supreme Court of Illinois  
1819 Fourth Avenue  
Rock Island, IL 61201

*Re: Support by Association of Corporate Counsel to amend Illinois Rules 716(g) and 756(j) on Admission & Discipline of Attorneys to permit pro bono work by authorized in-house counsel*

Dear Chief Justice Kilbride:

Illinois has a historic opportunity to recognize more fully the sophistication, the experience, and the capacity that the state's authorized in-house lawyers have to help the enormous number of Illinois residents who need legal services but cannot afford to pay. We understand that, to address this need, the Illinois Supreme Court is considering a proposal from the Illinois Supreme Court Commission on Access to Justice to amend Illinois Rules 716(g) and 756(j) on Admission & Discipline of Attorneys. On behalf of the Association of Corporate Counsel, our Chicago Chapter, and over XXX chief legal officers in Illinois, we are writing to strongly support the proposal. If Illinois adopts it, restrictions that hamper those counsel from engaging in pro bono will be removed, encouraging many more in-house lawyers to volunteer for pro bono work. Indeed, the proposal's strength would instantly establish Illinois as a national leader in the effort to provide increased legal assistance to those who need it.

ACC is a global bar association that promotes the common professional and business interests of in-house counsel, with over 30,000 members employed by over 10,000 organizations in more than 75 countries. For years, ACC has advocated across the country to remove obstacles that make it difficult for many in-house lawyers to donate their legal expertise to people who need help. ACC's Chicago Chapter includes over 1,800 members representing leading local, national, and international companies in and around Chicago and throughout the state. The chapter offers continuing legal education classes, and also supports advocacy, pro bono, and diversity initiatives. The Chicago Chapter supports this effort to allow all of the state's authorized house counsel to offer pro bono legal services free from necessary restrictions.

And there's no question that people need more pro bono help, both in Illinois and across the country. According to the Legal Services Corporation, fewer than "one in five low-income persons get the legal assistance they need" from pro bono or legal aid lawyers. *Legal Services Corporation, Documenting the Justice Gap In America: The Current Unmet Civil Legal Needs of Low-Income Americans, An Updated Report of the Legal*

*Services Corporation* (2009).<sup>1</sup> See also *American Bar Association, Legal Needs and Civil Justice, A Survey of Americans* (1994) (stating that, for low-income households, the justice system does not address nearly three quarters of situations in which courts might intervene).<sup>2</sup> A deep need for additional legal assistance exists in Illinois as well. To give just a hint of the demand, web sites that Illinois Legal Aid has set up have received over 1.5 million hits since 2010.<sup>3</sup>

In-house legal departments are already making strong contributions toward meeting this need for legal assistance. Hundreds of in-house legal departments have formalized efforts to provide pro bono legal services. According to Corporate Pro Bono, a partnership of the Pro Bono Institute and ACC, many of the Fortune 500 companies and a majority of Fortune 100 companies have set up or are moving to set up formal pro bono programs. They want to do more, but state practice rules often stand in their way.

The proposal to amend Rules 716(g) and 756(j) on Admission & Discipline of Attorneys would allow Illinois' in-house legal departments to provide much-needed help by removing unnecessary restrictions that limit authorized house counsel's ability to offer pro bono legal services. This would clear the way for more lawyers to assist more clients who need their help.

Illinois authorized house counsel are well-qualified, ethical lawyers. That's why their employers hire them, and why Illinois already allows them to serve their employers under Rule 716(g). The pending amendments recognize that all of Illinois' authorized house counsel can serve pro bono clients with the same high legal standards that they already serve their employers.

We also note that the proposal would vault Illinois into a position of national leadership on this issue. It would remove requirements that unnecessarily limit the types of pro bono work that house counsel can engage in. And it would not impose any mandates that require house counsel to work only under the authority or supervision of other Illinois lawyers or organizations. Those restrictions often harm the ability of house counsel to efficiently and effectively provide pro bono service to the array of clients that need assistance.

Therefore, ACC and our Chicago Chapter urge the Illinois Supreme Court to adopt the proposal. It would continue the spirit of a resolution passed last summer by the Conference of Chief Justices, to expand pro bono legal services. That resolution supports allowing "non-locally licensed in-house counsel who are permitted to work for their employer to also provide pro bono legal services." Conf. of Chief Justices, Resol. 11 (passed July 25, 2012).<sup>4</sup>

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<sup>1</sup> Available at <http://tinyurl.com/ahaoc5v>.

<sup>2</sup> Available at <http://tinyurl.com/b6hbfs1>.

<sup>3</sup> See <http://tinyurl.com/bb88llr>.

<sup>4</sup> Available at <http://tinyurl.com/arwjkq7>.

In short, the proposal recognizes that lawyers who help their corporations and organizations with difficult problems can also help people in legal distress who cannot pay. By adopting these small changes to Illinois' rules, the Illinois Supreme Court can help countless people in need, and also lead other states toward the same important goal.

Sincerely yours,

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