



DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING

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BODY:

When it comes to pro bono work, in-house lawyers have long been among the most lackadaisical members of the profession.

But pressure from both inside and outside their ranks is now beginning to improve the situation. The American Corporate Counsel Association, as well as some leading pro bono advocates, has decided it's time to light a fire under complacent in-housers and to convince them to provide free legal services to worthy causes.

"It's a tough sell, " acknowledges ACCA president Frederick Krebs. "There's still a long ways to go . . . but interest seems to be building."

ACCA recently surveyed its members and found that 38 percent of in-house counsel did some kind of pro bono work last year. That's an increase of six percentage points since 1993, Krebs says, adding that he was a bit surprised that the number was so high. (Another survey by the New York State Bar Association showed that only one quarter of in-house counsel in New York do any pro bono work at all, and that only a small fraction volunteer more than 20 hours a year.)

Either way, the numbers pale in comparison with those for attorneys from large law firms, who put in a median of 38.5 pro bono hours yearly, according to The American Lawyer annual survey. (Never mind superstars like D.C.'s Covington & Burling, which led the nation last year with an average of 140 hours per lawyer.)

It's not that in-house lawyers are less compassionate, explains Esther Lardent, president of the D.C.-based Pro Bono Institute. It's just that doing pro bono work is more complicated for

corporate counsel than for their law firm Peers. "There are a number of unique obstacles that they have to address," Lardent says.

For starters, pro bono isn't a part of the culture at most corporations, and selling a chief executive officer on the value of allowing such work is much tougher than convincing a law firm's managing partner.

"In the business community, legal departments tend to be leanly staffed," Lardent says. "Lawyers worry the CEO will think that if they have the time to do pro bono, they must not be busy enough."

Malpractice insurance has been another concern for some in-house lawyers, who generally are indemnified for errors and omissions only when advising their employers. Others, trained to make deals rather than litigate, feel at a loss to find suitable pro bono work.

And then there's the shame factor: While law firms get letter grades from The American Lawyer for their pro bono efforts, and law schools and the National Association of Legal Placement ask how much time firms volunteer, no one inquires about work by corporate legal departments.

"It reminds me of when we first started working with law firms in the '80s, when Law Firm X didn't know what Law Firm Y was doing," says Lardent. "We're hoping to begin providing information for in-house lawyers." To do so, she says, not only rewards the efforts of those who do good, but also fosters "peer pressure and competition."

Some positive reinforcement, on the other hand, has come from ACCA, which has been bestowing annual pro bono awards since 1991. This year's winners, announced at its annual meeting on Nov. 11-13 in Washington, were Merck & Co. of Rahway, N.J., and Aetna Inc. of Hartford, Conn. BankBoston won the ACCA Foundation's 1998 Public Service Award for companywide volunteer activities.

To spur greater pro bono participation, the annual meeting featured new pro Bono training seminars plus an on-site clinic, where 10 corporate counsel worked as volunteers providing legal aid to the elderly.

"Very definitely, we'll do it again next year," says Krebs, the ACCA president. "The sense of energy, the sense of enthusiasm--it was so positive."

ACCA suggests that one way in-housers can get started doing pro bono work is to team with their outside counsel.

Locally, lawyers from Fannie Mae have done just that. In late September, 12 Fannie Mae lawyers and six staffers--plus an equal number from D.C.'s Hogan & Hartson--jointly staffed a night at the Law Firm Pro Bono Clinic held by the D.C. Bar's Public Service Activities Corp. The clinic is a clearinghouse for new pro bono cases.

"They are the first client I know of to actually send lawyers to the clinic," says Hogan partner Jonathan Abram, who heads his firm's pro bono program.

Fannie Mae Associate General Counsel Deborah House says that while individual lawyers there have done pro bono work on their own, this was the first officewide effort. The event was suggested by a former Hogan associate now at Fannie Mae, says House, adding that she anticipates it will become an annual tradition.

Fannie Mae lawyers picked up nine pro bono cases. Finding the time to pursue them shouldn't be an issue, says House, who adds, "It is understood that this is part of work and can be done during work time."

She attributes the interest in pro bono by Fannie Mae's 75 staff lawyers to a companywide commitment to volunteerism, noting that all employees are entitled to spend 10 hours a month on community service.

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