

PROBONO

HOW TO CREATE AN EFFECTIVE PRO BONO PARTNERSHIP

By Scott Robins

PROBONO



30-SECOND SUMMARY A law firm–corporate law department partnership allows the law department to piggyback upon the existing structure and contacts put in place by the law firm. The pro bono partnership provides a safety net for in-house attorneys, both in terms of time and expertise. Partnering with another attorney from an outside firm permits an attorney to obligate herself for pro bono work knowing that there will be someone to work on the pro bono project if in-house job responsibilities become overwhelming. Additionally, the pro bono partnership cements the relationship between a corporate law department and its outside counsel. Because of the shared training and ongoing contact and consultations necessary to provide effective pro bono representation, the in-house and outside counsel relationships move beyond mere contractual obligations to relationships of mutual respect, admiration and shared values.

An attorney’s obligation to perform pro bono service to the community is no less important because the attorney works in-house for a corporation. In some ways, performing such service is even more challenging for the in-house attorney than for her law firm brethren. Most pro bono service involves direct work with individual clients in need, whereas the usual client of the in-house attorney is an organization such as a corporation or nonprofit entity. Consequently, the kind of work normally performed as pro bono can be outside of the in-house attorney’s comfort zone.

This article details the efforts of one corporate law department to create a pro bono program that encourages participation by its attorneys through making the experience as comfortable as possible. This was achieved by developing a partnership with a private law firm with an established pro bono program. The article explains how Sodexo went about this process, and why this kind of arrangement is beneficial to a law department that wishes to develop a pro bono program.

The corporation – Sodexo

Sodexo, Inc., is a world leader in outsourcing services such as food and facilities management, with over 120,000 employees throughout North America. Sodexo's clients are generally educational or health care institutions, governmental entities, or corporations.

The Sodexo law department has 22 attorneys and a total of 55 staff. Most law department staff is located in the corporate headquarters in Gaithersburg, Md., but some attorneys and staff are located in other parts of the United States. Most attorneys are involved in various areas of legal work in their specialties, such as supporting operations, benefits, human resources and supply management. Some attorneys manage litigation that is performed by outside counsel. Consequently, Sodexo attorneys have very little contact with individuals requiring legal services other than those employed by the company.

The law firm – Hunton & Williams

Hunton & Williams is a large national law firm with over 750 attorneys in 19 international offices. Sodexo has been a client of the firm for many years. Hunton is noteworthy in its commitment to pro bono activities and has routinely exceeded its goal of providing more than 3 percent of its billable time to pro bono efforts. For the last four years, 100 percent of full-time Hunton attorneys located in the United States have participated in pro bono projects. It partners with several nonprofits in the Washington metropolitan area and has numerous on-going pro bono projects.

The beginnings of the pro bono program

The Sodexo law department implemented its pro bono program in 2001 with the adoption of a written pro bono policy. The policy provided that attorneys may spend up to 5 percent of their normal working hours on pro bono or approved philanthropic

matters and use departmental resources for those matters. Additionally, non-attorney law department members may participate in pro bono activities.

The original intent of the policy and pro bono program was for the Sodexo law department to provide legal support and guidance to nonprofit entities that were involved in the fight to stop hunger, which is the primary philanthropic cause supported by the company. Such support would include advice and guidance on corporate affairs and governance, tax-exempt status, employment policies, contracts and any other legal support necessary for organizations to carry out their purpose.

Sodexo made the decision to provide these services to organizations, rather than to individual clients, because such was the kind of law practice performed by the law department attorneys as part of their everyday jobs. In other words, it used their expertise. While Sodexo attorneys provided these legal services sporadically during the initial years of the pro bono program, the amount of services provided and the number of attorney hours completed through the pro bono program was relatively low and decreased until 2011. This was primarily due to fewer opportunities being identified. Efforts to link with organizations in need of assistance were largely unsuccessful because of the amount of outreach necessary to identify such organizations. Additionally, the focus on aligning pro bono work with the company's "Stop Hunger" efforts overly restricted the universe of nonprofit entities.

The creation of the partnership

A meeting took place in 2011 between the law firm partners and other staff involved with the firm's pro bono

program, including Sodexo's general counsel and the coordinator of the department's pro bono program. Hunton described the numerous projects they were involved in and suggested that the Sodexo law department partner with Hunton in one or more areas. The group proposed four potential partnership projects.

To encourage Sodexo law department attorneys to take part in this effort, it polled the attorneys on which of the four projects they would be most interested. Based on the poll, the Sodexo law department agreed to participate in only the National Veterans Legal Services Program effort to assist veterans in obtaining combat-related disability pay. The volunteer attorney would review the file, request information from third parties as needed, complete the application, prepare a short brief in support of the application and assist the veteran with a personal statement. Hunton has been involved in this project for several years.

Nine attorneys volunteered for the veterans project, including several from the tax department of the company. The law firm conducted training along with the National Veterans Legal Services Program, which also provided reference materials. Sodexo volunteers were given access to an online workroom set up by Hunton & Williams. Each Sodexo volunteer was paired with a law firm attorney. The pairs then worked out their own division of labor. Initially, each team was assigned one case. Volunteer attorneys also brought in non-attorneys wanting to take part in the project to assist with various aspects of the application, including document review and management.

Several months later, following the resolution of most of the cases



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assigned, a meeting of the Sodexo volunteers was held to assess the value of the program, solicit suggestions for improvement and determine whether the volunteer attorneys wanted to be assigned additional cases. Volunteers were generally pleased with the program and most requested to continue with additional cases.

Expansion of the partnership

Once the veterans project was established and a core of volunteers existed, Sodexo spoke with Hunton about expanding the pro bono partnership by adding a new project that would entice additional Sodexo law department attorneys and staff to volunteer. For several years, volunteers from Hunton and other law firms have partnered with Catholic Charities to do on-site intakes at the Family Justice Center in Montgomery County, Md. The Family Justice Center is in close proximity to Sodexo

Since the commencement of Sodexo's participation in the immigration project, the law firm and Catholic Charities have trained four attorneys and one non-attorney, granting them access to the Hunton online workroom for this project as well.

headquarters, so volunteers can assist in the very community in which the law department is located. The volunteers interview victims of domestic violence to determine whether they would be eligible to obtain legal immigration status in the United States. The interview results are passed along to Catholic Charities, which then locates pro bono attorneys to handle the immigration cases.

Since the commencement of Sodexo's participation in the immigration project, the law firm and Catholic Charities have trained four attorneys and one non-attorney, granting them access to the Hunton online workroom for this project as well. Sodexo volunteers were able to "shadow" Hunton attorneys conducting interviews in order to gain a familiarity with the process. Sodexo volunteers conduct interviews one afternoon per month at a pre-scheduled time, which enables them to arrange their work schedules accordingly.

The partnership model

Nearly half of the Sodexo law department attorneys and a small group of support staff have participated in the Sodexo-Hunton pro bono projects. The growth of the Sodexo pro bono program can be attributed to several advantages that the law firm partnership brings to an in-house law department.



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First, a law firm–corporate law department partnership allows the law department to piggyback upon the existing structure and contacts put in place by the law firm. As Sodexo learned in its initial efforts to start a pro bono program, there is quite a bit of effort involved in simply developing relationships. With a law firm having an established program, those relationships already exist.

Second, the pro bono partnership provides a safety net for in-house attorneys, both in terms of time and expertise. One of the issues preventing in-house attorneys from participating in a pro bono program is a fear of committing to a project and finding that job responsibilities increase to the point that pro bono work interferes with those responsibilities. Every in-house attorney knows that unanticipated work challenges on the job are a fact of life. Corporate law departments are not always large enough to allow for someone to act as a “back up” for those challenges. Consequently, partnering with another attorney from an outside firm permits an attorney to commit to pro bono work knowing that there will be someone to work on the pro bono project if in-house job responsibilities become overwhelming.

Similarly, in-house attorneys often are experts in issues that are important to a corporation but do not necessarily address the legal issues of individuals that benefit from pro bono help. For instance, Sodexo

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ACC EXTRAS ON... Pro Bono practices

ACC Docket

Doing Good: Practical Advice for Corporate Counsel's Pro Bono Efforts (Dec. 2009). www.acc.com/docket/probono_dec09

Article

Examples of Global Pro Bono Initiatives (Oct. 2011). www.acc.com/global-probono_oct11

Presentation

Exploring an Innovative Legal Engagement Tool: Global Pro Bono (Oct 2011). www.acc.com/global-probono_oct11

Quick Reference

Caterpillar Legal Services Pro Bono Program: An Overview (Jan. 2012). www.acc.com/quickref/caterpillar-probono_jan12

Form & Policy

Altria Group, Inc. Pro Bono Policy [2003] (Sep. 2012). www.acc.com/forms/altria_sep12

Survey

A Survey of Pro Bono Practices and Opportunities in Selected Jurisdictions (Sep. 2011). www.acc.com/survey/probono-practices_sep11

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attorneys are not experts in military and veterans benefits or immigration matters. Many are reluctant to get involved in these areas when they are not sure that the resources and training are available. Partnering with a law firm helps address this issue. Hunton not only arranged for and participated in the training for pro bono efforts, its attorneys also were always available to answer questions and posted useful information on the online worksite. When efforts were made to recruit Sodexo attorneys for pro bono efforts, this became an effective recruiting point.

Finally, the pro bono partnership cements the relationship between a corporate law department and its outside counsel. Because of the shared training and ongoing contact and consultations necessary to provide effective pro bono representation, the in-house and outside counsel relationships move beyond mere contractual obligations to relationships of mutual respect, admiration and shared values.

Collaboration is key

Kickstarting a corporate law department pro bono program is time intensive and challenging. No matter how committed the department is to providing pro bono services, attorneys

may be hesitant to participate, and implementation of a program may be difficult and time consuming, particularly in a small department. The experience at Sodexo demonstrates that collaboration with a law firm that has an established and effective pro bono program can result in a pro bono program that is valuable to a corporate law department and effective in fulfilling the pro bono obligation of the profession. **ACC**



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