

By Erica Wood and Susan Love

A 17-YEAR-OLD Idaho boy was having trouble in school. He had had a few run-ins with the police and had been examined and diagnosed as schizophrenic. His mental disability prevented him from earning a living, and his parents could not afford treatment. Social security disability insurance seemed to be the only answer, but without a lawyer his application for benefits was almost certain to be denied. That's where Karl Brooks came in.

Karl is a lawyer in the corporate law department of Boise Cascade Corp., and not only is he representing the boy—he is doing it for free.

With the assistance of the American Bar Association, the participation of corporate law department lawyers in public service activities is expanding, helping to meet critical community needs while benefitting the volunteer lawyers and their corporate employers as well. More and more corporate lawyers are pursuing medicare claims for elderly widows, acting as guardians ad litem for abused children, incorporating community groups, teaching school children about the legal system, representing poor families in landlord-tenant cases and acting as arbitrators in small claims courts.

The needs are great

The need for lawyers to provide pro bono representation through joint public and private efforts grows more urgent every year. Problems of poverty are widespread, yet funds to provide for legal representation of the poor are scarce. As the population "grays," there is a greater need for special legal assistance for older persons. The need for legal representation of children is also compelling. Recent statistics show increases in the numbers of children who live in poverty, are born with disabilities, live in single-parent households and are subject to abuse and neglect. The influx of illegal aliens and political and economic refugees has created many technical legal problems.

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Esther Lardent, center, director of the Volunteer Lawyers Project of the Boston bar, estimates that "fewer than 20 percent of the poor who are in need of legal services in Boston are getting help."

Corporate Lawyers Go Pro Bono

the Volunteer Lawyers Project of the Boston Bar Association. This is caused in part by cuts in funding for legal services and by the fact that more people than ever live below the poverty level. Changes in federal regulations also have created new problem areas, such as widespread termination of social security disability benefits. "It's been shown that when these people who have been

cut off from benefits are represented by advocates, 50 to 75 percent of the cases are overturned and benefits reinstated," said Lardent.

Coupled with these overwhelming numbers is the need to provide legal services in individual cases. "These pro bono clients are people who have nowhere else to turn," said John Andrade, a lawyer with E.I. du Pont de

system for pro bono participants from Du Pont's law department. The 25 Du Pont lawyers who volunteer handle about 10 percent of DVLS's total pro bono cases. Although there are exceptions, the bulk of the pro bono cases handled by the Du Pont lawyers are domestic relations or landlord-tenant cases. "We actually represent people," said Andrade, who is not only a Du Pont volunteer but is also on DVLS's board. "When a case comes in, we handle it just as if we were private practitioners."

Shared rewards

In every successful relationship between a corporate pro bono panel and its local legal services program, there is a sense of shared purpose and responsibility. The relationship between 3M's panel and Southern Minnesota Regional Legal Services takes this concept one step further.

3M's program began in 1982 because a 3M executive happened to hear former ABA president David R. Brink speak on public radio about the devastating effect of federal budget cuts on legal services programs. Charlton Dietz, general counsel at 3M, wanted to help, so he gathered the 3M law department lawyers to sound them out on the matter. Bruce Beneke, director of Southern Minnesota Regional Legal Services, actively partici-

pated in the first discussions among the lawyers at 3M about how they could contribute their time most effectively. Beneke and the SMRLS staff have enjoyed an especially close relationship with the 3M lawyers since. "The quality of the 3M attorneys and the way they take these cases so seriously has rubbed off on me and our staff," Beneke said.

Although the corporation is firmly behind it, the 3M project is in no way a formal corporate undertaking. "We're really just a group of committed, caring attorneys who are fortunate enough to work for a corporation that supports us in what we choose to do," Regnier said.

They are also fortunate in that they work closely enough with the SMRLS staff to have made successful the "buddy system" and the "group case acceptance" features of their program, whereby a SMRLS staff attorney is assigned to a panel of four 3M lawyers at the time they first interview 20 prospective clients. The SMRLS attorney consults with, advises and participates with the panel as a group to decide which cases to accept and how to approach those that are accepted. The "buddy" will then remain the adviser to those four volunteers throughout their handling of the individual cases.

"The attorneys on our 3M panel chose to be considered as part of SMRLS's volunteer lawyers program rather than as a

separate 3M entity," says Regnier. "Without SMRLS's help, it would have been extremely difficult to put this program together."

Aetna helps the elderly

Aetna Life and Casualty Co. has instituted the nation's first volunteer lawyers project for the elderly, staffed by corporate legal department employees. The program offers free legal assistance to people over 60 who live in the Greater Hartford area. To date, more than 200 elderly clients have been assisted. A total of 22 lawyers, including five from nearby corporations, six paralegals and five administrative personnel participate in the program.

Following the successful Aetna model, a corporate law department could develop its own in-house legal services project by recruiting volunteers from within its staff and designating a coordinator to accept cases from eligible individuals and refer them to participating staff members.

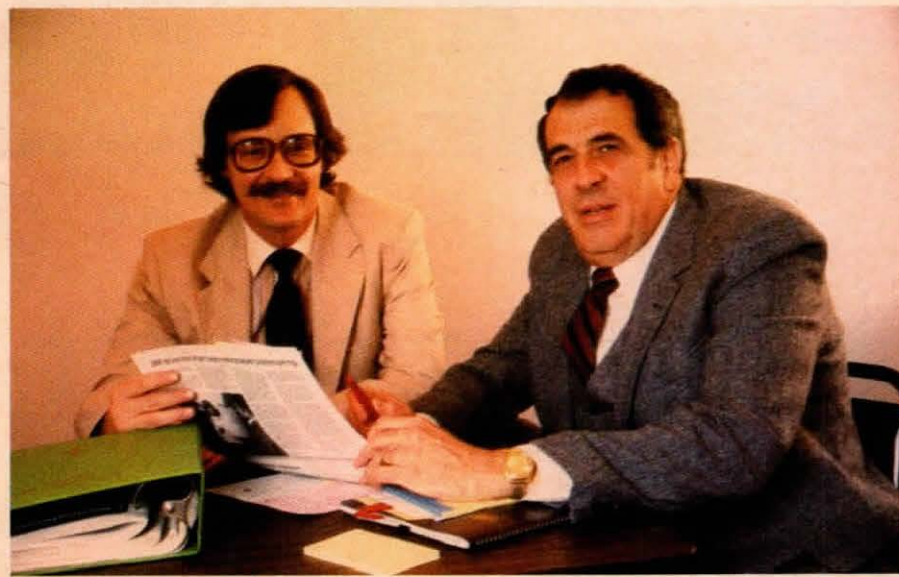
Smaller law departments could join with those of other geographically close corporations in a pro bono panel, with one corporation designated as leader and coordinator. Corporate legal services projects could focus generally on the poor, or they could target the elderly, the mentally disabled, abused or neglected children, or other segments of the population with special needs.

How to plan a program

Several factors must be considered in planning corporate law department pro bono participation. First, assess the needs of the community and establish a relationship with local legal services programs, so that a corporation can contribute its efforts and coordinate them with existing programs most effectively.

Top corporate management should approve the proposed public service project. Determine the degree to which they will support the law department's efforts. For example, in addition to authorizing its lawyers to contribute up to 52 hours per year to pro bono work, Du Pont also contributes annually \$100 per volunteer to Delaware Volunteer Legal Services.

Determine the use of office time, facilities and supplies that the corporation will permit. Some law departments permit the reasonable use of company time and facilities for pro bono work but expect their lawyers to continue to carry a full business workload, while others give a specified amount of "released time" (such as 5 or 10 percent) to



3M's pro bono panel and SMRLS, the local legal services program, enjoy a close relationship. 3M's coordinating attorney, Gerald Regnier, right, says, "Without SMRLS's help, it would have been extremely difficult to put this program together." SMRLS Director Bruce Beneke, left, feels that "the quality of the 3M attorneys and the way they take these cases so seriously has rubbed off on me and our staff."

Nemours & Co. in Wilmington, Del. "And their problems are more than legal problems. Whether or not a mother gets custody of her child could be the most important thing that happens in her life."

Many corporate law department lawyers have made a significant contribution toward meeting these needs by supplementing ongoing public programs. According to a new survey by the ABA Task Force on Corporate Law Department Public Service Programs, 37.5 percent of the 1,000 corporate law departments surveyed are involved in some level of public service legal work, 50 percent said they would be interested in becoming involved, and only 12.5 percent were not involved and expressed no interest in public service legal work.

The corporate volunteers

As a result of drastic cuts in funding for legal services, state bar associations and legal services organizations have had to increase pro bono involvement. At first these organizations were hesitant to encourage corporate lawyers to participate because their practices differed so radically from the practice of poverty law. For example, many corporate lawyers neither litigate nor deal with individual clients. "Frankly, we were concerned," Lardent said. "But we now have people from Gillette Co., Cabot Corp. and Liberty Mutual Insurance Co., just to name a few, and with the training and support we provide, all of our corporate participants are doing an extraordinary job."

Although many of the corporate lawyers who participate in pro bono work are fairly young, there's no hard-and-fast formula for predicting who may choose to become involved. Said Lardent, "We have just as many people who've been practicing more than 20 years as we have people who've been practicing less than two."

The reasons why these people give away their time in pro bono work are not so diverse. Andrade summed up the motivating factors most consistently expressed by volunteers. "First of all, I think that it's every attorney's duty to perform pro bono work—it's in the ethics code. Second, being a corporate attorney, I get satisfaction from going out and doing the kind of work a private practitioner would do. And then there's the satisfaction of helping somebody who has nowhere else to go."

Whether they volunteer initially from a sense of professional responsibility or personal commitment, and regardless of age or sex, the volunteers who stay with

pro bono work are people who show extraordinary sensitivity to the real crisis situations that face their pro bono clients.

The benefits of pro bono

Pro bono work can provide important benefits for the participating lawyers, the law department, the corporation and the community.

It gives the lawyer the opportunity to learn courtroom skills and in some instances the opportunity to work with other lawyers who are authorities in their fields. The change of pace can be stimulating as well. "Antitrust law is so esoteric—the pro bono work brings the law down to a question of individual," Andrade said. Another benefit for the

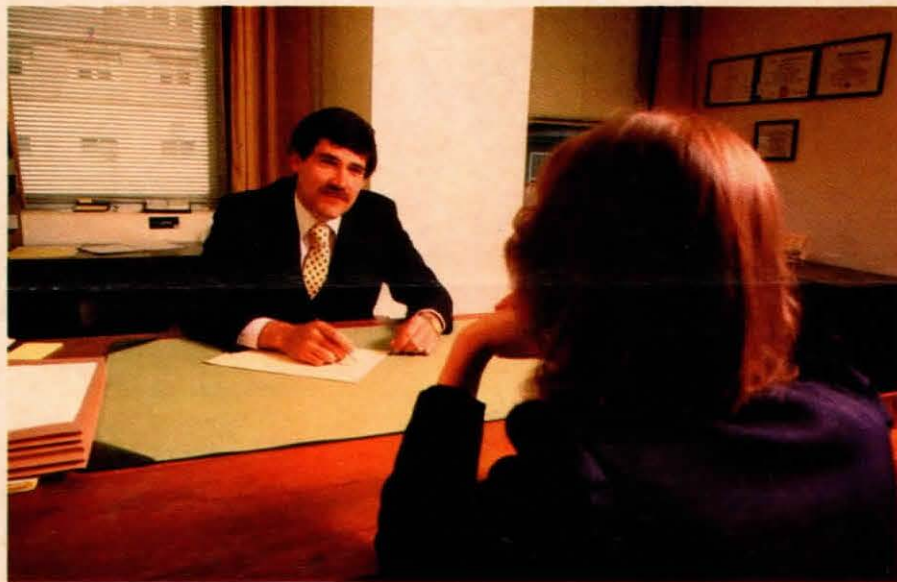
identifiable corporate personality in the community that's for the good of the community."

The community itself, of course, gains an essential additional legal resource to supplement publicly funded programs.

How it's working

The pro bono movement is now under way in almost every state.

In the Boston program trained paralegals first interview clients in Lardent's office. Then the staff attorneys review the cases. All cases are screened for merit and financial eligibility, and for some cases the staff lawyers prepare memoranda, do legal research or collect necessary documents before the case is assigned to a carefully selected volun-



Du Pont lawyer John Andrade, who serves on DVLS's board, sees professional responsibility as a motivating factor for volunteers: "I think it's every attorney's duty to perform pro bono work—it's in the ethics code."

lawyers is that they can select the cases they would like to handle.

By increasing its lawyers' satisfaction and professional stimulation, a corporate law department also can benefit, particularly if several of the department's lawyers are working cooperatively with their pro bono projects.

The corporation itself makes a similar contribution and receives some of the same benefits as the individual lawyers. "Everything you read about in the law says that a corporation is a person," said Gerald Regnier, coordinating attorney of Minnesota Mining & Manufacturing Co.'s Corporate Legal Services Panel. "If that's so, then it ought to have an

teen lawyer. After that, the case is handled by the corporate lawyer, but the staff at the Volunteer Lawyers Project is always ready to assist with specialized training, advice and support. The VLP offices also are available for the corporate volunteer lawyers to use for meeting with their clients, but volunteers usually see clients in their own offices.

"Clients like it," Lardent said. "It makes them feel good to go see somebody in one of the big glass towers who's wearing a three-piece suit. I think for some clients that feels more like seeing a real lawyer."

The Delaware Volunteer Legal Services Program provides a similar support

approved public service work. The reasonable use of office space, supplies and services is also often permitted. Some programs allow corporate law department legal secretaries reasonable time to take specialized training. 3M's program is an example. Other companies have demonstrated creative uses of corporate facilities by furnishing accountants, public relations resources, computers and vans.

It is important for corporate lawyers to view their participation as a career enhancement rather than an impediment. Many of them will be attracted to the benefits of developing litigation skills and working with individual clients and cases.

Additional malpractice insurance coverage must be obtained if corporate lawyers plan to do pro bono work. Many bar-sponsored or community pro bono projects offer that coverage. If the corporation considers the pro bono work done by their lawyers as part of the regular work of the legal department, the indemnification provision of the corporation's bylaws and the corporation's insurance may cover them.

Training may be the single most important consideration. Regnier of 3M noted, "The concern most often voiced by our lawyers when we were putting this program together was a fear that they would be rowing madly out onto a sea of incompetence." This need not be a concern if legal services projects, volunteer lawyers programs and local bar associations have experts who are willing to share their skills through training sessions and continuing backup assistance. These organizations also will have libraries housing the necessary manuals, pleadings, briefs and forms. In addition, if corporate lawyers prefer not to take on direct representation, there are many other ways in which they can provide valuable public service.

The ABA role

The ABA Task Force on Corporate Law Department Public Service Programs consists of nine members who are general counsels and representatives of a variety of corporations across the country—the Gillette Co., Monsanto Co., Aetna Life and Casualty, Mutual Life Insurance Company of New York (MONY), Boise Cascade Corp., Walt Disney Productions, Emerson Electric Co., Borg-Warner Corp. and the Leo Burnett Company Inc. All members share a commitment to provide volunteer legal assistance within their communities. "In fact," Lardent noted, "the



Ernie Martinez, left, and Karl Brooks, volunteers from Boise Cascade. Martinez acknowledges the pressures of pro bono work, but continues to take cases because, "I'm an attorney. I took an oath in which this obligation is implied, if not stated."

head of the task force, who is also general counsel for Gillette, has taken cases from us directly."

The task force stands ready to assist interested corporations to plan for pro bono participation. It can provide information on successful corporate law department projects, put you in touch with other nearby organizations and law departments involved in public service activities, identify training resources in your area and answer questions that arise in planning a program. The ABA has staff available who are specialists in the fields of the elderly, mental disability, child advocacy law, dispute resolution and law-related public education.

The ABA Commission on Legal Problems of the Elderly also has under way a special effort to involve corporate lawyers and law departments in assisting older persons in need.

Last April the task force sponsored a regional workshop in Boston, inviting corporate lawyers to learn how to set up a public service law program. Admission to the workshop was free, and discussions were held on what legal needs existed in the geographic region, what community agencies and legal services programs were already in operation, and how the corporate lawyers could match up with these existing needs and programs. Similar workshops are planned for this fall.

For more information on corporate law department public service programs, contact the task force through the ABA Public Service Division at 1800 M St. N.W., Washington, D.C. 20036 (202/331-2278), and the commission at the

same address (202/331-2297).

"I took an oath"

Although corporate law department participation in pro bono programs has increased over the last few years, there is still a great deal of work to be done. And it's not always pleasant work. Ernie Martinez of Boise Cascade recently helped a 26-year-old multiple sclerosis victim obtain social security disability benefits after her claim had been denied. Although he won the case, Martinez said that he does not relish this kind of work. "The pressures are too great. You know that if you lose, this person is going to do without."

Why does he continue to take pro bono cases? "I feel obligated and compelled to, because I'm an attorney. I took an oath in which this obligation is implied, if not stated."

Many corporate lawyers who participate in pro bono work share Martinez's feelings, and there are many others who enjoy their public service work tremendously. Regardless of their feelings about it, these volunteers show integrity by fulfilling their ethical responsibility to see that those who cannot afford to pay have their day in court.

(Erica F. Wood is a member of the ABA Commission on Legal Problems of the Elderly and chairs its Subcommittee on the Delivery of Legal Services. She has worked closely with the ABA Task Force on Corporate Law Department Public Service Programs since its inception in 1983. Susan Love is a freelance writer based in Chicago.)

Law firms and the ABA: A partnership of service

LAW firms are taking an active role in support of important public causes.

- A law firm in Detroit is a major contributor to the local public educational television station.

- A firm in Wilmington, Del., is sponsoring the establishment of a dispute resolution center in conjunction with the local bar association.

- A large firm in Los Angeles donates nearly \$500,000 of unbillable hours in pro bono work annually.

- Firms in every state make regular contributions to both major political parties and local candidates.

- Twenty firms in New York City are "adopting" high schools to improve the students' understanding of the legal system through field trips to federal and state courts, tours of the law firms' offices and guest speakers in the classroom.

- In Fargo, a small firm assigned two associates to aid the local bar association in staffing a storefront legal clinic.

These are a few examples of the outstanding public service work being undertaken by law firms around the nation.

Like many of these firms, the ABA seeks to exercise an important professional responsibility. The Association is receiving well-deserved credit for its longstanding and distinguished service efforts. President Reagan at the 1983 ABA annual meeting called ABA public service activities "the centerpiece of the legal profession's commitment to service."

The ABA supports important public service activities in two ways. First, it directly sponsors programs, nationwide in scope, that address issues extending beyond local or regional concerns and requiring national vision and voice. Second, the ABA facilitates important public service activities at local levels by providing technical assistance, publications, and in some cases, seed money to local bar associations.

Many law firms throughout the nation view public service as a professional responsibility. Their commitment to this ideal is turned to action through law firm gifts to the ABA. In appreciation of that commitment, a list recognizing law firm donors is presented here.



L. Stanley Chauvin

In February of this year I accepted the invitation from President Wallace Riley to become chairman of the ABA Resource Development Council. I agreed to serve in this role because I believe deeply in the public service and education mission of the ABA.

It has always been evident to me that the talent and dedication of the members of the Association and its sections and committees far exceeds the resources available to support their many efforts. Whether it be one lawyer's effort to establish an adopt-a-school program in New York or a large section's effort to address the problem of tax non-compliance, the lawyer's response to the needs of a society governed by laws is constant. We are faced daily with the challenge of improving our legal system, adapting it to the staggering changes confronting us and assuring fair and efficient administration of justice.

The ABA undertakes many service activities each year to respond to this challenge. Some of the concerns the Association is currently addressing include:

- Lack of public understanding about our legal system resulting in widespread skepticism about our system of justice and the role of lawyers in it.
- A need to continue to improve ways in which the constitutional right to a speedy trial can be insured, with equitable access to the courts at reasonable cost for all citizens.
- An ongoing need for effective self-discipline of the profession. The ABA

Center for Professional Responsibility provides a national presence for dealing with ethical and disciplinary matters.

- Insuring improved effectiveness of the judiciary through performance evaluation and education.

- The need for adequately protecting the rights of children, the elderly and the handicapped.

The numerous ABA-sponsored programs addressing these and other vital issues bear directly on the quality of justice our clients will receive and our profession's credibility in the public eye.

The Association's programs, which are designated to improve the administration of justice and governance by law, have a continuing, serious need for charitable support from the profession. That is why the ABA Annual Fund now exists—to seek unrestricted contributions from individual lawyers and law firms for the ABA's priority public work efforts.

One of the most important programs of the ABA Annual Fund is the Law Firm Council. The concept behind this was established during the Second Century Fund when more than 300 law firms contributed more than \$4 million to the ABA's public works.

In recent years, many law firms have come under increasing pressure to support a variety of public service activities. Management committees must wrestle with difficult decisions: Does our firm have a responsibility to support public service activities? Nationally? Locally? What programs should we support? Are we financially able to make a contribution?

Of course, there are many worthy causes and numerous opportunities for law firm philanthropy. By joining the ABA Law Firm Council, the firms listed here are helping to keep our legal system healthy. If your firm has not already made a commitment to the ABA Annual Fund, I urge you to consider doing so.

L. STANLEY CHAUVIN
Chairman

ABA Resource Development Council

For more information call or write:
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