
Big Law Lights the Way for Corporate Clients Expanding Pro Bono

Stephen Joyce - October 25, 2017

(BNA) -- Corporations are looking to their outside law firms for more than advice on mergers and bet-the-company litigation: Large law firms are helping their clients set up in-house pro bono programs, attorneys told Bloomberg Law.

Verizon Communications Inc. turned to DLA Piper when it wanted to launch a pro bono program for its 400 in-house lawyers.

John Frantz, Verizon pro bono committee chair, told Bloomberg Law that “a strong set of local partnerships with public interest organizations that have clients and relationships in the community” are necessary to launch a program to serve people across the country.

“When we started out we didn’t have any of that ourselves,” he said. But DLA Piper did.

Large law firms have run their pro bono practices for decades, and sometimes corporations trying to establish an in-house one can benefit from law firm experiences, Brenna DeVaney, Skadden pro bono counsel, told Bloomberg Law.

Law firm pro bono programs may provide expertise and a range of contacts for their counterparts in-house. Other times, law firms and their clients might jointly staff legal clinics or fund fellowships at public interest foundations, DeVaney said. These closer relationships, however, aren’t directly tied to an increase in billable hours for the law firms, lawyers said.

Former Weil Gotshal & Manges LLP associate Erin Law used her experience at the firm to help Morgan Stanley launch their pro bono program.

Citigroup Inc. has partnered over the years with Bryan Cave LLP, Davis Polk & Wardwell LLP, Norton Rose Fulbright US LLP, and Skadden Arps Slate Meagher & Flom LLP.

“That’s been a huge influx. Increasingly, I spend more of my time addressing commercial client questions than I ever have,” Greg McConnell, Winston & Strawn LLP senior pro bono counsel, said of corporate interest in the pro bono partnerships.

Getting Started

These partnerships form in different ways. In some cases, corporations rely on commercial relationships with law firms to jumpstart pro bono partnerships. Other times, law firm alumni who have moved in-house are forging new relationships. Sometimes, matchmaking nonprofit legal-assistance groups help corporations invigorate pro bono programs by pairing them with law firms.

Legal departments within some of the largest U.S. companies launched pro bono programs more recently than large law firms, some of which established their own efforts 10 or even 20 years ago. Because of that experience, corporate legal departments have sought assistance from their external law firms in getting pro bono started.

“Sometimes [clients] will say, ‘You know what? We’d like to organize ourselves and you do this for a living. Maybe you can help us.’” McConnell told Bloomberg

Law. “They don’t necessarily want to do something with us. They may. But more or less they want to get themselves organized” in order to achieve their own pro bono objectives, he said.

The structures used by law firms and their clients are fashioned in all shapes and sizes, Heidi Naasko, Dykema Gossett PLLC pro bono counsel since 2006, told Bloomberg Law. “These types of partnerships don’t happen on the first day you walk into your corporate client’s offices,” she said. “We start out small, do some clinics, take some one-off cases together,” she said. Sometimes, the type of work resonates with a client and multi-year partnerships are born, said Naasko, whose firm has worked on pro bono projects with Ford Motor Co. and Toyota Motor North America Inc.

Marjorie Lindblom, Kirkland & Ellis LLP of counsel, told Bloomberg Law her firm has also met with clients looking for ideas.

Three-Legged Stool

A typical pro bono partnership in the U.S. resembles a three-legged stool: A law firm, a corporation’s legal department, and a legal-aid services group that helps identify pro bono opportunities, Law, now Morgan Stanley’s pro bono lead counsel, told Bloomberg Law.

Law firms offer different services for corporate clients. Jenner & Block LLP created a menu of pro bono opportunities for in-house lawyers so clients can identify the best fit, including cases by subject matter, type of legal work such as litigation or counseling, and the duration of a case, Andrew Vail, Jenner & Block pro bono committee chair, told Bloomberg Law.

Criminal cases, for instance, might result in a jury trial and take years to resolve while participating in a legal clinic requires far less time, said Vail, who has a commercial practice in addition to his pro bono work.

That’s why companies elect to participate in clinics or legal-aid groups: Corporate lawyers receive training from law firms in the morning, counsel clients in the

afternoon, and return home in the evening.

Other company legal departments commit to helping law firms staff legal-assistance desks at family courts or veterans’ hospitals a few days a month. Corporate lawyers sit side by side with attorneys from their outside law firms while dispensing free legal advice.

Morgan Stanley’s pro bono partners include Davis Polk, Greenberg Traurig LLP, Kramer Levin Naftalis & Frankel LLP, Sidley Austin LLP, Skadden, and Weil.

Existing ‘Infrastructure’

In-house legal departments also benefit from what they referred to as law firms’ pro bono “infrastructure,” including case experience, existing offices near locations of underserved populations, and enduring contacts with public-assistance programs and legal-aid groups.

“We do typically partner with a law firm, and I think where the large law firms really are helpful is their infrastructure to facilitate pro bono work, which is something that in-house departments typically don’t have.” Mara Byrne, Citigroup Inc. assistant general counsel, told Bloomberg Law.

While Verizon and DLA Piper continue to partner on virtually all of Verizon’s pro bono projects, “the relationship has taken on a greater degree of balance” with a now more-experienced Verizon team able to handle more responsibilities, Frantz said.

Verizon has branched out and formed pro bono relationships with other law firms, including Baker McKenzie, White & Case LLP, and Wiley Rein LLP.

Through the Years

Abbvie Inc. set up its pro bono program for its 150 in-house legal department more than a decade ago, yet still works with law firms on a majority of its pro bono projects, Jennifer Lagunas, vice president of the North Chicago-based biopharmaceutical firm, told Bloomberg Law.

“For the law firms, it’s a way for them to deepen the relationship with their commercial clients and give it a dimension it didn’t have when it was just a

commercial relationship,” Law said.

Byrne said her group continues to partner with law firms because of their expertise in the pro bono space. “Our attorneys can feel much more comfortable about jumping into an area where they might not have any previous experience because we have a law firm-or in some instances it’s a legal services organization-that will be supportive and be able to answer more complicated questions when we’re working on a project,” she told Bloomberg Law.

Several law firm pro bono lawyers said corporate clients may not view controversial cases as attractive partnership opportunities, in part because of possible shareholder displeasure. But not all attorneys agreed. “Of course, there are things that are sensitive to all of us,” Naasko said. But a shift in corporate legal departments means in-house lawyers “want to be engaged in the social issues of today,” such as gun violence, same sex marriage, and declared travel bans, she said.

Influencing Paid Work?

Many lawyers dismissed the notion the partnerships create an advantage for law firms seeking future business with those same corporations.

“There’s been no tie or connection between the commercial work and the pro bono work,” Verizon’s Frantz said. “The commercial aspect has honestly never been part of the discussion.”

Others agreed. “I wouldn’t pretend for a moment that I could ever monetize or point to a piece of business we got because of the pro bono relationship,” Steven Schulman, Akin Gump Strauss Hauer & Feld LLP partner, told Bloomberg Law.

“Everyone who is there [participating in a pro bono activity] wants to be there, not because they want to sell me a widget,” Gary Wachtel, Discover Financial Services Inc. director, told Bloomberg Law.

Not About Suzy

The in-house lawyers did say, however, that pro bono partnerships can strengthen the ties between a law firm and its clients.

“I want to deal with vendors that have the same philosophy we have. That deal fairly, that have a commitment to social responsibility, that treat their employees well, that care about the communities in which they work,” Kelly McNamara Corley, Discover’s general counsel, told Bloomberg Law. “I want to do business with companies like that, because we’re that kind of company,” she said.

“It’s really about learning the core values [of law firms]. It’s not about connecting with Suzy who then is going to do work for you down the road on a particular matter,” she said.

Discover has partnered with several law firms on pro bono matters including Ballard Spahr LLP, Burr & Forman LLP, Pilgrim Christakis LLP, and Winston & Strawn.

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