

# In-House Counsel and Pro Bono Efforts: A Perfect Partnership

By B. Scott Burton

Pro bono service has frequently been a vexing issue for in-house counsel. Many legal department lawyers handle pro bono matters for a variety of reasons, including the desire to help those in need of assistance, to enhance their own legal skills or to fulfill their ethical obligations to serve the community. Currently, corporations in growing numbers are seeking to enhance their community responsibilities. For those companies, pro bono participation by in-house lawyers can be a valuable contribution. However, despite the readiness of corporations and in-house lawyers, the opportunities for in-house pro bono participation tend to be isolated in all but the largest legal departments due to a lack of resources available to locate, commit to and supervise those opportunities.



To meet this need, partnerships between legal departments and law firms are being formed in increasing numbers. One of the more successful ventures is the **Pro Bono Partnership of Atlanta (PBPA)**. PBPA provides a valuable platform for in-house counsel and lawyers in law firms to combine their efforts to meet the needs of the local community. Recently, I had the pleasure of speaking with **Rachel Spears, Executive Director of PBPA**, and **Happy Perkins, Vice President and General Counsel at GE Energy**, PBPA Board Member and frequent participant in various pro bono efforts, about their successful efforts.

**Burton:** Happy, how do you think pro bono work for an in-house attorney differs from pro bono for a law firm attorney?

**Perkins:** Many in-house attorneys are transactional lawyers like me, and it can be very challenging for transactional attorneys (whether in-house or at law firms) to use their skills in doing pro bono work. Litigators can easily find pro bono opportunities that use their skills to help people in need. When I came to GE Energy, I struggled to come up with pro bono opportunities for our attorneys, most of whom are transactional lawyers. That is why I helped to found Pro Bono Partnership of Atlanta in 2005. We closely modeled the organization after the Pro Bono Partnership based in New York, which GE also actively supports. The Pro Bono Partnership model pairs volunteer attorneys with nonprofit organizations rather than individuals. Nonprofits have many of the same legal needs as for-profit businesses but cannot afford to pay an attorney. PBPA matches these organizations with attorneys that can help with corporate governance, contracts, employment, intellectual property, real estate and tax. Under Rachel's direction, we have had more success than I had ever dreamed of at the beginning.

**Burton:** Rachel, as the principal driver of a great deal of these efforts, why do you think these efforts have been so successful?

**Spears:** Well, from the beginning it has been a true partnership—fulfilling a need in the community with respect to nonlitigation advice for nonprofits by tapping into a willing resource looking for pro bono opportunities outside of the litigation arena.

The beauty of PBPA is that we help transactional lawyers, both in-house and at law firms, to do pro bono work that is interesting and rewarding and within their areas of expertise. We have found that when lawyers do that, they get a measure of satisfaction that is higher than they may get from doing work in an area in which they are not as familiar or skilled.

**Burton:** How do you encourage in-house attorneys to do pro bono work?

**Perkins:** Actually, that has been the easy part. First, GE encourages its employees to be involved in our communities and heartily supports those community efforts. Second, most lawyers became lawyers in part to serve their communities. GE's lawyers, in particular, have embraced that desire. Of course, a key element in a successful effort is having the ability to manage that extra bit of workload. That's where PBPA has really been valuable. It identifies those clients who are in need of legal assistance. Volunteers appreciate the fact that PBPA offers discrete and manageable matters and provides ongoing assistance to the volunteer attorneys. Pro Bono Partnership of Atlanta will also take back a matter if a volunteer gets too busy to complete it. Some in-house attorneys like to be paired with a law firm attorney on a pro bono matter, and PBPA can handle that. Last but not least, PBPA provides malpractice insurance to all volunteers. We make sure that our volunteers have a positive experience so that they will come back to volunteer with us again.

**Spears:** I think Happy has isolated one aspect of our success. We strive to make the lawyer's experience as pleasant and fulfilling as possible. Both the partnering with outside attorneys and the availability of malpractice insurance allow in-house attorneys to undertake engagements which otherwise may dissuade them. Likewise, the collaborative efforts of all the participants make most of our projects especially rewarding. We get a great deal of "repeat business."

**Burton:** You mentioned that in-house attorneys can partner with outside attorneys on projects. How does that work?

**Perkins:** In-house attorneys often don't have access to all of the resources of a law firm, including support staff. Many PBPA volunteers that are in-house take comfort in being paired with a law firm lawyer on a pro bono project, particularly if it is in an area a little outside of their comfort zone or if it is their first time taking on a project. Right now, we have an attorney at GE Energy who is working with outside counsel on a project. He is fully capable of handling the matter on his own, but it is a nice opportunity to get to know our outside counsel in a new way and do something positive together.

**Burton:** Rachel, how have you encouraged outside counsel to participate?

**Spears:** Transactional and other nonlitigation lawyers in law firms have traditionally had the same desire to provide pro bono service in their areas of expertise. As a result and for many of the same reasons Happy mentioned, we have the support of both those lawyers and importantly their firms in backing our efforts. It's interesting that Happy mentions the value of the inside-outside partnering. That benefit was somewhat incidental, but clearly we have found that when lawyers work together on PBPA matters, it fosters a better working relationship on other matters.

**Burton:** Happy, I understand that, in addition to being a Board Member of Pro Bono Partnership of Atlanta, you are also a volunteer.

**Perkins:** That's right. I recently helped to set up a nonprofit organization, a charter school here in Atlanta focused on educating at-risk young people. In August, that school opened its doors, and it's great to know that I played a small role in getting the project off the ground.

**Burton:** This last question is for both of you. Pro Bono Partnership of Atlanta is coming up on its five-year anniversary. As founders and drivers of the organization, how do you feel upon reaching that milestone?

**Perkins:** I'm incredibly proud of what we have been able to accomplish in just five years. We have provided free legal assistance to almost 450 nonprofit organizations in the Atlanta area. More than 1,100 attorneys from both legal departments and law firms have provided assistance to nonprofits on a pro bono basis through PBPA. In 2009 alone, the legal assistance provided by our volunteers was valued at over \$2.1 million.

Of course, we could not have done all of this without the strong support of the legal community in Atlanta. As you know, in addition to providing substantial financial and volunteer support, Sutherland has housed PBPA for the past five years at no cost. Our other funders at the highest level include The Coca-Cola Company, Kilpatrick Stockton LLP and, I'm happy to say, GE Energy. The Association of Corporate Counsel-Georgia Chapter has been incredibly supportive and has raised about \$180,000 for PBPA through its fundraising events.

**Spears:** People saw a need—both for small nonprofits to have access to free legal services and for transactional lawyers to have opportunities to do pro bono work in their areas of expertise—and they came together to meet those needs. Nonprofits and attorneys have really responded and have been very appreciative of the opportunities provided by PBPA. It's a great feeling to be involved in that.

**Burton:** Thanks so much for your time.

*B. Scott Burton is a member of Sutherland's Corporate Practice Group. He was the former Corporate General Counsel for ING America Insurance Holdings, Inc. His community involvement includes serving as General Counsel for Educational Foundation, Inc., a nonprofit foundation supporting Georgia State University's Mack Robinson College of Business, School of Risk Management.*

---

### Contact Information

For more information on the Pro Bono Partnership of Atlanta, please contact:

Rachel Epps Spears

Executive Director

999 Peachtree Street, NE

Suite 2300

Atlanta, GA 30309-3996

404.407.5059

Fax: 404.853.8806

[rachel.spears@pbpatl.org](mailto:rachel.spears@pbpatl.org)

---