The UK In House Pro Bono Pledge

Your Implementation Guide

GC 100

PRO BONO GROUP

THE NATIONAL PROBONO CENTRE

advocate

BACFI

LawWorks

TrustLaw | Thomson Reuters Foundation

About the Pledge

Created by the In House Pro Bono Group (IHPBG), GC100 and the National Pro Bono Centre (NPBC), the In House Pro Bono Pledge is a way for businesses across all sectors to publicly demonstrate their commitment to pro bono and to be supported in taking practical steps to ensure their legal teams are making an effective pro bono contribution.

Endorsed by Advocate, BACFI, LawWorks and TrustLaw, the Pledge is open to the GCs and in house legal departments of all companies.

With their agreement, signatories to the Pledge are publicly named in a list published on the IHPBG and NPBC websites – though this is not a mandatory condition of signing.

For further advice or bespoke support with your implementation of the Pledge, you are encouraged to contact the National Pro Bono Centre's in house pro bono consultant, Mary Dobson Smith, by email to mary@dobsonsmith.consulting.

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The Pledge

"We recognise the importance and value of legal pro bono work to individuals, employees, our company and most importantly, to wider society. It forms part of the contribution we make as an employer, demonstrating our commitment to be a responsible and caring contributor to society.

"Our legal team commits to the UK In House Pro Bono Pledge and will fulfil its key undertakings. We hugely look forward to using our skills to improve access to justice for all and to playing our part in making a better world."

1. The GC will appoint a Pro Bono Champion(s).
2. The Pro Bono Champion(s) will join the In House Pro Bono Group.
3. The Pro Bono Champion will indicate if they would like to be supported by a designated mentor from the In House Pro Bono Group.
4. The Pro Bono Champion will outline how the pledge statement can apply within the company, particularly providing suggestions about how pro bono will be situated within the wider organisational CSR or ESG strategy.
5. The organisation commits to encourage 25% of the UK-based lawyers to undertake a minimum of one hour of pro bono work in the first year rising to 35% in the second year and 50% in the third year.
6. The legal team will track pro bono work undertaken, on an hourly and project basis.
7. The legal team will ask their key external law firms and chambers to provide details of their pro bono activities and to be clear about their support for pro bono.

Download the pledge as a print-ready A4 document

Pledge Step 1

The GC will appoint a Pro Bono Champion(s)

You will appoint one or more Pro Bono Champions who will:

- → act as a key external and internal representative for the team's pro bono, including in relation to the Pledge
- → represent the team at In House Pro Bono Group events and meetings
- → identify volunteering opportunities, based on understanding the interests of the team and company objectives
- → consider how the team can undertake pro bono work in compliance with SRA requirements – for example, by obtaining separate professional indemnity (PI) insurance, volunteering through law centres or clinics which have their own PI insurance, becoming LawWorks members to access their insurance, or collaborating with external counsel to rely on their insurance
- → understand how the pro bono work of the team contributes to the overall company's CSR objectives and ESG reporting
- → develop internal pro bono policy and define what volunteering falls within scope of pro bono
- → encourage team members to become involved in pro bono, and look to ensure participation is recognised
- → continue to build senior support for pro bono activity

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Pledge Step 2

The Pro Bono Champion(s) will join the In House Pro Bono Group

The In House Pro Bono Group is a grouping of over 300 in house professionals from over 100 organisations.

The IHPBG supports members to set up pro bono programmes within in house teams.

One or more of your Pro Bono Champions will:

→ join the In House Pro Bono Group mailing list

→ attend IHPBG events and activities where possible

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Pledge Step 3

The Pro Bono Champion(s) will indicate if they would like to be supported by a designated mentor from the In House Pro Bono Group

The In House Pro Bono Group includes experienced in house leads who have created and developed strong pro bono programmes. Many are available to support as mentors.

One or more of your Pro Bono Champions will:

→ consider if a mentor would help them address specific barriers and challenges and, if so, request a mentor from the IHPBG mentor programme

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Pledge Step 4

The Pro Bono Champion(s) will outline how the Pledge statement can apply within the company, particularly providing suggestions about how pro bono will be situated within the wider organisational CSR or ESG strategy

Situating pro bono as a way that the legal team can contribute to your company's organisational CSR or ESG strategy is a fantastic way for the legal team to feel part of the wider aims and strategy of the company, and to raise awareness of the team's pro bono work.

In house pro bono work which is linked to organisational CSR objectives or ESG reporting can gain higher recognition and visibility internally. This is an important factor in motivating team members to get involved, and may lead to greater support for pro bono internally, in terms of resources – both financial and human.

Make yourself familiar with the organisational CSR strategy

→ Is there an internal CSR team and do they have access to budget?

- Understanding how the CSR team make the business case for volunteering (or to attract budget) may help you secure your own budget to pay for good pro bono opportunities or insurance. A Template Business Case has been developed and is available from the In House Pro Bono Group.

→ How do they share volunteering opportunities and track involvement?

- Using existing tools and methods will make it much easier to track your pro bono efforts, as it will reduce any implementation hurdles associated with new software or processes.

→ Is there a charity of the year, or charity foundation with grantees?

- Supporting your own company's charity partners may be a good way to increase visibility of your team's pro bono, and attract more senior buy-in.

→ What is the organisational CSR strategy?

- There are lots of different kinds of pro bono you can do. Choosing volunteering opportunities which fit within the wider CSR strategy will make it more likely the business will support your efforts. For example, if the company is committed to working to address climate change and environmental harms, you could choose to carry out pro bono which is focused on the same cause.

Consider the ESG reporting the company undertakes. Are there areas where your team could make a contribution?

- → Pro bono matters could have an ESG impact. It may be that the client has committed to protect the environment, tackle climate change or supports social justice, or your pro bono work could align with those goals.
- → Pro bono is volunteering and should count towards company's volunteering goals and external reporting.

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Pledge Step 5

The organisation commits to encourage 25% of the UK-based lawyers to undertake a minimum of one hour of pro bono work in the first year rising to 35% in the second year and 50% in the third year

The targets of the In House Pro Bono Pledge are aspirational and are designed to encourage and promote pro bono throughout an organisation's legal department.

There are no penalties for not meeting the targets. There is no external reporting on whether a company has met a target or not.

All signatories are asked to complete a biennial survey reporting the results of their pro bono programme. Except as reported in the aggregate, all responses are completely confidential.

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Pledge Step 6

The legal team will track pro bono work undertaken, on an hourly and project basis

This aspect of the Pledge is important because it helps to demonstrate the benefits of the programme to the wider organisation and senior managers, justifying increasing the scope and breadth of the pro bono offering, where appropriate.

Recognising the achievements and efforts of your pro bono volunteers is important, either through internal mechanisms, or through external initiatives such as the Pro Bono Recognition List backed by the Lady Chief Justice of England and Wales.

Companies are encouraged to track pro bono work being undertaken – which ensures you can measure whether the aspirational targets in Pledge Step 5 are being met, and carries other collateral benefits like being able to input into the TrustLaw Index of Pro Bono.

The success of your pro bono can be tracked in the following ways:

→ Your team's input to the project:
- Participation rate and recurrence
- Hours spent
- Number of clients served
- Legal area of focus (e.g. employment)
- Client population/focus (e.g. charity or individual/housing or employment)

→ Output benefit to client:
- Feedback
- Differences made as a result of the time volunteered, e.g. obtained housing or received benefits, or compensation

→ Benefits to the company:
- What people enjoyed / got out of the programme
- What relationships were fostered / improved

The Pro Bono Sector Impact Toolkit developed by the NPBC and the NCVO is a particularly useful impact measuring resource which can be used by in house teams. Training opportunities aimed specifically at in house teams can be found on the NPBC website.

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Pledge Step 7

The legal team will ask their key external law firms and chambers to provide details of their pro bono activities and to be clear about their support for pro bono

There are two key reasons to ask your external law firms and chambers about pro bono:

→ As buyers of services, in house lawyers hold powerful influence in the legal sector. Reminding law firms, chambers and providers of services that pro bono is important to you can lead to an increase in the level of resource allocated to enable pro bono.

→ Many law firms have strong pro bono programmes and are really happy to build relationships with in house clients by partnering with you on pro bono projects. In other words, it can be a real source of impactful volunteering opportunities.

When beginning to work with a law firm on a pro bono project, remember that you are not the ultimate client. On a pro bono matter, the most important client is the individual or organisation receiving legal help.

There are a range of ways you can ask firms and chambers about pro bono. Make it clear how you plan to use the information you receive.

Some in house teams have publicly stated that they will not appoint a firm to their panel if the firm is not doing pro bono work. Decide in advance what you will do with the information you receive, so you can feed back transparently to firms and chambers.

A good starting point

→ Bring up pro bono at relationship meetings. Ask what they're doing in a general way and show that it is important to you. You could ask:

- Is the firm a member of LawWorks or TrustLaw?
- Are they a signatory of the Law Society Pro Bono Charter?
- Are they a member of the Collaborative Plan for Pro Bono?
- Do they have a full-time pro bono coordinator?
- Do they offer a pro bono training seat?
- How many of their lawyers are on the Pro Bono Recognition List?
- What pro bono work do they undertake?

- Are their litigation service providers sponsors of the National Pro Bono Centre through the Commercial Litigators' Forum Directory (where 100% of the donation goes to the NPBC)?

→ When speaking to barristers' chambers, you can ask:

- What proportion of members of chambers are Advocate panel members?
- How many members of chambers are on the Pro Bono Recognition List?
- Has chambers signed the Advocate Chambers Pro Bono Framework?

More detailed options

→ Can you include questions about pro bono in your procurement processes?

→ Ask exactly which pro bono charities the firm / chambers supports and how?

→ Ask whether the firm / chambers make financial contributions to pro bono memberships or organisations, and at what level

You could also use any or all the questions used by TrustLaw when surveying firms on pro bono – most firms will already have completed this reporting and will be able to easily reproduce it for you. You can find those questions in full in Appendix A.

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Finding Opportunities

The In House Pro Bono Group and the National Pro Bono Centre can support you to find appropriate pro bono opportunities. During a call with them, be ready to outline:

→ Where your team are based

→ How big your team is

→ What type of pro bono opportunities you are looking for (evening/weekend/daytime/in-person/remote/ongoing casework/one-off advice/legal research/legal clinics etc)

- In order to know this, we recommend surveying your team once every 12-18 months. A Template Team Survey can be provided by the IHPBG.

There are a number of ways to do pro bono, but as flagged above it does depend on whether you have professional indemnity insurance:

→ Through the law firms you work with, or

→ Through charities and law centres that broker pro bono opportunities. A range of opportunities and charities are listed on the IHPBG website.

- Some of these, e.g. paid LawWorks membership, include professional indemnity insurance cover.
- In house barristers that volunteer through Advocate are insured to do pro bono via the Bar Mutual Indemnity Fund (BMIF).

→ Identifying your own pro bono opportunities, if you have PI insurance, like supporting your company's preferred charities.

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Further Guidance and Networks

Pro Bono Guide for In House Teams

The Pro Bono Guide for In House Teams, which is available from the Law Society website and the In House Pro Bono Group website, provides additional guidance including:

- → Setting a successful foundation for a pro bono programme
- → Overcoming potential barriers
- → Scoping a pro bono programme
- → Building a pro bono infrastructure
- → Delivering pro bono legal advice

Pro Bono Charter

The Law Society maintains a Pro Bono Charter, which is a public statement that law firms, in house teams and alternative business structures are invited to sign.

The Charter has the following benefits, other than being named publicly as a signatory:

- → Invitations to pro bono forums where signatories will have the chance to help shape the pro bono agenda
- → A three-month trial membership of LawWorks including access to their online information and resources
- → Use of the Pro Bono Charter logo when the signatory submits an annual impact report

By signing the Charter, the organisation agrees it:

- → is (or will be) developing a pro bono programme
- → has endorsed the joint pro bono protocol, and
- → will provide a contact responsible for pro bono

The Law Society Charter requires the signatory to endorse the Joint Pro Bono Protocol, to have a written pro bono policy and to file an annual impact report.

Joint Pro Bono Protocol

The Joint Pro Bono Protocol promotes and supports high standards of pro bono work. It is designed to make sure everyone is clear about what pro bono is and the standard to which it should be done. It is useful to read the protocol when thinking about establishing a pro bono policy, and about standards of pro bono work. It is endorsed by:

- → The Law Society of England and Wales
- → Attorney General's Pro Bono Coordinating Committee
- → Bar Council of England and Wales
- → Chartered Institute of Legal Executives
- → Pro Bono Charter signatories

Wider pro bono resources

The Law Society Pro Bono Manual is a useful and very thorough guide, mostly aimed at those in private practice. However, it has some elements which are useful to those based in house, in particular concerning:

- → Planning, developing and maintaining a programme
- → Procedures and practice issues
- → Precedents and pro formas, including:
  - Pro bono policies
  - Sample letters of engagement
  - Secondment agreements
  - Memorandum of understanding
  - Evaluation template
- → Information and resources
- → Appendices

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Appendix A – TrustLaw Index questions

These survey questions can be used to help you fulfil Pledge 7.

Why does your firm do pro bono?

Does your firm have a written pro bono policy?

If yes, what does your policy cover?

Does your firm have a formal diversity commitment or initiative in relation to pro bono?

If applicable, what form(s) does your commitment take?

Which of the following best describes where pro bono sits within your firm?

- As a standalone legal practice group (pro bono as a separate practice area)
- Distributed across one or more legal practice groups (pro bono roles/team across key practice groups such as disputes or employment, for example).
- Embedded within a business services/CSR/responsible business team or programme
- As a hybrid legal and business services model (shared governance between legal leadership and business services operations)
- Volunteer-led or committee-led
- Other [free text]

How is pro bono work coordinated at your firm?

- Dedicated pro bono professional(s) – pro bono coordination or practice is their primary/exclusive role
- Fee-earner(s) with formal pro bono coordination formally in their role (alongside fee-earning work)
- Fee-earners with informal coordination duties (lawyers coordinating as volunteers)
- Non-lawyer staff with pro bono coordination formally in their role (alongside other duties)
- Pro bono committee or working group (volunteer members)
- Individual volunteer champion(s) without formal coordination in their job description
- Distributed across practice groups/departments with no central coordination
- No one coordinates pro bono work at our firm
- Other [free text]

Do you have more than one person involved in coordinating pro bono activities?

How many people are involved in coordinating or managing pro bono at your firm?

Who is the most senior person with responsibility for pro bono at your firm?

- Chief Officer
- Director/Head (legal professional)
- Director/Head (non-legal professional)
- Partner
- Counsel
- Associate
- Paralegal/Legal assistant
- Coordinator (legal professional)
- Manager (non-legal professional)
- Coordinator /administrator support staff (non-legal)
- We have no single person with this responsibility
- Other (please specify): [text box]

Is the most senior person with responsibility for pro bono also the designated coordinator who runs day-to-day pro bono operations?

Does your firm have a pro bono committee(s)?

Does your firm have pro bono champions or leads?

What types of pro bono clients does your firm work with?

- Registered charities or non-profit organisations
- Social enterprises
- Individuals
- Journalists and independent newsrooms
- Governments, intergovernmental organisations and/or multilateral organisations
- Small businesses or startups
- Other [free text box]

Is participation in pro bono factored into performance reviews or appraisals for lawyers (non-partners)?

Is participation in pro bono factored into compensation for lawyers (non-partners)?

Does pro bono count toward billable hours or utilisation targets for lawyers (non-partners)?

If yes, how does pro bono count toward targets?

- Fully billable: All pro bono hours and work count towards billable hours and work (including financial targets, if any)
- Capped: Pro bono hours and work are credited as billable up to a maximum threshold
- Conditional: Pro bono hours count only after meeting a minimum billable hour (or financial target) threshold
- Other [free text box]

Does your firm have pro bono targets or requirements for lawyers (non-partners)?

What is the annual pro bono hours target per lawyer?

How does your firm incentivise or recognise partner participation in pro bono?

Does your firm have a dedicated budget for pro bono?

Is the pro bono operational budget larger, smaller or the same as it was two years ago?

Does your firm measure or track your pro bono results and/or impact?

Qualifying Partner Data

Number of Qualifying Fee Earners

Total Pro Bono Qualifying Hours

Number of Qualifying Fee Earners who recorded 10+ hours of Qualifying Pro Bono time

Number of Qualifying Fee Earners who recorded any time on Qualifying Pro Bono matters

Number of Partners

Total Pro Bono Qualifying Hours by Partners

Number of Partners who recorded 10+ hours of Qualifying Pro Bono time

Number of Partners who recorded any time on Qualifying Pro Bono matters

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