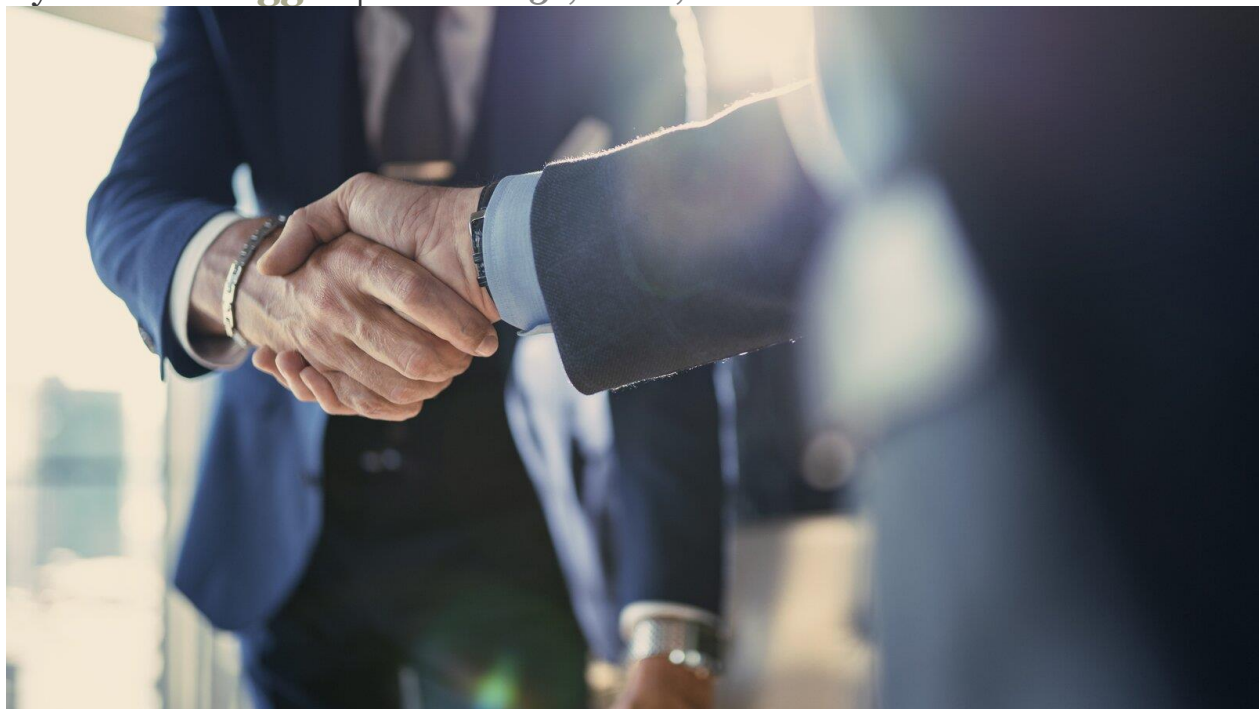


In-House And Law Firm Attys Join Hands On Pro Bono

By **Marco Poggio** | October 31, 2021, 8:02 PM EDT



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When the pandemic hit, Jacqueline Lee, the general counsel of Flynn Restaurant Group, the largest restaurant franchisee in the United States and a decades-long client of Davis Wright Tremaine LLP, looked for ways to keep in-house attorneys connected with each other, but in a manner that could at the same time benefit communities.

"Doing pro bono work together seemed like a natural fit, but we weren't sure where to start," Lee told Law360 Pulse. Knowing that Davis Wright had already helped other in-house legal teams set up their pro bono programs, Lee

reached out to start that discussion with Joanna P. Boisen, the firm's pro bono counsel.

Davis Wright stepped in with a survey, asking the company's in-house lawyers what kind of pro bono experience they had, what causes were meaningful to them, and what skill sets they could bring to their engagements.

As a result, in August, Flynn and Davis Wright kicked off a series of pro bono clinics in collaboration with nonprofit Start Small Think Big. Flynn's in-house lawyers counseled small business owners and entrepreneurs from marginalized communities on contracts, helping them increase business knowledge and build their personal financial security. The overarching aim was to stimulate economic growth in their communities.

It was the first time the company's legal department took on pro bono work, Lee said.

"A few years ago, I don't think that the idea of setting up an in-house pro bono program was something that was widely known, or was something that folks thought was accessible to them," said Lee, who shepherded Flynn through a massive growth phase since becoming its top lawyer in 2019.

The pandemic lockdowns, the police killing of George Floyd and the Black Lives Matter protests that followed accelerated the rate at which in-house attorneys got involved in pro bono matters, she said.

Unlike their counterparts at law firms, corporate in-house attorneys have traditionally had less opportunities to engage in pro bono work. Legal departments often lack the type of litigation expertise law firm attorneys have and usually don't have the extensive connections firms have established through years of pro bono work. Often, corporations don't even have pro bono departments.

In the past two years, however, law firms have increasingly involved their

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Flynn Restaurant Group

corporate clients' in-house attorneys in pro bono activities and teamed up with them on volunteer projects aimed at addressing a nationwide access to justice crisis.

While this type of partnership is not entirely new — legal departments at some large corporations have worked with law firms on pro bono matters for years — it has become increasingly common across the legal industry and has the potential to redefine the way law firms engage with the corporate clients on a business level, attorneys say.

"It's a growing field. It's really exciting to see, and hopefully it will inspire other law firms and corporate in-house legal departments to work together to do good in the world," Boisen said.



Davis Wright Tremaine LLP's senior pro bono manager, Rachel R. Brown (left) and Joanna P. Boisen (right), the firm's chief pro bono and social impact officer, hold their "pro bono playbook" at the In-House Pro Bono Summit in 2019, the first event of its kind in the United States.

Davis Wright is at the forefront of efforts by a few law firms to engage in pro bono partnerships with corporate legal departments in a continued, sustained way. It is also actively helping expand that partnership model across the legal industry.

In 2019, Boisen created a first-in-the-nation event gathering in-house attorneys from across industries to learn and exchange ideas on how to establish a pro bono culture in their legal departments and create volunteer legal projects.

In its first year, the In-House Pro Bono Summit attracted about 175 participants. The event was in person. At its second iteration last year, which was virtual, there were about 250 attendees. At least as many in-house lawyers are expected to attend this year's virtual summit, which will happen on Nov. 4, Boisen said.

"It just kind of caught on like wildfire," Boisen told Law360 Pulse. "More and more in-house legal departments are reaching out to us, and we're helping them do pro bono."

In recent years, corporate social responsibility has informed the way companies are run and how they interact with the public and government institutions.

Community initiatives and sustainability efforts have flourished and in-house attorneys have looked for ways to use their skill sets to impact lives for the better, or advance causes that are important to democracy.

But hurdles remain on how to do so in an organized, strategic way. Also, lawyers experienced mostly in corporate transactions can lack the expertise to take on cases involving immigration, domestic violence or freedom of speech.

That's when working in tandem with law firms with established pro bono portfolios in those areas can do the trick.

Beth Henderson, the pro bono director at Microsoft, said she has learned the value of partnering "with a law firm that has expertise in an area where there's pro bono interest within your in house legal department."

Not long after a Microsoft attorney attended a media law practice training hosted by Davis Wright and was intrigued by the content, the company's legal department reached out to the firm to pitch an idea for a joint pro bono project in defense of journalists, who had been under increasing attack in recent years.

Soon after, at the end of 2019, a project dubbed Protecting Journalists kicked off. Microsoft teamed up with Davis Wright, a national leader in First Amendment and media practice, to provide pro bono legal services to small newsrooms and individual journalists that could not afford to hire lawyers.

Henderson said the project was unlike other free press legal projects created in the past, which typically involved pro bono attorneys at law firms or in legal departments working with legal aid organizations that provide referrals. In this case, it was a team effort solely between in-house and firm lawyers.

"We really created it from scratch, which makes it unique," Henderson told Law360 Pulse.

A volunteer from Microsoft's legal department would pair up with a volunteer from Davis Wright's media practice team to take on a case. They called this working style "two in a box," Henderson said.

The project attracted interest in the world of journalism's benefactors. In June, the John S. and James L. Knight Foundation gave Davis Wright and Microsoft a \$245,000 grant to study ways to scale up the program nationally.

Three free press advocacy groups — Reporters Committee for Freedom of the Press, the First Amendment Coalition and the Washington Coalition for Open Government — now funnel pro bono clients to the project, which also works directly with a number of newsrooms and journalists, helping them with pre-publication review, getting access to public records, and subpoena defense.

The business value in this type of synergy is remarkable. It creates opportunities for shared work experiences in matters that benefit people in need. That creates deep connections between firm attorneys and their clients and improves morale on both sides.

Boisen called it a "very special thing."

"If we're looking at the business aspect, it's an incredible bonding experience to do good in the world together with somebody," she said. "That's something that is more meaningful, in my opinion, than the traditional business strategies that law firms deploy to bond themselves to clients, and that includes, you know, going to a nice dinner or maybe taking them to a game."

Following its joint work with Davis Wright, Microsoft has engaged in other partnerships with law firms. It partnered with Perkins Coie LLP and legal nonprofit Legal Hope on a virtual clinic helping domestic violence survivors obtain protection orders. It also worked with Morgan Lewis & Bockius LLP on a citizenship clinic helping individuals apply for naturalization.

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The company is exploring new joint pro bono opportunities with other firms, Henderson said.

Similarly, other clients of Davis Wright have partnered with the firm on pro bono projects.

Ajay Patel, an associate general counsel at Amazon Studios, said his team of in-house attorneys have engaged in pro bono activities for several years. Some of them were narrowly focused or occasional. In 2016, Amazon Studios attorneys worked alongside staff lawyers at Public Counsel, a pro bono law firm in Los Angeles, to assist four families through the last stage of the adoption process. Amazon in-house also volunteered their time working with the Innocence Project Northwest in 2017 on potential wrongful conviction cases.

But to expand their pro bono footprint, something else was needed: the legal expertise only law firms can offer.

Beginning in 2017, Amazon and Davis Wright worked together on immigration cases through a nonprofit organization called Kids in Need of Defense, which provides quality legal assistance to unaccompanied minors facing proceedings in immigration court. With their joint work, Amazon and Davis Wright helped 28 unaccompanied migrant children fleeing gang violence and poverty in Mexico, Guatemala, El Salvador and Honduras.

Typically involved in transactional work such as drafting contracts, Amazon Studios attorneys lacked the litigation chops necessary to take on such cases on their own, which involve filing briefs and petitions with courts and government agencies and managing dockets. Davis Wright solved that deficiency, Patel said. Fifty-two Davis Wright lawyers and 75 Amazon lawyers and staff worked together on the project.

"It just proved to be a really wonderful model," Patel told Law360 Pulse.

Amazon also partnered with K&L Gates LLP on a pro bono project, started in March 2020, in support of Mary's Place, an organization providing shelter to homelessness families.

Bloomberg LP, a long time client of Davis Wright, has also worked on several pro bono projects with the firm over the last year. About 20 in-house lawyers at Bloomberg have teamed up with Davis Wright attorneys and The Promise of Justice Initiative on filing habeas petitions on behalf of people who were incarcerated only because of non-unanimous jury verdicts.

The U.S. Supreme Court ruled non-unanimous juries unconstitutional in 2020, but said this year that decision didn't apply retroactively, keeping in place the convictions of hundreds of people in Louisiana and Oregon, which allowed such jury verdicts until recently.

In a different project, Bloomberg attorneys, most of them without litigation backgrounds, teamed up with Davis Wright and the Mid-Atlantic Innocence Project to screen cases of potentially innocent people in the District of Columbia, Maryland and Virginia who sought to toss their convictions.

"We find it very meaningful work to do, and we have the support of the company at the highest levels," said Steven Haber, Bloomberg's global litigation manager. "It's not just lip service."

Haber said Davis Wright, which has represented Bloomberg for years, is a "great pro bono partner" that has plenty of opportunities to offer its in-house attorneys eager to give back to communities with volunteer legal work. That collaboration is a boon for attorney-client connection, he said.

"You really deepen the relationship with your law firm when you have an ongoing and very deep pro bono relationship as well," Haber said.

Patel echoed that sentiment.

"It's great for the firm because it helps to build a closer bond and relationship with the in-house lawyers. It's great for the in-house lawyers, because we have this extra support in helping us to do the kind of pro bono work we want to do," Patel said.

While Davis Wright has been seeking to expand the collaboration between law firms and their clients on pro bono, it is not the only firm, nor first one, to engage in such partnerships.

Since 2005, DLA Piper has worked with in-house lawyers at Pfizer, a major years-long client, on a host of long-running pro bono projects, some with a regional

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focus, others global. On Oct. 14, the Pro Bono Institute conferred its annual Corporate Pro Bono Award to DLA Piper and Pfizer for their efforts, both in the United States and around the world, focusing on matters such as immigration, assistance to cancer patients and legal training in Africa.

"There are lots of reasons why we feel like this partnership is really special. One of them is the fact that it has been going on for as long as it has, which I do think is pretty unique," said Lisa Dewey, DLA Piper's pro bono partner.

Pfizer has worked with New Perimeters, DLA Piper's nonprofit affiliate, to train law students in Zambia for several years, an initiative that has continued, remotely, since the pandemic hit.

Another joint pro bono project involves a decade-long legal clinic with the New York Legal Assistance Group to provide pro bono legal services to cancer patients who cannot afford a lawyer. DLA Piper and Pfizer have also worked together on immigration cases involving unaccompanied minors in partnership with Kids in Need of Defense.

"It's deeply gratifying for us to also be able to have a very strong pro bono partnership with DLA that has lasted for so many years and has spanned so many different projects," Maryana Zubok, assistant general counsel at Pfizer, told Law360 Pulse.

Pfizer is among the first major companies to have launched the Corporate Pro Bono Challenge, an initiative that has since the early 2000s promoted pro bono culture in the corporate world. Since the first chief legal officers signed off on it, the initiative had reached 100 signatories in 2010 and currently has more than 180.

In addition to working with DLA Piper, the company joined forces with Skadden Arps Slate Meagher & Flom LLP lawyers on a series of legal clinics helping low-income people with emergency rental assistance applications. They worked on a similar project with attorneys from Davis Polk & Wardwell LLP, a spokesperson for the company said.

"Our pro bono program relies heavily on our strong strategic partnerships with our partner law firms," Zubok said. "Our pro bono efforts not only help us achieve equity, and pursue justice, but also allow us to experience a true sense of joy in our work."