

# SETTING UP A SUCCESSFUL CORPORATE PRO BONO PROGRAM

*By Karen Lukin*

In early 2007, Marathon Oil Corporation's General Counsel charged the Law Organization management to create a company-sponsored pro bono program and have it up and running by January 1, 2008. While our out-of-state Law Organization offices have been essential to the success of this program, the primary focus here will be on the pro bono efforts of the Houston office. Here is the tale of how the Marathon Joe Simmons Legal Pro Bono Program came to be and the steps it took to get there and to carry on successfully.

## **GETTING STARTED**

### **Step 1: Forming a Committee**

The Assistant General Counsel as Chair formed a committee made up of attorneys in the three major offices. The committee was asked to determine employee interest, explore pro bono opportunities, select pro bono projects and set goals for the program. The proposed program would then be presented to Marathon management for its endorsement.

### **Step 2: Deciding What Qualifies as "Pro Bono"**

We first had to determine the scope of our pro bono efforts. Because we were a legal organization, we limited the scope to the providing of legal, rather than other charitable, services. We then had to decide who the potential clients would be. For guidance, we looked at the Texas and Ohio State Bar Associations' definitions of "pro bono" and adopted a definition that included both the direct provision of legal services to the poor and also other kinds of services that would increase the availability and quality of legal services for the poor.

### **Step 3: Creating a Mission Statement**

We knew in order to get management support the program had to reflect the Company's philosophy of corporate responsibility and community outreach. The following mission statement was drafted which did just that:

*"The mission statement of the PRO BONO LEGAL SERVICES PROGRAM is to be a driving force in supporting the values of Marathon Oil Company by creating, developing and promoting pro bono legal services that improve the quality of life in the community by utilizing the unique skills of the Law Organization to provide high quality legal services to individuals of limited financial means and charitable organizations."*

### **Step 4: Setting Policies**

Next we set policies to make sure the parameters of the program were clear. Participation in the program was strongly encouraged, but was voluntary. Attorneys could have staff assist in pro bono efforts only if they wished to participate. Pro bono matters would be handled at the same level of professional competence as all other legal work. Pro bono work done during normal business hours could not interfere with assigned responsibilities. No pro bono work under the program could be accepted unless the referring organization carried malpractice insurance that extended to volunteer attorneys.

#### **Step 5: Naming the Program**

Joe Simmons, a Marathon lawyer in Findlay, Ohio for 22 years, died of cancer on May 18, 2007. He had been a passionate supporter of providing legal services for the poor. Only a few days before his death, he wrote expressing his regret that he would not be around to help with the pro bono program. The committee, in honor of Joe's commitment, named the newly-formed program the "*Joe Simmons Legal Pro Bono Program.*"

#### **Step 6: Finding the Pro Bono Opportunities**

The committee members contacted companies, law firms and pro bono service providers to learn about what pro bono opportunities existed in the different office locations. We created a list of the opportunities with a brief description of each one.

#### **Step 7: Surveying Interests and Experiences**

In order to get widespread participation, we prepared a survey that asked how employees felt about pro bono work, what past pro bono experience they had, what legal experience they had and what kind of pro bono work they would be willing to do. Every employee who filled out the survey was interviewed by a committee member and was asked to select and rank the five most interesting opportunities.

#### **Step 8: Setting Goals**

Because our pro bono program would be strictly voluntary, our goals could not be based on total number of pro bono hours or number of participants. Instead our goals would be the successful completion of the projects receiving the highest rankings on the employee surveys. The 2008 goals for the Houston office would be to staff one Houston Volunteer Lawyer Program (HVLP) clinic each quarter, accept six cases under HVLP's Equal Access to Justice Program and serve as general counsel for a United Way agency.

#### **Step 9: Selecting Pro Bono Coordinator**

The committee appointed a pro bono coordinator for each office. The coordinators would be the primary contacts to receive and distribute requests for volunteers from pro bono service providers. They would set up in-house training sessions and send out

information on training being provided by other groups that pertained to the pro bono services we wanted to do. They would also track the hours and percentage participation and provide a year end report to the committee and to management.

### **Step 10: Getting Management Buy-In**

By October, the proposed program was ready to be submitted for approval. When it was presented to Marathon management including the President and CEO, it was enthusiastically embraced. We were ready to go!

### **Step 11: Rolling It Out**

The committee wanted to build excitement about the program from the very start and present a consistent message about the guidelines and goals of the program to all potential participants. In November, all Law employees met by office for the official roll-out. The General Counsel opened the presentation by expressing his and other upper level management's excitement and support for the program. In announcing the 2008 goals, we emphasized that the goals were based on employee survey results and were tailored to participants' interests. We were off and running and have been going full steam ahead every since!

## **TIPS ON HOW TO BE SUCCESSFUL**

Setting up such a program is only the beginning. In order to have a continually successful pro bono program, it is vital to maintain volunteer interest and enthusiasm. Here are a few tips on how to make sure your program continues to thrive.

### **Tip 1 – Focus on What Participants Want to Do**

Especially in the larger metropolitan areas, in addition to legal clinics, there are many different types of matters involving litigation or transactional work that you can work into your program.

**Litigation** - For attorneys interested in litigation, you can accept cases through service providers (such as HVLP) that include family law, landlord tenant, debt collection, bankruptcy and others. There are also immigration cases involving asylum or Special Immigrant Juvenile Status (“SIJS”) cases referred by Catholic Charities via HVLP. The goal in these cases is to prevent the deportation of children to their home countries (typically in Central America) where they were abandoned, abused or neglected. They involve filing actions in family courts, attending hearings in immigration court, making applications to the federal government and assisting the children in navigating the procedural hurdles involved in obtaining legal status in this country. These types of cases are also available through KIND, an organization represented and supported by Angelina Jolie. We have also taken Violence Against Women Act (“VAWA”) matters from the Tahirih Justice Center to assist abused women originally from other countries while staying in the United States.

**Transactional** – Some in-house attorneys prefer transactional rather than litigation work so we worked with Texas C-Bar to get a list of non-profit groups who needed legal assistance. We became general counsel for The Women’s Home that needed extensive help with contracts and related issues due to a planned expansion of its facilities. We have also worked with Texas Accountants and Lawyers for the Arts assisting struggling artists with contracts and other transactional type matters.

**Tip 2 – Have Good (and Visible) Examples**

It is very important to have Law Organization management show support for the program. Our Law management, from the General Counsel down, routinely work at our clinics, accept pro bono cases and consistently show that they not only support the program, but are also willing to give of their time and legal talent to make it a success.

**Tip 3 - Include Everyone on the Team**

While only attorneys have the ethical obligation to provide pro bono services, it is amazing how many of your staff want to participate in pro bono work. They can help draft and type pleadings, do intake at clinics, serve as interpreters and help in many other ways. Their contribution is very important and they are valued members of the team.

**Tip 4 – Mentor/ Provide Resources**

Let everyone know that there is help if they need it. Pair experienced attorneys with less experienced ones to provide assistance and training. Pro bono service providers have attorneys who can provide guidance as well as forms that can be adapted for use.

**Tip 5 – Set Up a Website**

Our website includes our pro bono policies, highlights of our efforts, upcoming events and forms. It is a great resource.

**Tip 6 – Partner with a Law Firm or Another Company**

When we became corporate counsel for The Women’s Home in Houston, we partnered with Baker Botts which enabled us to share the work and have access to resources we did not have in-house. In addition, Baker Botts has helped us staff Saturday clinics. We have also staffed clinics with ExxonMobil. These partnering experiences increase your ability to provide more pro bono services to clients.

**Tip 7 – Get your Retirees Involved**

The General Counsel who initially charged the Law Organization management with establishing a formal pro bono program retired in November 2009. He and other

attorneys who have left the company are active in our clinics and working with the Marathon legal team again.

### **Tip 8 – Give Recognition**

- **T-Shirts** - Our first pro bono experience after roll-out was with the Houston Bar Association Day of Giving on January 12, 2008 where we helped staff one of 25 clinics. We provided shirts with the Marathon logo to each Marathon volunteer. These shirts are worn whenever we staff a clinic, making us easily recognizable as the Marathon team.

- **The Legal Letter** – In our Legal Letter that goes out several times a year to every Law Organization employee, volunteer activities are featured including the volunteers’ names with photos of them in action. Upcoming activities are publicized.

- **Pro Bono Bulletin Board** – In the Houston office, we have a large bulletin board displayed in a much traveled hallway. It is changed periodically to show past and upcoming activities. Smiling pictures of volunteers form the border. It is a great way to highlight our work and let our in-house clients and others see how our efforts benefit the community.

- **Awards** – We have been fortunate to receive several awards for our pro bono activities. We remind all volunteers that it is their efforts that make the award possible. To the extent allowed, we extend an open invitation to volunteers to attend award presentations. Awards that can be wall-mounted are displayed next to the pro bono bulletin board. Others are put in a prominent place in the Coffee Bar area.

- **Recognition Opportunities** – There are opportunities for self-nomination for certain awards. You should take advantage of them. You should be proud of your team and help them receive the recognition they deserve.

- **Thank You’s** -- Always thank your volunteers. Everyone wants to know they are appreciated and valued. A simple sincere “thank you” means a lot.

### **Conclusion**

We are fortunate in Texas to have many very successful corporate pro bono programs providing legal services to those who cannot afford them. If your company does not currently have such a program, I encourage you to consider setting one up. I think you will find that doing so will provide not only valuable services to those in need, but will give your attorneys and staff a great deal of personal satisfaction and growth.

**Karen Lukin** is Senior Counsel at Marathon Oil Company and the recipient of the 2010 Texas Access to Justice Corporate Counsel Pro Bono Award. The Marathon Law Department has won numerous awards including, most recently, the State Bar of Texas’ 2010 W. Frank Newton Award and the 2010 Bench Pro Bono Award for large

corporations presented by the Houston Bar Association and the Harris County Judiciary. In 2008 and 2009, the program won the award for Outstanding Contribution to the Houston Volunteer Lawyers Program by a Corporate Law Department.