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September 17, 2014

Chief Justice Maureen O'Connor
Supreme Court of Ohio
65 South Front Street
Columbus, OH 43215-3431

Re: Association of Corporate Counsel's support for amending Ohio's practice rules to allow all lawyers registered for corporate status to provide pro bono services.

Dear Chief Justice O'Connor:

Ohio has a historic opportunity to recognize that all Ohio in-house lawyers have the sophistication, the experience, and the capacity to help the enormous number of Ohio residents who need legal services but cannot afford to pay. We understand that the Supreme Court of Ohio is considering whether to amend the state's practice rules to permit Ohio in-house lawyers whose law licenses come from another state and who have registered for corporate status to provide pro bono assistance. On behalf of the Association of Corporate Counsel, our three Ohio chapters, and the Ohio chief legal officers whose names appear below, we are writing to strongly support the proposal to amend Ohio Rule of Professional Conduct 5.5(d) and Rule VI, Section 3 for the Government of the Bar of Ohio. If Ohio ultimately adopts the proposal, it will allow hundreds more in-house lawyers to provide pro bono legal services.

ACC is a global bar association that promotes the common professional and business interests of in-house counsel, with over 30,000 members employed by over 10,000 organizations in more than 75 countries. Ohio has three ACC chapters, in Central Ohio, Northeast Ohio, and Southwest Ohio. Together, they represent over 1,115 in-house counsel in Ohio. ACC's Ohio chapters offer legal education classes, networking opportunities, and spearhead community initiatives. For years, ACC has advocated across the country to remove obstacles that make it difficult for many in-house lawyers to donate their legal expertise to people and organizations that need help. ACC's Ohio chapters also support this effort to allow all of the state's in-house lawyers to offer pro bono legal services.

And there's no question that people need more pro bono help, both in Ohio and across the country. According to the Legal Services Corporation, fewer than "one in five low-income persons get the legal assistance they need" from pro bono or legal aid lawyers.

Legal Services Corporation, *Documenting the Justice Gap In America: The Current Unmet Civil Legal Needs of Low- Income Americans, An Updated Report of the Legal Services Corporation* (2009). See also American Bar Association, *Legal Needs and Civil Justice, A Survey of Americans* (1994) (stating that, for low-income households, the justice system does not address nearly three quarters of situations in which courts might intervene). The report from the Ohio State Bar Association supporting the proposed amendments makes clear that people and organizations in Ohio need pro bono help as much as anyone else in the country.

In-house legal departments are already making strong contributions toward meeting this need. Hundreds of in-house legal departments have formalized efforts to provide pro bono legal services. According to Corporate Pro Bono, a global pro bono partnership of the Pro Bono Institute and ACC, many of the Fortune 500 companies and a majority of Fortune 100 companies have set up or are moving to set up formal pro bono programs. They want to do more, but state practice rules often stand in their way.

The proposal to amend Rules 5.5(d) and VI(3) would allow more members of Ohio's in-house legal departments to provide much-needed extra help. The proposal would give registered in-house lawyers explicit permission to offer pro bono legal services. As a result, registered in-house lawyers would be able to join other Ohio lawyers in assisting clients in need.

Ohio's in-house attorneys are well-qualified, ethical lawyers. That's why their employers hire them, and why Ohio already allows them to serve their employers. The pending amendment simply recognizes that all of Ohio's in-house lawyers can serve pro bono clients with the same excellence that they already serve their employers.

Ohio's proposed measure is an important step that will significantly improve Ohio's rules and Ohio citizens' access to pro bono resources. By adopting it, Ohio would join a number of other states, including Connecticut, Illinois, Minnesota, New York, and Virginia that have reformed their rules in a similar spirit of expanding access to pro bono.

Therefore, ACC, our Ohio chapters, and the chief legal officers listed below urge this Court to amend Rules 5.5(d) and VI(3). The proposal would continue the spirit of a resolution passed in 2012 by the Conference of Chief Justices, to expand pro bono legal services. That resolution supports allowing "non-locally licensed in-house counsel who are permitted to work for their employer to also provide pro bono legal services." Conf. of Chief Justices, Resol. 11 (passed July 25, 2012) (<http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/07252012-In-Support-of-Practice-Rules-Enabling-In-House-Counsel-to-Provide-Pro-Bono-Legal-Services.ashx>).

In short, the proposal recognizes that lawyers who help their corporations and organizations with difficult problems can also help people in legal distress who cannot pay. By adopting these small changes to Ohio's state practice rules, the Supreme Court of Ohio can help countless people in need.

Sincerely yours,



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