

WIN-WIN-WIN

How in-house corporate lawyers can contribute to their career, their company and their community.



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As Head of Policy and Strategy at the Australian Pro Bono Centre, Gabriela Christian-Hare is working to grow the capacity of the Australian legal profession to provide pro bono legal services. A former lawyer at Clayton Utz (Sydney) and Linklaters (London and Tokyo) and in-house lawyer for the investment bank Nomura International (London), Gabriela went on to work for UNHCR in Damascus before becoming Special Advisor to Head of Mission at the Office of the Quartet Representative (Tony Blair) in Jerusalem. She has a Master's degree in International Human Rights Law from the University of Oxford.

Australian corporations are increasingly mindful of their responsibilities as global corporate citizens. A growing number of corporations are developing legal pro bono programs to strengthen and diversify their social impact strategies. Through legal pro bono in-house lawyers can apply their unique skills to their employer's volunteering and sustainability initiatives, thereby broadening and deepening the corporation's social impact. This represents wins for the community, the corporation and the in-house lawyers themselves. This article explores four key reasons to develop an in-house legal program.

Strengthening and complementing a corporation's social impact strategy

Community pro bono legal support can have distinct expressions. A corporation may choose to do pro bono legal work for the foundations and charities that already benefit from its community engagement strategy. For instance, QBE Insurance has provided pro bono legal assistance to the breast cancer charity, McGrath Foundation, which it supports through the QBE Foundation. Thematic alignment between community engagement focus areas and legal pro bono in this way can accelerate achievement of a corporation's social impact goals.

Other corporations may choose to provide pro bono legal assistance to organisations that are not otherwise direct beneficiaries of its community engagement strategy, but nonetheless support and enhance that strategy. Some corporations partner with generalist or specialist community legal centres or not-for-profit organisations (NFPs) as part of a regular roster or by accepting referrals. Others partner with law firms on pro bono initiatives for NFPs or individuals.

Several in-house legal teams, including lawyers from Telstra, ASIC and Microsoft, participate in the National Children's and Youth Law Centre (NCYLC) Cyberlaw Volunteer Project in partnership with King & Wood Mallesons. NCYLC is a community legal centre for young people, offering online advice and responses to email questions provided by legal volunteers. Among other pro bono initiatives, Telstra provides a secondee to assist Indigenous artists as part of the Arts Law Centre's Wills Trip program and gives specialist legal advice to NFPs through Justice Connect's pro bono referral service.

Samantha Lovrich, People and Operations, Legal Services, Telstra, affirmed the importance of sustainability to Telstra's operations: "As an organisation, Telstra has a longstanding commitment to corporate social responsibility through our Sustainability Strategy and programs. We are working to embed sustainability in the day-to-day operations of our business". Regarding the impact of Telstra's pro bono legal program on its sustainability strategy Lovrich added, "Telstra Legal's commitment to giving back through our pro bono and our community contribution programs strongly aligns with Telstra's sustainability values."

Many large Australian corporations are committed to advancing the UN Sustainable Development Goals (SDGs). The seventeen SDGs aim to end poverty, protect the environment and ensure prosperity for all by 2030. In-house pro bono legal work goes to the heart of SDG 16: Peace, Justice and Strong Institutions. SDG 16.3, in particular, envisages access to justice for all, including the promotion of the rule of law at both national and international levels. Pro bono work may, depending on its nature, also directly support other SDGs, such as health, equality for women and girls, or the discriminatory effects of climate change.

A number of Australia's largest companies have become members of the UN Global Compact Network Australia. This is a business-led and multi-stakeholder initiative that brings together signatories to the UN Global Compact to advance corporate sustainability and boost the private sector's contribution to sustainable development. Pro bono legal work is a demonstration of a corporation's commitment to the UN Global Compact, which can be reported by members in their annual 'Communication of Progress' (COP). The COP is a description of practical actions a corporation has taken or plans to take to implement the Global Compact's ten principles around human rights, labour, environment and anti-corruption.

Notably, the Dow Jones Sustainability Australia Index is composed of the top 30% of companies in the S&P/ASX 200 based on long-term economic, environmental and social criteria. A key component of the 'social' dimension is the reporting of volunteering and pro bono efforts. Well-structured legal pro bono programs are making good use of the skills of in-house legal teams to support their corporation's sustainability strategies and report against them.

Enhancing the skill set and purpose of in-house lawyers

Pro bono programs provide numerous direct benefits to the lawyers who participate. Through pro bono, lawyers can apply their existing skills in a new context and develop new technical legal skills as well as different approaches to drafting, research, interviewing, communication and management. The expanded skill set and broader perspective that come from dealing with a pro bono client base can boost confidence, enhance professional development, improve wellbeing and afford lawyers a very deep and immediate sense of purpose.

In March 2017, NAB partnered with Henry Davis York (HDY) and the Refugee Advice and Casework Service (RACS) to assist asylum seekers lodging applications for protection visas subject to the fast track assessment process. Many clients have suffered very traumatic experiences by the time they arrive in Australia. "We are proud of our pro bono partnership with HDY and RACS. Together we are doing important work and contributing to the community," said Raechelle Binny, General Counsel, Banking, Products & Markets at NAB. "NAB lawyers are also developing their own legal and practice management skills. Our lawyers have received formal training and experience in statement preparation and working with interpreters. Most importantly, they have been afforded the opportunity to develop critical skills in client interaction."

In-house lawyers may need to work across a variety of disciplines, and require excellent interpersonal and influencing skills. Pro bono legal work, which often involves a tension between the use of existing expertise in a new area or in a context where additional skills are required, can support the development of all of those skills as well as increased agility and adaptability.

The Carnival Australia in-house legal team has partnered with Norton Rose Fulbright (NRF) to support RACS in assisting asylum seekers with visa applications, and on a research project for Special Olympics Australia. Lauren Miller, General Counsel, Carnival Australia said: "We have applied our existing capacity for critical thinking, effective communication and problem-solving to our pro bono work." On working in new areas of law, Miller added, "Although these practices are outside our direct fields of expertise and our day-to-day practice areas, we have been able to translate our skills and experiences in these new

contexts. Importantly, by challenging ourselves and stepping beyond our imagined boundaries, we have recognised our own potential to make a positive contribution."

According to Miller, involvement in these projects has enabled Carnival Australia's in-house lawyers to develop their skills in a holistic way. "It has allowed us to put some of the pressures and challenges we face in our daily work into context and to approach our work in different ways. The depth of development we gain from these real-world experiences is not something we could simulate through other forms of training," she said. "We have also had the opportunity to engage with one another in different ways and to learn from the lawyers we have partnered with in our pro bono projects."

Hiring and retaining staff

The professional and personal development benefits resulting from pro bono work can enhance staff morale, loyalty and, consequently, the retention of valued legal employees. These benefits can also make a corporation more attractive to high-quality legal recruits. This is particularly the case if in-house lawyers come from private practice and have already directly experienced the benefits of pro bono involvement.

In-house lawyers' willingness to be involved in pro bono programs will be dependent on how well-structured, administered and flexible their own commitments will be, especially when working in fast-paced and pressured environments. The variety of pro bono work on offer may also be important. Hewlett Packard Enterprise (HPE) in Australia is involved in three pro bono programs, working with the Arts Law Document Review Service Panel, and for both RACS and Human Rights Watch in partnership with NRF. Stephen Chang, Senior Legal Counsel, South Pacific Office of the General Counsel, HPE said: "I was pleasantly surprised at HPE's coordinated structure and approach to pro bono work in-house. I am able to choose the type of pro bono work and the hours spent depending on workload, and bring skills and experience of private practice pro bono work and apply it at HPE to continue to contribute to the community."

Supporting the professional responsibilities of lawyers

As members of the legal profession, lawyers have the exclusive right to practise law – a position of great privilege. The resulting ethical and professional responsibility of lawyers to support access to justice applies equally to private practice lawyers and in-house lawyers. Many in-house lawyers feel this sense of responsibility profoundly and have a strong desire to help those less fortunate than themselves. Legal pro bono programs offer corporations the opportunity to support lawyers in fulfilling this responsibility. As in-house pro bono programs develop, they will ideally become normalised, fully integrated and supported components of the activities of an in-house corporate lawyer. The Australian Pro Bono Centre has successfully advocated to remove regulatory barriers to Australian in-house lawyers participating in pro bono legal work.

In most Australian jurisdictions, lawyers who hold corporate practising certificates (or their equivalent) are now permitted to undertake pro bono legal work. Professional indemnity insurance is also provided across most Australian jurisdictions by the Australian Pro Bono Centre through a policy with Lawcover. This free coverage is available to in-house lawyers and paralegals working on pro bono projects approved by the Centre.

There are many reasons for doing pro bono and the time is ripe for more in-house corporate lawyers to become involved. 

The Australian Pro Bono Centre, in collaboration with the ACC Australia and the Law Society of New South Wales, have produced 'Pro Bono Legal Work – A Guide for In-house Corporate Lawyers', available for free download on the ACC Australia website.