

September 17, 2014

Honorable Judge Charles P. Dykman
Wisconsin Board of Bar Examiners
110 East Main Street, Suite 715
P.O. Box 2748
Madison, Wisconsin 53701-2748

*Re: Support of Association of Corporate Counsel and Wisconsin Chief
Legal Officers for strengthening Wisconsin's commitment to allow registered
in-house lawyers to provide pro bono services, by amending SCR 10:03(f).*

Dear Honorable Judge Dykman:

On behalf of the Association of Corporate Counsel, our Wisconsin chapter, and the Wisconsin Chief Legal Officers whose names appear below, we are writing in strong support of the proposal to amend Wisconsin Supreme Court Rule 10:03(f). Wisconsin has a historic opportunity to recognize that all Wisconsin-based in-house lawyers have the sophistication, the experience, and the capacity to help the enormous number of Wisconsin residents who need legal services but cannot afford to pay.

ACC is a global bar association that promotes the common professional and business interests of in-house counsel, with 35,000 members employed by over 10,000 organizations in more than 85 countries. ACC's chapter in Wisconsin represents over 500 in-house counsel. 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.

There is no question that people need more pro bono help, both in Wisconsin 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).

Wisconsin has similar problems providing robust access to justice. According to the Wisconsin Trust Account Foundation, “[t]he chasm that stretches between those who have access to the justice system and those who don’t is deep.” And the Wisconsin Access to Justice Commission notes that “[f]inancial support for access to justice in Wisconsin has experienced a precipitous decline since” a 2011 decision “to remove all funding in the budget for civil legal aid.”

In-house legal departments are already making strong contributions toward meeting the needs of low-income individuals and communities. 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 SCR 10.03(f) would strengthen Wisconsin’s commitment to allowing in-house legal departments to provide much-needed extra help. The proposal would move crucial permission from the comments into the rule itself. This permission already allows Wisconsin’s registered in-house lawyers to provide pro bono services. Moving that permission into the rule itself will ensure that the opportunity to serve those in need is not hidden from those who can help.

The proposal also promotes broader pro bono engagement by registered in-house counsel in that it removes the limitation that pro bono only be provided to clients of legal services programs and permits registered in-house counsel to engage in pro bono on equal footing to all other Wisconsin lawyers, under SCR 20:6.1.

And, Wisconsin’s in-house attorneys are well-positioned to provide that help. They are highly-qualified, ethical lawyers. That’s why their employers hire them, and why Wisconsin already allows them to serve their employers as well as pro bono clients. The pending amendment simply recognizes in clearer terms that all of Wisconsin’s in-house lawyers can serve pro bono clients with the same excellence in which they already serve

By adopting the amendment, Wisconsin would join a number of other states – New York, Illinois, Virginia, and Colorado – that have reformed their rules in a similar spirit of expanding access to pro bono. Indeed, by adopting the proposed changes, Wisconsin will become one of the national leaders in allowing all in-house lawyers to volunteer to help those who need legal help but cannot afford it.

Therefore, ACC, our Wisconsin chapter, and the chief legal officers listed below urge this Court to amend SCR 10.03(f). 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).

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 Wisconsin’s state practice rules, Wisconsin can strengthen its commitment to helping countless people in need.

Sincerely yours,



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