

March 3, 2016

Clerk of Supreme Court  
Attention: Deputy Clerk-Rules  
P.O. Box 1688  
Madison, WI 53701-1688

**Re: Rule Petition 15-05, In the Matter of the Petition to Amend Supreme Court Rule Chapter 31 and Chapter 10.03**

Dear Honorable Justices of the Supreme Court:

On behalf of the Association of Corporate Counsel (ACC), our Wisconsin Chapter and the Wisconsin chief legal officers, general counsel, and in-house lawyers listed below, we are writing in strong support of the proposal in Rule Petition 15-05 to amend Supreme Court Rule Chapter 10.03 to expand the ability of Wisconsin-registered in-house attorneys to provide pro bono services. We wholeheartedly agree with the reasoning for the rule amendment offered in the State Bar of Wisconsin's memorandum in support of its petition, and offer the additional thoughts below.

ACC is a global bar association that promotes the common professional and business interests of in-house counsel, with more than 40,000 members employed by more than 10,000 organizations in more than 85 countries. ACC's chapter in Wisconsin represents more than 500 in-house lawyers. For years, ACC has advocated across the country to remove obstacles that make it difficult for in-house lawyers to participate in pro bono legal services. We are pleased to see the Wisconsin Supreme Court consider the proposed amendment, which promotes broader engagement in pro bono by in-house counsel.

Petition 15-05's proposed amendments to Supreme Court Rule 10.03(4)(f) and its comment will remove barriers to participation in pro bono legal services by Wisconsin's registered in-house attorneys. The current text of Rule 10.03(4)(f) does not mention the ability of in-house registered attorneys to provide pro bono services in Wisconsin, and the comment to the current rule appears to limit pro bono participation by registered in-house counsel to services provided to qualified clients of a legal service program. This is in contrast to Supreme Court Rule 20:6.1, under which Wisconsin-licensed lawyers are encouraged to provide pro bono legal services directly to persons of limited means or to organizations (legal or otherwise) that are designed primarily to address the needs of persons of limited means. There are approximately 300 in-house lawyers registered in Wisconsin under the process described in Rule 10.03(4)(f). Allowing registered in-house counsel to provide the same breadth of pro bono services to those in need will promote broader pro bono engagement by registered in-house counsel.

Recently, this Court recognized the dire problem Wisconsin faces regarding access to legal services in its January 2016 request to the state legislature for a study on how to provide legal services to those who cannot afford them. While pro bono alone is not the solution to the problem, it certainly can help. In-house legal departments are already making strong contributions toward meeting the needs of low-income individuals and communities, but they are limited by the current rule, which impacts not only in-house pro bono efforts, but those of their law firm and public interest partners.

Hundreds of in-house legal departments have formalized efforts to provide pro bono legal services by developing department-wide programs. According to Corporate Pro Bono, a global pro bono partnership of Pro Bono Institute and ACC, many Fortune 500 and a majority of Fortune 100 companies have set up or are moving to set up pro bono programs. Formally recognizing Wisconsin's registered in-house lawyers as being able to provide pro bono services on equal footing with Wisconsin-licensed in-house lawyers will help legal departments design pro bono programs open to all their lawyers.

Wisconsin's in-house attorneys are well-positioned to provide critical pro bono legal assistance. They are highly qualified, ethical lawyers. That's why their employers hire them, and why Wisconsin already allows them to serve their employers. Importantly, in-house lawyers registered under Rule 10.03(4)(f) are subject to Wisconsin's Code of Professional Conduct for Attorneys, and so are held accountable for any ethical issues to the same extent as Wisconsin-licensed lawyers. For the registered in-house lawyers, ethical breaches could lead to discipline not just in Wisconsin but also in the other jurisdiction(s) where the lawyer is licensed. Additionally, the registered in-house lawyers will still be prohibited from appearing in court or signing pleadings unless they obtain separate permission under the pro hac vice admission procedures. Therefore, the proposed rule amendment does not pose any greater risk to the public than Wisconsin's current pro bono regime.

By adopting the proposed changes to Rule 10.03, Wisconsin can strengthen its commitment to providing access to legal services to those who cannot otherwise afford it. Therefore, ACC, our Wisconsin Chapter and the chief legal officers listed below strongly urge this Court to adopt the proposed change to Rule 10.03 in the Wisconsin State Bar's Rule Petition 15-05.

Sincerely,



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