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Pro Bono Activity Of the Sears Law Department

INTRODUCTION

It is the policy of the Law Department of Sears, Roebuck and Co. to encourage pro bono activity.

Toward that end, set forth below is a description of the procedures which attorneys in the Sears Law Department will follow in handling pro bono matters.

THE PRO BONO OBLIGATION

The Code of Professional Responsibility

Ethical Considerations 1-1, 2-25 and 2-27, provide;

EC 1-1 A basic tenet of the professional responsibility of lawyers is that every person in our society should have ready access to the independent professional services of a lawyer of integrity and competence. Maintaining the integrity and improving the competence of the bar to meet the highest standards is the ethical responsibility of every lawyer.

EC 2-25 A lawyer has an obligation to render public interest and pro bono legal service. A lawyer may fulfill this responsibility by providing professional services at no fee or at a reduced fee to individuals of limited financial means or to public service or charitable groups or organizations, or by participation in programs and organizations specifically designed to increase the availability of legal services. In addition, lawyers or law firms are encouraged to supplement this responsibility through the financial and other support of organizations that provide legal services to persons of limited means.

EC 2-27 History is replete with instances of distinguished and sacrificial services by lawyers who have represented unpopular clients and causes. Regardless of . . . personal feelings, a lawyer should not decline representation because a client or a cause is unpopular or community reaction is adverse.

ABA Resolution

In August 1988, the ABA House of Delegates adopted a Resolution urging all attorneys to devote a reasonable amount of time to pro bono activities. The Resolution also requests “corporate employers to promote and support the involvement [of their lawyers] in pro bono and other public service activities by giving actual work credit for these activities.” Each attorney is asked to contribute pro bono services.

In addition, the Corporate Law Department Committee of the Section of Business Law of the American Bar Association has adopted a resolution encouraging its members to “provide the Lawyers on the member’s staff with the opportunity to offer pro bono services during normal work hours.”

Program Participation

The policy of the Law Department is to strongly encourage attorneys to participate in pro bono activities for the following reasons:

1. To help fulfill Sears’ commitment to the community through the Good Life Alliance;
2. To meet every lawyer’s professional responsibility to provide legal services to those in need; and
3. To provide an opportunity to develop analytical skills, powers of persuasion and good judgment.

Participation in the pro bono program gives attorneys, paralegals and support staff the opportunity to serve the diverse people of the community as well as to increase his/her ability, understanding and compassion. In addition, engaging in pro bono work is consistent with the Sears mission of providing unparalleled service to every customer.

All attorneys, paralegals and support staff are encouraged to participate in the pro bono program of the Law Department. The program provides a structure to support individuals in meeting their professional obligation. The program has been reviewed by, and has the active support of, Sears’ senior management and its General Counsel.

“Pro Bono” Defined

Pro bono services mean the rendering of professional legal services without expectation of compensation.

Pro bono services include service as an officer or director of a charitable or civic organization and other non-legal volunteer activities. Involvement in professional activities, such as bar committees, falls within the definition of pro bono services. However, accommodation matters or legal services provided for employees, family or friends are not included in the Law Department’s definition of pro bono work.

Definition of Pro Bono Services

- a. Pro bono legal services include the following:
1. **Poverty Law:** Legal services in civil or criminal matters for a client without adequate finances to pay for legal representation. This includes such work as representing the indigent in landlord tenant disputes, obtaining orders of protection, child support and custody matters, and consumer protection matters.
 2. **Civil Rights and Public Rights Law:** Legal services concerning the rights of individuals, or a significant segment of the public as a whole where it is inappropriate to charge the client a customary legal fee.
 3. **Representation of Non-Profit Organizations:** Legal services to charitable, religious, governmental, educational or similar organizations in matters that further their organizational purposes where payment of customary legal fees would deplete the organization's economic resources or would otherwise be inappropriate. This category includes the full range of legal services provided by the Sears Law Department.
 4. **Administration of Justice :** Activities intended to increase the availability of legal services or improve the administering of justice such as working legal help desks at the local court houses, staffing legal advice hotlines managed by local governmental and charitable organizations, and conducting outreach seminars on matters such as consumer rights and responsibilities to local high school students, immigrant rights or the rights of the elderly.
 5. **Economic Development Assistance Programs:** Provide the whole range of commercial legal advice and assistance to disadvantaged members of the local community who are attempting to establish, expand or conduct commercial operations which will provide them and possibly others with jobs and benefit the community.
 6. **Participation in Activities Relating to the Practice of Law:** Teaching law courses in a community interest setting, publication of papers on legal issues and topics, and significant participation in bar activities. Significant participation in bar association activities means participation as a committee, section or association officer or involves responsibilities for the organization of panels, programs or meetings.
- b. Pro bono legal services do not include:
1. **Volunteer, Non-Legal Services Work:** The Law Department certainly encourages and supports non-legal altruistic efforts by its associates such as serving on the board of directors of a non-profit institution or volunteering in a soup kitchen. However such efforts cannot be included as pro bono legal activity.
 2. **Services to Established Non-Profit Organizations:** Non-profit organizations such as the Chicago Art Institute, The Ravinia Foundation, or the Northwestern

Memorial Foundation have endowments sufficient to allow them to pay for legal services as part of their normal expenses. In some cases established non-profit organizations may start subsidiary or affiliated non-profit organizations contingent upon volunteer support. The Pro Bono Committee will determine whether providing otherwise qualified legal services to such subsidiaries or affiliates should be considered pro bono work.

3. **Career Advancement Projects:** Teaching law courses at local law schools or colleges, professional speaking engagements, publishing law review articles, and other professional advancement activity, whether paid or unpaid, will not be considered pro bono work.
4. **Representing Associates, Family or Friends Without Charge:** Law Department personnel may from time to time volunteer to help clients, family members or friends with such legal matters as buying a house or making a claim under the lemon law. The Law Department neither encourages nor prohibits such efforts. This work would never be considered pro bono work.

Pro Bono Work – Quality and Performance Evaluations

Pro bono matters must be handled with the same level of professional competence as any other matter handled by the attorneys in the Law Department. The hours spent on authorized pro bono matters will be tracked and included as part of the Good Life Alliance.

Time Devoted to Pro Bono Activities

The Law Department recognizes that some pro bono work will be required to be done during normal office hours. Nevertheless, responsibility for pro bono activities is in addition to assigned responsibilities.

ADMINISTRATION

The Pro Bono Program will be administered by a Pro Bono Committee which, under the supervision of its Chairman, shall be responsible for the overall operation of the Program. The responsibilities assigned to the Pro Bono Committee include the following:

1. Coordinating the participation of each attorney, paralegal and support staff member in the Program;
2. Administering a continuing program of training (which may be provided by the legal aid office supported by the Law Department's program) for the volunteers in legal areas unfamiliar to members of the Law Department (i.e., landlord-tenant, wills and trusts, probate, etc.);
3. Developing and maintaining access to pro bono research resources for use by volunteers;
4. Receiving requests for pro bono services from community referral organizations and determining whether the request may be granted in light of the objectives of

this policy and the training and interest of the volunteers; and

5. Reporting on pro bono activities to the General Counsel or appropriate committees on a regular basis.

Pro Bono Coordinator

The Law Department has named a Pro Bono Coordinator. All matters proposed to be undertaken by the Law Department or an individual attorney on a pro bono basis shall be reviewed by the Pro Bono Coordinator, who shall ensure that;

1. Acceptance of the matters is compatible with overall workload constraints;
2. There is no ethical, legal or business/public relations conflict;
3. The legal issue raised is not frivolous or untenable;
4. There will be adequate supervision, including supervising administrative support and docketing coordination; and
5. The case is appropriate for pro bono representation.

The Pro Bono Coordinator will be responsible for the operation of the Program on a regular basis, providing initial client files to volunteers and coordinating activities with the referring organization.

New Attorney/Paralegal Orientation

Each new attorney and paralegal will be given a copy of this Policy and will be asked to complete a survey to indicate areas of interest in pro bono work. The Chairman of the Pro Bono Committee and the Pro Bono Coordinator will meet with each new attorney and paralegal to emphasize the Law Department's commitment to pro bono work, to explain the process, to describe available opportunities, and to determine a specific timetable for getting involved in a pro bono matter.

Summer Law Interns

Summer law interns will be encouraged to participate in pro bono activities and will receive the same orientation as is provided to new attorneys. The Hiring Committee will endeavor to provide each summer intern with an opportunity, under the supervision of an attorney, to receive at least one pro bono assignment.

Record Keeping and Expenses

Attorneys will be expected to maintain records of the time spent on each matter, client contacts, correspondence, pleadings, etc. The files will be maintained in accordance with record retention guidelines established by the Pro Bono Committee.

The Law Department will establish a budget for pro bono expenses related directly to pro bono

work, such as library materials, court and agency filing fees, transportation and training expenses, and malpractice insurance. Arrangements with pro bono clients for the reimbursement of these out-of-pocket expenses will be made on terms that are consistent with the professional code of ethics. Waiver or suspension of fees for indigent individuals will be sought where appropriate. Volunteers will be expected to identify and control such expenses to assure they remain within the budget.

Staff Support

The Law Department has committed to devote the resources of the support staff – paralegals, administrative assistants, word processing, duplicating, messenger service and the like to authorized pro bono matters. Requirements for support staff and expenses of a non-routine nature should be reviewed in advance with the Pro Bono Coordinator.

Insurance/Indemnification

Professional liability insurance will be provided by the legal aid office through which the Law Department's pro bono program has been established. In addition, Sears will provide indemnification. The insurance policy and the indemnification provisions are limited in certain respects. Before undertaking any new pro bono commitments, the professional liability implications should be reviewed with the Pro Bono Coordinator. The Pro Bono Coordinator is available to answer any questions.

Affiliation with the Company

Although Sears and the Law Department strongly endorse participation in the Program, participants must act on an individual basis rather than as representatives or employees of Sears. Therefore, care should be taken that Sears stationery not be used for pro bono activities and that other acts conveying the impression that the Sears is providing legal services are avoided. Volunteers will develop their own stationery (e.g., Employee, Esq., c/o Sears Law Department).