

# REQUEST FOR UPL OPINION ON PRO BONO PRACTICE

In August of this year the Corporate Counsel Section filed a formal request with Virginia's UPL Committee to address and consider the question and whether there is any justification for prohibiting fully licensed and active Virginia attorneys from rendering *pro bono* legal services. The following is a copy of that Request:.

UNAUTHORIZED PRACTICE OF LAW  
OPINION REQUEST FORM  
VIRGINIA STATE BAR  
STANDING COMMITTEE ON UNAUTHORIZED PRACTICE OF LAW  
Eighth & Main Building 707 East Main Street, Suite 1500 Richmond, Virginia 23219  
(804) 775-0500

1. Name: Edward Henry Beck, Chair  
Firm: Virginia State Bar Corporate Counsel Section  
Address: Exxon Mobil Corporation  
3225 Gallows Road  
Fairfax, VA 22037

Telephone: 703/846-5877      VSB Membership Number: 23371

2. Pursuant to Section 10(b)(i) of Part Six, Section IV of the Rules of the Supreme Court of Virginia, an advisory unauthorized practice of law opinion may be requested by any member of the Virginia State Bar concerning contemplated or actual professional conduct which may be violative of the Virginia Unauthorized Practice Rules. Please indicate the nature of your inquiry.

As Chair of the Corporate Counsel Section of the Virginia State Bar, a section with approximately 1000 members, I seek an opinion concerning the ethical propriety of an attorney providing *pro bono* legal services to a person or entity other than his/her employer where that attorney is a member in good standing of the Virginia State Bar and is employed full time as in-house corporate counsel.

3. The Rules of Court require that requests for advisory opinions shall state in detail all operative facts, in the hypothetical, upon which the request is based. Please provide a brief and concise statement of the facts with no identifying information as to persons or entities involved.

Attorney A is admitted to the Virginia State Bar either by examination or on motion. Subsequently, Attorney A becomes employed, full time, by X Corporation in Virginia as in-house counsel. Attorney A wishes to provide volunteer, *pro bono* legal services, one day a month to the Greater Neighborhood

Legal Services (“GNLS”), a non-profit entity structured to provide free legal services to neighborhood residents in necessitous circumstances.

Attorney A does not maintain a practice separate from his employment with X Corporation. However, X Corporation applauds Attorney A’s objectives and will underwrite Attorney A to the extent of providing Attorney A with reasonable logistic and administrative support in this endeavor, including among other things, secretarial services, telephone and photocopy services, and one day a month off with pay during which Attorney A can work with and for GNLS.

4. State specific issue(s)/question(s) regarding the practice of law that you wish answered by the Committee.

Although Attorney A does not maintain a practice separate from his employment with X Corporation, may Attorney A serve as an attorney to an entity providing pro bono legal services or provide such services directly without a separate law practice?

5. I certify that I have researched the Virginia State Bar’s Unauthorized Practice Rules, Unauthorized Practice Considerations, prior Unauthorized Practice of Law Opinions and appropriate case law and believe the following to be relevant:

Unauthorized Practice of Law Opinion 167

6. Why do you believe the proposed conduct would or would not violate the Unauthorized Practice Rules?

As long as Attorney A is rendering the pro bono legal services as an individual, free of any control by X Corporation, Attorney A’s conduct in rendering the pro bono legal services constitutes a practice separate from his employment with X Corporation and is therefore not subject to the restraints, restrictions, and considerations articulated in Virginia UPL Opinion 167.

7. Please note that in accordance with Part Six: Section IV, Paragraph 10 c (ii) of the Rules of the Supreme Court of Virginia, the Committee may in its discretion decline to render an opinion regarding any matter which is currently the subject of any disciplinary proceeding or litigation.

Please indicate if the inquiry concerns:

  No   Pending Litigation

  No   Civil

  No   Criminal

  No   Pending Disciplinary Proceeding

8. \_\_\_\_\_  
Signature

9. \_\_\_\_\_  
Date