

Public Interest Law Initiative
Law Firm Pro Bono Roundtable
Tuesday, November 5, 2013, 12:00 – 1:30 pm
Neal, Gerber & Eisenberg LLP
2 North LaSalle, Chicago IL 60602

AGENDA

- 12:00 – 12:15 p.m. **Welcome & Introductions** - Meet your fellow law firm colleagues and learn about their pro bono successes and challenges.
- 12:15 – 12:30 p.m. **Illinois Legal Aid Online Presentation** - View updates by Illinois Legal Aid Online on the new volunteer opportunity search system.
- 12:30 – 12:40 p.m. **Pro Bono Updates** - Hear about the most recent news and changes to pro bono work in Illinois.
- 12:40 – 1:20 p.m. **Information and Idea Exchange** - Share your experiences and discuss the challenges facing your law firm pro bono program relating to the following topics, as time allows:
- Pro Bono Collaborations
 - Engaging Senior Partners in Pro Bono
 - Pro Bono Comfort Zones
 - Conservative Pro Bono Work
- 1:20 – 1:30 p.m. **New Opportunities, Responding to Challenges, and Next Steps**

ADJOURN



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I. Welcome & Introductions

Pro bono leaders from various law firms introduced themselves and spoke briefly about current state and challenges of the pro bono programs at their law firms.

II. Illinois Legal Aid Online Presentation

Illinois Legal Aid Online (ILAO) staff presented their updated volunteer opportunity search functionality, displaying the customization of opportunities and ways to search for relevant pro bono work.

III. Pro Bono Updates

Recent updates to the Illinois Rules of Professional Conduct clarifies the ability for attorneys to enter into limited scope representation with clients, although opportunities to put this into practice are still in the development stages across Illinois. Other updates permit attorneys with limited admission, and retired or inactive status to engage in pro bono work.

IV. Information and Idea Exchange

Roundtable participants engaged in an information and idea exchange where pro bono leaders from different law firms led short discussions on the below topics while sharing insight into lessons learned from their law firm's own pro bono programs. The following topics and ideas were discussed:

1. Increasing pro bono collaborations

- An opportunity between larger and smaller firms exists where smaller firm staff could have increased access to volunteer on projects and clinics, as well as attend agency events; larger firms could have increased access to subject matter experts and develop partnerships with new agencies.
- Partnering with smaller firms and solo practitioners can raise challenges such as conflicts of interest, the need to clearly define each attorney's role and time required to supervise the exchange of pro bono work.

- The pitch could be made to a larger firm that developing the relationship with attorney's practicing other areas of law, such as family or criminal law, would be able to make more informed referrals after partnering with smaller firms on pro bono matters.
- Develop an opt-in listserv of pro bono contacts at firms and corporations, using Google Groups.

2. Engaging senior partners in firm pro bono work

- Need to invest in developing an individual relationship with senior partners to identify possible motives to increase pro bono participation.
- Reasons why senior partners would want to do pro bono work include:
 - Showing support for firm policy, if senior partners don't follow the policy, younger lawyers will think they are exempt;
 - Satisfaction in an area of new discipline;
 - Giving back to the community by using specialized gifts;
 - Leveraging experience as a tool to train and assess newer attorneys; and
 - Able to practice without tax implications.
- Recent rule changes allow retired attorneys provide pro bono work for legal aid agencies without paying annual dues, and have malpractice covered by the partner agency.
- When people retire from a firm, many are done with law altogether.

3. Addressing pro bono comfort zones

- Providing training to attorneys at law firms is an important part of getting people to step out of their comfort zones.
- Training providers include the partnering agencies and ILAO online trainings.
- Good idea to pair up attorneys or develop a system for those with less pro bono experience to shadow those with more.
- Identify a firm champion for certain pro bono subject matters.
- Get around concerns about time or skill required by developing discrete, limited-scope representation opportunities.
- One strategy is to use self-interested pitches to sell a pro bono opportunity outside a lawyer's practice area, including the ability to take the time to learn a new skill set or area of law since not billing a client.
- The ability to call on full-time agency staff and develop that relationship can be a motivating factor.

4. Issues involved in conservative pro bono work

- Firms with specific pro bono profiles have already set their agenda.
- Firms without a pro bono profile rely on firm policies and committee practices.
- Including the ABA or Illinois definition of pro bono as part of a firm policy shields firms from having to judge appropriate pro bono work.
- Pro bono policies can include the requirement to get firm approval for pro bono work done using resources outside an attorney's department or the time of other attorneys.

- Pro bono committees have been put in the position to consider a controversial pro bono opportunity, where the mission is not agreed upon, but where committee members would want to provide the freedom to work on the opposite position, so must permit.
- Craft the message so that helping low-income people is not a partisan issue.
- Have to identify any conflict issues that can arise.

Limited Scope Representation in Illinois

What is limited scope representation?

Limited scope representation is an approach to providing legal services in which a lawyer provides legal assistance in a specific, discrete aspect of a matter and the client self-represents in the remainder. Sometimes referred to as “unbundling,” limited scope representation is permitted under Rule 1.2(c) of the Illinois Rules of Professional Conduct of 2010. Examples of limited scope representation include providing simple advice in a one-time consultation, drafting a pleading, and making a court appearance limited to a single issue or proceeding in a litigated matter.

What are the benefits of limited scope representation?

Limited scope representation is a tool for broadening access to legal representation in civil matters. The reality is that many moderate-income litigants cannot afford the cost of a traditional, full representation by a lawyer, while legal aid organizations lack sufficient resources to meet the full demand for legal help from low-income people. By allowing lawyers to focus their involvement on discrete aspects of a case rather than the entire matter, limited scope can put legal representation within reach of more people. Specifically:

- Lawyers in private practice can provide fee-based representation regarding specific tasks or proceedings the client will have difficulty handling on his or her own
- Legal aid lawyers can allocate their limited time to appearing on a limited basis in the most critical proceeding(s) in a client’s case

The new rules regarding limited scope in litigation also may enable legal aid and pro bono programs to develop short-duration litigation opportunities for volunteer lawyers.

When is limited scope representation appropriate?

Rule of Professional Conduct 1.2(c) expressly allows lawyers to limit the scope of their representation where it is reasonable under the circumstances and with the client’s informed consent. In general, no limited representation is categorically out of bounds as long as it meets the requirements laid out in RPC 1.2(c).

Is limited scope representation permitted in litigation?

Rule changes adopted by the Illinois Supreme Court effective July 1, 2013 now allow lawyers to make limited scope appearances in civil matters (see Supreme Court Rule 13), and to provide assistance with drafting pleadings and other documents to be filed by *pro se* litigants (see Supreme Court Rule 137).

What rules govern limited scope representation?

- **Rule of Professional Conduct 1.2:** Paragraph (c) permits lawyers to limit the scope of their representation where reasonable under the circumstances and with the client's informed consent. See also comments [6]-[8].
- **Rule of Professional Conduct 4.2:** Comment [8A] addresses communications by a lawyer with a person represented on a limited basis under RPC 1.2(c).
- **Rule of Professional Conduct 5.5:** Comment [3] states that lawyers may counsel non-lawyers who wish to proceed *pro se*, including through assistance provided under Supreme Court Rules 13(e) and 137(c)(6).
- **Supreme Court Rule 11:** Paragraph (e) contains the requirements for service when a party is represented by a lawyer making a limited scope appearance pursuant to Supreme Court Rule 13(e).
- **Supreme Court Rule 13:** Paragraph (c)(6) permits and lays out the procedures for lawyers to make limited scope appearances in civil proceedings. Paragraph (c)(7) addresses withdrawal from limited scope appearances. The rule included three forms required for making and ending limited scope appearances (Notice of Limited Scope Appearance, Notice of Withdrawal of Limited Scope Appearance, and Objection to Withdrawal of Limited Scope Appearance). The commentary discusses limited scope appearances and the procedure for withdrawal in detail.
- **Supreme Court Rule 137:** Paragraph (e) allows lawyers to provide document preparation assistance to self-represented persons without filing an appearance in the underlying case. The committee commentary adds further detail to the provisions of paragraph (e).

How can I learn more?

- The *Illinois Bar Journal* and the *CBA Record* both published primers on the litigation-related rule changes in their October 2013 issues.
- Links to practice resources including limited scope appearance forms, sample documents, articles and other information are available online through the ISBA (<http://tinyurl.com/limitedscope-isba>) and the Chicago Bar Association (<http://tinyurl.com/limitedscope-cba>).

Prepared by David Holtermann of the Lawyers Trust Fund of Illinois (david@lhf.org/312-938-3076)

Examples of Limited Scope Representation

Prepared by the Public Interest Law Initiative (PILI)

Efforts by Illinois legal aid and pro bono organizations to more deliberately craft opportunities tied to the new rules regarding limited scope in litigation are still very much in development stages. A current opportunity includes:

CARPLS Opportunities:

- CARPLS Legal Aid Hotline, including limited drafting work done through the hotline e.g. letters and limited pleadings.
- CARPLS court-based Advice Desk
- Private Attorney Panels, in development

For more information please contact Leslie Wallin at lwain@carpls.org or go to www.carpls.org.

Models from other states:

- Lawyer Referral of Central Texas, limited scope representation program for family law cases (<http://courtex.blogspot.com/2010/10/self-represented-litigants.html>)
- Texas Legal Services Center, Parenting Order Legal Clinic (POLC) provides limited scope representation to non-custodial parents in matters involving their parenting orders.
- Suffolk County (NY) Limited Assistance Representation Project, Courtroom Lawyer for the Day (<http://spfj.org/LAR.htm>)
 - Mobile office with forms, blank client files, reference materials, etc. at the courtroom every Friday.
 - 2 – 3 volunteer lawyers represent clients in family law or guardianship matters on that day in court.
 - Attorneys enter a Notice of Limited Appearance along with a Notice of Withdrawal of Limited Appearance.

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Pro Bono Reference Guide: A Resource for Law Firm Programs

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Introduction

Since its founding in 1977, the [Public Interest Law Initiative \(PILI\)](#) has cultivated a lifelong commitment to public interest law by creating opportunities for law students and lawyers to provide public interest and pro bono work in Illinois. At every stage in the life cycle of a legal career, PILI guides attorneys in actualizing their professional responsibilities and personal commitments to equal access to justice through a continuum of public interest law and pro bono opportunities. PILI's programs first capture emerging lawyers when they are law students and new law school graduates, and then extend into legal practice to reach new associates, seasoned lawyers, and senior attorneys working in every sector of the legal community – private, academic, government and nonprofit.

PILI, through its [Pro Bono Initiative Program](#), is a resource for Illinois law firms and corporations developing or enhancing pro bono programs. This pro bono consulting program fosters business cultures and legal careers that feature a commitment to public interest law and pro bono work. PILI works collaboratively with law firms, corporations, public interest law agencies and law schools to create and promote work environments, programs and opportunities that help new associates and seasoned attorneys actualize their commitment to pro bono work. By cultivating best practices, ensuring effective communication and serving as a clearinghouse for pro bono issues, PILI enhances the scope and quantity of pro bono work in Illinois for those who lack access to justice.

PILI, in conjunction with [The Chicago Bar Foundation](#), has compiled the *Pro Bono Reference Guide*, which is intended to provide you with guidance in developing or enhancing a formal pro bono program at your law firm. A variety of sample documents and individualized and in-person technical assistance are available as a supplement to the Guide.

In addition to the *Pro Bono Reference Guide*, PILI also has a variety of other resources to aid you in your efforts:

- **PILI E-newsletter:** PILI's e-newsletter is published every other month and provides the latest news about PILI's programs, events and the latest public interest law and pro bono news. Visit the PILI website to subscribe to the newsletter and to view past editions;
- **PILI Pro Bono Consultations:** PILI will organize a consulting team of pro bono leaders from law firms similar in nature to yours who will meet with you and other leaders at your law firm to share their experiences and perspectives regarding each of their pro bono programs. The members of these teams often share samples of relevant materials to further assist you in your efforts. Based on your needs and interests, we will also help you identify the legal aid agencies that would be appropriate partners for your law firm; and
- **PILI Pro Bono Programming:** PILI organizes and hosts the Illinois Forum on Pro Bono annually, which brings together pro bono leaders from law firms, corporations, law schools and legal aid agencies to discuss timely pro bono issues and share pro bono best practices. As a complement to the Forum, PILI also hosts an annual Law Firm Pro Bono Roundtable to bring together pro bono leaders from around Illinois to network, discuss the unique pro bono challenges facing attorneys and to share best practices and strategies for successful pro bono programs.

These services are provided at no cost to firms and corporations interested in establishing or enhancing a pro bono program. If you are interested in learning more about the services provided by PILI, visit our website at www.pili.org, or contact PILI's Executive Director, Michael Bergmann, at mbergmann@pili.org or 312-832-5129.



SECTION 2:

PRO BONO BASICS

Contents

- a. What Constitutes Pro Bono?
- b. Illinois Supreme Court Pro Bono Reporting Rule
- c. Why Do Pro Bono?
- d. The Chicago Bar Foundation Law Firm Leadership Circle Statement of Principles

What Constitutes Pro Bono Work?

I. Official Definition

While there are various definitions throughout the country of what constitutes pro bono, the Illinois Supreme Court has recently adopted a reporting requirement for pro bono legal services and qualified monetary contributions in which the Court has defined pro bono for purposes of this Rule.

Illinois Supreme Court Rule 756(f) defines pro bono as legal services without charge or expectation of a fee to persons of limited means; legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means; legal services to charitable, religious, civic or community organizations in furtherance of their organizational purpose; or training intended to benefit legal aid organizations or lawyers who provide pro bono services.

The Illinois definition is based in part on [Model Rule 6.1](#) of the American Bar Association's Model Rules of Professional Conduct, which provides that all lawyers should render public interest legal service.

II. Examples of Pro Bono Work

The types of engagements that qualify as bona fide pro bono work are varied and countless. Examples include:

- Representing an indigent client in a landlord-tenant dispute;
- Counseling a not-for-profit organization on tax matters;
- Developing and presenting a training session on a substantive law topic for pro bono attorneys; and
- Making financial contributions to help fund a legal clinic which serves persons of limited means.

III. Activities That Do Not Qualify as Pro Bono Work

Not all charitable activities qualify as pro bono work. Examples of activities that do not constitute pro bono work include:

- Serving on the board of a school district where the lawyer does not act as the district's pro bono legal counsel;
- Offering discounted fees to clients;
- Attending continuing education seminars; and
- Fundraising for organizations.

IV. Dispelling Myths About Pro Bono Opportunities

Some people think that pro bono work only means representing a poor person in a litigation matter. However, many attorneys regularly engage in pro bono services on a wide variety of transactional matters as well. There is a broad range of case types and legal matters for which pro bono attorneys are needed. Lawyers should be encouraged to devote their pro bono hours and contributions to matters and causes in which they have a personal interest or commitment.

Illinois Supreme Court Pro Bono Reporting Rule

I. Background

In 2006, the Illinois Attorney Registration and Disciplinary Commission (ARDC) implemented a pro bono reporting requirement for attorneys licensed in Illinois. According to the Committee Comments to the amended Rule 756(f), the report is intended to serve as an annual reminder to Illinois lawyers that pro bono legal service is an integral part of a lawyer's professionalism. Excerpts from the Rule follow this article.

II. Summary of the New Rule

Rule 756(f) requires all attorneys licensed in Illinois to report, in connection with the attorney's annual ARDC registration, pro bono legal services provided and qualified monetary contributions made during the preceding 12 months.

Pro bono legal services include legal services without charge or expectation of a fee (a) to a person of limited means; (b) to an organization designed to address the needs of persons of limited means; (c) to certain charitable, religious, civic, or community organizations; and (d) pro bono training intended to benefit legal service organizations or lawyers who provide pro bono services. According to Rule 756(f), "persons of limited means" are not only those persons with household incomes below the federal poverty standard but also those persons frequently referred to as the "working poor."

The Rule also encourages attorneys to make monetary contributions to an organization that provides legal services to persons of limited means or that contributes financial support to such an organization.

III. Compliance with Rule 756(f)

The new reporting requirement consists of two questions that have been added to the annual Illinois ARDC registration form. All attorneys must respond to both questions, even if they did not perform any pro bono work or make a qualified monetary contribution in the preceding 12 months.

Question 1: Pro Bono Legal Services.

- Attorneys who did *not* perform any pro bono work in the preceding 12 months should check the "No" box on Question 1 and state whether the attorney is prohibited from providing legal services because of his or her employment.
- Attorneys who did perform pro bono work in the preceding 12 months should check the "Yes" box on Question 1 and identify the number of hours within each category of legal services listed.

Question 2: Monetary Contributions.

- Attorneys who did *not* make a monetary contribution to an organization that provides legal services to persons of limited means or that contributes money to such an organization should check the "No" box on Question 2.
- Attorneys who did make a monetary contribution within the preceding 12 months should check the "Yes" box and identify the approximate amount of the contribution.

IV. Penalty for Noncompliance

An attorney's failure to report the required information will result in an attorney's name being removed from the master roll of licensed attorneys in Illinois.

Amended Supreme Court Rule 756

(In Pertinent Part)

(f) Disclosure of Voluntary Pro Bono Service. As part of registering under this rule, each lawyer shall report the approximate amount of his or her pro bono legal service and the amount of qualified monetary contributions made during the preceding 12 months.

(1) Pro bono legal service includes the delivery of legal services or the provision of training without charge or expectation of a fee, as defined in the following subparagraphs:

(a) legal services rendered to a person of limited means;

(b) legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;

(c) legal services to charitable, religious, civic, or community organizations in matters in furtherance of their organizational purposes; and

(d) training intended to benefit legal service organizations or lawyers who provide pro bono services.

In a fee case, a lawyer's billable hours may be deemed pro bono when the client and lawyer agree that further services will be provided voluntarily. Legal services for which payment was expected, but is uncollectible, do not qualify as pro bono legal service.

(2) Pro bono legal service to persons of limited means refers not only to those persons whose household incomes are below the federal poverty standard, but also to those persons frequently referred to as the "working poor." Lawyers providing pro bono legal service need not undertake an investigation to determine client eligibility. Rather, a good-faith determination by the lawyer of client eligibility is sufficient.

(3) Qualified monetary contribution means a financial contribution to an organization as enumerated in subparagraph (1)(b) which provides legal services to persons of limited means or which contributes financial support to such an organization.

(4) As part of the lawyer's annual registration fee statement, the report required by subsection (f) shall be made by answering the following questions:

(a) Did you, within the past 12 months, provide any pro bono legal services as described in subparagraphs (1) through (4) below? ___ Yes ___ No

If no, are you prohibited from providing legal services because of your employment? ___
Yes ___ No

If yes, identify the approximate number of hours provided in each of the following categories where the service was provided without charge or expectation of a fee:

(1) hours of legal services to a person/persons of limited means;

(2) hours of legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;

(3) hours of legal services to charitable, religious, civic or community organizations in furtherance of their organizational purposes; and

(4) hours providing training intended to benefit legal service organizations or

lawyers who provide pro bono services. Legal services for which payment was expected, but is not collectible, do not qualify as pro bono services and should not be included.

(b) Have you made a monetary contribution to an organization which provides legal services to persons of limited means or which contributes financial support to such organization? ____ Yes ____ No

If yes, approximate amount: \$_____.

(5) Information provided pursuant to this subsection (f) shall be deemed confidential pursuant to the provisions of Rule 766, but the Commission may report such information in the aggregate.

(g) Removal from the Master Roll. On February 1 of each year the Administrator shall remove from the master roll the name of any person who has not registered for that year. A lawyer will be deemed not registered for the year if the lawyer has failed to provide trust account information required by paragraph (d) of this rule or if the lawyer has failed to provide information concerning malpractice coverage required by paragraph (e) or information on voluntary pro bono service required by paragraph (f) of this rule. Any person whose name is not on the master roll and who practices law or who holds himself or herself out as being authorized to practice law in this State is engaged in the unauthorized practice of law and may also be held in contempt of the court.

The complete amended Rule is available at <http://www.state.il.us/court/SupremeCourt/Rules/Amend/2006/061406.pdf>.

Why Do Pro Bono Work?

I. Professional Obligation

It is our ethical obligation as attorneys in Illinois to provide pro bono assistance to persons in need of legal services who cannot afford them and for law firms to support their lawyers in this work.

The preamble to the Supreme Court of Illinois Rules of Professional Conduct provides, in pertinent part, as follows:

It is the responsibility of those licensed as officers of the court to use their training, experience and skills to provide services in the public interest for which compensation may not be available. It is the responsibility of those who manage law firms to create an environment that is hospitable to the rendering of a reasonable amount of uncompensated service by lawyers practicing in that firm. An individual lawyer's efforts in these areas is evidence of the lawyer's good character and fitness to practice law.

The Chicago Bar Association also has a standing resolution, updated and reaffirmed in October 2008, that attorneys should contribute 50 hours of pro bono or make a \$250 contribution or the equivalent of two billable hours to support the legal aid system, or some combination thereof.

Building on the previous Pro Bono Statement of Principles established by the Public Interest Law Initiative (PILI), The Chicago Bar Foundation (CBF) has also developed the CBF Law Firm Leadership Circle and an accompanying comprehensive statement of principles for law firms. These Principles were developed to embody best practices for firms and related issues and to underscore the critical role that Chicago law firms play in ensuring equal access to justice in our community.

II. Recruiting and Retention; Firm Morale

Competition for legal talent, whether at the summer associate, recent law school graduate, or lateral attorney level, can be intense. Firms with active pro bono programs enjoy a competitive advantage with many potential new firm attorneys, particularly when a new attorney may be deciding between firms with substantially similar or even identical salary structures. Entry level associates, in particular, are interested in and frequently ask about a firm's commitment to its pro bono program as part of the interview process.

In today's environment, attorneys are more mobile than at any time in the past with nearly 20 percent of associates leaving law firms each year. The costs of replacing departing attorneys are high (often involving recruitment fees and training expenses) and the time involved in transitioning a new attorney is substantial. A strong pro bono culture can contribute to a positive office environment and, in turn, strengthen attorney loyalty to the firm.

Finally, a successful pro bono program can provide opportunities for lawyers to work together as a team. Pro bono victories and awards can be shared with the entire office, fostering a sense of pride and accomplishment among attorneys and staff.

III. Training and Professional Development

Pro bono projects can be used as training vehicles to provide a wide variety of high quality skills training at a much lower cost than might otherwise be provided through client-paying work. Through pro bono work, junior attorneys may try cases and gain substantial client contact earlier in their career. With adequate supervision, junior attorneys can be afforded greater autonomy in a pro bono matter, offering meaningful work experience and accelerated professional development opportunities that benefit both the individual attorney and the employer.

IV. Firm Marketing

Pro bono is an effective marketing tool that can provide a firm or corporation with positive publicity, heightened visibility, improved client relationships, and evidence of good corporate citizenship. Several local and national organizations such as PILI, the Pro Bono Institute, *American Lawyer Magazine* and the ABA Center for Pro Bono set pro bono goals and recognize those law firms and individual attorneys who meet or exceed those goals.

V. Unmet Legal Needs

The most obvious and compelling reason to perform pro bono work is the need to address the gap between the millions of persons who need assistance but cannot afford or obtain it, and the limited resources available to meet those needs through legal service organizations. The assistance provided by volunteer attorneys is critical, as there are just over 300 legal aid attorneys to serve all of Illinois.

THE CHICAGO BAR ASSOCIATION PRO BONO RESOLUTION

Updated and Reaffirmed by the CBA Board of Managers on October 16, 2008

WHEREAS, equal access to justice is central to our democratic society, integral to the effective functioning of our justice system, and a critical part of the safety net for vulnerable members of our community; and

WHEREAS, a recent statewide legal needs study sponsored by The Chicago Bar Association, The Chicago Bar Foundation and other bar groups found that tens of thousands of less fortunate individuals continue to lack access to legal assistance that is often critical to their safety and independence, forcing them to resolve complex legal problems on their own, including domestic violence, divorce, child custody, evictions, mortgage foreclosures and the physical and financial abuse of the elderly; and

WHEREAS, there are fewer than 300 legal aid attorneys to serve the Chicago area's more than one million low-income residents; and

WHEREAS, while thousands of attorneys in Illinois have made a laudable commitment to providing pro bono services and making financial contributions to legal aid organizations, the study demonstrates that a huge unmet need for legal assistance remains for the low-income and disadvantaged Chicagoans who are in the most critical need of the protections of our legal system; and

WHEREAS, Illinois Supreme Court Rule 756 (f) underscores that lawyers have a special professional obligation to ensure that our justice system is accessible to everyone; and

WHEREAS, The Chicago Bar Association is committed to increasing pro bono legal services and funding for the legal aid system through its charitable affiliate, The Chicago Bar Foundation; and

WHEREAS, increased pro bono services and financial contributions to the pro bono and legal aid system can significantly expand the availability of legal services for low-income persons.

THEREFORE, it is resolved by The Chicago Bar Association that:

1. The Chicago Bar Association formally reaffirms its commitment and resources to increasing pro bono legal services for low-income and disadvantaged residents in the Chicago area and financial contributions to the legal aid system; and
2. The Chicago Bar Association adopts a suggested standard for each of its members (other than members employed as staff attorneys for legal aid organizations or by government agencies that are prohibited from performing other legal services) to perform or support pro bono legal services by taking the following actions:
 - a. Participate for a minimum of 50 hours in pro bono activities consistent with Illinois Supreme Court Rule 756 (f) which include providing without fee or expectation of fee:
 - i. Legal services to a person of limited means;
 - ii. Legal services to an organization designed to address the needs of persons of limited means;
 - iii. Legal services to charitable, religious, civic or community organizations in furtherance of their organizational purposes; and
 - iv. Pro bono training intended to benefit legal aid organizations or lawyers who provide pro bono services; and

- b. Contribute a minimum of \$250 or the equivalent of two billable hours, whichever is greater, per year to support the legal aid system by contributing to 1) the CBA's charitable affiliate, The Chicago Bar Foundation, which provides grants and other support to legal aid and pro bono organizations in the Chicago area; 2) an organization which has as its principal purpose the provision of free or low-cost legal services to low-income and disadvantaged residents of the Chicago area; and/or (3) an organization which provides free or low-cost legal services to nonprofit organizations addressing the needs of low-income persons; and
 - c. Support advocacy efforts at the federal, state, and local levels dedicated to ensuring adequate funding for legal aid and access to justice.
- 3. Each CBA member employed as a staff attorney of a legal aid organization or by a government agency or the judiciary should cooperate with and facilitate pro bono service by attorneys.
- 4. The Chicago Bar Association will continue to offer a Pro Bono Support Program through The Chicago Bar Foundation to assist CBA members with questions about how to satisfy this resolution.

The Chicago Bar Foundation Law Firm Leadership Circle Statement of Principles

While lawyers and law firms support a variety of charitable initiatives, lawyers have a special professional responsibility to ensure that everyone has access to our justice system. Fulfilling this responsibility requires contributions of time and money as well as a strategic use of the influence that lawyers and law firms have in our community. The Chicago Bar Foundation, through its Managing Partners Advisory Committee, has established the CBF Law Firm Leadership Circle and an accompanying statement of principles to underscore the critical role that law firms in Chicago play in ensuring equal access to justice in our community.

These principles and the rationale behind each of them are detailed in the accompanying documents. In summary, to be a part of the CBF Law Firm Leadership Circle, firms must make the commitments set forth below. (As reflected in the chart below and explained in the accompanying documents, higher levels of pro bono and financial commitment can qualify a firm for the Gold or Platinum levels in the Leadership Circle).

1. Adopt policies encouraging each attorney in the firm to do at least 35 hours of pro bono work each year;
2. Advocate for adequate legal aid funding from the IOLTA program; federal, state and local government; and cy pres awards;
3. Provide in-kind marketing, training and administrative support for legal aid agencies;
4. Provide firm financial support for legal aid organizations serving the Chicago area in an amount equivalent to at least \$300 per lawyer in the firm's Chicago office each year;
5. Participate in the annual CBF Investing in Justice Campaign and match contributions from individual attorneys in whole or in part; and
6. Strive to support Public Interest Law Fellowships, Rotations and Internships.

| | Annual Firm Contribution | Annual Pro Bono Aspirational Commitment | Investing in Justice Campaign | Other Leadership Circle Commitments |
|----------|--------------------------|---|-------------------------------|-------------------------------------|
| Silver | \$300 or more per atty | 35 hours or more per atty | X | X |
| Gold | \$600 or more per atty | 50 hours or more per atty | X | X |
| Platinum | \$1,000 or more per atty | 50+ hours per atty | X | X |

[View the entire packet including background information and frequently asked questions regarding the CBF Law Firm Leadership Circle and Statement of Principles.](#)

Statement of Principles for The Chicago Bar Foundation Law Firm Leadership Circle

As a profession, lawyers have a special responsibility to ensure that everyone has access to our justice system. Fulfilling that responsibility requires contributions of time and money as well as a strategic use of the influence lawyers have in our community. By committing to this Statement of Principles and becoming part of **The Chicago Bar Foundation Law Firm Leadership Circle**, law firms demonstrate their leadership and make a critical investment in the future of our profession and our system of justice.

1. **Provide Financial Support for Pro Bono, Legal Aid and Access to Justice**
 - We will make financial support for legal aid and related access to justice initiatives a priority within our firm's overall charitable giving.
 - Specifically, our firm will annually contribute a combined amount equal to at least \$300 per attorney in our Chicago office to support legal aid and public interest law organizations serving the Chicago area. Recognizing that this is a minimum threshold that many firms already exceed, our firm will aspire to contribute at higher levels, with the **Gold** (\$600 per attorney) and **Platinum** (\$1000 per attorney) giving levels as aspirational goals.
 - Above and beyond the firm's other contributions, we also will participate in The Chicago Bar Foundation's annual *Investing in Justice Campaign*; encourage lawyers in the firm to contribute to the *Campaign*; and match, in whole or in part, *Campaign* contributions from individual lawyers in the firm.

2. **Adopt Written Policies and Practices to Encourage and Support Pro Bono Work**
 - We will adopt and periodically distribute written policies that encourage each attorney in the firm to provide pro bono legal services, adopt practices that encourage our lawyers to do pro bono work, and provide our lawyers with credit for compensation and/or advancement purposes for pro bono work.
 - Specifically, our firm will encourage each lawyer in the firm to devote at least 35 hours per year to pro bono work. Recognizing that this is a minimum threshold that many firms already exceed, our firm will consider policies with higher hourly targets for pro bono work, with the **Gold** (50 hours or more per attorney) and **Platinum** (50+ hours per attorney) levels as aspirational goals.
 - We will consider a full-time attorney position devoted to leading and coordinating the firm's pro bono and public interest activities, or adopt an alternative structure that underscores the firm's commitment to pro bono and provides meaningful support to our attorneys for pro bono work.

3. **Adopt Additional Policies and Practices to Support Legal Aid and Access to Justice**
 - a. **Maximize Income from the Firm's IOLTA Accounts**
 - We will maximize the use of *IOLTA* accounts within the firm in accordance with the Illinois Supreme Court Rules and advocate with our bank(s) to maximize interest rates payable on these accounts.

 - b. **Advocate for Adequate Government Funding for Legal Aid and Access to Justice**
 - We will support advocacy efforts at the federal, state, and local levels dedicated to ensuring adequate funding for legal aid and access to justice.

 - c. **Promote Cy Pres Awards for Pro Bono, Legal Aid, and Access to Justice**
 - We will encourage our attorneys to advocate for cy pres awards to go to support pro bono, legal aid, and access to justice initiatives.

 - d. **Provide Marketing, Training and Administrative Support for Legal Aid and Public Interest Law Organizations**
 - To the extent practicable, we will make approved CLE programs available to legal aid and public interest attorneys; provide marketing, administrative and legal support for legal aid and public interest law organizations; host meetings and events for these

organizations; and encourage the firm's vendors to provide pro bono support to these organizations.

e. Support Public Interest Law Internships, Fellowships and Rotations

- We will support *Public Interest Law Initiative (PILI)* Fellowships and strive to sponsor at least one *PILI* Internship each year.
- We will consider adopting paid rotation programs that allow our attorneys up to one year working at a local legal aid or public interest law organization.
- We will consider sponsoring public interest law fellowships through Equal Justice Works or similar programs.

Our firm commits to this Statement of Principles for The Chicago Bar Foundation Law Firm Leadership Circle.

Firm: _____

Signed: _____

Name (print) and Title: _____

Date: _____

(Optional)

Our Firm Commits to Meeting the Criteria for the Gold Level of the Leadership Circle _____

Our Firm Commits to Meeting the Criteria for the Platinum Level of the Leadership Circle _____

For more information about the Law Firm Leadership Circle and Statement of Principles, please contact CBF Executive Director Bob Glaves at (312) 554-1205 or bglaves@chicagobar.org.



SECTION 3:

INITIAL CONSIDERATIONS IN DEVELOPING A PRO BONO PROGRAM

Contents

- a. What Is Your Firm Hoping to Achieve with Your Pro Bono Program?
- b. What Are Realistic Goals for Your Pro Bono Program?
- c. Setting Up Your Pro Bono Program
- d. The Importance of a Pro Bono Policy
- e. What Are Your Attorneys' Pro Bono Interests?
- f. Malpractice Coverage for Your Firm's Pro Bono Work
- g. Special Considerations for Small Firms In Designing a Pro Bono Program
- h. Developing an Effective Pro Bono Policy

What Is Your Firm Hoping to Achieve with Your Pro Bono Program?

Although the objectives might change over time as your pro bono program evolves, it is a good idea in the initial stages of the program to identify what goals you have for the program and to design the program to achieve those goals. It is, after all, against those goals that the success of your program ultimately will be measured. As any business consultant will tell you, if you cannot measure it, you cannot manage it.

Common goals that law firms have set for their pro bono programs are discussed below. These goals, as you will see, are not mutually exclusive and most successful pro bono programs will incorporate some or all of these objectives. They are also not exhaustive. The goals you set for your program are limited only by your imagination and the culture of your law firm.

I. Satisfying Attorneys' Desire to Give Back to the Community

The impetus for and goal of many pro bono programs is to provide an outlet for attorneys to give back to the community. Law firms are blessed with amazing resources and talents and yet there are profound unmet legal needs among the poor and disadvantaged. Pro bono is a way to bring the two together in a way that ultimately benefits not only the participants but also society as a whole.

II. Training Your Lawyers and Legal Staff

For many young law firm lawyers, the opportunities to take a case to trial or head up a matter are few and far between because of the stakes of such engagements and the cost of legal services. Pro bono programs can provide wonderful training opportunities to newer lawyers or lawyers who simply wish to broaden their horizons.

III. Promoting Your Firm and Its Image

Pro bono engagements can raise the visibility of your firm and help burnish its reputation in the community as a firm of high quality that cares about its community. Many law firms report that recruits express an interest in the firm's pro bono credentials, and a small but influential group of corporations are now asking their outside law firms to show a commitment to pro bono law in order to remain a preferred provider.

IV. Building Stronger Relationships Within Your Firm or Between the Firm and its Clients

This objective is often overlooked but many successful pro bono programs expressly are designed to foster closer relationships between persons within the same law firm and/or between lawyers and their clients. Just as many lawyers want to give back to the community, so do paralegals, secretaries and information technology staff at law firms and corporate law departments. For many law firms, partnering with an actual or prospective client on a pro bono matter is a very effective way of establishing or strengthening a business relationship.

What Are Realistic Goals for Your Pro Bono Program?

When you are establishing your pro bono program, you need to be realistic about the goals you set for the program. A firm that has no history of pro bono service is not likely to be transformed into a pro bono powerhouse overnight. On the other hand, there is a value in setting goals that are aspirational in nature to encourage the growth of the program and to remind people of why you thought there was value in pro bono in the first place. While there are a number of structures that firms have successfully used to provide support to their attorneys for pro bono work, the common denominator is strong and visible support from the firm's leadership.

I. Setting Minimum Pro Bono Hours

In PBI's experience, successful pro bono programs are voluntary in nature and succeed because lawyers and legal staff are enthused about giving back to the community, not because they have to put in their time to reach some preset hours goal. PILI therefore encourages firms to adopt aspirational pro bono standards rather than requiring a set number of hours.

II. Tracking Your Investment in Pro Bono

For your program to be successful, it is important to track not only the number of lawyers and legal staff who participate in the program but the hours they spend each year on pro bono matters and the value of those hours. The reality of legal practice is that any individual's time on pro bono cases will vary from year to year. Because of this, law firms should look more broadly at average pro bono hours to ensure that over time the program is growing. You should also track expenses incurred by the program and charitable contributions made by your firm as a result of its involvement in pro bono matters so you can be prepared to quantify your firm's financial commitment to pro bono.

III. Expect Better Participation from Younger Lawyers

Although pro bono work should appeal to lawyers of all experience levels, it is simply a fact of life that younger lawyers seem to participate in pro bono work on a more frequent basis. This is a product of many factors, from the relative idealism of younger lawyers, to their desire for more training and the busy schedules of more experienced lawyers who are balancing not only work, but management or business development responsibilities. A good pro bono program will try to appeal to more experienced lawyers for support and involvement but will realize that participation rates will be higher among younger attorneys. That being said, a well organized and well promoted pro bono program that engages young lawyers is likely to be one that keeps those lawyers committed and involved as they progress in their careers.

IV. Collect Pro Bono Success Stories and Impact of the Program

The firm's pro bono coordinator or committee should continually and enthusiastically promote the program by disseminating information about the program's successes, recognizing lawyers and legal staff who participate in it, and documenting the achievements of the objectives set for the program. When trying to drum up participation in and support of a pro bono program, there is simply no substitute for good press and honest enthusiasm for the program.

Setting Up Your Pro Bono Program

I. Getting Buy-In at Your Law Firm

The first challenge in initiating a pro bono program is to build the necessary support among the leaders of your firm. You need to be prepared to dispel the “myths” of pro bono and to articulate why having a program will not only benefit the clients you intend to serve, but your firm and individual attorneys as well. PILI’s Pro Bono Initiative can help your firm get started.

II. Promulgating a Pro Bono Policy

The less experience your firm has with pro bono work, the more important it will be to develop and promulgate a policy explaining how the program will work. The policy should address:

- What your firm considers to be pro bono work;
- Who will approve the engagements and what type of information will need to be provided before a pro bono matter is accepted;
- Whether and how much billable, bonus or advancement credit will be given to pro bono matters;
- What type of support will be available on pro bono cases (e.g., expert fees); and
- What amount of pro bono work is expected of each attorney.

III. Rolling Out the Program

Once your pro bono policy has been adopted, you must take steps to ensure that the program gets off to a good start. You should consider:

- Encouraging department leaders to lend their vocal support and encourage program participation, ideally by their own example;
- Having a few pro bono opportunities in hand to distribute to interested lawyers; and
- Announcing publicly the purposes and goals of the program.

IV. Maximizing the Program’s Potential

As your pro bono program gains traction, maximize its potential by:

- Appointing a manager of the program to cultivate and identify good opportunities for the firm, encourage participation, track involvement and promote successes;
- Partnering with one or more pro bono or legal aid agencies to pre-screen cases for your organization;
- Actively involving your legal staff in the program and encouraging them to spot worthy matters or causes for your firm to handle or support;
- Publicizing your pro bono program’s successes and linking the program with your organization’s marketing, recruiting and professional development efforts; and
- Participating in the legal community’s efforts to identify and share best pro bono practices.

The Importance of a Pro Bono Policy

I. Why a Pro Bono Policy?

There are numerous advantages to adopting a written pro bono policy within your firm. For example, a written pro bono policy emphasizes your firm's commitment to pro bono work and to your community. A written pro bono policy can provide guidance and encouragement to newer lawyers as they are developing their professional standards and integrating pro bono work into their individual practices. A written pro bono policy is a reflection to the broader community of your firm's desire to serve the needs of disadvantaged members of the community.

Developing a written pro bono policy for your firm also makes good business sense and promotes a shared understanding of the firm's process and commitment to public interest law. A written pro bono policy documents the firm's tradition of encouraging pro bono activity and establishes the procedures by which the firm will handle pro bono cases. A written pro bono policy can establish consistent guidelines and procedures for how the firm will recognize or "value" pro bono work performed by lawyers within the firm. Finally, and oftentimes most importantly, adopting a written pro bono policy can help build and maintain the necessary support for pro bono work among the leaders of the firm and ensure the sustainability of the program for the future.

II. Components of a Pro Bono Policy

There are many "model" pro bono policies available through the Pro Bono Initiative that can provide a firm with guidance in drafting its own written pro bono policy. In addition, many firms post their written pro bono policies on their websites. Of course, each firm will have very different reasons for establishing a pro bono program and will have adopted different procedures for implementing and managing that program. Nonetheless, it can be helpful for a firm that is considering establishing a new pro bono program or revising an existing pro bono policy to review a variety of policies to get an idea what other firms have incorporated into their pro bono programs.

The first step is to define the firm's pro bono vision or mission statement. Why is pro bono important and what is the firm's commitment to pro bono work? In addition to this statement, which is typically found at the beginning of the pro bono policy, a written pro bono policy should address the following:

- Definition of Pro Bono – What type of work will qualify as pro bono work in your firm? Not all volunteer work typically qualifies as pro bono work. You should consider using the definition of pro bono that has been adopted by the Illinois Supreme Court in Rule 756.
- Process for Taking On a Pro Bono Case – What is the process for running conflicts checks and opening up new pro bono matters?
- Use of Firm Resources for Pro Bono Work – What type of support will be available for pro bono work?
- Recognition of Pro Bono Work – Whether and how much credit will be given for pro bono work? This is probably the most important component of the pro bono policy as it defines, in a quantifiable way, how the firm "values" pro bono contributions by its lawyers.
- Staffing and Supervision of Pro Bono Projects – How will pro bono matters be staffed and who will supervise these matters? Many firms require that all pro bono matters be supervised by a partner or other senior attorney.
- Management of Pro Bono Program – Who will be responsible for managing and overseeing the pro bono program, reviewing and approving new pro bono matters, keeping track of the pro bono work being performed by lawyers in the firm, encouraging participation in the pro bono program, and

working with local pro bono and public interest agencies and firms to identify new projects and cases?

What Are Your Attorneys' Pro Bono Interests?

This is another important preliminary question for which you should seek input from your attorneys in the early stages of developing your pro bono program. Particularly for newer or smaller programs, it is recommended that you consider identifying a limited number of legal aid agency partners that will provide your attorneys with a suitable variety of pro bono options.

Many firms conduct a survey of their attorneys at the outset of their program development to inquire as to their attorneys' interests. Firms also encourage newly hired attorneys to complete a pro bono interest survey upon joining the firm. These surveys vary but may include questions regarding the types of opportunities, i.e. litigation versus non-litigation or specific practice areas; the types of issues confronted or groups served by the opportunities, i.e. domestic violence, children, civil rights; or the amount of time the attorneys would typically expect to spend on a pro bono matter. You might also inquire about organizations with which your attorneys have existing relationships that might be potential partners for your pro bono program.

Based on the interests of your attorneys, you might find that one or two agencies have sufficient opportunities to meet their needs. Or, you might need to identify multiple agency partners to cover the spectrum of interest. If you choose to focus your agency partnerships based on a survey, you will likely find that the selected partner agencies may not meet the interests of all of your attorneys. As part of your pro bono management structure, you may want to allow your attorneys the ability to submit unique opportunities to the pro bono coordinator or committee for approval. This is particularly important when the chosen agency partners do not provide an opportunity that meets the interests of every attorney in the firm. Once you've identified your attorneys' areas of interest, one effective way to communicate with them is to establish an e-mail distribution group by interest area in order to disseminate pro bono opportunities relevant to their area of interest.

SAMPLE PRO BONO INTEREST SURVEYS

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois law firms will share sample interest surveys that they have used at their own firms. PILI also maintains a library of sample pro bono interest surveys used by a variety of firms. Please contact PILI's Executive Director, Michael Bergmann at 312.832.5129 or mbergmann@pili.org, or PILI's Education & Outreach Manager, Katie Pieper at 312.832.5128 or kpieper@pili.org for a Pro Bono Consultation.

Malpractice Coverage for Firm's Pro Bono Work

Malpractice coverage is an important consideration in developing your pro bono program. Often, pro bono matters are, or can be, covered under your firm's existing malpractice coverage. If not, most legal aid and public interest law agencies carry a policy that will cover pro bono attorneys who handle cases through the agency. There are some, however, that do not. You should consult with any potential agency partner as to whether they provide coverage. The agency should be able to provide you with the pro bono endorsement and coverage from their policy at your request. You may also purchase an additional policy covering your pro bono activities.

There are many malpractice providers for you to choose from. Aside from typical insurance providers, the **National Legal Aid and Defenders Association (NLADA)** also provides malpractice coverage for pro bono volunteers and is a popular option. Your firm must become an NLADA Member in order to purchase insurance through NLADA. Visit NLADA's website at www.nlada.org/Insurance/ or contact them directly at 800/725-4513 for more information about their insurance program.

If you are considering a firm/corporation partnership (covered in more detail in Section 5), you should note that many corporations do not have malpractice coverage for pro bono work. If their corporation does not have malpractice coverage, the corporate attorneys will need coverage through an agency or will need to purchase additional coverage. A firm will not typically be able to include the corporate attorneys under the firm's policy.

Special Considerations for Small Firms in Designing a Pro Bono Program

Much of what is written about successful pro bono programs comes from the marketing departments of large law firms. While there is no question that these firms have served as influential leaders of the pro bono movement, small law firms also have a proud history of commitment to pro bono legal services. There are, however, unique challenges faced by small law firms in establishing and growing a successful program.

I. The Blank Slate Problem

The person, usually an associate, who wants to start a pro bono program at a small law firm usually starts with a blank slate. No program is on the books and whatever pro bono work that has been done by the firm's lawyers in the past is probably not well coordinated or documented. Fortunately, PILI can provide you with forms and advice like this manual, as well as introductions to legal aid agencies and pro bono coordinators at other law firms, to help get you started.

II. The Resource Challenge and Solutions

Many lawyers at small firms meet resistance from their partners that the firm cannot "afford" a pro bono program given its limited resources. There are ways to ameliorate this concern:

- Select cases that will not require a large commitment of time or money from the firm and where the case is unlikely to exceed preliminary estimates;
- Require the referring agency to screen matters for you and to train your lawyers in how to properly handle their matters; and
- Partner on matters with other law firms, corporations or legal aid agencies.

III. The Need for Sounding Boards

Depending on the firm's resources, pro bono lawyers at small firms may need persons outside of their firm to serve as sounding boards on issues that may arise during the course of a pro bono representation. Small firm pro bono coordinators should scrutinize referring agencies to ensure that they do not simply hand off matters to law firms and leave the handling lawyer to his or her own devices. Good legal aid agencies will provide not only continuing staff support but also networks of other pro bono lawyers who can assist you with background on the process or the law, as well as advice on strategy.

IV. Getting the Word Out

Because small firms often do not have the marketing staff or resources of large firms, it is a challenge to promote the successes of a small firm's pro bono program. Small firms will need to rely on the services of agencies that refer them cases to help disseminate news of their successes. PILI, as well as other bar associations and organizations, can also help to promote your program.

Developing an Effective Pro Bono Policy

A well drafted and organized pro bono policy is an integral part of a successful pro bono program. While some firms eschew the adoption of policies, developing some parameters around your pro bono program will provide clarity for your attorneys in their pro bono efforts, allow for the success and growth of your program and allow for ease in managing your firm's pro bono efforts.

I. Define Pro Bono at Your Firm

This is a critical first step in developing your policy. The Illinois Supreme Court has enumerated what counts as pro bono for the annual reporting of pro bono work. However, many firms have their own internal definition that defines pro bono. Your policy should clearly establish what the firm considers to be pro bono work. Some of the possibilities include:

- Direct legal representation for the poor;
- Legal representation to not-for-profit organizations serving the poor; or
- Developing and presenting a training session on a substantive law topic for pro bono attorneys.

Many firms also encourage and promote community service in conjunction with their pro bono policies. Two examples are:

- Serving on a not-for-profit organization's board of directors; or
- Community service activities such as volunteering at a homeless shelter or soup kitchen.

II. Identifying a Leadership Structure

The typical leadership structure for a firm pro bono program is usually either: (1) the identification of one individual, a pro bono coordinator, who is responsible for administering the firm's program; or (2) the establishment of a committee that will bear responsibility for the program. Typical responsibilities of the pro bono coordinator or committee include:

- Develop, monitor and implement the firm's pro bono policy;
- Review and accept or reject pro bono projects;
- Coordinate and monitor all pro bono activities, ensuring that proper assistance, supervision and resources are available for services;
- Monitor the hours and costs spent on approved pro bono projects;
- Communicate the options and available services which constitute pro bono to all lawyers in the firm, including incoming attorneys not yet familiar with the firm's policies;
- Provide periodic reports on the firm's pro bono activities; and
- Ensure that the same firm standards of quality and care are given to the pro bono client as are given to a paying client.

The role of the coordinator might be a dedicated, full-time individual within your firm. Some firms have non-lawyer pro bono coordinators and others employ a full-time attorney pro bono coordinator. The level of this position, i.e. administrative, manager/director, or partner varies among firms. In some instances, the pro bono coordinator is an attorney who administers the firm's (or office's) pro bono program on a voluntary basis, in addition to his/her responsibilities as an attorney for the firm. Those involved in a committee structure tend also to be serving voluntarily in that role. A number of firms combine these

structures, either utilizing a non-attorney to administer the program under the committee's direction or with local office pro bono chairs. PILI maintains a list of many of the pro bono contacts at Illinois' law firms. While there are a number of structures that firms have successfully used to provide support to their attorneys for pro bono work, the common denominator is strong and visible support from the firm's leadership.

III. Process for Approving Pro Bono Matters

Next, you should explain the approval process at the firm for pro bono matters. You might allow approval to occur from the bottom-up, wherein you allow your attorneys to identify their own opportunities and then present them to the committee or coordinator for approval. You might choose a top-down approach, wherein the committee or coordinator identifies the permitted opportunities. Or, you might choose to permit a combination of these models. If your attorneys are able to identify their own opportunities for approval, determine what information your firm will require in the approval process. Information you might request could include:

- Legal aid agency description;
- Opportunity description;
- Agency process for screening clients;
- Information necessary for conflict check,
- Support and training provided by agency;
- Malpractice insurance provided by agency; and
- Expected duration of representation.

IV. Available Firm Support for Pro Bono Matters

An effective policy will state what firm support and resources are available to attorneys in their pro bono matters. What you will be able to provide is driven by the pro bono program's budget and the size and success of the firm. The greater the support you are able to provide, the easier and more attractive pro bono will be to your attorneys. Types of support that might be available include:

- Use of staff, including paralegals, secretaries, document preparation staff;
- Ordinary costs associated with the matter, including: reproduction, postage, telephone calls, faxing, messenger service, etc.;
- "Extraordinary" costs that may be associated with some matters, including: expert testimony, court reporters, research, travel, service of process fees, etc.

You might choose to set limits and then provide for an approval process for additional funds when necessary. Many legal aid agencies have agreements with low-cost or free process servers, court reporters and other services that you should explore with your agency partner. Also, under 735 ILCS 5/5-105.5, many of the court costs can be waived, without the necessity of a motion, when civil legal services are being provided to an eligible client through a legal aid agency.

V. What Credit Will Attorneys Receive from the Firm for Their Pro Bono Work?

The answer to this question varies widely from firm to firm, depending on the size of the firm and its culture. Some questions to consider regarding this question include:

- Will your firm credit pro bono work towards the firm's billable requirements? If so, how many hours will be credited, i.e. 50, 100, unlimited? If there is a specific limit, is there a process for obtaining approval for additional hours?
- Will pro bono work (or a lack thereof) be considered when determining salary increases, bonuses, and promotions?

Many firms allow their attorneys to credit a certain number of their pro bono hours towards their billable requirement. Some, in addition or as an alternative, factor an attorney's pro bono work (or lack thereof) into salary, bonus and promotion considerations.

VI. Supervision of Pro Bono

Most policies contain a provision regarding the supervision of pro bono cases. Substantive supervision of the pro bono case and attorney are often assigned to a partner. The firms also assign supervisory responsibility to that partner regarding fees and disbursements.

SAMPLE PRO BONO POLICIES

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois law firms will share samples of their pro bono policies. PILI also maintains a library of pro bono policies. Please contact PILI's Executive Director, Michael Bergmann at 312.832.5129 or mbergmann@pili.org, or PILI's Education & Outreach Manager, Katie Pieper at 312.832.5128 or kpieper@pili.org for a Pro Bono Consultation.



SECTION 4:

PRO BONO PROGRAM ADMINISTRATION

Contents

- a. The Life of a Pro Bono Matter
- b. Developing an Effective Pro Bono Intranet
- c. Incentives to Promote Pro Bono

The Life of a Pro Bono Matter

The process of opening and closing new matters is critical to several aspects of effective pro bono management, including eligibility determination, time tracking, conflicts and liability concerns, strategic resource management, and marketing. Case closing communications provide additional safeguards that reinforce the benefits of case opening procedures, particularly conflicts and liability concerns, and facilitate effective attorney-client communications. The key principle to remember is to treat pro bono cases like any other client matter in the firm, recognizing a few special items mentioned below.

I. Opening a New Matter

New pro bono matters should be opened in the same manner as paying client matters, with a few differences. First, the new matter form is typically used by the pro bono administrator or partner to determine whether the matter qualifies as pro bono. This is particularly important for two reasons: (1) to ensure proper record keeping of pro bono hours of timekeepers and (2) to provide timekeepers with billable hour and collection credit, where applicable. Second, it is often used by the accounting department to keep track of costs incurred in the work, which, in some cases, can be recovered through the court system. Third, it is used to create a record of which attorney will be supervising junior attorneys and paralegals who are handling matters. Fourth, it is used to track the types of matters a firm handles and clients served through the pro bono program, which is important for conflicts purposes. Fifth, matter opening information is an excellent source of materials for firms to gather resource allocation information, such as source of opportunities, types of opportunities handled, etc. that can be examined for strategic purposes.

II. Conflicts

As with any other new matter, the responsible attorney must perform a conflicts check on a pro bono matter prior to performing any work. Typically, the conflicts check process is the same for a pro bono matter as it is for any paying client matter. The attorney should identify the name of the client, individual or organization and any related parties, as well as all adverse parties, when performing the conflicts check.

In addition to any legal conflicts that may arise with a prospective pro bono representation, "issue conflicts" can also arise. For example, if a firm has a labor and employment practice that primarily represents employers in employment disputes, there may be some hesitancy to take on employee representation in pro bono matters. It may be prudent to discuss whether the approval of the pro bono leadership, or even all of the partners in a particular firm, is required before taking on such representation or whether these representations should be avoided altogether.

Whenever feasible and consistent with the ethical obligations due to your clients, the firm should request waivers of those conflicts that interfere with pro bono representation. We also encourage law firms to attempt to minimize the extent to which issue conflicts impede their ability to undertake an otherwise valuable pro bono representation.

III. Engagement Letters & Co-Counseling Agreements

A. Engagement Letter

An engagement letter should be required for all pro bono matters in the same manner as with paying client matters. Many firms use a form pro bono engagement letter that deviates somewhat from the form paying client engagement letter. For example, a pro bono engagement letter should be designed to be easily understood by clients who may have limited literacy skills. You should keep your particular client's abilities in mind when you are adding the information concerning the scope of the work. Additionally, an engagement letter should preserve a firm's ability to seek attorneys' fees where appropriate. Finally, firms should narrowly delineate the nature of the matter in the engagement letter so as to avoid any confusion about the extent of the representation.

When working with clients that are institutions such as nonprofits, rather than individuals, firms will want to consider the nature of the relationship. For example, a firm may want to represent the entity on a continuing

basis at least with respect to certain issues (for example, employment matters) but may want to consider other matters (for example, transactions) on a case-by-case basis. Also, while indigent clients may not be able to pay for out of pocket expenses incurred during the representation, nonprofit clients may have the resources to pay for certain filing or registration fees, and any expectation to that effect should be described in the engagement letter.

B. Co-Counseled Engagement Letter and Agreement

If a firm is going to co-counsel a matter with a public interest organization, corporation or other private law firm, there may be a need for a separate form co-counseled engagement letter. This letter informs clients that two different entities are representing them and makes it clear that neither counsel is liable for the performance of the other counsel. In addition, you should consider having a written co-counseling agreement for all co-counseled matters to protect all counsel in the event of any dispute in the representation of a particular pro bono client. A sample of such letter is available.

IV. Matter Closing

A pro bono matter is completed per the terms of the engagement letter at the time the substantive portion of the case is finished or because the attorney-client relationship has ceased for any reason that may or may not be connected to the substantive aspects of the matter. In most circumstances where the matter comes to a substantive conclusion, a document memorializes that conclusion. For example, a settlement agreement, court order, closing document, etc. often confirm the final status of a given matter. Where such documents are generated, firms should, as a practice, send the client a cover letter that explains the impact of the document. A letter of this nature can be easily modified to confirm to the client that the firm considers the matter closed.

In other circumstances, a pro bono matter may close when it has progressed to a pre-determined cessation point. For example, many firms agree to accept certain administrative matters up to a certain point in an established process (e.g., asylum matters, denial of government benefits, etc.). In such situations, firms should send the client a closing letter that explains the matter has reached the cessation point and, accordingly, the firm considers the matter closed. It may be advisable to reference the terms set out in the engagement letter. When sending a closing letter to the client where the matter has not come to a substantive close, the firm should explicitly describe relevant filing deadlines and, if possible, enclose necessary forms. Such closing communications should allow time for the client to meet any prevailing time limits or filing deadlines.

It may be that the matter has concluded based on the cessation of the attorney-client relationship irrespective of the substantive status of the underlying matter; in this case, the firm should communicate in writing its decision to terminate the relationship or confirm that the client has made such a decision. In most cases, a brief letter explaining that the firm no longer represents the client is sufficient. When considering whether to discuss substantive issues such as filing deadlines, the firm should balance the duty to inform the client against any possible misunderstandings that the relationship has been in fact discontinued.

SAMPLE PRO BONO LETTERS

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois law firms will share samples of their pro bono letters. PILI also maintains a library of pro bono letters. Please contact PILI's Executive Director, Michael Bergmann at 312.832.5129 or mbergmann@pili.org, or PILI's Education & Outreach Manager, Katie Pieper at 312.832.5128 or kpieper@pili.org for a Pro Bono Consultation.

Developing an Effective Pro Bono Intranet

A critical element in the success of a pro bono program is ensuring that your attorneys know about the pro bono program and its policies, are able to identify opportunities of interest to them, and have access to the tools and resources to enable them to handle a matter. Several firms have attempted to address this element through the development of a pro bono intranet site for their attorneys. This is separate and apart from the information available to the public about the pro bono program through the firm's internet site. While it is an excellent tool to supplement your overall pro bono efforts, it should not be relied upon as the only source for communication about your program and available opportunities. The human element is often the most effective means to promote both your program and opportunities.

I. The Basics

The intranet site should be the central place for the basic information relevant to your firm's pro bono program. Some of the basic information that you should consider incorporating into your firm's pro bono intranet site includes:

- Your firm's pro bono policy and an explanation of the management structure of your pro bono program;
- A calendar for relevant pro bono happenings, such as meetings, trainings, and events;
- The latest pro bono news from the firm, agency partners and the larger legal community;
- Forms that attorneys might regularly use in their pro bono matters;
- A library of reference materials applicable to your pro bono matters; and
- Links to other pro bono resources.

II. Pro Bono Interest Survey and Pro Bono Program Feedback

Previously discussed in Section 3, the pro bono interest survey is an important element in determining what pro bono opportunities will engage your attorneys. Posting the survey on your intranet site will allow new attorneys to provide you with feedback about their interests. You might also include a feedback tool to allow attorneys to rate your intranet site and your program as a whole so that you can continually improve your program and engage your attorneys more completely in the program.

III. Opportunities and Related Trainings

Identifying and promoting opportunities should be a key goal of your intranet site. Winston & Strawn began developing their pro bono intranet site in 2004 and the site went live in 2005. One of the key features of the Winston site is their pro bono opportunity template, which contains the following information:

- A description of the work involved;
- An estimate of the amount of time required;
- Information about recent and upcoming training sessions;
- Contact information for the referring legal assistance organization;
- A list of other attorneys who accepted similar matters;
- A list of currently available client matters; and
- A link to applicable forms and material resources.

The sort component of the Winston site also incorporates the factors that, in their experience, attract attorneys to pro bono work. Viewers can choose among five filter criteria set out in a tab format: practice area, time required, public interest law area, client type, and skills development. Thereafter, the view can be sorted by choosing from among increasingly more specific category groups. For example, an attorney who selects the “client type” tab will view 17 discrete client groups including children, disabled, elderly, homeless, etc. When selected, each category group opens to display the title and brief description of every applicable opportunity. Another click reveals the complete template described above.

Winston's site also contains features designed to manage the posted data, and to increase the ease and volume of attorney use. Each opportunity contains an “I’m interested” icon that, when clicked, sends a message to the firm’s pro bono director, so that he knows that the viewer wants to learn more and can follow up. The page design provides “editor access” so that the pro bono director can easily add and remove information, providing content control and removing editorial responsibility from the Information Technology staff.

IV. Do Not Reinvent the Wheel

Though the task may sound daunting, not all of the content on your intranet site needs to be a new creation. Many of the items you might choose to include on your site such as news, events and opportunities can be supplemented by RSS feeds from syndicated content sources such as the Associated Press or *The Wall Street Journal*. Illinois’ premier internet resource for pro bono attorneys, www.IllinoisProBono.org (discussed in more detail in Section 6), also has content feed that your firm can receive at no cost. If you already have a firm intranet in place, you should also consider linking existing content within your larger site to your pro bono site.

SAMPLE PRO BONO INTRANET SITES

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois law firms will share their experiences with and samples of pro bono intranet sites. PILI also maintains a library of sample pro bono intranet sites. Please contact PILI's Executive Director, Michael Bergmann at 312.832.5129 or mbergmann@pili.org, or PILI's Education & Outreach Manager, Katie Pieper at 312.832.5128 or kpieper@pili.org for a Pro Bono Consultation.

Incentives to Promote Pro Bono

Aside from providing billable hour credits or factoring pro bono efforts into promotion, salary increases and bonuses, there are a variety of incentives to use in promoting pro bono within your firm. Many legal services agencies recognize their pro bono attorneys throughout the year, but recognition beyond that is also an important consideration. We describe below some of the possible means to promote and encourage pro bono throughout your firm.

I. Internal Firm Recognition

Many firms hold regular receptions or luncheons to promote the firm's pro bono program and to celebrate the outstanding contributions of pro bono attorneys from the firms. Such events are an excellent way to promote the pro bono program to encourage overall awareness and to increase participation. Whenever possible, the firm should invite representatives from the agencies with which the firm works to these events to build a stronger relationship between the firm and its members and the agency. Many firms also distribute regular pro bono newsletters detailing their pro bono program and their attorneys' efforts. Samples of such newsletters are available as part of PILI's Pro Bono Consultations.

II. PILI Pro Bono Initiative Award and Pro Bono Honor Roll

The Public Interest Law Initiative acknowledges a single organization (law firm or corporation) each year for unprecedented pro bono work in the community with its Pro Bono Initiative Award. The award is given at PILI's Annual Awards Luncheon held in December. For many years, PILI has also recognized the outstanding pro bono contributions of law firms and corporate law departments with the PILI Pro Bono Honor Roll.

For more information about these awards, contact PILI Executive Director, Susan Curry, at 312.832.5128 or scurry@pili-law.org.

III. CBA/CBF Pro Bono and Public Service Annual Awards

Each year the CBF partners with the Chicago Bar Association to recognize exemplary attorneys in our legal community through the CBF/CBA Pro Bono and Public Service Awards.

The Pro Bono and Public Service Awards celebrate outstanding members of the legal profession who have used their talents and resources to improve access to justice for the less fortunate in our community. These six awards are presented each year at one of the signature events in the Chicago legal community, the Annual Pro Bono and Public Service Awards Luncheon.

More information about these awards is available on the CBF website, www.chicagobarfoundation.org, or by contacting CBF Director of Pro Bono, Kelly Tautges at 312-554-8356 or ktautges@chicagobar.org. Additional information regarding the CBF is also included in Section 6 of this Guide.

IV. CBA Liberty Bell Award

Each year as part of its annual Law Week celebration, the Young Lawyers Section of The Chicago Bar Association presents the Liberty Bell Award. This award is presented to a non-lawyer who: (1) has a sense of responsibility for community welfare and public duty under the law; (2) helps others to understand and assert their rights under the law; (3) promotes and encourages respect for and obedience to the law; and (4) assists with the smooth functioning of our system of justice.

For more information about this award, contact Jenni Bertolino at 312.554.2031 or jbertolino@chicagobar.org.

V. Illinois State Bar Association's John McAndrews Award

The Illinois State Bar Association established the John C. McAndrews Pro Bono Award to honor those individual members of the profession, law firms, corporations and affiliated bar associations who have shown extraordinary commitment to providing free legal services to the income eligible or to expanding the availability of legal services to the income eligible. Three awards are given annually; one to an individual, one to a firm and one to an affiliated bar association.

For more information about the McAndrews Award, contact Melinda Bentley at 217-252-1760 or mbentley@isba.org.

VI. American Bar Association Center for Pro Bono

The Standing Committee on Pro Bono and Public Service presents awards annually to individual lawyers and institutions in the legal profession who have demonstrated outstanding commitment to volunteer legal services for the poor and disadvantaged. The awards are presented at the Pro Bono Publico Awards Assembly Luncheon during the ABA Annual Meeting, typically held in August.

The Pro Bono Publico Awards program seeks to identify and honor individual lawyers and small and large law firms, government attorney offices, corporate law departments and other institutions in the legal profession that have enhanced the human dignity of others by improving or delivering volunteer legal services to our nation's poor and disadvantaged.

More information about the awards and other ABA awards can be found on the Center's website at http://www.abanet.org/legalservices/probono/nav_awards.shtml. Additional information regarding the ABA Center for Pro Bono is also included in Section 6 of this Guide.

VII. National Legal Aid and Defender Association (NLADA)

Each year at its annual dinner, NLADA honors one or more members of the private bar or corporate community who have demonstrated outstanding leadership in promoting and supporting equal justice with the National Exemplar Awards. In addition, the Charles Dorsey Award is given biennially to an individual who has provided extraordinary and dedicated service to the equal justice community and to organizations that promote expanding and improving access to justice for low-income people. To be eligible to receive this award, an individual must have demonstrated a commitment to equal justice for all through service as an officer, board or committee member of a national or statewide organization devoted to fulfilling the promise of equal justice.

More information about NLADA's awards can be found on their website at http://www.nlada.org/About/About_Awards.

VIII. Pro Bono Institute Awards

The Pro Bono Institute at the Georgetown University Law Center recognizes the pro bono contributions of individuals and organizations through several different awards. The Laurie D. Zelon Pro Bono Award is given each year to an individual or organization that has provided exemplary pro bono service. The Pro Bono Institute's Chesterfield Smith Award recognizes extraordinary courage and commitment to pro bono by a legal leader. This award is not given annually; rather, only when warranted by outstanding achievement.

For more information about the Pro Bono Institute and its awards, visit their website at www.probonoinst.org or contact Pro Bono Institute President, Esther F. Lardent, at 202.662.9699 or elardent@probonoinst.org. Additional information regarding the Pro Bono Institute is also included in Section 6 of this Guide.



SECTION 5:

FINDING PRO BONO MATTERS

Contents

- a. The Pro Bono Landscape in the Chicago Area
- b. Selecting a Pro Bono Agency Partner and Expectations Between the Firm and Agency Partner
- c. Considerations for Individual Attorneys Before Handling a Pro Bono Matter
- d. Pro Bono Partnerships Involving Firms, Corporations and Agencies
- e. Other Types of Pro Bono Projects
- f. Examples of Pro Bono at Chicago Firms

The Pro Bono Landscape in Chicago

A network of nearly 40 legal aid and public interest law organizations provide critical legal assistance to thousands of low-income and vulnerable residents of the Chicago area. These organizations range in size from several larger organizations that collectively serve tens of thousands of residents on a wide range of issues throughout Cook County to a number of organizations that serve more modest numbers of clients and target their services to particular legal issues or communities. However, not every organization offers a pro bono program. Some organizations use only staff to deliver legal services, but most other organizations use pro bono attorneys to deliver services. Most of the organizations that do have pro bono programs are listed on www.IllinoisProBono.org. This website is a good place to find a description of each of the legal services organizations and a listing of the pro bono opportunities available through them. The Chicago Bar Foundation also publishes information on pro bono opportunities in Chicago in a guide entitled, "Pro Bono Volunteer Opportunities for Attorneys in the Chicago Area."

The Chicago legal community, both directly and through the CBF, collectively provides nearly \$5 million in funding and support for this network of legal aid and public interest law organizations serving the Chicago area. There are also a number of other significant sources of funding for these organizations, including:

- The largest statewide funder of legal services is the Lawyers Trust Fund of Illinois (funded by the pooled interest on lawyers trust accounts and a \$42 per lawyer add-on to ARDC dues), which provides approximately \$4.5 million in funds for Cook County legal aid organizations and about \$7.5 million statewide.
- The federal Legal Services Corporation also provides about \$6 million for one local legal aid provider, the Legal Assistance Foundation of Metropolitan Chicago, and about \$11 million statewide, including Prairie State Legal Services and Land of Lincoln Legal Services.
- The Illinois Equal Justice Foundation (which distributes state appropriated funds) provides about \$1.5 million in grants for Chicago area programs and more than \$3.3 million statewide.
- There are several other charitable organizations that also make contributions to legal aid agencies including: the Polk Bros. Foundation, the United Way, the Public Interest Law Initiative (which provides more than \$200,000 per year to Chicago legal aid programs for student internships), the Chicago Area Foundation for Legal Services (with which the CBF now partners for grants), the Chicago Community Trust, and the Illinois Bar Foundation (which provides about \$100,000 per year to Chicago area legal aid programs).
- There are also a number of other governmental programs that, on a highly restricted basis, provide significant funding for legal aid and related justice issues.

There are a wide range of pro bono opportunities available through these organizations, including:

- traditional poverty law cases, e.g. public benefits
- general civil litigation, e.g. family law, housing, creditor issues
- criminal defense and prisoner's rights cases
- transactional matters, e.g. wills, real estate closings, not for profit
- formation/governance, contract, Intellectual Property
- immigrant/refugee rights
- impact/issue litigation
- policy and legislative advocacy
- community legal education
- advice and referral hotlines

- o legal clinics and self-help desks
- o mediation

Many of the legal aid organizations also provide their services to specific target populations, such as:

- o elderly
- o artists
- o disabled
- o immigrants
- o people living with AIDS/HIV
- o victims of domestic violence
- o children

Organizations that post pro bono opportunities with www.IllinoisProBono.org provide a variety of pertinent information about their opportunities, including:

- o Typical time commitment involved with the case type;
- o Whether the agency provides malpractice insurance;
- o Whether the agency provides training materials relating to the opportunity;
- o Whether the agency has attorneys on staff to provide support for pro bono attorneys; and
- o Skills needed and skills acquired through the pro bono opportunity.

The types of opportunities you choose for your attorneys will determine the necessary time commitment. There are some opportunities that can be completed in less than four hours, others that are available in the evening or on weekends, and many that are limited to the business day.

PILI offers free Pro Bono Consultations that evaluate the needs and interests of your attorneys and discuss which agencies might serve as good partners for your program. Depending on the size of your program, it may be more beneficial if you determine which organizations you will work with at a programmatic level at the outset and initially limit your partner agencies to a few that meet your needs.

Selecting a Pro Bono Agency Partner and Expectations Between the Firm and Agency Partner

While you can find individual opportunities at a number of agencies throughout Illinois, you may prefer to identify a small number of agency partners with whom you work primarily or exclusively. When considering which agency(s) to partner with, you should evaluate your needs and the abilities of the agency to meet those needs. Your needs will be dictated by a variety of factors including: your attorneys' interests, the nature of your firm's business, the pro bono program budget, and the size and location of your firm.

The need for support will also vary depending on the type of pro bono your law firm chooses and the level of involvement of your attorneys and staff. For instance, advice-only programs, or a clinic that helps *pro se* litigants complete forms or documents, call for different support than one that represents clients in court or handles death penalty appeals.

A few important considerations for firms are discussed below:

I. **Accurate Description of the Project**

You and your volunteers should know what you are getting, both in terms of the overall program and in terms of clients, cases and work. If your volunteers are taking individual cases, expect quality case screening of cases before they are referred to your attorneys. Accurate, complete information is essential. Unpleasant surprises may occur from time to time, but they should be rare and immediately resolved.

II. **Training**

Although the level and extent of training will vary depending on your needs, a comprehensive training program tailored to your needs should be part of your agency partner's support program. Written training materials should be easy-to-read and up-to-date. Trainings are also available through www.IllinoisProBono.org for a variety of areas of law. Training seminars may be useful, especially when accompanied by written materials. In more complex practice areas, the best training may be one-to-one with an experienced practicing attorney. If your pro bono work puts your volunteers into unfamiliar areas of law or courtrooms, your agency partner should be willing to individually train your volunteers.

III. **Friendly, Accessible Staff**

Volunteers need and deserve to be able to get help from agency staff whenever they need it, without feeling as if they are bothering someone. Even if you expect volunteers to get in-house mentoring and support, your agency partner should have expert attorneys available to work with your volunteers. In-house mentors may not always be able to answer a volunteer's question or resolve an issue. It is essential that your agency partner have knowledgeable staff, including experienced attorneys, who enjoy working with volunteers. Volunteers should be able to contact a program staff attorney at any time with a question, to discuss a case or to review pleadings and documents. The agency should make it easy and convenient to reach them—by phone, fax, e-mail or in person. Promises of support are meaningless if your volunteers cannot reach the right person.

IV. **The Ability to Return a Case to the Agency**

Agency partners must be willing to take back difficult cases or clients, or otherwise step in when a volunteer needs more than routine help. Staff legal aid attorneys should understand that pro bono attorneys are not forced labor and should not be expected to simply "soldier on". Pro bono attorneys also need to know that program staff will take over if their workloads at the firm become overwhelming or interfere with their pro bono efforts.

V. Coverage for Routine Court Appearances.

Pro bono attorneys sometimes have conflicts that develop and need someone from the agency to cover simple, routine court appearances. That help should be available.

VI. Malpractice Insurance

Though your firm may have its own malpractice coverage, you may wish to look for an agency partner that has its own policy, with acceptable limits, covering all volunteers. Make sure coverage includes disciplinary proceedings. In addition, the agency should indemnify volunteers for any deductible and make policy and claims information available upon request.

VII. Assistance with Routine Docketing Tasks

While not all attorneys mind the mundane clerking necessary for their pro bono cases, others cannot afford the time it takes. A non-litigator willing to learn how to represent someone in court may not be so eager to learn how to spindle a motion or get a case on the court's call. Non-essential work can be diverted so that pro bono attorneys can do what they do best—represent clients. If the firm's docket staff is not available, the agency should be able to offer this assistance.

VII. A Pro Bono Office

Will your volunteers need a place to meet with clients? What about on-line research, document assembly or litigation expenses? If your firm cannot or will not provide these, will your agency partner? Here are some things you *may* need from your agency partner(s) to run an efficient program: office space for meeting with clients or working on a pro bono case; reception and secretarial assistance; legal research; funds for court reporters or experts for discovery and trial, interpreters and whatever else your volunteers will need to provide high quality, efficient legal services.

XI. Thanks and Appreciation

Recognition is an important part of any pro bono program. Everyone needs to be appreciated from time to time, even pro bono attorneys. Your firm program should recognize the individual contributions and overall program accomplishments. It is also important to ensure that you include your agency partners in this recognition as well.

A crucial step in the process of developing a program is to understand what you and your colleagues need from your agency partner in order to run a successful pro bono program. Once you have identified those needs, you should ensure that the agency(s) you choose to work with can meet those needs.

Considerations for Individual Attorneys Before Handling a Pro Bono Matter

In addition to the firm's needs and desires in an agency partner, the individual attorneys should also carefully consider whether the agency partner is the right match for them. Many of the considerations are the same, but there are some differences. Before committing to handle a pro bono case, an individual attorney should (1) understand the pro bono program's expectations and (2) receive any needed training and support. Attorneys should also ask the following questions of the program staff:

Does the program thoroughly screen clients?

Before referring a case to a pro bono attorney, the program should, at a minimum, complete a comprehensive screening of clients. The program should provide a volunteer lawyer with a thorough statement of the facts of the case and an assessment of its nature at the time of referral.

Does the program's intake system ensure that I will receive a meritorious case or project?

By providing thorough intake and screening procedures, a program can provide you with assurance that you are receiving a meritorious case involving an eligible (financially and otherwise) pro bono client.

Will the program assign me with a case which matches my expertise, interests, and timing restraints?

By providing thorough intake and screening procedures, a program can provide you with assurance that the case is within the parameters of the type of work for which you volunteered.

What types of training and support does the program offer to its volunteers?

The program should offer a variety of support mechanisms and training to its pro bono attorneys. Programs may offer all or some of the following support to its volunteers:

| <i>Legal Support</i> | <i>Time Management Support</i> | <i>Training Specific to the Agency and Its Clientele</i> | <i>Malpractice Insurance & Administrative/Logistical Assistance:</i> |
|--|--|--|---|
| <ul style="list-style-type: none"> ● substantive law and procedural training ● legal manuals (containing compiled legal research) ● form pleadings ● mentors (program staff or more experienced volunteer lawyers) | <ul style="list-style-type: none"> ● co-counseling arrangements ● program staff attorneys to cover in emergencies ● agreement to take the case back if it becomes too onerous for a volunteer | <ul style="list-style-type: none"> ● handbooks with program policies and staff contact information ● information concerning clientele of the agency ● client sensitivity training | <ul style="list-style-type: none"> ● malpractice insurance, office space for client interviewing and meetings ● administrative assistant legal support (through volunteer paralegals, law students) |

For which expenses, if any, will I be responsible?

Some pro bono programs require that the clients pay for out-of-pocket expenses such as court costs, filing fees, etc. Others maintain a fund to cover the same, while others allow the volunteer to pay these expenses.

Will I be covered by the program's malpractice insurance?

Most pro bono programs in the Chicago area have malpractice insurance available for volunteers.

What is my relationship with my pro bono client and the pro bono program?

A pro bono program should clearly communicate the nature of the relationship it is establishing between the program, a client and a volunteer, and should delineate each party's rights and responsibilities through a written retainer agreement. A volunteer lawyer should discuss with the pro bono client the extent of the representation the volunteer agrees to undertake on the client's behalf. A retainer agreement should clearly reflect the agreement reached by a volunteer and a client.

Often clients may have more than one legal problem. How can I ensure that the client understands that I am agreeing to provide representation only in a specific matter?

A retainer agreement should clearly state that the pro bono attorney is providing representation only in the matter referred. A program should assure volunteers that they are not expected to provide representation in other matters, and instruct them to refer clients back to the program if the need arises. In those cases where a volunteer is willing to assist the client in additional legal matters, programs can provide technical assistance and advice as needed to the volunteer.

Once I accept a case, will the program keep in touch with me?

A pro bono program should maintain regular communications with its program volunteers through periodic follow-ups via fax, telephone or email as part of the program's comprehensive tracking system. A tracking system provides a mechanism for determining that volunteers are progressing on cases the program has placed with them and that the program is providing effective and high quality legal services to the client.

Once I accept a case, what are my responsibilities to the pro bono program?

Generally pro bono programs ask that the pro bono attorneys keep the program apprised of the status of the case on a regular basis (for example, every 60 to 90 days); seek support and mentoring when needed; advise the program of any problems or issues that arise; advise the program when the case is closed, the disposition thereof, and the numbers of hours you spent on the case; and complete any evaluation forms.

What if the case becomes too much for me to handle?

Many pro bono programs can facilitate co-counseling arrangements with program staff attorneys or with other pro bono attorneys. Programs also may offer training opportunities and/or experienced mentors who can assist you with the case. In some instances, the program may agree to take the case back if it becomes too onerous for a volunteer.

Pro Bono Partnerships Involving Firms, Corporations and Agencies

Teaming in-house lawyers with law firm lawyers can do in the pro bono context exactly what it does in the paid context – bring out the best in everyone involved. It can enhance service to the most disadvantaged members of the community by combining talent, experience, legal knowledge and skills of each member of a client team. This can result in a product that makes everyone better for the experience – the pro bono client, the in-house counsel and the law firm lawyer. Getting these projects started can be a challenge. Creating teams of law firms, their corporate clients and public interest agencies is not right for every project, agency, firm, company or social justice issue. However, when all the pieces are carefully considered and fine-tuned for the delicate balance of a three-way partnership on the right project, the result can be fantastic: first class legal services to the community and to individual clients.

I. Basic Principles

Treat it like any other client engagement. As with any pro bono client, the pro bono client of a law firm/corporate counsel partnership deserves and requires the best practices and first-class legal services of all attorneys involved. Anything less would be irresponsible, would endanger the outcome of the matter, and would make everyone involved less proud of their work.

Be prepared for significant work on the front end. Client teaming requires a lot of work up-front to assure that every detail is in place before the actual legal representation begins. New players, logistics, roles, relationship and responsibilities require much more up-front work than initiating any regular pro bono project. In many ways, the three partners have to get to know each other in new ways to start a teaming project together – no matter how deep or long the relationship has been between the two entities on other matters. If everyone is prepared for the initial heavy investment of time and energy, the result can be well worth the investment.

Smart small. Give attorneys a positive taste of the work and they will make future, stronger investments. Small projects are also conducive to quick successes which are essential to sustain a pro bono commitment of any kind. A public interest law agency is usually in the best position to design and advise on what “bite-sized” projects will best serve the low income population. There is always room to grow.

Client Teaming Projects require many of the same elements of any pro bono project:

- Pro bono projects require management support at every level of each of the three organizations who are forming the team: agency, firm and company;
- A strong project needs professionals who have time to dedicate to making this a success in each of the three partner organizations;
- The commitment must be a genuine interest in service and social justice – not marketing or public relations for one or all of the organizations; and
- Lawyer volunteers – like all volunteers - need to feel appreciated for their service. This means that seemingly unimportant things like deal toys, kick-off events, and end of the year appreciation ceremonies can go a long way to fortifying a fledgling project.

II. Choose the Partners and Activity Carefully

The right public interest agency can make or break a client teaming project. Though several agencies have fantastic reputations for the good work they do for the community, they may not all be well-equipped to run a client teaming project at a particular time. Give careful thought to the best agency to provide:

- well-screened clients;

- fine-tuned training in the best format; and
- appropriate levels of mentoring for a particular project.

Some legal aid needs are not best met in team projects. What may work inside a firm may not be as conducive to input from lawyers outside the firm. Think through each stage of the matter selected and consider whether they will all be accomplished well with this broader team. This does not automatically limit client teaming to just one-stop intake clinics, but it does require consideration of how each stage of a pro bono matter will:

- best utilize expertise and interest of each lawyer on the team;
- efficiently proceed in the time frame all parties have agreed to;
- effectively meet the needs of the pro bono client; and
- require appropriate levels of flexibility if conditions change.

Carefully consider the scope of the assignment. Lack of clarity about how much is expected of the team or an agreement to provide more service than is reasonable can cause a failed effort where success was possible. Consider and carefully agree to the scope of a project with all three parties to the teaming project before the work starts.

Feedback is everything. Check in early and often to assure that the project you have selected and the process that has been designed is working. Problems will arise but the sooner they are brought to the attention of people who can address them, the less impact they will have.

III. Preparation is Essential

Before a firm and company come together in a project, it is important to consider what may have prevented the corporation from engaging in this work on its own. Considering why in-house counsel may not have been involved in pro bono efforts already may help shape the perfect project proposal to address the unspoken concerns of an in-house legal department which is ready to engage.

- **Lack of infrastructure for service to a client other than the corporation.** No matter how committed a corporation or general counsel's office may be to providing service to the community, in-house counsel may simply have been daunted by the fact that there is no infrastructure in place internally for pro bono so they have less confidence to get something started. This might encourage a project to start with the implementation of some simple administration.
- **Getting started can seem overwhelming.** To attorneys in a corporation without a formal pro bono program, not knowing where to start can be a barrier. This is easy to overcome with some education about existing pro bono programs and how they best utilize volunteer resources.
- **Administrative barriers can be a powerful disincentive.** Lack of a formal conflicts system, limited malpractice insurance, and limited ability to apply staff resources to a new project are all frequently cited administrative barriers to in-house pro bono activity. Knowing what these administrative barriers are is half the battle. Many of these challenges can only be solved through a well-structured partnership. For example, a simple solution for insurance coverage may be to take matters only from public interest agencies with pro bono malpractice insurance that covers all volunteers. Identifying these problems gets you more than halfway to solving them.
- **In-house counsel may not be members of the state bar where they work.** No lawyer wants the result of his "good deed" volunteering to be an investigation by the disciplinary commission for unauthorized practice of law. Just the fear of professional responsibility implications like this one can discourage in-house counsel from engaging in otherwise well-organized, bite-sized projects

matched to his skills, time and interest. The Illinois Supreme Court recently amended Supreme Court Rule 756 to allow corporate counsel with limited admissions status to do pro bono work. This change allows those in-house counsels who are registered but not licensed to practice in Illinois to perform pro bono legal services under certain conditions.

- **Lawyers worry whether they are qualified to provide the best service.** Like law firm volunteers, in-house counsel may worry that a pro bono project will be out of their area of expertise. After all, wouldn't the pro bono client be better off with someone who does this work all the time? The answer is that there is a pro bono project for every skill set and lawyers can become qualified to provide first class service in most areas of public interest law practice with the right level of mentoring, training and time. The key is finding the right balance.

IV. Select and Build the Right Structure

Pitfalls can be avoided with creative and careful thought to the ideal structure of a project. Here are some additional thoughts for avoiding the pitfalls and developing the right structure:

- **Training, as in any pro bono project, is essential.** Not only does training equip lawyers in what might be a new field of practice, it has the significant impact of making volunteers feel confident that they can serve the client effectively. Trainings should be planned well in advance with materials reviewed by a representative from each organization.
- **Identify specific roles early and reconfirm often.** Each participant should know what their expectations are and what member of the team has responsibility for each other team task. Whether it is contact with the client, filing documents, or attending a hearing, every volunteer should know who will handle what before all work begins.
- **Communication must be streamlined.** Each volunteer should know the point of contact to reach for a specific issue. It may make most sense that the law firm lawyers serve as liaison between the agency and company if an agency has never run a project with in-house counsel before. Sometimes communication with the pro bono client should be handled by only one person to avoid the client's confusion about whom to go to for what. Whatever model is followed, it should be carefully chosen and communicated before the work begins.

Other Types of Pro Bono Projects

I. Signature Projects

Many firms have identified a specific area of pro bono on which they want to focus their pro bono efforts. These special projects are often referred to as signature projects. Some firms have chosen a particular client group to focus on such as children, while others have identified a particular type of legal matter, such as microfinance. While the signature project is a major element of the firm's pro bono program, it is not to say other types of pro bono matters will not be handled by the firm. However, some smaller firms with a limited substantive focus have identified a signature project based on their firm's area of practice and have limited their pro bono projects to that area.

II. Short-term, Discrete or Bite-size Projects

Short-term pro bono projects, sometimes referred to as "discrete" or "bite-size" opportunities, are also very popular. These projects are for brief and discernable amounts of time and typically include a help desk or call center, one-time court appearance or a community legal education program. There are several organizations in Illinois that provide these types of opportunities, though the demand is often greater than the available opportunities. Working with several Chicago legal aid organizations, the CBF launched and continues to support several help desks for *pro se* litigants at the Richard J. Daley Center and in federal court that are administered by a variety of legal aid organizations. While not all of these desks utilize pro bono attorneys, those that do are a good source of "bite-size" opportunities.

III. Staff Inclusive Pro Bono

When developing your program, you should also give consideration as to whether you would like to include your non-attorney staff in your pro bono program. There are a limited number of opportunities for paralegals and legal secretaries to undertake on their own, and encouraging the firm's attorneys and non-legal staff to partner together on a pro bono matter is the most effective way to engage non-legal staff in your pro bono program.

IV. Summer Associate Pro Bono

When considering which firms to apply to and which offers to accept, many law students evaluate the firm by its culture, including the firm's commitment to pro bono. Law schools around the country are placing greater emphasis on public interest and pro bono work from the beginning of law school such that pro bono increasingly has become an important criterion in evaluating potential employers. Engaging summer associates in the pro bono work of current firm attorneys is an excellent way to demonstrate the firm's pro bono commitment while exposing summer associates to other members of the firm. Should your firm chose to engage its summer associates in its pro bono program, you should also ensure that these efforts are promoted so that potential applicants are aware of the opportunity. On a biennial basis, PILI surveys Chicago law firms regarding the pro bono projects in which their summer associates were engaged and reports this information in the [Directory of Summer Associate Pro Bono Projects](#).

Some firms also sponsor a fellowship or rotation program where the firm essentially furloughs a summer associate to a legal aid or public interest law organization while paying their salary for a specified period of time.

Examples of Pro Bono at Chicago Law Firms

While there are guiding principles covered in this Manual, it is important to design a custom program that best fits the culture of your firm and the needs of your attorneys. Many of the law firms in Chicago have already established exemplary pro bono programs. We have provided links below to some of these firms, which have established dedicated web pages describing their pro bono efforts.

[Baker & McKenzie LLP](#)

[Brinks Hofer Gilson & Lione](#)

[Chapman & Cutler LLP](#)

[DLA Piper US LLP](#)

[Drinker Biddle & Reath LLP](#)

[Dykema](#)

[Foley & Lardner LLP](#)

[Goldberg Kohn](#)

[Holland & Knight LLP](#)

[Jenner & Block LLP](#)

[Jones Day](#)

[K&L Gates LLP](#)

[Katten Muchin Rosenman LLP](#)

[Kirkland & Ellis LLP](#)

[Latham & Watkins LLP](#)

[Mayer Brown LLP](#)

[McDermott, Will & Emery LLP](#)

[Neal, Gerber & Eisenberg LLP](#)

[Reed Smith LLP](#)

[Seyfarth Shaw LLP](#)

[Shefsky & Froelich](#)

[Sidley Austin LLP](#)

[Sonnenschein Nath & Rosenthal LLP](#)

[Troutman Sanders LLP](#)

[Winston & Strawn LLP](#)

Each year, PILI holds an annual reception, "Celebrating Pro Bono." The purpose of this event is to promote and celebrate the pro bono efforts of law firms and corporations throughout the state. Those listed above have sponsored the event in the past.



SECTION 6:

ADDITIONAL PRO BONO RESOURCES

Contents

- a. PILI Pro Bono Initiative
- b. The Chicago Bar Foundation (CBF)
- c. Illinois Legal Aid Online (ILAO)
- d. American Bar Association's Center for Pro Bono
- e. Pro Bono Institute