

## **Ethical Issues in California Pro Bono Representation 2021**

### **Live Webcast**

**All Faculty Presenting via Zoom**

**September 17, 2021**

**9:00 am – 12:35 pm (Pacific Time)**

### **Why You Should Attend**

While the ethical obligations of pro bono legal practice are no different than a commercial law practice, there are practical considerations regarding eligibility of clients, challenging clients, conflicts (similar in theory, different in practice settings), expectations on both sides, case management responsibility, and different delivery models, such as limited scope representation, that cause many professionals to hesitate to offer pro bono legal services. This program is designed to answer questions regarding the ethical obligations of pro bono legal service, encourage attorneys to engage in this professionally rewarding aspect of law practice, and remove ambiguities that are barriers to engaging in pro bono legal services.

### **What You Will Learn**

Attorneys knowledgeable about professional responsibility and pro bono service, who work in legal services, law firms, private bar programs and in-house corporate law departments will discuss the application of the California Rules of Professional Conduct, the ABA Model Rules of Professional Conduct, and, where relevant, the Proposed California Rules of Professional Conduct to pro bono legal service in different settings. The faculty will begin with the basics of pro bono, including the definition of “Pro Bono” for lawyers, why it is considered an important part of the profession, and ethical concerns unique to pro bono, as opposed to the commercial practice of law.

The faculty will also address emerging ethical issues in developing areas, such as pro bono clinics, pro bono in Federal courts, and the impact of technology in pro bono legal services. This year's program will feature a special discussion on remote delivery of services and ethical considerations that arise during local or regional emergencies and public disasters, including the Covid-19 pandemic.

Finally, the faculty will discuss hypothetical fact patterns to illustrate the application of the rules.

**Who Should Attend**

Law firm pro bono coordinators, partners, and associates, legal services pro bono coordinators and staff, in-house corporate pro bono managers and counsels, solos, small and medium firm attorneys engaged in pro bono legal services, court-based program administrators for self-represented litigants, judges, and everyone interested in access to justice.

## **AGENDA**

9:00

### **Opening Remarks**

*Tiela Chalmers*

9:15

### **Pro Bono Rules; Commencing and Conducting the Representation**

#### **I. Why Pro Bono?**

- a. The Need
- b. History/Background
- c. Duty
- d. RPC 1.0, Comment 5

#### **II. The 8 C's of Conducting the Representation**

##### **A. Conducting the Representation**

- Be Admitted: Unauthorized Practice
- Attorneys Admitted in Other States

##### **B. Client**

- What is Pro Bono?
- Basic Principles of Pro Bono Representation
- Pro Bono as a Loss Leader
- Who is the Client?
- Selecting and Vetting Pro Bono Clients
- Balancing Attorney and Client Roles

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10:15 Break

10:25

### **Conducting the Representation Continued – Conflicts, Competence and Professionalism**

#### **C. Checking for Conflicts of Interest**

- Conflicts Between Clients
- Conflicts Between Attorney and Client
- Conflict Imputation and Screening
- Conflict Waivers
- Conflicts in Clinics
- Particular Pro Bono Conflicts Issues

#### **D. Competence**

- Legal Learning
- Ability to Act Diligently
- Mental, Emotional, and Physical Ability to Perform
- Law Firm/In house Partnerships
- Cultural Differences
- Professionalism and Competence

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11:25 Break

11:35

**Conducting the Representation Continued – Clarity, Confidentiality, Communication and Closing**

#### **E. Clarity**

- Documenting Representation
- Defining the Scope of Representation
  - Full Scope, Limited Scope, Self-Help
  - Rules for Limited Scope Representation

#### **F. Confidentiality**

- Legal Services Staff
- Volunteer Mentor
- Emailing, Google Drive, DropBox, etc.

#### **G. Communication**

- Keeping Client Informed
- Settlement Offers
- Remote Service Delivery

#### **H. Closing**

- Handing off the Representation
- Ending off the Representation

***Tiela Chalmers, Renee Glover Chantler, Toby J. Rothschild, Christopher M. Tirrell, Jonathan McNeil Wong, Phong S. Wong***

12:35 Adjourn

**Faculty:**

**Chair:**

**Tiela Chalmers**

Chief Executive Officer and General Counsel  
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