



# California Pro Bono Conference 2010

October 12, 2010

Los Angeles

## **DEALING WITH THE DEMAND FOR TIME-LIMITED PRO BONO EXPERIENCES**

**3:00 PM – 4:00 PM**

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Equal Justice Works AmeriCorps Legal Fellows

### **AGENDA**

- Welcome and Introduction to Session Purpose and Delivery of Legal Service Continuum.
- Part 1: Pros and Cons of Time-Limited Discrete Projects
- Part 2: Successful Project Models
  - What are the characteristics of a successful project?
- Part 3: Effective Collaboration
  - Managing expectations of all parties
  - Resources & support
- Part 4: How Do We Involve Volunteers Along the Entire Continuum?
- Closing

### **NOTES FROM THE SESSION**

#### **Pros and Cons of Time-Limited Discrete Projects**

##### **Pros:**

- Students can do them during breaks.
- Easier to supervise.
- Easier for Law Firms to manage.
- Fewer risk management issues.

##### **Cons:**

- Not as intellectually challenging.
- Can be confusing for clients because of the number of people involved.
- Hard to get out of commitment sometimes.
- Managing volunteer expectations about what they can do to help clients can be challenging.
- Challenges of dealing with not being able to take on a case in a clinic.
- If the clinic is not meaningful/successful, firm contact loses credibility w/ colleagues.
- How to deal with risk averse big firm lawyers.

## **Successful Project Models**

- Firm sponsored guardianship clinic staffed by Skadden lawyers.
- Bay Area negotiation clinic during UD matter/mandatory settlement conference – 4 hour commitment w/ real client, meaningful cases – majority settle.
- Local alternative break UC Irvine/Legal Aid project – 1 week period to handle permanency applications 10-20 matters handled during the week.
- King Co. Bar, Seattle: 2 lawyers & 2 paralegals visit homeless shelters/ brief service & some follow-up.
- Baker McKenzie & Casa Cornelia/San Diego/Immigration – Minors in custody, voluntary departure, etc.
- Training lawyers to be trainers to do presentations to businesses, child care operators, etc. Specific areas of expertise
- Legal Aid Foundation of Los Angeles/Public Counsel/UCLA: downtown clinic once a week – lawyers can take on the case, students can do research, etc.
- Bet Tzedek conservatorship clinic: judge sets aside dates for next 6 months so attys can plan ahead, etc.
- High School clinic for kids/families.
- Boalt Law/Firm/Asylum cases.
- Self-help interactive online help for clients to fill out forms w/ branching logic, etc., that flags issues for attorney.
- Ninth Circuit Immigration clinic w/ expert mentor to help w/ solving problems/providing support.

### ***What are the characteristics of a successful project?***

- Good training prior to pro bono opportunity.
- Life-skills teachings with juveniles allow junior lawyers to feel good about services provided and gain confidence in counseling skills.
- Clear expectations of all parties involved.
- Successfully manage lawyer and client expectations.
- Clear forms that are given to clients that limit representation.
- Have law firms' clear commitment & support (not just one person in the firm).
- Organization does a lot of prep work beforehand.

## **Effective Collaboration**

- Partner with law schools.
- Need strong nonprofit involvement.
- Need specific issues/one topic clinics.
- Self-help/limited scope clients.
- Access to meaningful referrals for clients that cannot be helped.
- Have good pro se materials/handouts for lawyers to use in clinics.
- A lot of planning and discussion between firms and agencies – up front before taking cases or doing clinics.

### ***Managing expectations of all parties***

- Don't try to be everything for every firm – know what you can and cannot do for firms/etc.
- Provide attys with a framework about how to deal with problem (MHAS).
- Have an agreement between firm and agency that if, once the firm does client intake and no one wants the case, the agency will help place the case elsewhere.

- Firm confidence in the public interest agency: need to know from agency why will the firms involvement help – do the math for firm to convince them, e.g., “we are the experts and this what we are seeing and this is why you would be able to help”, and then continue to give information about why these short-term projects continue to help clients significantly.
- Memorialize Rule 6.5 in form/writing.
- Design/give firms projects that take nature of constant turnover in firms into account (e.g., U-Visa) e.g., “you do X on this case and then give it back to us and place the case again when next issue comes up.

### ***Resources & support***

- Use of technology?
- Training – helpful to have electronic/video training (or paper) and make all forms accessible electronically.
- Agency needs to have emotional and structural patience.

### **How Do We Involve Volunteers Along the Entire Continuum?**

- Break cases up into manageable parts.
- Alliance for Children’s Rights does this well.
- Can transactional lawyers create educational brochures?
- How do we define time-limited matter? Bite size – 5 hours; Short hours – 20 hours (AmLaw standard) and everything else.
- Looking at range of clients to determine what is needed.
- Concern about losing something along the way when we carve out discreet projects for clients – is someone managing the “whole” client.
- So maybe agencies can provide an emergency issue spotting question list for lawyers.