

2011 Southern California Pro Bono Regional Meeting

Bridging the Gap!

SESSION 1: DEMYSTIFYING CORPORATE ENGAGEMENT IN PRO BONO

SESSION NOTES

9:30 A.M. – 10:40 A.M.

Facilitator: Julia Wilson, OneJustice

Thought Leaders:

- Karen Lee, Southern California Edison
- Shannon Alexander, NBC Universal
- Jennifer Dominitz, NBC Universal

Agenda:

1. Welcome/Introduction/Overview of session and objectives. (5 minutes)
2. Understanding corporate culture and expectations of pro bono opportunities. (20 minutes)
3. Discussion around strategies for engaging corporate in-house counsel. (20 minutes)
4. Exploring the successes and challenges of existing models and what factors made the collaborations ripe for success. (20 minutes)
5. Take aways / final Q&A. (5 minutes)

Notes:

- **Introduction:** The ambition to hold a regional pro bono meeting in Southern California developed out of the April 13, 2010 meeting between law schools and legal services nonprofits and the statewide pro bono conference in October 2010.
 - **Group Poll:** Only six attendees out of 50+ have worked with corporate in-house counsel on pro bono projects.
- **Thought Leaders:**
 - Jennifer Dominitz – NBC for 10 years, TV production legal. NBC has an inclusive pro bono program and embraces employees' pro bono interests. Insurance for pro bono attorneys is always a question. Worked on Holocaust Reparations (Bet Tzedek) and Foster Care adoption (The Alliance for Children's Rights).
 - Corporate Culture: Internal pro bono award. Legal department structured like a law firm, but may not necessarily have the resources of a large firm.
 - Shannon Alexander – NBC for 5 years, motion picture side. One of two in-house litigators.
 - Corporate Culture: NBC had a pro bono kick off where programs presented their projects.
 - Karen Lee – SCE for 4 years. Had previous experience working in a large firm in NY and LA. Active in pro bono while at those firms and carried her interest in pro bono to her in-house position. Chair of pro bono committee at SCE. Amy Gantvoort will be taking over as committee chair.

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- Corporate Culture: Approximately 90-95 in-house attorneys. Many of SCE's upper management also serve as board members to legal services nonprofits, so there is personal interest and investment in pro bono. SCE has participated in Adoption Day, Inner City Law Center, Public Counsel, and veteran benefits clinic/pro bono project.
 - Amy Gantvoort – SCE for 2 years. Will be taking over as chair of pro bono committee at SCE.
- **Understanding Corporate Culture with Respect to Pro Bono:**
 - **Finding the right in-house counsel contact:** If you do not have a specific contact at a corporation, addressing your request to the general counsel or assistant general counsel will usually work because they will forward the request to the appropriate channel.
 - Upper management at both SCE and NBC have been supportive of pro bono. If you are trying to work with a corporation that does not have the same degree of pro bono support at the moment, try approaching someone in middle management who is interested and willing to be your advocate on the inside to help drive overall upper management buy-in for pro bono.
 - **Association of Corporate Counsel (ACC):** Check out ACC's web page on corporate pro bono, www.acc.com.
 - Find board members who are in-house counsel or diversify your nonprofit board with representation from corporate in-house.
 - **Differences between projects appropriate for large law firms and in-house counsel:** Most successful partnerships with in-house counsel are non-litigation pro bono projects. Corporations like NBC, where there are only two in-house litigators, are less likely to volunteer on a litigation case. Because in-house counsel do not usually have the same level of admin and paralegal support as attorneys at large firms, they tend not to take on impact litigation cases.
 - **Litigation:** Generally there are two successful models where in-house counsel will take a litigation case pro bono: First, where in-house counsel is partnered with a firm. Second, where the in-house counsel have been slowly introduced to litigation, with in depth substantive training and support from the legal services nonprofit.
 - **In-house Capacity:** At some corporations, in-house counsel work as a team – two attorneys and one assistant – to provide on-going support to each other and alleviate concerns about workload and case coverage.
 - Corporate in-house are stretched thin these days with in-house counsel taking on more internal responsibilities. Working longer hours (comparable to law firm hours) makes volunteering more difficult.

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- In-house counsel are better equipped to take smaller and shorter cases rather than larger impact cases.
- **Structure of corporate legal departments:**
 - Each in-house counsel is responsible for their own projects and rarely have someone else who can step in to help carry a case or project.
 - In-house counsels like to involve interns and legal support staff, who also enjoy participating in pro bono. The experience is good for staff moral and team building.
- **Suggestions for Successfully Engaging Corporate In-house Counsel:**
 - **Training:** Good quality training is an absolute necessity. Legal services nonprofits should have pro bono cases ready to handout to pro bono attorneys at the end of the training. Offer MCLE credit!
 - Legal services nonprofits should consider letting their law firm partners manage the training component of a pro bono project. Firm attorneys appreciate the opportunity to interact with in-house counsel volunteers, especially if the corporation is a client.
 - Agencies should be mindful that in-house attorneys tend to be more isolated than firm attorneys, so pro bono projects will likely need to be tailored.
 - **Acknowledgement of pro bono:** Generally, pro bono awards reinforce the pro bono work being done. These awards and acknowledgements have both internal and external value for the corporation. Awards may help persuade upper management to better support and encourage pro bono from the top down.
 - **Law Firm Partners:** Legal services nonprofits should not feel shy about asking their law firm partners if they have any corporate in-house contacts. As an example, SCE partners with Latham Watkins, who serves as SCE's coordinating law firm on many pro bono projects.
 - **Baby steps:** Introduce pro bono in incremental steps. Clinics are a great introduction to working with low-income clients and involve manageable time commitments.
 - Manageable pro bono time commitments for in-house counsel average about 10-20 hours over a course of 2-3 months or a couple of days.
 - Legal services nonprofits should contact interested in-house counsel on a pro bono project before the summer, so summer interns can take part in the pro bono experience.
- **Law School and Corporate Relationships:** The majority of contacts between corporations and law schools are through internship programs and diversity programs at corporations.

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- **Mentoring law students on pro bono projects:** Pairing law students and in-house counsel is a possibility, but several concerns exist:
 - a) In-house counsel would still end up committing to the same number of hours or more because of the time involved in supervising a law student.
 - b) Issue of malpractice insurance; and
 - c) Because law schools do not generally feed into in-house counsel positions, corporations tend not to have close relationships with law schools.
- Corporations may be able to partner with students groups such as PILF or Street Law, if well planned and implemented.
- **Recipe for Building Successful Models:**
 - Training and MCLE.
 - Better conversations upfront about time commitments.
 - Discussion of insurance – who will provide primary coverage of volunteers/law students.
 - Have an ambassador or advocate inside the corporation.
 - Designing group projects for multi-disciplinary participation or involving a cross-section of volunteer within the corporate in-house department.
 - On-going support from legal services nonprofit partners.
 - Corporate recognition program--both internally and externally.
 - Find opportunities for corporate counsel to partner with law firm partners.
- **Next Steps/Recommendations:**
 - Create a pro bono corporate guide – similar to the law firm guide for SoCal. Perhaps ACC could play a role in creating such a resource).
 - Adding to the pro bono best practices guide, the need for in-house counsel partnerships.
 - Corporations would like it if agencies could provide a list of cases that are available once a month and include a time commitment estimate for each case.

SESSION 2: MOVING BEYOND LARGE LAW FIRMS: EXPANDING PRO BONO OPPORTUNITIES WITH SMALL & MID-SIZE FIRMS SESSION NOTES

10:50 A.M. - NOON

Facilitator: Tai Glenn, LAFLA

Thought Leaders:

- Alyssa Schabloski, Michels & Watkins
- Ilan Wisnia, Valle Makoff
- Tim Toohey, Hunton & Williams

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Agenda:

1. Welcome/Introduction/Overview of session goals. (5 minutes)
2. Exploring successful models (10 minutes)
3. Understanding expectations/capacity and limited resources (15 minutes)
4. Engagement strategies (25 minutes)
5. Synthesis/Take-aways (15 minutes)

Notes:

- **Reasons to Engage Small and Mid-size Partners:**
 - In many regions of CA the attorneys are at predominately smaller firms and sometimes the pro bono culture doesn't exist at the firm so they need a bit more help to get involved.
 - Even in larger cities most lawyers are not at big firms (especially as large firms shrink).
 - Smaller firms may not have the same conflicts of interest that larger firms experience.
 - Smaller agencies might have more success with smaller firms.
 - Boutique firms may be mid-size or small but may be a very good match for a certain type of case that aligns with the firm's specialty.
 - Smaller agencies may have a large variety of small cases at once so there isn't a signature project or case that is a good fit for the larger firms but could be a good fit as one-offs for small firms.
- **What Constitutes a Small & Mid-Size Firms:**
 - Small: Under 25 or 50 people?
 - Mid-size: Under 50 or 100?
- **Successful Models for Engaging Small & Mid-size Firms:**
 - Bet Tzedek & Family Law Firms: Junior law firm lawyers get more family law experience so family law attorneys will mentor less experience lawyers in other firms.
 - Domestic Violence Project: with local women lawyers group in Central CA
 - Law firm & law school partnerships through OneJustice's Justice Bus: lawyers may not be willing to do a project alone but will do one with a law student.
 - LAFLA & Hunton Williams staff domestic violence cases in the courthouse.
- **Benefits and Challenges of One-Day Clinic Models:** Some firms are fans of a one-day clinic model for pro bono projects and others prefer discrete cases or projects.
 - Smaller firms want to establish a presence with an organization to concentrate your efforts and get recognition for work.
 - Other firms may not like the clinic model because it may be harder to see what progress or impact your work is creating.
 - Other Possible Models:

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- Agencies could get more involved w/ bar associations in order to identify new partners.
- Agencies could pair up a junior lawyer volunteer with a retired attorney.
- **Understand Expectations of Various Partners, Capacity, and Limited Resources:**
 - Agencies should be prepared to provide more assistance/support to smaller firms.
 - Smaller firm attorneys need to be careful to not spread themselves too thin because they will face challenges in living up to large firm standards and expectations.
 - Some firms prefer cases that have a 10-15 hour time commitment so they can ensure they have adequate resources.
 - Malpractice insurance is also a concern for smaller firms.
 - Litigators in small firms have additional burden of managing unpredictable litigation workload.
 - Billing challenges are also heightened in smaller firms **or** may not be an issue at all depending on the type of firm/practice.
 - Incentives to do pro bono are different in smaller firms and therefore it is important to have a personal relationship with plaintiff firms for certain cases (because there is no billing offset).
 - Often smaller firms will need the agency to provide support and mentoring for junior lawyers; the firm may want junior lawyers to do pro bono to provide skills training, direct client contact, and/or court appearances.
 - It will be challenging to find cases that match up with skills building needs.
 - Some firms may prefer to take on pro bono cases that associates self-identify.
 - Some firms want to help get their brand established and it may work with a focus on a few large organizations.
 - Some firms will focus on cases that get their lawyers out in public and get the firm name out as well as those that provide skills training.
 - It may be hard for small firms to get involved in impact cases unless it involves a discrete project such as an amicus brief.
 - Some firms will be willing to take contingency fee cases where the firm may reduce their portion of the fee.
 - Some firms may be willing to partner with law students who would do some of the leg work and research, etc.
 - Unemployed new lawyers may want to take on a pro bono case for experience and interviewing purposes.
 - Some small firms will want projects relevant to firm's work or to build certain skills, such as negotiation skills.
 - Some firms will want an agency to have a strong community reputation and be able to ensure high quality of supervision for pro bono lawyers.
 - Many agencies need Spanish speakers. Smaller agencies cannot prep a case that has a 10-15 hour limit.

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- **How do smaller firms find out about pro bono opportunities?**
 - Websites/Newsletters. (Note: many smaller firm lawyers didn't know about SoCal Pro Bono website or didn't find it user friendly.)
 - List of cases going out to folks.
 - Bar associations.
 - Pro Bono Fair for small/mid-size firms.
 - Add smaller firms to law firm pro bono guide.
 - Small & Medium Size Firm receptions/events held by law schools.
- **Other places to get the word out about pro bono?**
 - Daily Journal.
 - Above the Law.
 - Consumer Attys Listserv & publications (CALA).
 - Sections of larger bar associations.
 - LACBA newsletter blast.
 - State Bar website.
- **Next Steps:**
 - Create Pro Bono Tool Kit for small/mid-size firm lawyers.
 - Possibility of creating a brief survey that would go out to small/mid-size firms regarding pro bono.
 - Legal services agencies need to include a link to the SoCal Pro Bono Center website on their own agency webpage.

SESSION 3: MAXIMIZING MULTI-PARTNERSHIPS

SESSION NOTES

1:15 P.M. – 2:25 P.M.

Facilitator: Laurie Aronoff, HIV & AIDS Legal Services Alliance, LACBA

Thought Leaders:

- Commissioner Robert Harrison, Los Angeles Superior Court Small Claims Commissioner
- Gus May, Bet Tzedek
- Jeffrey Spitz, Greenberg Glusker
- Kevin Cauley, Southwestern Law Student
- Laura Cohen, Southwestern Law School
- Jacklin Mizrahi, Center for Civic Mediation

Agenda:

1. Welcome/Introduction/Overview of session and objectives. (5 minutes)
2. Exploring the successes and challenges of an existing six-way partnership. (20 minutes)
3. Brainstorm session with entire group about their respective entity's priorities for

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developing a collaborative project. (10-15 minutes)

- a. Agency
- b. Law Firm
- c. Law School
- d. Judiciary
- e. Other

4. Small group breakout activity and report back to the whole group. (30 minutes)

5. Close/Final Q & A (5 minutes)

Notes:

- **Introduction:** Clinics have value in the overall delivery of legal services. However, clinics also present challenges to clients because clinics may offer few long-term resolution depending on the client's situation. The small claims court project discussed today takes the traditional clinic model one step further with the intention of providing more than just advice and referral.
- **Thought Leaders:**
 - Commissioner Robert Harrison – This small claims project developed in response to the need for better prepared pro se litigants. Pro se litigants also feel better and more comfortable going to court after participating in this clinic. The court sees an average of 1000 small claims cases a month.
 - Gus May – Directing Attorney at Bet Tzedek. Worked closely with Greenberg Glusker to set up the trainings and presentations. This six-way partnership is a successful model for distributing the workload and responsibilities. Each partner entity has clear and defined roles. In addition to helping set up the trainings, Bet Tzedek set up the RSVP line so pro bono teams knew how many clients would show up per month.
 - Jeffrey Spitz – Partner at Greenberg Glusker and involved in pro bono throughout his career. Greenberg Glusker had signed on to the State Bar pro bono commitment. Jeffrey pulled a group of litigators and non-litigators together to work on developing a presentation and “how-to” guide for self-represented small claims litigants, both plaintiffs and defendants.
 - **Pro Bono Benefits to Firms:** Pro bono seen as an opportunity to train young associates in litigation. Transactional type pro bono provides associates an opportunity to work on corporate documents. Mid-level associates benefit from supervising law students for when they begin supervising younger associates.
 - Laura Cohen – Associate Clinical Professor of Law and Director of Street Law Clinic and Community Outreach at Southwestern Law School. Initial involvement related

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to finding a location for the small claims clinic – away from downtown, internet access, adequate space, printer, etc. Holding the clinic at Southwestern Law School seemed like the answer. Second challenge was matching the right student group with the project. Approached SCALES – the accelerated law school program – because the clinic met only once a month and in the evenings. Student training involved an introduction to small claims court and a fieldtrip to the courthouse.

- Kevin Cauley – Law student at Southwestern. Got involved during Public Interest Week at school. Southwestern's pro bono policy encourages 25 hours of pro bono but does not make it a requirement. One challenge is retention of student participation; high volume of sign-ups, but then people drop out.
- Jacklin Mizrahi – Assistant Director at The Center for Civic Mediation. As the project developed, it became clear that many customers utilizing the program would benefit from mediation. Initially, The Center saw a significant number of customers through the program. However, as the project grew with law students conducting the initial intake and allowing the attorneys to see more customers, fewer customers seek the help of The Center.
- **Logistics of the Project and Partnership:**
 - **Conflicts check:** Customers sign a release form beforehand because the clinic sees both plaintiffs and defendants. The goal is not advice and counsel, but to listen to the customer's case and help the customer prepare their information and documents needed to present in court as a pro se litigant.
 - **Law student volunteers:** The goal was to staff each clinic with 8-10 students.
 - **Outreach to customers:** Hung posters in the courthouse and linked the project website to the small claims website. The posters were also forwarded to other commissioners, the lawyer referral service, and to other programs through the SoCal Pro Bono Managers listserv.
 - **Costs:** Overhead cost is low, just staff time. Southwestern provides at free of charge, the use of space, printer, and parking passes. Bet Tzedek had initially absorbed the cost of printing the handouts, but moved the handouts online due to printing costs. Bet Tzedek also had unused phone lines which it used for the small claims RSVP line, so no additional costs.
- **Group Brainstorming Session on How to Replicate This Model in other Practice Areas:**
 - **Potential practice areas:** OHA hearings could be a potential topic. These hearings are very formal. Other suggestions: special education hearings, MediCaid, SSI hearings, wage and hour/employment, and other administrative court hearings.

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- Labor Commissioner Julie Su is looking to involve law students. Bet Tzedek is currently looking at how to streamline retaliation cases.
- Bet Tzedek and NLS currently do wage and hour/employment clinics.
- **Catalyst for the small claims court project:** The catalyst for getting the small claims court project off the ground was buy-in from superior court judges and relationship building. Laurie Aronoff knew Commissioner Harrison and the two had been working on the idea for this clinic for a while.
- **Language access:** Always an issue. The small claims court project gets by with the help of bilingual attorneys and law students. Consider involving students from non-law school graduate or undergraduate programs.
- **Key** to building a successful project is to be flexible and tweak the project as it evolves. Bring in new partners if it makes sense and if there is an unmet need that can be addressed.
- **Next Steps:**
 - Find volunteers to do a write-up of this six-way partnership and how it developed over time. Southwestern has a public interest law journal that could publish the write-up.
 - Potentially set up a webinar to share successful projects and/or bring in a law firm marketing departments to talk about how agencies can better promote successful pro bono projects.

SESSION 4: REVISITING THE LAW SCHOOL AND LEGAL SERVICES

APRIL 13, 2010 MEETING SESSION NOTES

2:35 P.M. – 3:40 P.M.

Facilitator: Pam Marx, MHAS

Agenda:

1. Welcome/Introduction/Overview of session agenda. (5 min.)
2. Share achievements – priorities accomplished since the April 13 meeting. (20 – 25 min.)
3. Revisit the four priority theme areas and next steps. (20 min.)
 - a. Clarifying and Communicating About Expectations of Students.
 - b. Collecting and Managing Contact Information at Schools and Nonprofits.
 - c. Expanding Opportunities Available to Law Students at Nonprofits.
 - d. Including Law Firms in These Conversations.
4. Synthesize takeaways/final Q&A. (15 min.)

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Notes:

- **Achievements/updates:**
 - **Professionalism Webinar:** Completed the professionalism webinar in December 2010. The webinar is divided into seven chapters, which can be accessed separately. There is also an accompanying handbook. The webinar is available on the SoCal Pro Bono website at www.socalprobono.org.
 - **Rescission Policy:** Report back from meeting with the Greater Los Angeles Consortium on Externships (GLACE) – Glace in favor of a general policy on legal nonprofits telling law schools when their law students rescind.
 - **Contacts Database:** OneJustice is working on a database that will list the contact information for various positions at law schools and legal services nonprofits (pro bono or volunteer coordinator/manager and the hiring person). This database will eventually help populate the SoCal law school and legal services nonprofit listserv.
 - **Timeline:** Finished in time for 2011 fall semester.
 - **Listserv:** Draft policies and procedures were passed around the group. The two biggest concerns were involving law students in the listserv for various logistical reasons including monitoring appropriate posts and continuity as leadership changes in student groups.
 - **Suggestions:** 1) Have two listservs—one with professions only and one with law students groups. 2) Law student involvement would be reviewed on a case by cases with each law school.
 - **Timeline:** Active in time for 2011 fall semester.
- **Other challenges that legal nonprofits face:**
 - Some legal nonprofits are experiencing problems during the offer and acceptance period—students not getting back to the nonprofits about declining an offer.
 - San Diego law schools follow a trimester system which adds to the difficulty of coordinating offers and acceptances.
 - GLACE written for larger firms. Smaller law firms and nonprofits do not have the luxury of giving students two weeks to decide on an offer.
 - Law student perspective—often find offer and acceptance period challenging because programs are not consistent in timing. Clerkships operate very differently; students generally must accept their first offer and waiting on better offers is not an accepted practice.
 - **Suggestions:**
 1. Coordinate a kick-off date for when acceptances for summer internships/externships.
 2. Possibility of OneJustice to coordinate and organize a survey to legal nonprofits about their offer, acceptance, and rescission policies.

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- **PILF deadlines?**

- Get the PILF calendar on the SoCal website?
- Ask schools to plug dates into some sort of calendar.
- Other school based grants deadlines.
- Dates for the public interest fair.
- Lisa Mead will contact GLACE contacts.
- Rachel will contact LSCSC contacts.

- **Next steps:**

- Working group: Laurie Aronoff, Laura Cohen, Rachel Rothbart, and Pam Marx.
- Create a document on what is pro bono and the ABA rule for law students.
- Organize one joint law school/pro bono managers meeting in November/December or late April/May.
- Collect from at schools dates for their public interest week and PILF deadlines and post on the SoCal Pro Bono website.
- Review suggestions mentioned above.