



## **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, 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 professional responsibility, recognizing a few special items mentioned below.

## I. Opening a New Matter

Pro bono matters should be opened and managed in a consistent manner in accordance with the corporation's pro bono policy. A form developed by the corporation's pro bono committee or coordinator is typically used to determine whether the services to be provided are covered by the policy. The form can also be used to keep track of who is providing pro bono services and the hours of service provided for reporting, if any, and recognition. In addition, the form can address any accounting issues associated with costs or expenses to be paid or reimbursed under the pro bono program. Depending on the choice made by your corporation regarding professional liability insurance, the form may be used to track matters for such coverage.

## II. Conflicts

While the law department of a corporation does not have the same type of legal conflicts issues that a law firm has, "issue conflicts" may arise. A prospective pro bono representation may require taking a position contrary to the corporation's business or interest. In most cases, the corporation's Pro Bono Committee can make a judgment regarding the existence of an issue conflict, but the Committee may in some cases look to the corporation's General Counsel for guidance.

From time to time, corporations will be asked by law firms that represent the corporation to waive a potential conflict in connection with a pro bono representation by the law firm. We strongly encourage corporations to execute such waivers in pro bono matters on the same basis applicable to conflict waivers in non-pro bono situations.

## III. Engagement Letters

While the law department of a corporation does not typically use an engagement letter, an engagement letter may be advisable in a pro bono representation. An engagement letter can delineate the nature and limitations of the pro bono representation. It can also evidence the performance of the pro bono matter pursuant to the corporation's pro bono policy, which may be relevant for professional liability coverage. In addition, an engagement letter may enable the corporation to seek attorneys' fees where appropriate.

## IV. Matter Closing

A pro bono matter may be completed upon performance of services as described in an engagement letter, if one has been issued. In many circumstances, a matter will come to a substantive conclusion, such as a settlement, court order or other final result. In other circumstances, a pro bono representation may be completed when it has progressed to a pre-determined cessation point, for example, the completion and filing of an application. In each of these situations, a closing letter would be helpful to communicate both the status of the matter and the termination of the representation.

## **SAMPLE PRO BONO FORMS AND LETTERS**

*As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois corporations will share samples of their pro bono forms and letters. PILI also maintains a library of pro bono forms and letters. Please contact PILI's Director of Programs, Michael Bergmann, at 312.832.5129 or [mbergmann@pili-law.org](mailto:mbergmann@pili-law.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 staff 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. One way to address this element is through the development of a pro bono intranet site.

## I. The Basics

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

- Your corporation'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 corporation, 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 staff. You might consider posting the survey on your intranet site to allow staff to provide you with feedback about their interests. You might also include a feedback tool to allow staff to rate your intranet site and your program as a whole so that you can continually improve your program and engage your staff more completely in the program.

## III. Opportunities and Related Trainings

Identifying and promoting opportunities should be a key goal of your intranet site. If your law department has offices in more than one location, this can be a challenge. One approach is to have opportunities identified geographically. If legal services providers can be directed to the intranet site contact, the descriptions of the opportunities can come directly from them.

## 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 service, [www.IllinoisProBono.org](http://www.IllinoisProBono.org) (discussed in more detail in Section 6), also has content feed that your corporation can receive at no cost. If you already have a corporate 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 Director of Programs, Michael Bergmann, at 312-832-5129 or [mbergmann@pili-law.org](mailto:mbergmann@pili-law.org), for a Pro Bono Consultation.*

## Incentives to Promote Pro Bono

Aside from factoring pro bono efforts into promotion, salary increases and bonuses, there are a variety of incentives to use in promoting pro bono within your corporation. 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 department and corporation.

### I. Internal Recognition

Ideas for recognition include hosting regular receptions or luncheons to promote the corporation's pro bono program and to celebrate the outstanding contributions of pro bono attorneys from the corporation. Such events are an excellent way to promote the pro bono program to encourage overall awareness and to increase participation. Whenever possible, the corporation should invite representatives from the agencies with which the corporation works to these events to build a stronger relationship between the corporation and its members and the agency. Another possibility is to develop and distribute regular pro bono newsletters detailing the pro bono program and staff efforts. Samples of such newsletters are available as part of the PBI 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](mailto: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. 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. Of particular note is the Exelon Outstanding Corporate Counsel Award that recognizes a corporate attorney for his or her outstanding pro bono contributions.

More information about these awards is available on the CBF website, [www.chicagobarfoundation.org](http://www.chicagobarfoundation.org), or by contacting CBF Director of Pro Bono, Kelly Tautges, at 312-554-8356 or [ktautges@chicagobar.org](mailto: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](mailto: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 217.525.1760 or [mbentley@isba.org](mailto: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](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.

## **VIII. 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](http://www.nlada.org/About/About_Awards).

## **IX. 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 only given when warranted by outstanding achievement.

For more information about the Pro Bono Institute and its awards, visit their website at [www.probonoinst.org](http://www.probonoinst.org) or contact Pro Bono Institute President, Esther F. Lardent, at 202.662.9699 or [elardent@probonoinst.org](mailto:elardent@probonoinst.org). Additional information regarding the Pro Bono Institute is also included in Section 6 of this Manual.