

SECTION 5:
FINDING PRO BONO MATTERS

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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
- legal clinics and self-help desks
- advice and referral hotlines
- mediation

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

- elderly
- artists
- disabled
- immigrants
- people living with AIDS/HIV
- victims of domestic violence
- children
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Organizations that post pro bono opportunities with www.IllinoisProBono.org provide a variety of pertinent information about their opportunities, including:

- Typical time commitment involved with the case type;
- Whether the agency provides malpractice insurance;
- Whether the agency provides training materials relating to the opportunity;
- Whether the agency has attorneys on staff to provide support for pro bono attorneys; and
- 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](#)

[Katten Muchin Rosenman LLP](#)

[Brinks Hofer Gilson & Lione](#)

[Kirkland & Ellis LLP](#)

[Chapman & Cutler LLP](#)

[Latham & Watkins LLP](#)

[DLA Piper US LLP](#)

[Mayer Brown LLP](#)

[Drinker Biddle & Reath LLP](#)

[McDermott, Will & Emery LLP](#)

[Dykema](#)

[Neal, Gerber & Eisenberg LLP](#)

[Foley & Lardner LLP](#)

[Reed Smith LLP](#)

[Goldberg Kohn](#)

[Seyfarth Shaw LLP](#)

[Holland & Knight LLP](#)

[Shesky & Froelich](#)

[Jenner & Block LLP](#)

[Sidley Austin LLP](#)

[Jones Day](#)

[Sonnenschein Nath & Rosenthal LLP](#)

[K&L Gates 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.