

ORGANIZING EFFECTIVE PRO BONO PARTICIPATION WHAT I HAVE LEARNED --- SO FAR

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As with most aspects of the practice of law, building and maintaining an effective pro bono program at a law firm is hard work, takes lots of energy and is an ongoing project. The old saw about “if at first you don’t succeed” holds true in the operation of a broad-based and efficient pro bono program. With the benefit of some successes and more than a few stumbles, here are some approaches and techniques that have proven helpful to me in developing a sophisticated pro bono program.

Recognize the Available Resources. Recognize the wealth of talent and resources available to you in building a pro bono program at a large law firm. Most lawyers, like everyone else, are born with an altruistic gene and a sense of what is just, and all of us are willing to help our less fortunate fellow citizens and neighbors if given sufficient opportunity, support and encouragement. Keep in mind that it is your job to create the opportunities, develop the support that is needed, and provide the encouragement that makes it happen.

Learn To Listen Well. Being a good listener may be the single most important skill you can develop as the director of pro bono programs at a large law firm. There are many constituencies in a large firm: individual attorneys, practice group chairs, the Pro Bono Committee and the executive committee are just a few. Take the time to sit down for five to ten minutes with as many associates and partners as possible, and let them do the talking. Get to know their personal interests, their professional development goals and needs, and where they want to go in their careers. If they don’t seem to want to talk, push them gently. Ask them what most interests them in politics, the arts, sports and life. Offer them a range of pro bono options to think about. Follow up later. Jump on their phone calls and emails. Respond promptly and thoughtfully, whether or not they are ready to take on a pro bono matter.

Create Partnerships As They Are Indispensable. Lawyers in large law firms, with some exceptions, know very little about poverty law issues like the scope of the need and the essential practical information about how to appeal the denial of Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) benefits, how to represent a tenant in landlord-tenant court, how to protect an abused or neglected child or how to help a homeowner respond to a notice of foreclosure. Recognize that for every legal problem an attorney takes on pro bono, he or she should have a public interest or legal services law firm available to provide training materials, mentoring, guidance and support. Poverty law is as layered and complex as antitrust, tax, labor and employment and other areas of attorney fee practice work in large firms. Unlike some areas of fee work, poverty law matters sometimes get bogged down by lengthy periods of delay and

layers of red tape and bureaucracy. Legal services lawyers are proficient not only on the substantive aspects of poverty law such as landlord-tenant law and abuse and neglect cases, but can advise and instruct pro bono lawyers on how to navigate the bureaucracy and cut the red tape. In short, legal services and public interest attorneys are indispensable partners for pro bono attorneys.

Build Internal Expertise. Given that SSDI and SSI appeals, eviction and mortgage foreclosure and the like are outside the fee practice of virtually all private law firms, pro bono attorneys must have the means to learn the substantive law and process to perform their pro bono responsibilities well. One effective method is to build pro bono “practice groups” focused on specific poverty law issues that firm lawyers care about. Examples include tangled title to property, domestic violence, immigration and asylum, and prisoner civil rights. Pro bono practice groups follow the fee practice group model by concentrating on one or two specific legal issues. Each includes partners, associates and paralegals. Groups are generally chaired by one or two partners and meet regularly to conduct trainings, review the status of pending matters and to jointly “brainstorm” on unusually difficult issues and subtleties in the application of the law. And, of course, every law firm pro bono practice group should have a partnering legal services agency or public interest law center that feeds cases to the firm, attends practice group meetings and mentors and teaches the pro bono lawyers as they learn.

Delegate and Trust. Pro bono directors sometimes feel like a voice in the wilderness at busy commercial law firms. As they build participation and broaden the scope of public interest law handled by their attorneys, they develop a sense of ownership and sometimes do not want to let go. But directors need to learn to delegate responsibility to other lawyers, such as members of the firm Pro Bono Committee and pro bono practice group chairs. As firms take on an increasingly broad array of poverty law issues, directors must realize they cannot be experts on everything and that there really are only 24 hours in the day. They need to use their experience and instincts to delegate responsibility to other partners and associates, and to trust those they have cultivated to carry the torch in specific areas.

Get Out Into The Community. Law firm pro bono leaders, from the director to members of the Pro Bono Committee and practice group chairs, need to become active in state and local bar associations and projects created by those associations. They need to join the boards of public interest law centers and non-profits. And they need to get involved in civic associations, and attend events that attract judges, legislators and local business and municipal leaders. These contacts will help ensure that law firm leaders know what’s going on in their communities, what new and emerging areas of need are developing and whom to contact to build partnerships for effective representation.

Take Chances. Pro bono in a large firm does not emerge naturally from other, more dominant drivers in the large firm business model. Therefore, pro bono directors need not only to be creative in reaching out to others and building partnerships, but they must be willing to try new things without having a precedent to guide them or a clear

sense of outcome. Risk-taking guided by experience, instincts and judgment can be key to developing policies and practices that effectively meet difficult poverty law challenges.

Secure Leadership From The Top. Law firms, like corporations, foundations and other entities, are hierarchical. To build a strong and expanding pro bono program, it is essential to seek out and obtain the support of law firm executive committees, chairpersons and managing partners because the attitude and policies the firm creates to promote pro bono will become part of the firm's culture. Strong support from the top will enhance the ability of pro bono directors to seek out and obtain pro bono participation from partners, associates, paralegals and other personnel in the firm. Encourage partner leadership by inviting them to join the firm Pro Bono Committee, to take on pro bono cases personally and to assume responsibility for specific projects, such as the work done by pro bono practice groups, as practice group chairs and special project leaders.

Say Thank You Early and Often. One of the biggest factors in ensuring that a pro bono program succeeds is to create methods by which the firm and its leadership thank their attorneys for doing pro bono. For many reasons, including the dictates of the Rules of Professional Conduct, ABA guidelines, the importance of advancing access to justice and the training and professional development skills lawyers gain from pro bono, many law firms support pro bono by counting approved pro bono hours towards the fee billable hour requirements for associates and give partners comparable credit. In addition to this concrete way of recognizing pro bono, consider saying "thank you" by creating firm-wide annual pro bono awards, posting intranet announcements about successful pro bono representations, sending personal notes of congratulations to lawyers who do pro bono, or otherwise saying "thank you." Volunteers appreciate being recognized and it serves as an important factor in getting repeat pro bono volunteers.

Keep Collaboration in the Forefront. The common element in all of the suggestions above is that collaboration is essential to success. For example, Philadelphia's Mortgage Foreclosure Diversion Pilot Project thus far has prevented foreclosures for more than 1000 homeowners by promoting collaboration among at least seven key stakeholders: borrowers, lenders, housing counselors, the City of Philadelphia, the Court of Common Pleas, legal services and pro bono volunteers. Poverty law issues, as with any other kind of legal issue, can be complex and layered. By involving as many of the key stakeholders as possible, the chances of developing an effective pro bono program that addresses the concerns of key stakeholders and that taps into their resources to develop meaningful solutions increases exponentially. Put more simply, the more we realize we are in this together, the more effective our responses will be.