DC BAR Pro Bono Center

Tips to Working Remotely with your Pro Bono Clients

Serving clients remotely requires personal and organizational adjustments. Use this time as an opportunity to strengthen and enhance relationships with clients while providing creative advocacy. Consider using the techniques in the sections below to help with this adjustment.

Technology:

- Explore what forms of technology best serves you and your client (e.g., texts, emails, Zoom video calls, FaceTime calls, phone calls).
    - Consider using a business device or business number rather than mixing business and personal communication. If you do not have a designated business phone number, you can create one using services like Google Voice or Skype.
- Early in your representation, ask your client about their technical preferences and concerns. Some clients may already have access to conferencing apps like FaceTime, Skype, or Zoom. Some clients may have a limited number of minutes on their cell phone but unlimited text messages. Understanding early are they able to participate by? What form of communication is your client's preference and the best times to reach them may remove substantial barriers to your representation?

Access:

- Consider the unique barriers that clients may face and ask clear and direct questions. *For example, "Do you have access to a computer?" and "What tasks are you comfortable performing on a computer?"*
- Make sure that clients can access all pleadings and communications you need them to review, even if you must read it to them over the phone.
- Make yourself accessible within reason – e.g., texts, emails, calls, video (although not all are necessary). Provide clear times to connect (e.g., business hours). Set boundaries early and maintain those boundaries if pressed.
- For clients with language access needs, arrange for interpretation services prior to meetings and have a plan for emergency interpretation, should an urgent situation arise.

Client Expectations:

- Set clear expectations about what you can and cannot do right now. Be clear on the limits of the services you are providing. While your services may be limited in scope or duration, you can state this in a positive way using tone, inflection, and word choice. *For example, "While I will not be doing "xyz," I can help you with the following "abc." Would that be helpful?"*
- Use technology to set deadlines and stay organized (email to do lists, send calendar invitations, etc.).
- Discuss major dates/deadlines and client/attorney responsibilities.

Signing retainers remotely:

- Signing a retainer with a client is a crucial step in the representation. Because it sets the tone for your representation, the Pro Bono Center generally encourages pro bono attorneys to meet in person with a client when executing retainers. While social distancing is in effect, we encourage pro bono attorneys to follow the following guidelines for executing a retainer remotely. Take the opportunity to carefully review the document, including the scope of your representation, your obligations to the client, and the client's obligations to you.
    - *If the client has email/computer:* email the retainer to the client and then call the client to review the retainer with them. The client can then ask questions, print and sign/e-sign, and email it back. If e-signing, you will want to have the client further show their consent by either taking a picture of the signed documents and/or responding by email with an attachment. The client can confirm in the email that he/she understands and consents to the terms.
    - *If the client has a smartphone:* email or text the retainer to the client and then call the client to review the retainer with them. The client can ask questions, sign it, and text/email back. The client can e-sign via text or email and state that he/she understands and consents. The client can take a picture of the signed documents and text them back. There are also apps that are free and allow the person to sign/scan a document through their phone or ease the transmission of documents by operating like fax machines.[1]
    - *If the client does not have email/smartphone but does have a phone that takes pictures:* text the client a picture of each page of the retainer and then call the client to review the retainer with them. The client can then ask questions and text the images back with an e-signature and state his/her understanding and consent in a text.
        - ***NOTE – if any texts/emails provide written consent, the text or email should be printed and added to the retainer. Provide stock language that you send out confirming that the client understands and consents. Then, the client can reply confirming he/she understands and gives his/her consent.***
    - *If the client does not have any technology listed above:* you should encourage clients to be creative. You should help clients brainstorm a safe third party that they may be able to contact to use their computer, smartphone, camera phone, printer, fax, etc.
    - *If needed, use the mail:* mail a printed copy to the client with a pre-addressed return envelope and stamp through certified mail. You can offer to review the retainer with the client via phone once it is received.

[1] Common apps that are available for signatures include, but are not limited to, DocuSign, SignNow, Signature-App. For scanning, common apps include, but are not limited to, SCANNER, Adobe Scan Digital, My Scans, PDF Scanner App.

Communication and Rapport-Building:

- Express a greater degree of empathy during this time.
- Work together with your client to build a communication plan. Secure a safe third-party number/contact to reach your client if needed.
    - Confirm that these numbers work as soon as possible.
    - Check-in periodically to make sure this does not change.
- Ask more open-ended questions! It allows for your client to be able to discuss topics that may be tangential to their legal issue but critical to understanding how they are feeling.
- Keep written information simple. One way to do that is by considering mediums other than written text, like visual flow charts if you client is confused by a process.
- After a call or meeting, send a secure message that summarizes what was discussed and provides supplemental easy-to-follow next steps for the client.

How to connect with an unresponsive client

- Attempt to reach the client by multiple forms of communication have (email, text, third party (with client consent), calls).
- Send the client a "no contact letter" by certified U.S. mail with a certified, self-addressed envelope, and stamp, for your client to send back a response.
- In the "no contact letter" you can explain the attempts and methods that you have taken to contact them. You can remind them of their obligations under the retainer agreement, give them a deadline to respond, state clearly what will happen after that date. In the self-addressed envelope, you may want to include a letter that leaves a space for them to inform you of the best method of contact going forward and an alternative contact method.

Preparing your clients for remote hearings:

- Explain how the overall process will work (logistics, set-up, etc.). Plan for the flow of the call (who should speak when).
- Email or verbally review a hearing plan with your client.
- Plan for your client to have access to their phone for an uninterrupted period of time and to be in a quiet place during the hearing. If needed, secure a back-up number in case something happens to your client's phone before the hearing.
- Have a plan to speak to your client in confidence if needed during the hearing. For example, it may be possible to use text messages or a chat app.
- Brainstorm and discuss multiple possibilities or scenarios beforehand to prevent having to ask your client questions during the hearing.
- Contact the opposing party prior to the hearing to see if there is any room for resolution.
- Review any documents you will be referencing at the hearing, so your client knows what you are talking about beforehand. Be prepared to share those documents with the court and opposing party, if need be.

Prepare your clients and yourself:

- Provide a step-by-step process for what to do during this period and in emergency situations. *Who can they call?*
- Encourage negotiations between parties – help the client think in a less adversarial manner and more cooperatively. Provide tools to guide your client through difficult conversations.
- Provide a list of emergency resources (domestic violence, food, shelter, etc.) for clients.
- Provide updates and be proactive – reach out to your client to check in and share the status of court/D.C. government, etc. before your client calls in an emergency or becomes anxious about what he/she heard in the news.
  Stay abreast of services during this time so you can provide your clients with referral resources as needed. Familiarize yourself and your client with www.Lawhelp.org/DC, which provides legal information on civil legal issues in the District, and provides vital COVID-19 status updates (including the current operating status of legal services providers). Help your client plan for possible legal needs that may arise as the courts and other organizations reopen after the current phase of the shutdown.

Visit www.probono.net/dc and join practice area for specific subject area guidance and training resources

To stay up to date on court protocols visit www.dccourts.gov and www.LawHelp.org/DC.

If you have ethical considerations, remember you can reach out to the Legal Ethics Helpline at 202-737-4700 ext. 1010, or e-mail ethics@dcbar.org.