Dear Colleagues,

Welcome to the Colorado Federal Government Pro Bono Program! Thank you for your interest in pro bono work and in using your legal skills to better your community. We hope today’s program will help you to find an opportunity to get involved.

This Pro Bono Volunteer Guide will provide easy access to information about the rules governing federal employees’ engagement in pro bono activity as well as descriptions of the organizations and pro bono opportunities. These organizations and opportunities have been determined to be appropriate for federal government attorneys and legal staff because they are generally free of conflicts of interest and offer substantial resources that will help you to succeed. Because each federal agency has its own regulations and procedures, it is important that you discuss any pro bono project with your agency’s ethics office before starting to volunteer. Many agencies have a specific Pro Bono Policy that can guide you through these rules and any approval procedures that may be required.

Throughout the year, our program will offer opportunities to assist you in your pro bono endeavors. We hope to organize training to prepare you to volunteer, group pro bono opportunities where federal attorneys can volunteer together, and information sessions on various topics relevant to pro bono practice. If you would like to get involved in the development of these ideas or have questions about participating in pro bono activities generally, please contact Mimi E. Tsankov, U.S. Department of Justice, at Mimi.Tsankov@usdoj.gov, who can connect you with your agency representative.

Thank you again for your interest in using your legal skills to help those who cannot afford an attorney. We look forward to working with you to help those in need.

Sincerely,

Laura F. Klein
Pro Bono Program Manager
U.S. Department of Justice

Chairperson
Federal Government Pro Bono Program
FEDERAL GOVERNMENT PRO BONO PROGRAM
COLORADO
VOLUNTEER GUIDE

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MOST COMMONLY ASKED QUESTIONS ABOUT FEDERAL GOVERNMENT ATTORNEYS AND LEGAL STAFF DOING PRO BONO WORK
I. Definitions and Limitations

What types of services may I provide?

*Pro bono* legal work and volunteer services may be broadly defined to include many different types of activities performed without compensation. Examples include, but are not limited to, services to persons of limited means or other disadvantaged persons, assistance to charitable, religious, civic, community, governmental, health, and educational organizations, services to individuals or groups seeking to protect civil rights, civil liberties or public rights, and activities seeking to improve the law or legal system.

What types of *pro bono* and volunteer services are prohibited?

Any service that would conflict with your official duties is prohibited. *See* 5 C.F.R. § 2635.802. For example, federal employees, in most cases, are prohibited from representing parties before the federal government. *See* 18 U.S.C. § 205. (See questions below on conflicts of interest.) In addition, each federal agency has its own regulatory standards of conduct, which its employees must follow. For example, Department of Justice attorneys may not provide services that involve criminal or habeas corpus matters, whether federal, state, or local. *See* 5 C.F.R. § 3801.106.

May I provide services to political organizations?

Yes, however, you must comply with the restrictions of the Hatch Act, *see* 5 U.S.C. § 7234, and with your agency's policy concerning political activities by high-level and political appointees. It should be noted that the Office of Personnel Management has stated that it would be inappropriate to grant administrative leave to employees to engage in partisan political activities. Also, because partisan political activity is subject to more restrictive rules than other non-official activity, no partisan political activity may take place on government time or by using government property. *See* 5 C.F.R. Part 734.

May I represent someone in an action against the United States?

No. 18 U.S.C. § 205 prohibits you from representing another person before any court or agency of the United States, in a matter in which the United States is a party or has a direct and substantial interest. There are limited exceptions for representing your immediate family (spouse, child, and parents), fellow employees in personnel administration proceedings, and certain employee organizations in limited circumstances.
May I assist persons seeking government benefits?

Yes, in limited ways. You may provide non-representational assistance, such as filling out forms for a person seeking government benefits. However, you should be mindful that you may not contact a federal agency, with the intent to influence, on behalf of another person except those persons permitted by 18 U.S.C. § 205(e). You may not represent a third party before any government agency.

May I prepare income tax returns?

Yes, however, you are prohibited from representing another person before the IRS in connection with a tax return.

May I assist family and friends?

Yes, provided the services you are providing fall within the definition of pro bono and/or volunteer services and you are not receiving compensation.

NOTE: There are some limited exceptions to this rule, which may permit employees to represent family and friends in non-pro bono matters as long as the United States is not a party and the matter is not criminal in nature. You should contact your Deputy Designated Agency Ethics Official (DDAEO) if you would like to represent a family member or friend and the representation does not fall within the definition of pro bono or volunteer services.

II. Use of Position and Agency Resources

May I use my official position in connection with my pro bono and/or volunteer services?

No. You may not indicate or represent in any way that you are acting on behalf of your agency, or in your official capacity, when providing pro bono or volunteer services.

May I use office letterhead or my business cards?

No. You may not use office letterhead, business cards, fax cover sheets, etc., or otherwise identify yourself as a federal government employee in any communication, correspondence, or pleading.
May I use agency resources such as phone, e-mail, internet, or other government property in connection with my *pro bono* services?

Each agency has its own policy on the use of its resources and property. Some agencies will allow for the personal use of government equipment and facilities provided there is only a negligible cost to the government (such as electricity, ink, small amounts of paper, and ordinary wear and tear). You should contact your supervisor or ethics officer to find out about your agency’s policy.

May I ask my secretary to assist me?

No. *Pro bono* and volunteer services are not official duties and may not be assigned to or required of support staff.

May I use Westlaw and other electronic computer databases?

Each agency has its own policy on this issue. Contact your supervisor or agency ethics officer to find out about your agency’s policy.

May I participate in *pro bono* and/or volunteer services on government time?

You are encouraged to seek *pro bono* and volunteer opportunities that can be accomplished outside of your scheduled working hours. However, activities may sometimes occur during the work day. You may be granted annual leave, leave without pay, or may be permitted to make up any time you are away from the office. Contact your supervisor or agency ethics officer to find out about your agency’s policy.

May I be given administrative leave?

Generally, it is inappropriate to pay an employee for time engaged in *pro bono* or volunteer services. However, some agencies have policies that allow for administrative leave or excused absence for *pro bono* activity, such as the Department of Labor, the Department of Energy, the Department of Housing and Urban Development, the Department of Homeland Security, the Department of Veterans Affairs, the Department of Justice (certain divisions), the Federal Trade Commission, the National Labor Relations Board, and others. Additionally, OPM has issued a general guidance on the availability of administrative leave for volunteer activity. In limited circumstances, it may be appropriate to excuse an employee from duty for brief periods of time without loss of pay or charge of leave. Excused absence should be limited to those situations in which the employee's services meet one or more of the following criteria: is directly related to the agency’s mission; is officially sponsored or sanctioned by the agency; or will enhance the professional development or skills of the employee in his or her current position. See OPM Guidance at [http://www.opm.gov/oca/leave/html/Volunteer2.asp](http://www.opm.gov/oca/leave/html/Volunteer2.asp).
III. Conflicts of Interest

With whom should I speak about any possible conflicts of interest?

Your Deputy Designated Agency Ethics Official (DDAEO).

What constitutes a conflict of interest?

Any activity that would:

1. Violate any federal statute, rule, or regulation, including for example, 18 U.S.C. § 201 et seq. and the Standards of Conduct at 5 C.F.R. § 2635;
2. Interfere with the proper and effective performance of your official duties, including time availability;
3. Cause a reasonable person to question the integrity of your agency's programs or operations;
4. Require your recusal from significant aspects of your official duties;
5. Create an appearance that your official duties are being performed in a biased or less than impartial manner; or
6. Create an appearance of official sanction or endorsement.

Must I get approval to provide pro bono or volunteer services?

Each agency has its own policy regarding its employees’ outside activities. An employee seeking to engage in any pro bono legal work or volunteer services must follow his or her agency's procedures for outside activities. You should consult with your ethics officer regarding approval requirements.

IV. Miscellaneous

What about malpractice coverage?

The federal government does not provide malpractice coverage. Generally, volunteer programs organized by the local bar or more established referral programs provide malpractice coverage. All of the organizations participating in the Federal Government Pro Bono Program provide coverage for their volunteers. You should ask the organization through which you will be providing pro bono services whether it will provide malpractice coverage for you.
May I participate if I am not a member of the Colorado Bar?

Yes, attorneys who are not members of the Colorado Bar may engage in pro bono activities if they comply with Colorado Rule of Civil Procedure 223. Rule 223 requires that you file for a special pro bono license, using the following link: http://www.coloradosupremecourt.com/pdfs/Registration/Pro%20Bono%20Certification.pdf, and send in a $50 fee to:

Ralph L. Carr Judicial Center
Colorado Supreme Court
Office of Attorney Regulation
1300 Broadway, Suite 500
Denver, CO 80203

Rule 223 requires the annual filing of a registration statement on or before February 28 of each year identifying the organized nonprofit entity for which the attorney is currently volunteering, or, during the past year, has volunteered.

Are there activities I can do that do not involve client representation?

Absolutely! Federal government attorneys regularly staff clinics. At these clinics, attorneys provide brief advice and referral for clients on a walk-in basis and do not take on the cases. You can also do law-related education in schools, present know-your-rights seminars, and more.

What if I have never done any pro bono work before?

It is never too late to start doing pro bono work. There are lots of resources and support to help you. First, you can start by going to a training. Many legal services organizations host training throughout the year on substantive areas of law that are designed for pro bono attorneys and legal staff who are new to the subject area. Second, these organizations assign mentors to pro bono attorneys and legal staff to help you with your work. Many attorneys start by co-counseling their first pro bono case. And you don’t have to start by taking a case – you can work at a clinic, volunteer at an intake site or do a range of other activities.

Is there a committee that helps government agencies to develop pro bono policies and programs?

Yes. The Federal Government Pro Bono Program has been established to assist federal agencies in developing pro bono policies and programs. In 2010, the Program launched a branch in Colorado to assist attorneys located there. The Program organizes events to encourage more government attorneys to participate in pro bono work. The Program is chaired by the Department of Justice Pro Bono Program Manager and includes representatives from both large agencies, such as the Department of Education, and
smaller agencies, such as the Office of Government Ethics.

**How can I get my agency involved?**

Each agency has its own committee representative. To find out who your representative is, contact the Department of Justice’s *Pro Bono* Program Manager, Laura Klein, at Laura.F.Klein@usdoj.gov or (202) 353-7529.
PART II

LEGAL SERVICES ORGANIZATIONS
Colorado Legal Services
1905 Sherman Street
Suite 400
Denver, CO 80203
http://www.coloradolegalservices.org
Contact: Gail Lorenz at (303) 866-9320
Annette Moffatt at (303) 866-9306

Colorado Legal Services is a non-profit corporation that has assisted persons with low income and seniors in the State of Colorado for over 85 years. The mission of Colorado Legal Services is to provide meaningful access to high quality civil legal services, in the pursuit of justice for as many low-income persons and members of vulnerable populations throughout Colorado as possible.

Opportunities Offered:
Direct Representation: Colorado Legal Services offers opportunities for representation in Consumer, Family, Housing Rights and Homeless, and Health and Elderly law. Colorado Legal Services assigns the cases based on the pro bono attorney’s interest and the client’s need. Colorado Legal Services provides training when appropriate, depending upon the needs of the client and the skills of the volunteer legal professional. In addition, experienced practitioners in each of the referral areas serve as mentors to all pro bono attorneys.

Does the organization offer malpractice insurance? Yes.

Training: Colorado Legal Services provides CLE trainings, both live and DVD, and training manuals to pro bono attorneys for all opportunities. New pro bono attorneys also shadow experienced pro bono attorneys before working on their own. The supervising attorney on staff also does one-on-one training with pro bono attorneys.

Supervision/Mentoring: The supervising attorney is on-site during clinics to assist pro bono attorneys.

Other Resources: Pro bono attorneys are permitted to use Colorado Legal Services’ offices for client meetings.

CLE Credit: Pro bono attorneys may request one (1) general CLE unit for every five (5) billable-equivalent hour. Attorneys may not apply for or receive more than nine (9) general units in a three-year compliance period for any combination of pro bono representation or mentoring.
The Legal Center for People with Disabilities and Older People is a non-profit organization that provides legal representation, advocacy, information, and referral and education and training to people with disabilities and their family members. The organization’s priorities for service include investigation/resolution of abuse/neglect in a facility setting, investigation of allegations of seclusion/restrain in schools, housing discrimination, employment discrimination, ensuring that individuals live, work and go to school in the least restrictive environment, amongst others. This organization protects the civil rights of people with disabilities.

**Opportunities Offered**: The organization provides direct representation opportunities in the following areas of law: special education, housing, employment, medicaid appeals, elder care, mental health, and public policy research.

**Does the organization provide malpractice insurance?** Yes.

**Training**: This organization provides training and mentoring in the form of CLE courses, staff meetings, and one-on-one training sessions.

**Other Resources**: Use of the organization’s space is permitted.

**CLE Credit**: Pro bono attorneys may request one (1) general CLE unit for every five (5) billable-equivalent hour. Attorneys may not apply for or receive more than nine (9) general units in a three-year compliance period for any combination of *pro bono* representation or mentoring.
Metro Volunteer Lawyers (‘‘MVL’’) is a program of the Denver Bar Association. MVL recruits and coordinates volunteer lawyers to perform free and low-cost legal services for poor and near-poor persons who live and work in Adams, Broomfield, Arapahoe, Denver, Elbert, Douglas, Jefferson, and Denver Colorado Counties. MVL is also co-sponsored by the Adams/Broomfield Bar Association, Arapahoe Bar Association, Douglas/Elbert Bar Association, and the 1st Judicial District Bar Association. Colorado Legal Services works closely with MVL and provides MVL’s intake service.

Opportunities Offered:

Direct representation: Direct representation of clients from all over the Denver metropolitan area in the area of civil law, and assistance to pro se parties in preparing their domestic relations cases.

Wills Program: Pro bono attorneys represent clients in the preparation and execution of wills and medical powers of attorney (POAs). While indigent clients do not have large or complex estates, they often do have non-traditional family structures that may not match the laws of intestate succession. Thus, simple wills and medical POAs are necessary to ensure that clients’ wishes are carried out. Many clients are in a hospital, nursing home, or hospice care, so time is often of the essence. Working with MVL and the University of Denver (DU) Wills Lab, federal attorneys are trained on the requirements of Colorado estate law and receive templates and form documents to assist in drafting. Clients are referred by either MVL or DU (following approval by MVL), and attorneys then work solo with clients to schedule introductory meetings and draft and execute documents. DU staff are available to assist pro bono attorneys with any legal questions that may arise. Because preparation of wills and POAs generally does not involve any proceeding before the federal government, the program is well-suited to avoid the conflicts issues traditionally faced by federal attorneys seeking to do pro bono work.

Does the organization offer malpractice insurance? Yes.

Training: Periodic training sessions providing an overview of relevant law are available, and MVL provides mentoring and supervision.

Other Resources: MVL offers office space for client meetings.

CLE Credit: Pro bono attorneys may request one (1) general CLE unit for every five (5) billable-equivalent hour. Attorneys may not apply for or receive more than nine (9) general units in a three-year compliance period for any combination of pro bono representation or mentoring.
The mission of the Rocky Mountain Children’s Law Center (RMCLC) is to transform the lives of abused, neglected and at-risk children through compassionate legal advocacy, education and public policy reform. RMCLC is a nonprofit law firm serving 1,500 children each year, primarily those in foster care. The organization is committed to creating stability for the children it works with while pursuing a permanent, nurturing home. RMCLC provides needed education programs for judges, attorneys, law students and foster parents.

Opportunities Offered:

**Domestic Violence Program**

Through the *Domestic Violence Program*, volunteers are appointed as guardians ad litem for children in civil protection order cases. These volunteer attorneys represent children in civil protection order cases in the Denver County Court. The program gives the children of parents involved in a protection order case a legal advocate to ensure that parenting recommendations are made in their best interests.

Since its inception, the *Domestic Violence Program* has recruited and trained over 600 volunteer attorneys who have impacted the lives of thousands of children and donated in excess of $5 million dollars in legal services. After completing a six-hour training, volunteer attorneys agree to be appointed as guardians ad litem. These attorneys conduct independent investigations and advocate for court orders that safeguard the children’s best interests and promote safety, stability, and healthy family relationships. They investigate what recommendations will be in the children’s best interest and represent the child at the permanent protection order hearing in Denver County Court.

**Caregiver Advocacy Program**

The *Caregiver Advocacy Program* helps relative and non-relative caregivers and children stay together. Hundreds of Colorado’s abused and neglected children are living with foster parents, relatives and non-relative caregivers because it is too unsafe for them to live at home with their parents. These adults often face legal obstacles that prevent them from making important decisions on behalf of these children and prohibit them from accessing basic services on their behalf such as health care and education. The program was created to help these caregivers decide what legal arrangement will help them provide what is best for the child or children in
their home. Through training, volunteer attorneys learn about the following legal areas: Power of Attorney, Guardianship, Allocation of Parental Responsibilities, and Adoption. Volunteer attorneys have two options through which they can volunteer in this program. The first is through Legal Clinics whereby caregivers receive “on the spot” legal support and/or guidance by a volunteer attorney. The second is through direct representation involving taking a case and providing representation on behalf of the caregiver.

**Special Education Advocacy Program**

The *Special Education Advocacy Program* addresses the intersection of child welfare and education law. Unsurprisingly, children who have experienced abuse and neglect often struggle with emotional and behavioral challenges that can make it difficult to succeed in school. The mission of the program is to ensure that children who have experienced trauma or who have emotional and behavioral disabilities receive appropriate, high quality educational opportunities. Volunteer attorneys in the *Special Education Advocacy Program* allow us to expand the program’s reach to serve families and children who are not involved in the child welfare system but still need help advocating for their children’s special education needs.

After a five-hour training, volunteer attorneys represent the parent(s) of a child who needs legal advocacy to access appropriate educational services. Representation begins at the school district level and involves client interviews, investigation, consultation with experts as needed, negotiation with the school district, and representation at IEP meetings. If the matter is not successfully resolved at this level and the parent wishes to appeal, the attorney may choose to file for more formal resolution through mediation, a state complaint, and/or a due process hearing.

**Does the organization offer malpractice insurance?** Yes.

**Training:** Appropriate training is provided for each project and conducted by the director of each program. CLE credit is available for training.

**Supervision/Mentoring:** *Pro bono* attorneys are supervised and mentored by RMCLC staff attorneys.