PIPBA
Public Interest
Pro Bono Association

Working together to ensure the highest quality pro bono legal services.

Troubleshooting Pro Bono Relationships with Low-Income Clients

Thank you for taking on a pro bono matter on behalf of a low-income New Yorker! Most volunteers report that their pro bono work is among the most meaningful of their career. We certainly hope that is true for you as well. Any new client relationship presents challenges for both the attorney and the client. Pro bono cases are no different. We hope that by identifying some common pitfalls you can avoid some of these situations and enhance the experience for both you and the client.

Our clients are by definition low-income. What does low-income mean? In 2016, the federal poverty line is less than $12,000 for an individual. Most of our clients are at or below 200% of the poverty line. There are approximately 1.7 million New Yorkers at or below the federal poverty line, and three million New Yorkers at or below 200% of the poverty line. That's one-third of the population of New York City.

Surviving on ten or twenty thousand dollars a year in New York City is extremely difficult, and sometimes creates challenges when accessing and utilizing legal services. Those challenges can sometimes lead to misunderstandings between counsel and client. Some common ones are described below, along with tips on how to deal with them.

Whatever challenges you face, remember this golden rule: reach out to the referring public interest organization for help anytime you are having issues with a client. It is a vital part of our role in any pro bono case; never hesitate or worry that you are troubling us.

1. Responsiveness

Low-income clients frequently have phones that require prior purchase of minutes. Without sufficient funds, clients may borrow phones or computers to contact you. That may mean that it takes some time to get back to you, or that communication comes from different numbers or sources, or that a client doesn't always get your messages. Conversely, clients may call you hoping for immediate help when an issue is an emergency.

Tips:

- Be persistent. Call the client again if they haven't called you back.
- Don't take it personally, and don't assume it means the client is not taking the case seriously.
- Give a client multiple ways to reach you—by phone, email, and letter.
- Similarly, try to obtain multiple ways to reach the client when you first meet and find out which methods the client prefers.
- Ask the client to try to let you know if your usual way of contacting them will be temporarily unavailable so that you can reach them through an alternative medium if necessary.
- Be flexible, and respond when the client asks for help.
- Get in touch with us and your pro bono counsel if you are having problems. Don't let the problem fester—the faster we know about the problem, the faster we can help.

2. Appointments

Sometimes clients are late or miss appointments. That might be because another crisis has erupted in their lives. Or it could be because they couldn't figure out how to get to your office, or didn't have money for the subway. $5.50 for a round-trip is a significant burden for many of our clients. Many clients have low-wage jobs that do not permit them to take time off for appointments, or do not pay them for time that they miss at work. Others fear asking for time off, in part because they may not feel comfortable explaining the reason.

Tips:

- Offer to pay for a Metrocard or car service if the train is not an option.
- Take special care to explain how to get into your building, and if they will need an ID. If they don't have an ID, figure out a plan with your building security to get them in.
- Consider meeting the client in the building lobby. It can be intimidating to try to get into office buildings; having someone come downstairs to welcome the client in—and help deal with security—can make a huge difference.
- If the client is transgender, make sure security and others will address the client appropriately.
- Meet your client early for court appearances.
- Have food and refreshments in the conference room you meet in, just as you might for any client.
- Consider meeting your client somewhere more convenient for them than your office.
- Make the most out of every in-person appointment. For example, if a document is ready to be notarized, bring the document to a legal secretary or other notary in your office immediately.
- Ask about a client's work schedule, and offer to accommodate that schedule as best you can.
- Explain in advance that there may be times when a client will have no choice but to miss work—for example, for a deposition or court date. It is better to set expectations up front so that a client is not surprised later.

3. Disabilities

Many of our clients are people with physical, developmental, or emotional disabilities. Sometimes those disabilities are undiagnosed. Some of these clients may present in a chaotic manner, or have trouble processing information.

Tips:

- Consider whether to make accommodations to address a disability.
- If you know about a disability, ask the client about the accommodations that they prefer. It is better to be direct than to make assumptions.
- Talk through travel that the client may need for the case, and give any support you can.
- If your client has difficulty processing information, take particular care to communicate clearly, give the client time to ask follow up questions, and repeat information as needed.
- If using a sign language interpreter, be sure to make eye contact with and direct your comments to the client, not the interpreter.
- Remember: clients with emotional and developmental disabilities are intelligent and deserve respect; make sure to treat them that way, even as you make any necessary accommodations.

4. Communication

Many clients are not familiar with the legal system, or have not had much schooling, or English is not their first language. Others are elderly or disabled. That's part of why your help is so important: you can help them navigate a byzantine and often unfriendly system.

Tips:

- Make sure you explain your role and the legal proceedings carefully and clearly.
- Be prepared to explain the concepts in a simple and clear fashion, perhaps several times. Try to assess your client's ability to understand the proceedings.
- Meet face-to-face early in the engagement to build trust and make sure that the client understands the engagement letter.
- When setting up appointment times, ask the client about his or her work or school schedule and try to accommodate it if possible. A client may not initially feel comfortable telling you that it is difficult to get a day off work, or miss class.
- If your client's primary language is a language other than English, an interpreter and translator are required. Be sure you have one for every communication. Confirm at the outset with the client that they understand the dialect used by an interpreter. A professional interpreter/translator is strongly recommended, especially for communication integral to the representation. Do not expect the client to bring a family member or friend to interpret—and never use children as interpreters. Direct conversation toward and make eye contact with your client, not the translator.
- When working with youth, remember that this may be the first time they are encountering the legal system. Try to get an early read on the young client's relationship with parents or caregivers and decide together how involved those individuals will be in the representation.

5. Other crises

The matter you have taken on for the client may be just one of several critical things going on in his or her life: their housing or public benefits may be in jeopardy, they may be dealing with creditors, or even be facing threats and violence.

Tips:

- Be patient and understand that clients may suddenly have other priorities that take precedence over their case.
- But don't feel that you need to solve every problem a client has. It is important and helpful to set consistent boundaries, and to reinforce them.
- If a client has a problem that is beyond the scope of your engagement, please immediately contact us and your pro bono counsel.

6. Empathy and respect

Keep in mind that it can be intimidating or embarrassing for clients to try to get help. They may feel intimidated by you as an attorney, or nervous about coming to a big office building. They might be embarrassed to note that they don't have the money to travel to meet you, or feel reticent to tell you about abuse or other challenging problems that they may face. They may also feel suspicion or mistrust based on prior bad experiences.

Tips:

- Convey respect, just as you would with any client.
- Answer emails, phone messages, and other outreach in the same timely manner as you normally would.
- Offer meeting space and refreshments as you normally would.
- Make clear that you work for the client.
- Listen carefully to the client and encourage questions.
- Think through small costs that might feel very large to someone without money: paying a notary, paying a hospital for copies of medical records, etc. Ask your firm if it will absorb these minor costs. It can make a huge difference. You may want to consult with your pro bono counsel about your firm's policies on these costs.
- Respect, empathy, responsiveness, and kindness will strengthen the bond with your client.

Who we are

PIPBA is an association of pro bono professionals overseeing pro bono programs at nonprofit and public interest law organizations in the New York City metropolitan area. We are committed to supporting a range of pro bono legal services that promote civil rights, human rights and access to justice, strengthen the nonprofit sector, and otherwise improve life for low-income and disadvantaged communities and populations. Our goal is to foster a supportive community where resources are shared, best practices are established, and standards are set to ensure the highest quality pro bono legal services.