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Pro Bono Reference Guide: A Resource for Law Firm Programs

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Introduction

Since its founding in 1977, the [Public Interest Law Initiative \(PILI\)](#) has cultivated a lifelong commitment to public interest law and pro bono service within the Illinois legal community to expand the availability of legal services for people, families and communities in need. At every stage in the life cycle of a legal career, PILI guides attorneys in actualizing their professional responsibilities and personal commitments to equal access to justice through a continuum of public interest law and pro bono opportunities. PILI's programs first capture emerging lawyers when they are law students and new law school graduates, and then extend into legal practice to reach new associates, seasoned lawyers, and senior attorneys working in every sector of the legal community – private, academic, government and nonprofit.

PILI, through its [Pro Bono Initiative Program](#), is a resource for Illinois law firms and corporations developing or enhancing pro bono programs. This pro bono consulting program fosters business cultures and legal careers that feature a commitment to public interest law and pro bono work. PILI works collaboratively with law firms, corporations, public interest law agencies, law schools and members of the bar and bench to expand the availability of pro bono legal services across Illinois. PILI offers a wide range of pro bono programming and resources; develops innovative projects and cultivates best practices; and celebrates ongoing pro bono service to enhance the scope and quantity of pro bono legal assistance in Illinois.

PILI, in conjunction with [The Chicago Bar Foundation](#), has compiled the *Pro Bono Reference Guide*, which is intended to provide you with guidance in developing or enhancing a formal pro bono program at your law firm. A variety of sample documents and individualized and in-person technical assistance are available as a supplement to the Guide.

In addition to the *Pro Bono Reference Guide*, PILI also has a variety of other resources to aid you in your efforts:

- **PILI E-newsletter:** PILI's e-newsletter is published every other month and provides the latest news about PILI's programs, events and the latest public interest law and pro bono news. Visit the PILI website to subscribe to the newsletter and to view past editions;
- **PILI Pro Bono Consultations:** PILI will organize a consulting team of pro bono leaders from law firms similar in nature to yours who will meet with you and other leaders at your law firm to share their experiences and perspectives regarding each of their pro bono programs. The members of these teams often share samples of relevant materials to further assist you in your efforts. Based on your needs and interests, we will also help you identify the legal aid agencies that would be appropriate partners for your law firm; and
- **PILI Pro Bono Programming:** PILI organizes and hosts the Illinois Forum on Pro Bono annually, which brings together pro bono leaders from law firms, corporations, law schools and legal aid agencies to discuss timely pro bono issues and share pro bono best practices. As a complement to the Forum, PILI also hosts an annual Law Firm Pro Bono Roundtable to bring together pro bono leaders from around Illinois to network, discuss the unique pro bono challenges facing attorneys and to share best practices and strategies for successful pro bono programs.

These services are provided at no cost to firms and corporations interested in establishing or enhancing a pro bono program. If you are interested in learning more about the services provided by PILI, visit our website at www.pili.org, or contact PILI's Executive Director, Michael Bergmann, at mbergmann@pili.org or 312-832-5129.



Section 2. Pro Bono Basics

Contents

- a. What Constitutes Pro Bono?
- b. Illinois Supreme Court Pro Bono Reporting Rule
- c. Why Do Pro Bono?
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What Constitutes Pro Bono Work?

I. Official Definition

While there are various definitions throughout the country of what constitutes pro bono, the Illinois Supreme Court has recently adopted a reporting requirement for pro bono legal services and qualified monetary contributions in which the Court has defined pro bono for purposes of this Rule.

Illinois Supreme [Court Rule 756\(f\)](#) defines pro bono as legal services without charge or expectation of a fee to persons of limited means; legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means; legal services to charitable, religious, civic or community organizations in furtherance of their organizational purpose; or training intended to benefit legal aid organizations or lawyers who provide pro bono services.

The Illinois definition is based in part on [Model Rule 6.1](#) of the American Bar Association's Model Rules of Professional Conduct, which provides that all lawyers should render public interest legal service.

II. Examples of Pro Bono Work

The types of engagements that qualify as bona fide pro bono work are varied and countless. Examples include:

- Representing an indigent client in a landlord-tenant dispute;
- Counseling a not-for-profit organization on tax matters;
- Developing and presenting a training session on a substantive law topic for pro bono attorneys; and
- Making financial contributions to help fund a legal clinic which serves persons of limited means.

III. Activities That Do Not Qualify as Pro Bono Work

Not all charitable activities qualify as pro bono work. Examples of activities that do not constitute pro bono work include:

- Serving on the board of a school district where the lawyer does not act as the district's pro bono legal counsel;
- Offering discounted fees to clients;
- Attending continuing education seminars; and
- Fundraising for organizations.

IV. Dispelling Myths about Pro Bono Opportunities

Some people think that pro bono work only means representing a poor person in a litigation matter. However, many attorneys regularly engage in pro bono services on a wide variety of transactional matters as well. There is a broad range of case types and legal matters for which pro bono attorneys are needed. Lawyers should be encouraged to devote their pro bono hours and contributions to matters and causes in which they have a personal interest or commitment.

Illinois Supreme Court Pro Bono Reporting Rule

I. Background

In 2006, the Illinois Attorney Registration and Disciplinary Commission (ARDC) implemented a pro bono reporting requirement for attorneys licensed in Illinois. According to the Committee Comments to the amended Rule 756(f), the report is intended to serve as an annual reminder to Illinois lawyers that pro bono legal service is an integral part of a lawyer's professionalism. Excerpts from the Rule follow this article.

II. Summary of the Rule

Rule 756(f) requires all attorneys licensed in Illinois to report, in connection with the attorney's annual ARDC registration, pro bono legal services provided and qualified monetary contributions made during the preceding 12 months.

Pro bono legal services include legal services without charge or expectation of a fee (a) to a person of limited means; (b) to an organization designed to address the needs of persons of limited means; (c) to certain charitable, religious, civic, or community organizations; and (d) pro bono training intended to benefit legal service organizations or lawyers who provide pro bono services. According to Rule 756(f), "persons of limited means" are not only those persons with household incomes below the federal poverty standard but also those persons frequently referred to as the "working poor."

The Rule also encourages attorneys to make monetary contributions to an organization that provides legal services to persons of limited means or that contributes financial support to such an organization.

III. Compliance with Rule 756(f)

The new reporting requirement consists of two questions that have been added to the annual Illinois ARDC registration form. All attorneys must respond to both questions, even if they did not perform any pro bono work or make a qualified monetary contribution in the preceding 12 months.

Question 1: Pro Bono Legal Services.

- Attorneys who did *not* perform any pro bono work in the preceding 12 months should check the "No" box on Question 1 and state whether the attorney is prohibited from providing legal services because of his or her employment.
- Attorneys who did perform pro bono work in the preceding 12 months should check the "Yes" box on Question 1 and identify the number of hours within each category of legal services listed.

Question 2: Monetary Contributions.

- Attorneys who did *not* make a monetary contribution to an organization that provides legal services to persons of limited means or that contributes money to such an organization should check the "No" box on Question 2.
- Attorneys who did make a monetary contribution within the preceding 12 months should check the "Yes" box and identify the approximate amount of the contribution.

IV. Penalty for Noncompliance

An attorney's failure to report the required information will result in an attorney's name being removed from the master roll of licensed attorneys in Illinois.

Amended Supreme Court Rule 756

(In Pertinent Part)

(f) Disclosure of Voluntary Pro Bono Service. As part of registering under this rule, each lawyer shall report the approximate amount of his or her pro bono legal service and the amount of qualified monetary contributions made during the preceding 12 months.

(1) Pro bono legal service includes the delivery of legal services or the provision of training without charge or expectation of a fee, as defined in the following subparagraphs:

(a) legal services rendered to a person of limited means;

(b) legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;

(c) legal services to charitable, religious, civic, or community organizations in matters in furtherance of their organizational purposes; and

(d) training intended to benefit legal service organizations or lawyers who provide pro bono services.

In a fee case, a lawyer's billable hours may be deemed pro bono when the client and lawyer agree that further services will be provided voluntarily. Legal services for which payment was expected, but is uncollectible, do not qualify as pro bono legal service.

(2) Pro bono legal service to persons of limited means refers not only to those persons whose household incomes are below the federal poverty standard, but also to those persons frequently referred to as the "working poor." Lawyers providing pro bono legal service need not undertake an investigation to determine client eligibility. Rather, a good-faith determination by the lawyer of client eligibility is sufficient.

(3) Qualified monetary contribution means a financial contribution to an organization as enumerated in subparagraph (1)(b) which provides legal services to persons of limited means or which contributes financial support to such an organization.

(4) As part of the lawyer's annual registration fee statement, the report required by subsection (f) shall be made by answering the following questions:

(a) Did you, within the past 12 months, provide any pro bono legal services as described in subparagraphs (1) through (4) below? ___ Yes ___ No

If no, are you prohibited from providing legal services because of your employment?
___ Yes ___ No

If yes, identify the approximate number of hours provided in each of the following categories where the service was provided without charge or expectation of a fee:

(1) hours of legal services to a person/persons of limited means;

(2) hours of legal services to charitable, religious, civic, community, governmental or educational organizations in matters designed to address the needs of persons of limited means;

(3) hours of legal services to charitable, religious, civic or community organizations in furtherance of their organizational purposes; and

(4) hours providing training intended to benefit legal service organizations or

lawyers who provide pro bono services. Legal services for which payment was expected, but is not collectible, do not qualify as pro bono services and should not be included.

(b) Have you made a monetary contribution to an organization which provides legal services to persons of limited means or which contributes financial support to such organization? ____ Yes ____ No

If yes, approximate amount: \$_____.

(5) Information provided pursuant to this subsection (f) shall be deemed confidential pursuant to the provisions of Rule 766, but the Commission may report such information in the aggregate.

(g) Removal from the Master Roll. On February 1 of each year the Administrator shall remove from the master roll the name of any person who has not registered for that year. A lawyer will be deemed not registered for the year if the lawyer has failed to provide trust account information required by paragraph (d) of this rule or if the lawyer has failed to provide information concerning malpractice coverage required by paragraph (e) or information on voluntary pro bono service required by paragraph (f) of this rule. Any person whose name is not on the master roll and who practices law or who holds himself or herself out as being authorized to practice law in this State is engaged in the unauthorized practice of law and may also be held in contempt of the court.

The complete amended Rule is available at <http://www.state.il.us/court/SupremeCourt/Rules/Amend/2006/061406.pdf>.

Why Do Pro Bono Work?

I. Professional Obligation

It is our ethical obligation as attorneys in Illinois to provide pro bono assistance to persons in need of legal services who cannot afford them and for law firms to support their lawyers in this work.

The preamble to the Supreme Court of Illinois Rules of Professional Conduct provides, in pertinent part, as follows:

It is the responsibility of those licensed as officers of the court to use their training, experience and skills to provide services in the public interest for which compensation may not be available. It is the responsibility of those who manage law firms to create an environment that is hospitable to the rendering of a reasonable amount of uncompensated service by lawyers practicing in that firm. An individual lawyer's efforts in these areas is evidence of the lawyer's good character and fitness to practice law.

Building on the previous Pro Bono Statement of Principles established by the Public Interest Law Initiative (PILI), The Chicago Bar Foundation (CBF) has also developed the CBF Law Firm Leadership Circle and an accompanying comprehensive statement of principles for law firms. These Principles were developed to embody best practices for firms and related issues and to underscore the critical role that Chicago law firms play in ensuring equal access to justice in our community.

II. Recruiting and Retention; Firm Morale

Competition for legal talent, whether at the summer associate, recent law school graduate, or lateral attorney level, can be intense. Firms with active pro bono programs enjoy a competitive advantage with many potential new firm attorneys, particularly when a new attorney may be deciding between firms with substantially similar or even identical salary structures. Entry level associates, in particular, are interested in and frequently ask about a firm's commitment to its pro bono program as part of the interview process.

In today's environment, attorneys are more mobile than at any time in the past with nearly 20 percent of associates leaving law firms each year. The costs of replacing departing attorneys are high (often involving recruitment fees and training expenses) and the time involved in transitioning a new attorney is substantial. A strong pro bono culture can contribute to a positive office environment and, in turn, strengthen attorney loyalty to the firm.

Finally, a successful pro bono program can provide opportunities for lawyers to work together as a team. Pro bono victories and awards can be shared with the entire office, fostering a sense of pride and accomplishment among attorneys and staff.

III. Training and Professional Development

Pro bono projects can be used as training vehicles to provide a wide variety of high quality skills training at a much lower cost than might otherwise be provided through client-paying work. Through pro bono work, junior attorneys may try cases and gain substantial client contact earlier in their career. With adequate supervision, junior attorneys can be afforded greater autonomy in a pro bono matter, offering meaningful work experience and accelerated professional development opportunities that benefit both the individual attorney and the employer.

IV. Firm Marketing

Pro bono is an effective marketing tool that can provide a firm or corporation with positive publicity, heightened visibility, improved client relationships, and evidence of good corporate citizenship. Several local and national organizations such as PILI, the Pro Bono Institute, *American Lawyer Magazine* and the ABA Center for Pro Bono set pro bono goals and recognize those law firms and individual attorneys who meet or exceed those goals.

V. Unmet Legal Needs

The most obvious and compelling reason to perform pro bono work is the need to address the gap between the millions of persons who need assistance but cannot afford or obtain it, and the limited resources available to meet those needs through legal service organizations. The assistance provided by volunteer attorneys is critical, as there are just over 300 legal aid attorneys to serve all of Illinois.

The Chicago Bar Foundation Law Firm Leadership Circle Statement of Principles

While lawyers and law firms support a variety of charitable initiatives, lawyers have a special professional responsibility to ensure that everyone has access to our justice system. Fulfilling this responsibility requires contributions of time and money as well as a strategic use of the influence that lawyers and law firms have in our community. The Chicago Bar Foundation, through its Managing Partners Advisory Committee, has established the CBF Law Firm Leadership Circle and an accompanying statement of principles to underscore the critical role that law firms in Chicago play in ensuring equal access to justice in our community.

These principles and the rationale behind each of them are detailed in the accompanying documents. In summary, to be a part of the CBF Law Firm Leadership Circle, firms must make the commitments set forth below. (As reflected in the chart below and explained in the accompanying documents, higher levels of pro bono and financial commitment can qualify a firm for the Gold or Platinum levels in the Leadership Circle).

1. Contribute In-Kind Support for Pro Bono and Legal Aid Work;
2. Provide Financial Support for Pro Bono and Legal Aid Work;
3. Encourage Employees to Volunteer Time to Support to Support Pro Bono, Legal Aid and Related Access to Justice Initiatives and Other Community Service;
4. Adopt Other Policies and Practices to Support Pro Bono, Legal Aid and Access to Justice When Possible and Practical;

[**View the entire packet including background information and frequently asked questions regarding the CBF Law Firm Leadership Circle and Statement of Principles.**](#)

The Chicago Bar Foundation Law Firm Leadership Circle Statement of Principles

As a profession, lawyers have a special responsibility to ensure that everyone has access to our justice system. Fulfilling that responsibility requires contributions of time and money as well as a strategic use of the influence lawyers have in our community. By committing to this Statement of Principles and becoming part of **The Chicago Bar Foundation Law Firm Leadership Circle**, law firms demonstrate their leadership and make a critical investment in the future of our profession and our system of justice.

1. Provide Financial Support for Pro Bono, Legal Aid and Access to Justice

- We will make financial support for legal aid and related access to justice initiatives a priority within our firm's overall charitable giving.
- Specifically, our firm will annually contribute a combined amount equal to at least \$300 per attorney in our Chicago office to support legal aid and public interest law organizations serving the Chicago area. Recognizing that this is a minimum threshold that many firms already exceed, our firm will aspire to contribute at higher levels, with the **Gold** (\$600 per attorney) and **Platinum** (\$1000 per attorney) giving levels as aspirational goals.
- Above and beyond the firm's other contributions, we also will participate in The Chicago Bar Foundation's annual Investing in Justice Campaign; encourage lawyers in the firm to contribute to the Campaign; and match, in whole or in part, Campaign contributions from individual lawyers in the firm.

2. Adopt Written Policies and Practices to Encourage and Support Pro Bono Work

- We will adopt and periodically distribute written policies that encourage each attorney in the firm to provide pro bono legal services, adopt practices that encourage our lawyers to do pro bono work, and provide our lawyers with credit for compensation and/or advancement purposes for pro bono work.
- Specifically, our firm will encourage each lawyer in the firm to devote at least 35 hours per year to pro bono work. Recognizing that this is a minimum threshold that many firms already exceed, our firm will consider policies with higher hourly targets for pro bono work, with the **Gold** (50 hours or more per attorney) and **Platinum** (50+ hours per attorney) levels as aspirational goals.
- We will consider a full-time attorney position devoted to leading and coordinating the firm's pro bono and public interest activities, or adopt an alternative structure that underscores the firm's commitment to pro bono and provides meaningful support to our attorneys for pro bono work.

3. Adopt Additional Policies and Practices to Support Legal Aid and Access to Justice

a. Maximize Income from the Firm's IOLTA Accounts

- We will maximize the use of IOLTA accounts within the firm in accordance with the Illinois Supreme Court Rules and advocate with our bank(s) to maximize interest rates payable on these accounts.

b. Advocate for Adequate Government Funding for Legal Aid and Access to Justice

- We will support advocacy efforts at the federal, state, and local levels dedicated to ensuring adequate funding for legal aid and access to justice.

c. Promote Cy Pres Awards for Pro Bono, Legal Aid, and Access to Justice

- We will encourage our attorneys to advocate for cy pres awards to go to support pro bono, legal aid, and access to justice initiatives when there are opportunities to do so.

d. Provide Marketing, Training and Administrative Support for Legal Aid and Public Interest Law Organizations to the Extent Practicable

- To the extent practicable, we will make approved CLE programs available to legal aid and public interest attorneys; provide marketing, administrative and legal support for legal aid and public interest law organizations; host meetings and events for these organizations; and encourage the firm's vendors to provide pro bono support to these organizations.

e. Support Public Interest Law Internships, Fellowships and Rotations Where Practicable

- We will support Public Interest Law Initiative (PILI) Fellowships to the extent practicable and will strive to sponsor at least one PILI Internship each year.
- We will consider adopting paid rotation programs that allow our attorneys up to one year working at a local legal aid or public interest law organization.
- We will consider sponsoring public interest law fellowships through Equal Justice Works or similar programs.

Our firm commits to this Statement of Principles for the Chicago Bar Foundation Law Firm Leadership Circle

Firm: _____

Signed: _____

Name (print) and Title: _____

Date: _____

(Optional)
Our Firm Commits to Meeting the Criteria for the Gold Level of the Leadership Circle _____

Our Firm Commits to Meeting the Criteria for the Platinum Level of the Leadership Circle _____

For more information about the Law Firm Leadership Circle and Statement of Principles, please contact CBF Executive Director Bob Glaves at 312-554-1205 or bglaves@chicagobar.org.



Section 3. Initial Considerations in Developing a Pro Bono Program

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- a. What Is Your Firm Hoping to Achieve with Your Pro Bono Program?
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- e. What Are Your Attorneys' Pro Bono Interests?
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- g. Special Considerations for Small Firms In Designing a Pro Bono Program
- h. Developing an Effective Pro Bono Policy

What Is Your Firm Hoping to Achieve with Your Pro Bono Program?

Although the objectives might change over time as your pro bono program evolves, it is a good idea in the initial stages of the program to identify what goals you have for the program and to design the program to achieve those goals. It is, after all, against those goals that the success of your program ultimately will be measured. As any business consultant will tell you, if you cannot measure it, you cannot manage it. Due to budgetary constraints and large workloads, it may be important to connect those goals with a business rationale for pro bono work.

The goals that law firms set for a program are limited only by imagination and the culture of each law firm. Common goals that law firms set for their pro bono programs are discussed below. These goals are not mutually exclusive and most successful pro bono programs incorporate some or all of these objectives.

I. Satisfying Attorneys' Desire to Give Back to the Community

The impetus for any goal of many pro bono programs is to provide an outlet for attorneys to give back to the community and satisfy their professional obligation to use their legal training, experience, and skills to provide services in the public interest. Law firms harness amazing resources and talents to serve their clients while profound unmet legal needs continue to grow among the poor and disadvantaged. Pro bono is a way to bring the two together in a way that ultimately benefits not only the participants but also society as a whole. This desire to contribute is often most strongly felt by junior lawyers, and the ability to do pro bono work is often an important factor considered by incoming associates in selecting a firm.

II. Training Your Lawyers and Legal Staff

For many young law firm lawyers, the opportunities to take a case to trial or head up a matter are few and far between because of the stakes of such engagements and the cost of legal services. Pro bono programs can provide wonderful training opportunities to newer lawyers or lawyers who simply wish to broaden their horizons.

III. Promoting Your Firm and Its Image

Pro bono engagements can raise the visibility of your firm and help burnish its reputation in the community as a firm of high quality that cares about its community. Many law firms report that recruits express an interest in the firm's pro bono credentials, and a small but influential group of corporations are now asking their outside law firms to show a commitment to pro bono law in order to remain a preferred provider.

IV. Building Stronger Relationships within Your Firm or Between the Firm and its Clients

Many successful pro bono programs are designed to foster closer relationships within a firm and/or between lawyers and their clients. Due to the training and technical assistance provided by many pro bono agencies, pro bono matters provide a perfect opportunity for attorneys across practices to work together and deepen personal relationships. Just as many lawyers want to give back to the community, so do paralegals, secretaries and information technology staff at law firms and corporate law departments. For many law firms, partnering with an actual or prospective client on a pro bono project is a very effective way of establishing or strengthening a business relationship and providing additional value.

What Are Realistic Goals for Your Pro Bono Program?

When you are establishing your pro bono program, you need to be realistic about the goals you set for the program. A firm that has no history of pro bono service is not likely to be transformed into a pro bono powerhouse overnight. On the other hand, there is a value in setting goals that are aspirational in nature to encourage the growth of the program and to remind people of why you thought there was value in pro bono in the first place. While there are a number of structures that firms have successfully used to provide support to their attorneys for pro bono work, the common denominator is strong and visible support from the firm's leadership.

I. Setting Minimum Pro Bono Hours

In PBI's experience, successful pro bono programs are voluntary in nature and succeed because lawyers and legal staff are enthused about giving back to the community, not because they have to put in their time to meet a firm hours requirement. PILI therefore encourages firms to adopt an aspirational pro bono goal rather than requiring a set number of hours.

II. Tracking Your Investment in Pro Bono

For your program to be successful, it is important to track not only the number of lawyers and legal staff who participate in the program but the hours they spend each year on pro bono matters and the value of those hours. The reality of legal practice is that any individual's time on pro bono cases will vary from year to year. Because of this, law firms should look more broadly at average pro bono hours to ensure that over time the program is growing. You should also track expenses incurred by the program and charitable contributions made by your firm as a result of its involvement in pro bono matters so you can be prepared to quantify your firm's financial commitment to pro bono.

III. Expect Strong Participation from Younger Lawyers

Although pro bono work appeals to lawyers of all experience levels, younger lawyers dedicate more hours to pro bono work. This is a product of many factors, from the relative idealism of younger lawyers, to the practical courtroom and client management experience available through pro bono, to the busy schedules of more experience lawyers who carry additional management and business development responsibilities. Successful pro bono programs leverage the leadership support and supervisory involvement of senior lawyers to enhance the participation of younger attorneys. A well-organized pro bono program that engages young lawyers in meaningful work with developmental opportunities is likely to be one that keeps those lawyers committed and involved as they progress in their careers.

IV. Promote Pro Bono Success Stories

The firm's pro bono coordinator or committee should continually and enthusiastically promote the program by disseminating information about the program's successes, recognizing lawyers and legal staff who participate in it, and documenting milestones in reaching pro bono goals. When trying to drum up participation in and support of a pro bono program, there is simply no substitute for good press and honest enthusiasm.

Setting Up Your Pro Bono Program

I. Getting Buy-In at Your Law Firm

The first challenge in initiating a pro bono program is to build the necessary support among the firm leaders. You need to be prepared to dispel the “myths” of pro bono and to articulate why having a program will not only benefit the clients you intend to serve, but your firm and individual attorneys as well. PILI’s Pro Bono Initiative can help your firm get started.

II. Promulgating a Pro Bono Policy

The less experience your firm has with pro bono work, the more important it will be to develop and promulgate a policy explaining how the program will work. The policy should address:

- What your firm considers to be pro bono work;
- Who will approve the engagements and what type of information will need to be provided before a pro bono matter is accepted;
- Whether and how much billable, bonus or advancement credit will be given to pro bono matters;
- What type of support will be available on pro bono cases (e.g., expert fees); and
- What amount of pro bono work is expected of each attorney.

III. Rolling Out the Program

Once your pro bono policy has been adopted, you must take steps to ensure that the program gets off to a good start. You should consider:

- Encouraging department leaders to lend their vocal support and encourage program participation, ideally by their own example;
- Inviting a few legal aid representatives to the firm to provide training and information about pro bono opportunities that are well-suited to the firm;
- Soliciting high profile attorneys at the firm to act as supervisors on new pro bono matters; and
- Announcing publicly the purposes and goals of the program.

IV. Maximizing the Program’s Potential

As your pro bono program gains traction, maximize its potential by:

- Appointing a manager of the program to cultivate and identify good opportunities for the firm, encourage participation, track involvement and promote successes;
- Partnering with one or more pro bono or legal aid agencies to pre-screen cases for your organization;
- Actively involving your legal staff in the program and encouraging them to spot worthy matters or causes for your firm to handle or support;
- Publicizing your pro bono program’s successes and linking the program with your organization’s marketing, recruiting and professional development efforts; and
- Participating in the legal community’s efforts to identify and share best pro bono practices.

The Importance of a Pro Bono Policy

I. Why a Pro Bono Policy?

There are numerous advantages to adopting a written pro bono policy within your firm. A written pro bono policy emphasizes your firm's commitment to pro bono work and to your community and provides guidance and encouragement to newer lawyers as they are developing their professional standards and integrating pro bono work into their individual practices.

Developing a written pro bono policy for your firm also makes good business sense and promotes a shared understanding of the firm's process and commitment to public interest law. A written pro bono policy documents the firm's endorsement of pro bono activity and establishes the procedures by which the firm will handle pro bono cases. A written pro bono policy can establish consistent guidelines and procedures for how the firm will recognize or "value" pro bono work performed by lawyers within the firm. Finally, and oftentimes most importantly, adopting a written pro bono policy can help build and maintain the necessary support for pro bono work among the leaders of the firm and ensure the sustainability of the program for the future.

II. Components of a Pro Bono Policy

There are many "model" pro bono policies available through the Pro Bono Initiative that can provide a firm with guidance in drafting its own written pro bono policy. In addition, many firms post their written pro bono policies on their websites. Of course, each firm will have very different reasons for establishing a pro bono program and will adopt procedures for implementing and managing that program that are consistent with the firm structure and culture. Nonetheless, it can be helpful for a firm that is considering establishing a new pro bono program or revising an existing pro bono policy to review a variety of policies to get an idea what other firms have incorporated into their pro bono programs.

The first step is to define the firm's pro bono vision or mission statement. Why is pro bono important and what is the firm's commitment to pro bono work? In addition to this statement, which is typically found at the beginning of the pro bono policy, a written pro bono policy should address the following:

- Definition of Pro Bono – What type of work will qualify as pro bono work in your firm? Not all nonpaying legal work typically qualifies as pro bono work. You should consider using the definition of pro bono that has been adopted by the Illinois Supreme Court in Rule 756.
- Process for Taking on a Pro Bono Case – What is the process for running conflicts checks and opening up new pro bono matters?
- Use of Firm Resources for Pro Bono Work – What type of administrative and financial support will be available for pro bono work?
- Recognition of Pro Bono Work – Whether and how much billable credit will the firm give for pro bono work and how that work will be reviewed? This is probably the most important component of the pro bono policy as it defines, in a quantifiable way, how the firm "values" pro bono contributions by its lawyers.
- Staffing and Supervision of Pro Bono Projects – How will pro bono matters be staffed and who will supervise these matters? Many firms require that all pro bono matters be supervised by a partner or other senior attorney.
- Management of Pro Bono Program – Who will be responsible for managing and overseeing the pro bono program, reviewing and approving new pro bono matters, keeping track of the pro bono work being performed by lawyers in the firm, encouraging participation in the pro bono program, and working with local pro bono and public interest agencies and firms to identify new projects and cases?

What Are Your Attorneys' Pro Bono Interests?

This is another important preliminary question for which you should seek input from your attorneys in the early stages of developing your pro bono program. Particularly for newer or smaller programs, it is recommended that you consider identifying a limited number of legal aid agency partners that will provide your attorneys with a suitable variety of pro bono options.

Many firms conduct a survey of their attorneys at the outset of their program development to survey their attorneys' interests. Some firms also encourage newly hired attorneys to complete a pro bono interest survey upon joining the firm. These surveys vary but may include questions regarding the types of opportunities, i.e. litigation versus non-litigation or specific practice areas; the types of issues confronted or groups served by the opportunities, i.e. domestic violence, children, civil rights; and the amount of time the attorneys wish to spend on a pro bono matter. You might also inquire about organizations with which your attorneys have existing relationships that might be potential partners for your pro bono program.

Based on the interests of your attorneys, you might find that one or two agencies have sufficient opportunities to meet their needs. Or, you might need to identify multiple agency partners to cover the spectrum of interest. As part of your pro bono management structure, you may also want to allow your attorneys the ability to submit unique opportunities to the pro bono coordinator or committee for approval.

Sample Pro Bono Interest Surveys

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois law firms will share sample interest surveys that they have used at their own firms. PILI also maintains a library of sample pro bono interest surveys used by a variety of firms. Please contact PILI's Executive Director, Michael Bergmann at 312-832-5129 or mbergmann@pili.org, or PILI's Education & Outreach Manager, Katie Pieper at 312-832-5128 or kpieper@pili.org for a Pro Bono Consultation.

Malpractice Coverage for Firm's Pro Bono Work

Malpractice coverage is an important consideration in developing your pro bono program. Often, pro bono matters are, or can be, covered under your firm's existing malpractice coverage. If not, most legal aid and public interest law agencies carry a policy that will cover pro bono attorneys who handle cases through the agency. You should consult with any potential agency partner as to whether they provide coverage. The agency should be able to provide you with the pro bono endorsement and coverage from their policy at your request. You may also purchase an additional policy covering your pro bono activities.

There are many malpractice providers for you to choose from. Aside from typical insurance providers, the **National Legal Aid and Defenders Association (NLADA)** provides malpractice coverage for pro bono volunteers and is a popular option. Your firm must become an NLADA Member in order to purchase insurance through NLADA. Visit NLADA's website at www.nlada.org/Insurance/ or contact them directly at 800-725-4513 for more information about their insurance program.

If you are considering a firm/corporation pro bono partnership (covered in more detail in Section 5), you should note that many law departments do not have malpractice coverage for pro bono work. If their corporation does not have malpractice coverage, the corporate attorneys will need coverage through an agency or will need to purchase additional coverage. A firm will not typically be able to include the corporate attorneys under the firm's policy.

Special Considerations for Small Firms in Designing a Pro Bono Program

While there is no question that large law firms have served as influential leaders of the pro bono movement, small law firms also have a proud history of commitment to pro bono legal services. There are, however, unique challenges faced by small law firms in establishing and growing a successful program.

I. The Blank Slate Problem

The person, usually an associate, who wants to start a pro bono program at a small law firm usually starts with a blank slate. No program is on the books and whatever pro bono work that has been done by the firm's lawyers in the past is probably not well coordinated or documented. Fortunately, PILI can provide you with forms and advice like this manual, as well as introductions to legal aid agencies and pro bono coordinators at other law firms, to help get you started.

II. The Resource Challenge and Solutions

Many lawyers at small firms meet resistance from their partners that the firm cannot "afford" a pro bono program given its limited resources. There are ways to ameliorate this concern:

- Start small. Select pro bono opportunities with limited time commitments and minimal expenses. Helplines, advice desks, and matters with compressed time frames often provide good training and the opportunity to have a large impact with a little effort;
- Highlight the training opportunities that pro bono matters provide younger attorneys;
- Require the referring agency to screen matters for you and to train your lawyers in how to properly handle their matters; and
- Partner on matters with other law firms, corporations or legal aid agencies.

III. The Need for Sounding Boards

Depending on the firm's resources, pro bono lawyers at small firms may need persons outside of their firm to serve as sounding boards on issues that may arise during the course of a pro bono representation. Small firm pro bono coordinators should scrutinize referring agencies to ensure that they do not simply hand off matters to law firms and leave the handling lawyer to his or her own devices. Many legal aid agencies will provide not only continuing staff support but also networks of other pro bono lawyers who can assist you with background on the process or the law, as well as advice on strategy.

IV. Getting the Word Out

Because small firms often do not have the marketing staff or resources of large firms, it is a challenge to promote the successes of a small firm's pro bono program. Small firms will need to rely on the services of agencies that refer them cases to help disseminate news of their successes. PILI, as well as other bar associations and organizations, can also help to promote your program.

Developing an Effective Pro Bono Policy

A well drafted and organized pro bono policy is an integral part of a successful pro bono program. While some firms eschew the adoption of policies, developing some parameters around your pro bono program will provide clarity for your attorneys in their pro bono efforts, allow for the success and growth of your program and allow for ease in managing your firm's pro bono efforts.

I. Define Pro Bono at Your Firm

This is a critical first step in developing your policy. The Illinois Supreme Court has enumerated what counts as pro bono for the annual reporting of pro bono work. Other organizations such as the ABA and PBI have also developed suggested definitions of non-paying legal work that qualifies as pro bono. Many firms have developed their own internal definition and standards of work that can be handled by attorneys "pro bono." By spending time and effort up front defining pro bono within your firm, it will be easier down the line to make principled decisions regarding the acceptability of new matters. Your policy should clearly establish what the firm considers to be pro bono work. Some of the possibilities include:

- Direct legal representation for the poor;
- Legal representation to not-for-profit organizations serving the poor;
- Legal representation addressing civil rights; or
- Developing and presenting a training session on a substantive law topic for legal aid attorneys or a disadvantaged class of people.

Many firms also encourage and promote community service in conjunction with their pro bono policies. Two examples are:

- Serving on a not-for-profit organization's board of directors; or
- Community service activities such as volunteering at a homeless shelter or soup kitchen.

II. Identifying a Leadership Structure

The typical leadership structure for a firm pro bono program usually involves: (1) the identification of one individual, a pro bono coordinator, who is responsible for administering the firm's program; and/or (2) the establishment of a committee that will bear responsibility for the program. Typical responsibilities of the pro bono coordinator and/or committee include:

- Develop, monitor and implement the firm's pro bono policy;
- Review and accept or reject pro bono projects;
- Coordinate and monitor all pro bono activities, ensuring that proper assistance, supervision and resources are available for services;
- Monitor the hours and costs spent on approved pro bono projects;
- Communicate the options and available services which constitute pro bono to all lawyers in the firm, including incoming attorneys not yet familiar with the firm's policies;
- Provide periodic reports on the firm's pro bono activities;
- Ensure that the same firm standards of quality and care are given to the pro bono client as are given to a paying client; and
- Recognize, highlight and promote pro bono involvement within the firm.

The role of the coordinator might be a dedicated, full-time individual within your firm. Some firms have non-lawyer pro bono coordinators and others employ a full-time attorney pro bono coordinator. The level of this position, i.e. administrative, manager/director, or partner varies among firms. In some instances, the pro bono coordinator is an attorney who administers the firm's (or office's) pro bono program on a voluntary basis, in addition to his/her responsibilities as an attorney for the firm.

Pro bono committees tend to be made up of attorneys who have demonstrated a strong commitment to pro bono and community service and who also have the authority and stature to act as a leader within the firm.

PILI maintains a list of many of the pro bono contacts at Illinois law firms.

A number of firms combine these structures, either utilizing a non-attorney to administer the program under the committee's direction or with local office pro bono chairs. While there are a number of structures that firms have successfully used to provide support to their attorneys for pro bono work, the common denominator is strong and visible support from the firm's leadership.

III. Process for Selecting and Approving Pro Bono Matters

The pro bono policy should also detail the approval process at the firm for pro bono matters. Some firms adopt a bottom-up approach, wherein attorneys are allowed to seek out their own pro bono opportunities based on individual interests which are then submitted for approval. Other firms prefer to consolidate their pro bono resources and take a top-down approach, entrusting the pro bono leadership to develop a slate of permissible pro bono opportunities for attorneys. Many firms combine these approaches, allowing some attorneys to pursue their passions while also making pro bono readily accessible to those who have not developed a pro bono habit.

Information may include:

- Referral source;
- If the opportunity does not arise from court appointment or an agency with eligibility criteria, an explanation of why this matter should be considered "pro bono" rather than an "accommodation matter";
- Matter description;
- Conflict information;
- Partner (or member) supervisor for the matter and other attorneys who are anticipated to work on the matter;
- Anticipated costs and responsible party for the costs; and
- Expected duration of representation.

IV. Available Firm Support for Pro Bono Matters

An effective policy will state what firm support and resources are available to attorneys in their pro bono matters. What you will be able to provide is driven by the pro bono program's budget and the size of the firm. The greater the support you are able to provide, the easier and more attractive pro bono will be to your attorneys. Types of support that might be available include:

- Use of staff, including paralegals, secretaries, document preparation staff;
- Ordinary costs associated with the matter, including: reproduction, postage, telephone calls, faxing, messenger service, etc.;
- “Extraordinary” costs that may be associated with some matters, including: expert testimony, court reporters, research, travel, service of process fees, etc.

You might choose to set limits and then provide for an approval process for additional funds when necessary. Many legal aid agencies have agreements with low-cost or free process servers, court reporters and other services that you should explore with your agency partner. Also, under 735 ILCS 5/5-105.5, many of the court costs can be waived, without the necessity of a motion, when civil legal services are being provided to an eligible client through a legal aid agency.

V. What Credit Will Attorneys Receive from the Firm for Their Pro Bono Work?

How pro bono work is recognized and credited varies widely from firm to firm, depending on the size of the firm and its culture. Many firms allow their attorneys to credit a certain number of their pro bono hours towards their billable requirement. Some, in addition or as an alternative, factor an attorney’s pro bono work (or lack thereof) into salary, bonus and promotion considerations. Some questions to consider include:

- If there is no pro bono hours requirement, will your firm credit pro bono work towards the firm’s billable hours requirements? If so, how many hours will be credited, i.e. 50, 100, unlimited? If there is a specific limit, is there a process for obtaining approval for additional hours?
- Are all attorneys entitled to the pro bono credit towards billable hours (partners, staff attorneys)? Will attorneys and staff who are compensated on an hourly basis be paid for pro bono work?
- How will performance on pro bono matters be included in reviews? Pro bono provides excellent first chairing opportunities to junior lawyers, and it is important to gather and share this information with firm leadership.
- Will pro bono work (or a lack thereof) be considered when determining salary increases, bonuses, and promotions?

VI. Supervision of Pro Bono

Most policies contain a provision regarding the supervision of pro bono cases. Substantive supervision of the pro bono case and attorney are often assigned to a partner. The firms also assign supervisory responsibility to that partner regarding fees and disbursements. As with any firm client, it is important to confirm that the attorney sponsoring a pro bono project has the skills and resources necessary to take on the matter. If an attorney is branching outside of their area of expertise, which can be a great way for attorneys to avoid burnout, support from a referring agency or colleagues will be vital.

Sample Pro Bono Policies

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois law firms will share samples of their pro bono policies. PILI also maintains a library of pro bono policies. Please contact PILI's Executive Director, Michael Bergmann at 312-832-5129 or mbergmann@pili.org, or PILI's Education & Outreach Manager, Katie Pieper at 312-832-5128 or kpieper@pili.org for a Pro Bono Consultation.



Section 4. Pro Bono Program Administration

Contents

- a. The Life of a Pro Bono Matter
- b. Developing an Effective Pro Bono Intranet
- c. Incentives to Promote Pro Bono

The Life of a Pro Bono Matter

The process of opening and closing new matters is critical to several aspects of effective pro bono management, including eligibility determination, time tracking, conflicts and liability concerns, strategic resource management, and marketing. Case closing communications provide additional safeguards that reinforce the benefits of case opening procedures, particularly in the area of conflicts and liability concerns, and facilitate effective attorney-client communications. The key principle to remember is to treat pro bono cases like any other client matter in the firm, recognizing a few special items mentioned below.

I. Opening a New Matter

New pro bono matters should be opened in the same manner as paying client matters, with a few differences. First, the new matter form is typically used by the pro bono administrator or partner to determine whether the matter qualifies as pro bono. This is particularly important for two reasons: (1) to ensure proper record keeping of pro bono hours by timekeepers and (2) to provide timekeepers with billable hour and collection credit, where applicable. Second, it is often used by the accounting department to keep track of costs incurred in the work, which, in some cases, can be recovered through the court system. Third, it is used to create a record of which attorney will be supervising junior attorneys and paralegals who are handling matters. Fourth, it is used to track the types of matters a firm handles and clients served through the pro bono program, which is important for conflicts purposes. Fifth, matter opening information is an excellent source for firms to gather resource allocation information, such as source of opportunities, types of opportunities handled, etc, that can be examined for strategic purposes.

II. Conflicts

As with any other new matter, the responsible attorney must perform a conflicts check on a pro bono matter prior to performing any work. Typically, the conflicts check process is the same for a pro bono matter as it is for any paying client matter. The attorney should identify the name of the client, individual or organization and any related parties, as well as all adverse parties, when performing the conflicts check.

In addition to any legal conflicts that may arise with a prospective pro bono representation, "issue conflicts" can also arise. For example, if a firm has a labor and employment practice that primarily represents employers in employment disputes, there may be some hesitancy to take on employee representation in pro bono matters. It may be prudent to discuss whether the approval of the pro bono leadership, or even all of the partners in a particular firm, is required before taking on such representation or whether these representations should be avoided altogether.

Whenever feasible and consistent with the ethical obligations due to your clients, the firm should request waivers of those conflicts that interfere with pro bono representation. We also encourage law firms to attempt to minimize the extent to which issue conflicts impede their ability to undertake an otherwise valuable pro bono representation.

III. Engagement Letters & Co-Counseling Agreements

A. Engagement Letter

An engagement letter should be required for all pro bono matters in the same manner as with paying client matters. Many firms use a form pro bono engagement letter that deviates somewhat from the form paying client engagement letter. For example, a pro bono engagement letter should be designed to be easily understood by clients who may have limited literacy skills. You should keep your particular client's abilities in mind when you are adding the information concerning the scope of the work. Additionally, an engagement letter should preserve a firm's ability to seek attorneys' fees where appropriate. Finally, firms should carefully describe, and possibly narrowly delineate the nature of the matter in the engagement letter so as to avoid any confusion about the extent of the representation.

When working with clients that are institutions such as nonprofits, rather than individuals, firms will want to consider the nature of the relationship. For example, a firm may want to represent the entity on a continuing basis at least with respect to certain issues (for example, employment matters) but may want to consider other matters (for example, transactions) on a case-by-case basis. Also, while indigent clients may not be able to pay for out of pocket expenses incurred during the representation, nonprofit clients may have the resources to pay for certain filing or registration fees, and any expectation to that effect should be described in the engagement letter.

B. Co-Counseled Engagement Letter and Agreement

If a firm is going to co-counsel a matter with a public interest organization, corporation or other private law firm, there may be a need for a separate form co-counseled engagement letter. This letter informs clients that two different entities are representing them and makes it clear that neither counsel is liable for the performance of the other counsel. In addition, you should consider having a written co-counseling agreement for all co-counseled matters to protect all counsel in the event of any dispute in the representation of a particular pro bono client. A sample of such letter is available.

IV. Matter Closing

A pro bono matter is completed per the terms of the engagement letter at the time the substantive portion of the case is finished or because the attorney-client relationship has ceased for any reason that may or may not be connected to the substantive aspects of the matter. In most circumstances where the matter comes to a substantive conclusion, a document memorializes that conclusion. For example, a settlement agreement, court order, closing document, etc. often confirm the final status of a given matter. Where such documents are generated, firms should, as a practice, send the client a cover letter that explains the impact of the document. A letter of this nature can be easily modified to confirm to the client that the firm considers the matter closed.

In other circumstances, a pro bono matter may close when it has progressed to a pre-determined cessation point. For example, many firms agree to accept certain administrative matters up to a certain point in an established process (e.g., asylum matters, denial of government benefits, etc.). In such situations, firms should send the client a closing letter that explains the matter has reached the cessation point and, accordingly, the firm considers the matter closed. It may be advisable to reference the terms set out in the engagement letter. When sending a closing letter to the client where the matter has not come to a substantive close, the firm should explicitly describe relevant filing deadlines and, if possible, enclose necessary forms. Such closing communications should allow time for the client to meet any prevailing time limits or filing deadlines.

It may be that the matter has concluded based on the cessation of the attorney-client relationship irrespective of the substantive status of the underlying matter; in this case, the firm should communicate in writing its decision to terminate the relationship or confirm that the client has made such a decision. In most cases, a brief letter explaining that the firm no longer represents the client is sufficient. When considering whether to discuss substantive issues such as filing deadlines, the firm should balance the duty to inform the client against any possible misunderstandings that the relationship has been in fact discontinued.

Sample Pro Bono Letters

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois law firms will share samples of their pro bono letters. PILI also maintains a library of pro bono letters. Please contact PILI's Executive Director, Michael Bergmann at 312-832-5129 or mbergmann@pili.org, or PILI's Education & Outreach Manager, Katie Pieper at 312-832-5128 or kpieper@pili.org for a Pro Bono Consultation.

Developing an Effective Pro Bono Intranet

A critical element in the success of a pro bono program is ensuring that your attorneys know about the pro bono program and its policies, are able to identify opportunities of interest to them, and have access to the tools and resources to enable them to handle a matter. Several firms have attempted to address this element through the development of a pro bono intranet site for their attorneys. This is separate and apart from the information available to the public about the pro bono program through the firm's internet site. While an internal intranet site is an excellent tool to supplement your overall pro bono efforts, bear in mind that it should not be relied upon as the only source for communication about your program and available opportunities. The human element, such as by way of an active pro bono committee, is often the most effective means to promote both your program and opportunities.

I. The Basics

The intranet site should be the central place for the basic information relevant to your firm's pro bono program. Some of the basic information that you should consider incorporating into your firm's pro bono intranet site includes:

- Your firm's pro bono policy and an explanation of the management structure of your pro bono program;
- A calendar for relevant pro bono happenings, such as meetings, trainings, and events;
- The latest pro bono news from the firm, agency partners and the larger legal community;
- Forms that attorneys might regularly use in their pro bono matters;
- A library of reference materials applicable to your pro bono matters; and
- Links to other pro bono resources.

II. Pro Bono Interest Survey and Pro Bono Program Feedback

Previously discussed in Section 3, the pro bono interest survey is an important element in determining what pro bono opportunities will engage your attorneys. Posting the survey on your intranet site will allow new attorneys to provide you with feedback about their interests. You might also include a feedback tool to allow attorneys to rate your intranet site and your program as a whole so that you can continually improve your program and engage your attorneys in the program.

III. Opportunities and Related Trainings

Identifying and promoting opportunities should be a key goal of your intranet site. One way to promote opportunities efficiently is to gather information about each opportunity systematically, and distribute it in a uniform manner. For example, Winston & Strawn uses their pro bono opportunity template, which contains the following information:

- A description of the work involved;
- An estimate of the amount of time required;
- Information about recent and upcoming training sessions;
- Contact information for the referring legal assistance organization;
- A list of other attorneys who accepted similar matters;
- A list of currently available client matters; and
- A link to applicable forms and material resources.

The filter and sort component of the Winston intranet site also incorporates the factors that, in their experience, attract attorneys to pro bono work. Viewers can choose among five filter criteria set out in a tab format: practice area, time required, public interest law area, client type, and skills development. Thereafter, the view can be sorted by choosing from among increasingly more specific category groups. For example, an attorney who selects the “client type” tab will view 17 discrete client groups including children, disabled, elderly, homeless, etc. When selected, each category group opens to display the title and brief description of every applicable opportunity. Another click reveals the complete template described above.

Winston's site also contains features designed to manage the posted data, and to increase the ease and volume of attorney use. Each opportunity contains an “I’m interested” icon that, when clicked, sends a message to the firm’s pro bono director, so that he knows that the viewer wants to learn more and can follow up. The page design provides “editor access” so that the pro bono director can easily add and remove information, providing content control and removing editorial responsibility from the Information Technology staff.

IV. Do Not Reinvent the Wheel

Though the task may sound daunting, not all of the content on your intranet site needs to be a new creation. Many of the items you might choose to include on your site such as news, events and opportunities can be supplemented by RSS feeds from syndicated content sources such as the Associated Press or *The Wall Street Journal*. Illinois’ premier internet resource for pro bono attorneys, www.IllinoisProBono.org (discussed in more detail in Section 6), also has content feed that your firm can receive at no cost. If you already have a firm intranet in place, you should also consider linking existing content within your larger site to your pro bono site.

Sample Pro Bono Intranet Sites

As part of a PILI Pro Bono Consultation, members of the Consultation Team from other Illinois law firms will share their experiences with and samples of pro bono intranet sites. PILI also maintains a library of sample pro bono intranet sites. Please contact PILI's Executive Director, Michael Bergmann at 312-832-5129 or mbergmann@pili.org, or PILI's Education & Outreach Manager, Katie Pieper at 312-832-5128 or kpieper@pili.org for a Pro Bono Consultation.

Incentives to Promote Pro Bono

Aside from providing billable hour credits or factoring pro bono efforts into promotion, salary increases and bonuses, there are a variety of incentives to use in promoting pro bono within your firm. Many legal services agencies recognize their pro bono attorneys throughout the year, but recognition beyond that is also an important consideration. We describe below some of the possible means to promote and encourage pro bono throughout your firm.

I. Internal Firm Recognition

Many firms hold regular receptions or luncheons to promote the firm's pro bono program and to celebrate the outstanding contributions of pro bono attorneys from the firms. Such events are an excellent way to promote the pro bono program to encourage overall awareness and to increase participation. Whenever possible, the firm should invite representatives from the agencies with which the firm works to these events to build a stronger relationship between the firm and its members and the agency. Many firms also distribute regular pro bono newsletters detailing their pro bono program and their attorneys' efforts. Samples of such newsletters are available as part of PILI's Pro Bono Consultations. Further, when there is a significant victory on behalf of a pro bono client, consider publicizing the victory in the firm's internal newsletter or daily circular by placing the achievement among other recent firm victories or successes on behalf of paying clients.

II. PILI Pro Bono Initiative Award and Pro Bono Honor Roll

The Public Interest Law Initiative acknowledges a single organization (law firm or corporation) each year for unprecedented pro bono work in the community with its Pro Bono Initiative Award. The award is given at PILI's Annual Awards Luncheon held in December. For many years, PILI has also recognized the outstanding pro bono contributions of law firms and corporate law departments with the PILI Pro Bono Recognition Roster.

For more information about these awards, contact PILI Executive Director, Michael Bergmann at 312-832-5129 or mbergmann@pili.org.

III. CBA/CBF Pro Bono and Public Service Annual Awards

Each year the Chicago Bar Foundation ("CBF") partners with the Chicago Bar Association ("CBA") to recognize exemplary attorneys in our legal community through the CBF/CBA Pro Bono and Public Service Awards.

The Pro Bono and Public Service Awards celebrate outstanding members of the legal profession, at various stages in their legal careers and in positions at law firms, corporate legal departments, law schools, and legal aid agencies, who have used their talents and resources to improve access to justice for the less fortunate in our community. These awards are presented each year at one of the signature events in the Chicago legal community, the Annual Pro Bono and Public Service Awards Luncheon.

More information about these awards is available on the CBF website, www.chicagobarfoundation.org, or by contacting CBF Director of Pro Bono, Kelly Tautges at 312-554-8356 or ktautges@chicagobar.org.

IV. CBA Liberty Bell Award

Each year as part of its annual Law Week celebration, the Young Lawyers Section of The Chicago Bar Association presents the Liberty Bell Award. This award is presented to a non-lawyer who: (1) has a sense of responsibility for community welfare and public duty under the law; (2) helps others to understand and assert their rights under the law; (3) promotes and encourages respect for and obedience to the law; and (4) assists with the smooth functioning of our system of justice.

For more information about this award, contact the Young Lawyers Section at 312-554-2031 or yls@chicagobar.org.

V. Illinois State Bar Association's John McAndrews Award

The Illinois State Bar Association established the John C. McAndrews Pro Bono Award to honor those individual members of the profession, law firms, corporate legal departments and affiliated bar associations who have shown extraordinary commitment to providing free legal services to the income eligible or to expanding the availability of legal services to the income eligible. Three awards are given annually; one to an individual, one to a firm and one to an affiliated bar association.

For more information about the McAndrews Award, contact Lynne Davis of the Illinois State Bar Association, at 217-525-1760 or ldavis@isba.org.

VI. American Bar Association Center for Pro Bono

The Standing Committee on Pro Bono and Public Service presents awards annually to individual lawyers and institutions in the legal profession who have demonstrated outstanding commitment to volunteer legal services for the poor and disadvantaged. The awards are presented at the Pro Bono Publico Awards Assembly Luncheon during the ABA Annual Meeting, typically held in August.

The Pro Bono Public Awards program seeks to identify and honor individual lawyers and small and large law firms, government attorney offices, corporate law departments and other institutions in the legal profession that have enhanced the human dignity of others by improving or delivering volunteer legal services to our nation's poor and disadvantaged.

More information about the awards and other ABA awards can be found on the Center's website at http://www.abanet.org/legalservices/probono/nav_awards.shtml.

VII. National Legal Aid and Defender Association (NLADA)

Each year at its annual dinner, NLADA honors one or more members of the private bar or corporate community who have demonstrated outstanding leadership in promoting and supporting equal justice with the National Exemplar Awards. In addition, the Charles Dorsey Award is given biennially to an individual who has provided extraordinary and dedicated service to the equal justice community and to organizations that promote expanding and improving access to justice for low-income people. To be eligible to receive this award, an individual must have demonstrated a commitment to equal justice for all through service as an officer, board or committee member of a national or statewide organization devoted to fulfilling the promise of equal justice.

More information about NLADA's awards can be found on their website at http://www.nlada.org/About/About_Awards.

VIII. Pro Bono Institute Awards

The Pro Bono Institute at the Georgetown University Law Center recognizes the pro bono contributions of individuals and organizations through several different awards. The Laurie D. Zelon Pro Bono Award is given each year to an individual or organization that has provided exemplary pro bono service. The Pro Bono Institute's Chesterfield Smith Award recognizes extraordinary courage and commitment to pro bono by a legal leader. This award is not given annually; rather, only when warranted by outstanding achievement.

For more information about the Pro Bono Institute and its awards, visit their website at www.probonoinst.org or contact Pro Bono Institute President, Esther F. Lardent, at 202-662-9699 or elardent@probonoinst.org.



Section 5. Finding Pro Bono Matters

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- a. The Pro Bono Landscape in the Chicago Area
- b. Selecting a Pro Bono Agency Partner and Expectations Between the Firm and Agency Partner
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The Pro Bono Landscape in Chicago

A network of nearly 60 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 \$95 per lawyer add-on to ARDC dues), which provides approximately \$4.5 million in funds for Cook County legal aid organizations and about \$7.7 million statewide.
- The federal Legal Services Corporation also provides approximately \$6 million for one local legal aid provider, the LAF, 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 \$1.3 million in grants for statewide programs.
- 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 \$300,000 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
- legal clinics and Self Help Desks
- legal clinics and self-help desks
- immigrant/refugee rights
- impact/issue litigation
- policy and legislative advocacy
- transactional matters
- community legal education
- advice and referral hotlines
- mediation

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

- elderly
- disabled
- people living with AIDS/HIV
- children
- artists
- immigrants
- victims of domestic violence

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. Additionally, different agencies have different policies regarding the division between the agency and the firm of (1) responsibility for out-of-pocket costs; and (2) entitlement to any attorneys' fees recovered. It is critical that the agency and firm division on these points be explicit and formally agreed to by both parties, in order to avoid any subsequent misunderstanding.

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. Communication with Pro Bono Lead

It can be very helpful when the partnering agency sends the lead pro bono person at the firm on a regular, periodic basis (monthly), “nutshells” of the pro bono opportunities currently available through the agency. These nutshells should include a description of what the matter is about, the expected time commitment, any deadlines for action, and any special circumstances. The nutshells should be brief and be written in such a manner as to grab the potential pro bono lawyer’s interest, since the lead pro bono person at the firm will presumably be distributing the updates to other attorneys in the firm.

V. 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.

VI. 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.

VII. 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.

VIII. 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.

IX. 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.

X. 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:

1. 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.

2. 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.

3. 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.

4. 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)

5. 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.

6. Will I be covered by the program's malpractice insurance?

Most pro bono programs in the Chicago area have malpractice insurance available for volunteers.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 716 to allow a limited license to practice in Illinois when a lawyer is employed in Illinois as house counsel exclusively for a single corporation, partnership, association or other legal entity. This change allows those in-house counsels who are registered but not licensed to practice in Illinois to perform pro bono legal services.
- **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.

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

The Short-term pro bono projects, sometimes referred to as "limited scope" or "unbundled" opportunities, are also very popular. Limited scope representation allows attorneys to provide paid legal services on a portion of a client's legal matter, rather than seeing it through from beginning to end. Amended procedures require limited scope representation to be specifically limited by agreement between the lawyer and the client. These discrete projects 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.

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.

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.

For additional information about participating in the PILI Graduate Fellowship Program, please contact PILI's Education & Outreach Manager, Katie Pieper at 312-832-5128 or kpieper@pili.org.

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](#)

[Brinks Gilson & Lione](#)

[Chapman and Cutler LLP](#)

[DLA Piper US LLP](#)

[Drinker Biddle & Reath LLP](#)

[Dykema Gossett PLLC](#)

[Foley & Lardner LLP](#)

[Goldberg Kohn](#)

[Holland & Knight LLP](#)

[Jenner & Block LLP](#)

[Jones Day](#)

[K&L Gates LLP](#)

[Katten Muchin Rosenman LLP](#)

[Kirkland & Ellis LLP](#)

[Latham & Watkins LLP](#)

[Mayer Brown LLP](#)

[McDermott, Will & Emery LLP](#)

[Neal, Gerber & Eisenberg LLP](#)

[Reed Smith LLP](#)

[Seyfarth Shaw LLP](#)

[Shefsky & Froelich](#)

[Sidley Austin LLP](#)

[Dentons US LLP](#)

[Troutman Sanders LLP](#)

[Winston & Strawn LLP](#)

Each year, PILI holds its Annual Pro Bono Reception. 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.



Section 6. Additional Pro Bono Resources

Contents

- a. PILI Pro Bono Initiative
- b. The Chicago Bar Foundation (CBF)
- c. Illinois Legal Aid Online (ILAO)
- d. American Bar Association's Center for Pro Bono
- e. Pro Bono Institute

PILI Pro Bono Initiative

Since its founding in 1977, the Public Interest Law Initiative (PILI) has cultivated a lifelong commitment to public interest law and pro bono service within the Illinois legal community to expand the availability of legal services for people, families and communities in need. The Public Interest Law Initiative (PILI), through its Pro Bono Initiative, is a resource for Illinois law firms and corporations developing or enhancing pro bono programs. Resources include information and guidance on creating pro bono programs, expanding existing pro bono programs, learning about pro bono opportunities, engaging volunteers, taking advantage of existing relationships within the legal and public interest community and more. This pro bono consulting program fosters business cultures and legal careers that feature a commitment to public interest law and pro bono work. PILI works collaboratively with law firms, corporations, public interest law agencies, law schools, and members of the bar and bench to expand the availability of pro bono legal services across Illinois. By cultivating best practices, ensuring effective communication and serving as a clearinghouse for pro bono issues, PILI enhances the scope and quantity of pro bono work in Illinois for those who lack access to justice. PILI achieves its mission in the following ways:

- 1. Engaging former PILI Interns and Fellows, through the PILI Alumni Program, in the work of PILI and in the public interest law community by:**
 - Developing and implementing the structure of PILI's Alumni Program;
 - Engaging former PILI Interns and Fellows in the Alumni Program and reaffirming in them through the Alumni Program, a lifelong commitment to public interest law;
 - Developing and implementing communications and programming as part of the Alumni Program; and
 - Working with each annual class of PILI Fellows as they transition to pro bono practitioners in the private, public and nonprofit sectors.
- 2. Working with law schools – particularly public interest law programs, career services offices and clinics – to promote PILI and public interest law, and pro bono practice to law students and recent law graduates by:**
 - Developing and implementing law school panels, symposia or consortia on pro bono and public interest law topics when appropriate;
 - Assisting in the development of pro bono relationships among Illinois' law schools and law students and the larger pro bono community; and
 - Facilitating collaboration and cooperation among Illinois' law schools regarding their pro bono and public interest law efforts.
- 3. Facilitating the development and sharing of pro bono best practices and policies with law firms and corporate law departments by:**
 - Educating law firms and corporations about available pro bono resources and opportunities;
 - Recruiting and forming consulting teams to work with individual law firms and corporations that are interested in developing or expanding internal pro bono programs;
 - Developing and maintaining a comprehensive pro bono manual containing sample pro bono policies and procedures and other pro bono resources for law firms and corporations; and
 - Convening pro bono leaders from specific segments of the pro bono community to discuss relevant pro bono issues within those segments.
- 4. Promoting and enhancing pro bono capacity throughout Illinois by:**
 - Serving as a resource to legal aid and public interest law organizations as they organize or strengthen their pro bono programs;

- Working with legal aid and public interest law organizations to effectively communicate pro bono news and opportunities through www.IllinoisProBono.org, bar publications and other relevant media;
- Encouraging Illinois' law firms and corporations to develop and foster business cultures that feature a commitment to public interest law and pro bono work
- Developing targeted pro bono outreach for particular segments of the legal community, such as law students, senior and government lawyers and paralegals, as well as those with particular interest types; and
- Working with The Chicago Bar Foundation to host periodic educational forums for law firms, corporations, legal aid organizations and other stakeholders on pro bono issues of common interest and concern.

5. Acting as a clearinghouse for resources and information on pro bono legal issues by:

- Gathering information about pro bono from law firms, corporations, law schools and legal aid and public interest law organizations and publicizing success stories and other relevant information;
- Publishing relevant pro bono materials, resources and success stories;
- Facilitating the nomination of pro bono leaders for recognition by PILI and other entities; and
- Coordinating with other pro bono and access to justice initiatives, including The Chicago Bar Foundation and Illinois Legal Aid Online, and other local, state and national bars and access to justice organizations.

For additional information about PILI and its pro bono efforts, please contact PILI's Executive Director, Michael Bergmann at 312-832-5129 or mbergmann@pili.org, or PILI's Education & Outreach Manager, Katie Pieper at 312-832-5128 or kpieper@pili.org.

You may also visit PILI's website at www.pili.org for additional information.

The Chicago Bar Foundation

The Chicago Bar Foundation (CBF) is dedicated to bringing our legal community together to ensure that everyone in the Chicago metropolitan area has equal access to justice, particularly the low-income and disadvantaged people who are in most critical need of the protections of our civil legal system. Through grants, advocacy and other leadership, the CBF takes a system-wide approach to improving access to justice and focuses on those objectives that are best achieved by working together as a community.

Promoting pro bono by lawyers, law firms and corporations is a core part of the CBF's strategy to carry out its larger mission of working to ensure equal access to justice in our community. In partnership with The Chicago Bar Association (CBA), the CBF encourages and supports pro bono in a variety of ways, including:

1. Building the Capacity of the Pro Bono Infrastructure in the Chicago Area

- Making grants to legal aid and public interest law organizations for the infrastructure to support pro bono (i.e., pro bono programs with solid screening, referral, training and support functions for volunteers);
- Developing and sponsoring other capacity building efforts for CBF-funded pro bono and legal aid organizations, such as workshops and trainings promoting best practices for pro bono work and initiatives to increase professional development opportunities for legal aid lawyers; and
- Serving as a founding partner and significant funder of www.IllinoisProBono.org, a statewide website designed to provide information and training materials and other pro bono resources to pro bono attorneys.

2. Promoting Pro Bono in the CBA and Larger Legal Community

- Providing information and assistance to lawyers who want to learn more about pro bono through the CBF's Pro Bono Support Program and the CBF Pro Bono Opportunities Guide;
- Promoting the CBA Pro Bono Resolution to the CBA membership and supporting members' efforts to engage in pro bono services;
- Recognizing exemplary pro bono attorneys through the CBA/CBF Annual Pro Bono and Public Service Awards Luncheon and other means; and
- Co-sponsoring the annual CBA/CBF Pro Bono Week and the CBA Young Lawyers Section Pro Bono and Community Service Fair.

3. Expanding Pro Bono Support from Law Firms and Corporations

- Using the CBF's Law Firm and Corporate Leadership Circles to promote best practices for law firms and corporations on pro bono, giving and related issues involving access to justice;
- Working with law firm professional development contacts to provide improved training and professional development opportunities for legal aid lawyers;
- Promoting other types of pro bono support for legal aid organizations from law firms and corporations on issues such as advocacy, marketing, finance and administration; and
- Working with the Public Interest Law Initiative to host periodic educational forums for law firms, corporations, legal aid organizations and other stakeholders on pro bono issues of universal interest.

4. Leading Efforts to Make the Legal Profession and Justice System More Conducive to Pro Bono

- Leading advocacy efforts for adoption and implementation of the new Supreme Court mandatory pro bono reporting rule as well as the rule permitting corporate lawyers with limited admission and attorneys on retired or inactive status to engage in pro bono work; and

- Working with the CBA, the Circuit Court and CBF grantee organizations to develop pro bono projects like the Chancery Court Access to Justice Program and the Probate Court Guardian Ad Litem Program.

For more information on the CBF's pro bono efforts, please contact CBF Director of Pro Bono & Court Advocacy Kelly Tautges at 312-554-8356 or ktautges@chicagobar.org.

Illinois Legal Aid Online

Illinois Legal Aid Online (ILAO) brings together in-depth and up-to-date legal content, detailed information about legal aid agencies, training sessions and events and countless opportunities for attorneys to do pro bono work. ILAO was founded in 2001 as the Illinois Technology Center for Law & the Public Interest. In March 2005, the organization changed its name to Illinois Legal Aid Online and formed an independent non-profit corporation. Funding for Illinois Legal Aid Online has also been contributed by the Illinois Equal Justice Foundation and the Illinois Bar Foundation.

ILAO designed and developed three websites focused on different populations needing legal information and support. For pro bono attorneys, ILAO has developed www.IllinoisProBono.org. This site is freely available to any attorney who is interested in pro bono. The website details information on legal aid programs and their pro bono opportunities throughout the state. Many free training sessions are also available via live webcast and archived as video on the site for later viewing. There is a wealth of substantive content available to assist pro bono attorneys in handling cases in a new practice area.

Other features available on IllinoisProBono.org that make finding and doing pro bono work easier include:

- *Volunteer Opportunity Search:* You can now more easily search for pro bono work based on a variety of personalized profile factors. The search recommends pro bono work based on preferences selected when you register. Registered users also receive email alerts for new opportunities that may be of interest to them.
- *Pro Bono Case Pairing and Mentor Matching System:* New pro bono practitioners can use the tool to be matched with more experienced pro bono practitioners who are willing to serve as mentors and pro bono volunteers can use the system to connect with other pro bono volunteers to share a specific pro bono case or matter. Registration is free and the system is available to attorneys, law students, paralegals and other legal professionals who register on the website.
- *Legal Resources Library:* Each time you log onto the new website it gets smarter and delivers more relevant legal content, news and events to your homepage based on your usage history and identified preferences.
- *Discussion Board/Email List:* You can share information with colleagues about doing pro bono work and ask questions about your cases, either via the website or email.
- *HotDocs® Automated Forms:* Preparing documents for your pro bono cases is easier and faster with automated forms. Just fill in the correct information, and the document is created for you.
- *My News:* An enhanced news section allows you to get news from Illinois pro bono programs and national legal services organizations via RSS feeds. Registered users can also add their own RSS feeds, thereby integrating news from various sources into one webpage.

Another ILAO site, www.IllinoisLegalAid.org, provides the general public with information on legal aid agencies that might be able to assist them with their legal matter. The site also provides detailed, easy to understand and accurate legal information about the legal process, automated legal documents and forms, and self-help instructions.

The third website, www.IllinoisLegalAdvocate.org, is a site dedicated entirely to legal aid attorneys. The site helps bring together agencies from across the state so that information on programs and services, training modules, job openings and events are readily available at a simple click of the mouse. Legal aid attorneys also have free access to IICLE SmartBooks® online, to participate in discussion groups, to receive newsletters customized to their areas of interest, to access legal aid staff directories, and to access Lexis-Nexis® HotDocs® forms through the site.

For more information, contact ILAO Executive Director, Lisa Colpoys, at 312-977-9047, ext. 14, or e-mail her at lcolpoys@illinoislegalaid.org, or visit www.IllinoisLegalAidOnline.org.

Source: www.IllinoisProBono.org.

American Bar Association Center for Pro Bono

The American Bar Association (ABA) [Standing Committee on Pro Bono and Public Service](#) is the national source of information, resources and assistance to support, facilitate, and expand the delivery of pro bono legal assistance. The Standing Committee on Pro Bono and Public Service is the ABA's center of activity for the development and promotion of pro bono policies and initiatives. The mission of the Committee includes fostering the development of pro bono programs and activities by law firms, bar associations, corporate legal departments, law schools, government attorney offices and others; analyzing the scope and function of pro bono programs; and proposing and reviewing legislation that affects lawyers' ability to provide pro bono legal services.

The Standing Committee and its project, the [Center for Pro Bono](#), encourage lawyers to do pro bono work and help them connect with opportunities that meet their needs. The Center's programs, projects and services help pro bono programs, advocates and policymakers address the legal needs of the poor.

The Center for Pro Bono is a major project of the Committee and its implementation arm. The Center provides technical assistance and planning advice to a wide range of constituents in the field, including bar associations, pro bono programs, legal services offices, bar leaders, law schools, corporate counsel, judges and government attorneys. The Center also produces a number of publications, maintains a national clearinghouse of materials on a wide range of pro bono topics and operates the Peer Consulting Project. The Peer Consulting Project involves peer consulting teams providing on-site technical assistance and planning advice to bar associations, legal services Private Attorney Involvement (PAI) programs, law schools and other groups activating or expanding pro bono programs.

The Center is also responsible for organizing the annual [Equal Justice Conference](#). The Equal Justice Conference brings together all components of the legal community to discuss equal justice issues as they relate to the delivery of legal services to poor and low-income individuals in need of legal assistance. The emphasis of this Conference is on strengthening partnerships among the key players in the civil justice system. Through plenary sessions, workshops, networking opportunities and special programming, the Conference provides a wide range of learning and sharing experiences for all attendees. Pro bono and legal services program staff, judges, corporate counsel, court administrators, private lawyers, paralegals, and many others attend this event.

In November 2000, the ABA, through a generous gift by Melita and William Grunow, created the [Pro Bono Child Custody Project](#). This Project, a joint effort of the ABA's Standing Committee on Pro Bono and Public Service and Family Law Section, created a nationwide network of programs and volunteers to represent children in custody situations. The Project supports lawyers' efforts through training and substantive materials available on the Project's website. The Project is housed in the Center for Pro Bono.

For more information about the ABA Center for Pro Bono, contact the Center at 312-988-5759, or visit <http://www.abanet.org/legal/services/probono/home.html>.

Source: www.abanet.org/legal/services/probono.

Pro Bono Institute

Established in 1996, the Pro Bono Institute is a non-profit organization housed at the Georgetown University Law Center that provides research, consultative services, analysis and assessment, publications, and training to a broad range of legal audiences. The Pro Bono Institute's President, Esther F. Lardent, is an internationally recognized expert in the field of access to justice, legal services and legal aid, and *pro bono publico*, with an emphasis on program assessment and the development of new strategies and delivery systems.

The Pro Bono Institute is mandated to explore and identify new approaches to - and resources for - the provision of legal services to the poor, disadvantaged, and other individuals or groups unable to secure legal assistance to address critical problems. In doing so, the Institute identifies and develops innovative programs and undertakes rigorous evaluations to ensure that the proposals and methods identified are workable in the real world of law practice and legal services delivery.

The Institute also strives to take an objective and critical look at the strengths and limitations of current models, and, working with key decision makers and opinion leaders, to assess, improve, and re-think those systems to avoid stagnancy and to ensure responsiveness to new issues, environments, and opportunities.

The Pro Bono Institute does not provide direct legal services. Rather, the Institute is a catalyst, administering projects that support, guide, and inspire legal institutions to enhance access to justice. While each of the Pro Bono Institute's projects stands alone, the Institute selects and operates projects that, working in concert, promote synergies and inform and strengthen each other.

Among the projects operating under the aegis of the Institute is the highly-regarded [Law Firm Pro Bono Project](#). The Project provides a wide range of services to its target audience of larger law firms, including its annual training program, the [Pro Bono Annual Conference](#), local training sessions and convocations, newsletters that provide cutting-edge information on law firm pro bono activities and trends, empirical research, surveys, and publications, such as monographs and best practices compilations, a comprehensive global clearinghouse of materials and information on all aspects of law firm pro bono practice, and technical assistance to individual law firms and to consortia of firms on a city-wide, state, regional and national basis. The Project, a valued and respected resource among larger law firms, enables these firms, despite dramatic shifts in firm structures and economics, to strengthen, institutionalize, and expand their pro bono culture and service.

[Corporate Pro Bono](#), a joint initiative of the Pro Bono Institute and the [Association of Corporate Counsel](#) (ACC), is designed to substantially increase the amount of pro bono work performed by in-house counsel and to enhance the pro bono culture of in-house legal departments. The Project assists legal services, pro bono, and public interest programs in publicizing and placing pro bono matters with in-house lawyers and promotes and brokers pro bono joint ventures among legal departments, major law firms, and public interest groups. Corporate Pro Bono also works closely with ACC chapters to focus their resources and agendas on pro bono service and sponsors, in conjunction with the Pro Bono Institute Annual Conference.

For more information about the Pro Bono Institute, contact its President, Esther F. Lardent, at 202-662-9699, e-mail her at elardent@probonoinst.org or visit www.probonoinst.org.

Source: www.probonoinst.org.



Section 7. Other Ways to Ensure Equal Access to Justice

Contents

- a. Financial Support
- b. Maximizing IOLTA
- c. Advocacy
- d. Marketing, Training and Other Resources
- e. Internships, Fellowships and Rotation Programs

Financial Support

While lawyers and law firms support a variety of charitable initiatives, lawyers have a special professional responsibility to ensure that everyone has access to our justice system. Fulfilling this responsibility requires contributions of time and money as well as a strategic use of the influence that lawyers and law firms have in our community.

A law firm's financial support for local legal aid organizations is an integral part of the firm's pro bono program. Legal aid organizations provide critical legal assistance to the most vulnerable members of our community in matters where pro bono is not a practical solution. In addition, these organizations provide the necessary "infrastructure" to support pro bono work for area lawyers and law firms (i.e., pro bono programs with solid screening, referral, training and support functions for volunteers). Law firm support is critical to the work of these organizations.

Under the Illinois Supreme Court Rules, attorneys are encouraged to make financial contributions "to an organization that provides legal services to persons of limited means or which contributes financial support to such an organization." There are a variety of legal aid organizations throughout the state providing these services. A list of legal aid organizations in Illinois that receive funding from either the [Lawyers Trust Fund of Illinois](#), the [Illinois Equal Justice Foundation](#), or one of the two major bar foundations in Illinois is provided below.

In addition, attorneys can make contributions to [The Chicago Bar Foundation](#), which provides financial support for a broad range of legal aid and public interest law organizations in the Chicago area, or the [Illinois Bar Foundation](#), which provides financial support to a range of legal aid and public interest law organizations throughout Illinois.

[Access Living](#)
[AIDS Legal Council of Chicago](#)
[Cabrin Green Legal Aid Clinic](#)
[CARPLS](#)
[Center for Conflict Resolution](#)
[Center for Disability & Elder Law \(CDEL\)](#)
[Center for Economic Progress](#)
[Centro Romero](#)
[Chicago Coalition for the Homeless Law Project](#)
[Chicago Lawyers' Committee for Civil Rights Under Law](#)
[Chicago Legal Advocacy for Incarcerated Mothers \(CLAIM\)](#)
[Chicago Legal Clinic \(CLC\)](#)
[Chicago Volunteer Legal Services \(CVLS\)](#)
[The Law Project](#)
[Domestic Violence Legal Clinic](#)
[DuPage Bar Legal Aid Service](#) (Wheaton)
[Equip for Equality](#) (Chicago, Rock Island and Springfield)
[The James B. Moran Center for Youth Advocacy](#) (Evanston)
[The Family Defense Center](#)
[Farmworker Advocacy Project](#)
[First Defense Legal Aid](#)
[Health & Disability Advocates](#)
[Illinois Legal Aid Online](#)
[Immigration Project](#) (Bloomington)
[Lambda Legal - Midwest Regional Office](#)

[Land of Lincoln Legal Assistance Foundation](#) (Southern and Central Illinois)
[Latinos Progresando](#)
[Lawyers' Committee for Better Housing](#)
[Lawyers for the Creative Arts](#)
[Legal Aid Bureau of Metropolitan Family Services](#)
[Legal Assistance Foundation \(LAF\)](#)
[Life Span](#)
[National Immigrant Justice Center](#) (Heartland Alliance Program)
[Prairie State Legal Services](#) (Northern and Central Illinois)
[Public Interest Law Initiative \(PILI\)](#)
[Resolutions Systems Institute](#)
[The Roger Baldwin Foundation of the ACLU](#)
[Sargent Shriver National Center on Poverty Law](#)
[Uptown People's Law Center](#)
[Will County Legal Assistance Program](#) (Joliet)
[Working Hands Legal Clinic](#)
[World Relief-Chicago—Immigrant Legal Services Program](#)

(Unless otherwise indicated, the agencies listed above are located in Chicago.)

Maximizing IOLTA

In 1981, the Illinois State Bar Association and The Chicago Bar Association incorporated the Lawyers Trust Fund of Illinois as a not-for-profit corporation. Two years later, the Lawyers Trust Fund (LTF) became the beneficiary and administrator of the Interest on Lawyers Trust Accounts (IOLTA) program by order of the Supreme Court of Illinois.

The IOLTA program allows interest to be earned on nominal or short-term client deposits held in lawyers' pooled trust accounts. Prior to [Illinois' IOLTA rule](#), banks paid no interest on these client trust accounts. Lawyers have never been allowed to benefit from the property they hold in trust for their clients, and it is not cost-effective for financial institutions to pay interest on the funds of each individual client.

The interest gained on these pooled trust accounts is paid to the LTF and used: (1) to contribute funds for providing civil legal assistance to the poor throughout Illinois; and (2) for such other programs for the benefit of the public as are specifically approved by the Supreme Court of Illinois for exclusively public purposes.

On June 1, 2007, The Illinois Supreme Court announced changes to Rule 1.15 of the Illinois Rules of Professional Conduct that are designed to increase the rate of interest paid by financial institutions on IOLTA accounts. The revised "comparability rule" requires that to be eligible to participate in IOLTA, a financial institution must pay the same interest rates on IOLTA accounts as they pay on other accounts with similar balances and requirements.

By maximizing use of these accounts, law firms can substantially increase funding for Illinois' legal aid programs.

More information about LTF and Illinois' IOLTA program can be found on LTF's website at www.ltf.org. You may also contact LTF Executive Director, Ruth Ann Schmitt, at 312-938-2106 or ruth@ltf.org.

Source: www.ltf.org

Advocacy

Equal access to justice is central to our democratic society, integral to the effective functioning of our justice system and a critical part of the safety net for vulnerable members of our community. Thus, while lawyers clearly have a leadership responsibility on these issues, just as is true with other critical services such as medical care and housing – and as part of the obligation to properly fund the judicial branch of government—federal, state and local governments have the primary funding responsibility for legal aid and related access to justice initiatives, in partnership with the legal community and other public and private sources. Law firm leadership is essential in the advocacy efforts to ensure adequate government funding for these purposes.

I. Advocate for Government Funding of Legal Services

a. Federal Funding of Legal Services

The Congress of the United States entrusts the Legal Services Corporation (LSC) with a dual mission: to promote equal access to justice and to provide high-quality civil legal assistance to low-income Americans. Congress created LSC in 1974. Each year as part of the budget process, Congress appropriates money for LSC. A bipartisan, 11-member Board of Directors—appointed by the President of the United States with the advice and consent of the Senate—oversees all aspects of LSC operations.

The main source of funding for civil legal aid, LSC gives grants to independent, local programs—distributing more than 90 percent of its total funding to 134 independent nonprofit legal aid programs with more than 800 offices.

LSC-funded programs help people who live in households with annual incomes at or below 125% of the federal poverty guidelines, an income of \$29,438 a year for a family of four. Clients come from every ethnic group and every age group and live in rural, suburban, and urban areas. They are the working poor, veterans, homeowners and renters, families with children, farmers, people with disabilities, and the elderly. Women—many of whom are struggling to keep their children safe and their families together—comprise 70% of clients.

LSC encourages programs to leverage limited resources by partnering and collaborating with other supporters of civil legal aid, including state and local government, the private bar, philanthropic foundations, and the business community. In Illinois, there are three legal aid organizations that receive funding through the LSC. They include LAF, Prairie State Legal Services and Land of Lincoln Legal Services.

For more information about LSC, visit their website at www.lsc.gov. (Source: www.lsc.gov)

b. Legal Services Funding in Illinois

In passing the [Illinois Equal Justice Act](#) in 1999, the State of Illinois committed to protecting its citizens by guaranteeing access to the legal system. The Act recognized the state's responsibility to provide financial support for legal aid services through the creation and funding of the Illinois Equal Justice Foundation (IEJF).

IEJF is a 501(c)3 tax exempt organization, which distributes funding appropriated by the state to support not-for-profit legal aid programs. The funding for the IEJF, which comes through an appropriation through the Office of the Attorney General, directly helps families in crisis, victims of domestic violence and seniors facing abuse and financial exploitation. The IEJF supports innovative, cost-effective legal aid programs that empower clients to resolve legal issues and regain control of their lives. These programs offer information, guidance, advice, representation and tools to help clients understand the legal system and their rights within it.

In 2013, the IEJF awarded \$1.3 million to 14 non-profit organizations across the state that serve the civil legal needs of the poor.

More information about IEJF can be found on its website at www.iejf.org or by contacting the IEJF Executive Director, Leslie Corbett, at 312-938-2381 or via e-mail at lcorbett@iejf.org.

(Source: www.iejf.org)

II. Promote *Cy Pres* Awards for Pro Bono, Legal Aid and Access to Justice

Cy pres awards, which most often arise from the unclaimed proceeds from class action lawsuit settlements, can be a major source of funding for legal aid. For example, The Chicago Bar Foundation recently received a \$2 million award that allowed the CBF to create a substantial loan repayment assistance program for legal aid attorneys. *Cy pres* awards of any size, however, can increase the capacity of area legal aid organizations and make the justice system more user-friendly and accessible to the public. Firms should encourage their lawyers to advocate for these awards to be used for this purpose as much as possible.

III. Loan Repayment Assistance Programs (LRAP) and Loan Forgiveness Programs

Your firm and attorneys can advocate for and support loan repayment and loan forgiveness programs created to support lawyers working the public interest sector.

a. Government Efforts

There have been recent efforts at the federal and state levels to provide loan repayment assistance or loan forgiveness for those working in the public interest. Some plans cover only public defenders, some have included prosecutors and others have included those working in public interest and legal aid organizations generally. Many organizations and bar associations, including The Chicago Bar Association and The Chicago Bar Foundation, are actively engaged in monitoring and advocating for loan repayment and loan forgiveness programs.

If you are interested in learning more about these efforts, please contact CBF Director of Pro Bono & Court Advocacy, Kelly Tautges at 312-554-8356 or ktautges@chicagobar.org.

b. Law School Programs

Many law schools across the country are also establishing LRAPs for their law school students and alumni who pursue a career in the public interest. It varies from school to school as to how many alumni receive the LRAP, the length of the program and the value of the LRAP. In Illinois, DePaul University College of Law, John Marshall Law School, Chicago-Kent College of Law, Loyola University School of Law, Northwestern University School of Law, University of Chicago School of Law and University of Illinois College of Law have all established LRAPs and several others are working on developing programs.

Marketing, Training and Other Resources

Firms are in a unique position to provide legal aid organizations with certain resources that the organization would either not have access to or would have to expend significant funds to obtain. The work of these organizations can also be supported by firms through donations of these resources or by maximizing the firm's connections and resources for the benefit of the agency. Some examples of these resources include:

- Donating in-kind office space;
- Providing meeting or event space;
- Inviting legal aid attorneys to firm CLE programs;
- Providing reproduction and document assembly services;
- Encouraging firm vendors (printing, court reporters, experts, translation services) to provide pro bono services for the organization;
- Donating postage for event or agency mailings;
- Developing CLE programs or training materials for the organization's other pro bono attorneys;
- Donating a subscription to legal periodicals or texts to the organization;
- Donating used office furniture or computer equipment; and
- Assisting the agency with the development of marketing materials, including brochures, annual reports, and websites.

You can make these contributions to your agency partner(s), or you may contact Dina Merrell at The Chicago Bar Foundation at 312-554-1206 or dmerrell@chicagobar.org for assistance with identifying an organization in need of any of these resources.

Internships, Fellowships and Rotation Programs

I. Public Interest Law Initiative PILI Internship and Fellowship Programs

Each summer, PILI funds dozens of 400-hour internships for first- and second-year law students from across the country to work at public interest law agencies in Illinois. PILI also offers a limited number of 200-hour school year internships for Chicago area law students. Many PILI Interns provide low-income and disenfranchised clients with critically needed legal assistance. Other PILI Interns conduct advocacy, policy-based work or impact litigation that enhances the health, safety and welfare of the disenfranchised. All PILI Interns gain valuable work experience that distinguishes their education and ultimately their careers.

PILI raises the funds necessary for each agency to pay its PILI Interns, ensures quality supervision by experienced agency lawyers, provides an educational seminar series and mentoring by practicing attorneys with a focus on pro bono work, hosts social events and offers networking opportunities. Through PILI Internships, law students work at and learn about public interest, and begin what PILI hopes is a lifelong commitment to public interest law and pro bono work.

PILI also offers new law school graduates the opportunity to work 300 hours during the summer after their graduation at one of more than 50 public interest law agencies. PILI Fellowships provide the scheduling flexibility to allow Fellows to participate in a formal bar review course and take the bar exam while gaining hands-on legal experience.

Nearly two dozen Chicago law firms sponsor PILI Fellows, paying the salaries of their new associates to work at public interest law agencies. Like Interns, Fellows benefit from quality supervision by agency lawyers, an educational seminar series, and social and networking events. Through PILI Fellowships, new law school graduates develop important practical skills, forge a professional network within the Illinois legal community and provide critically needed legal assistance to public interest law agencies and their clients.

More information about PILI can be found on their website, www.pili.org. You may also contact PILI Executive Director, Michael G. Bergmann, at 312-832-5129 or mbergmann@pili.org.

II. Extended Placements

PILI encourages law firms to provide the opportunity for firm attorneys – whether new associates or seasoned attorneys – to be placed at a public interest law organization for an extended period of time in a rotation or fellowship program. PILI provides assistance to firms in developing such programs and in identifying public interest law organizations to host their attorneys. Contact PILI's Education & Outreach Manager, Katie Pieper, at kpieper@pili.org or 312-832-5128 for more information about these or other programs.

III. Other Fellowships

Equal Justice Works is a national organization that gives junior attorneys the opportunity to pursue a two-year paid fellowship at a wide variety of legal aid and public interest law organizations throughout the country. A number of law firms have sponsored Equal Justice Works Fellowships in Chicago. More information about the program can be found on their website at www.equaljusticeworks.org.

Some firms also have established their own fellowship programs, such as the Skadden Fellowship established by Skadden, Arps, Slate, Meagher & Flom LLP. Skadden Fellowships are initially awarded for one year, with the expectation of renewal for a second year. Skadden provides each Fellow with a salary and pays all fringe benefits to which an employee of the sponsoring organization would be entitled. In some instances, the firm will also pay a Fellow's law school debt service for the tuition part of the loan for the duration of the fellowship. More information about the Skadden Fellowship program can be found on their website at www.skaddenfellowships.org.



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About PILI

Our Mission:

PILI's mission is to cultivate a lifelong commitment to public interest law and pro bono service within the Illinois legal community to expand the availability of legal services for people, families and communities in need.

Our Vision:

PILI envisions a legal community with a deeply rooted culture of service, where law students, lawyers and legal professionals at all stages of their careers engage in public interest law or pro bono work, and remain committed to addressing the unmet legal needs of the poor and underrepresented.

Our Programs:

PILI's Law Student Internship and Graduate Fellowship Programs place law students and recent law school graduates at public interest law organizations, with PILI providing supplemental educational, networking and mentoring opportunities.

Our Alumni Network builds and maintains the connection between past PILI Interns and Fellows and the public interest law community through educational, networking and leadership opportunities.

Through our Pro Bono Initiative Program, PILI enhances the scope and quantity of pro bono legal assistance in Illinois for those who lack access to justice by offering a range of pro bono programming and resources, by developing innovative projects and cultivating best practices, and by celebrating ongoing pro bono contributions.

Working together with 56 Participating Agencies in Illinois, PILI guides attorneys at every stage in their legal careers in actualizing their professional responsibilities and personal commitments to equal access to justice through a continuum of public interest law and pro bono opportunities. PILI's programs first capture emerging lawyers when they are law students and new law school graduates, and then extend into legal practice to reach new, seasoned and senior attorneys working in every sector of the legal community – private, academic, government and non-profit

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