

ILLINOIS FORUM ON PRO BONO: THE FUTURE OF PRO BONO AND HOW YOU CAN HELP

ROUNDTABLE DISCUSSION SUMMARY

At the conclusion of the roundtable discussions, groups were invited to share a strategy or idea they had discussed, including the following. The observation was made that there is a general reluctance to take on pro bono matters because of attorneys being unfamiliar with a specific area of law. One suggestion to address this concern is through partnering inexperienced volunteers with experienced volunteers. In addressing the recruitment and engagement of new pro bono volunteers, it was suggested that statistics about the local need be made more available; that attorneys be made more aware of their unique skill set to consider when committing to community service projects; that pro bono hours should count towards CLE requirements; and that being creative about recognition of pro bono service could entice new volunteers. Ideas for community-wide recognition include a pro bono badge of distinction, publicized tiers of service and emblems indicating the number of pro bono hours or cases done. The Peoria County Bar Association (PCBA) was noted as an important partner. It was suggested that the Young Lawyers Group be tapped as a resource for pro bono attorneys and pro bono week support, and that the PCBA Legal Ease newsletter be made available to corporate legal departments.

ROUNDTABLE DISCUSSION NOTES

Below is the collective ideas and feedback on each question as recorded by each roundtable discussion group.

I. What can be done to better recruit and support pro bono volunteers?

- Make sample forms easily accessible and simple to complete;
- Set up a pleading ID for pro bono attorneys that Judges would recognize
- Ensure that attorneys who volunteer are given work and are called to take a case;
- Follow up with and engage the PCBA Young Lawyers Committee by presenting at a meeting and/or partnering for community service projects;
- Publicize the current trainings more widely (e.g. the Social Security Disability training);
- Incorporate pro bono information into the PCBA new members reception, or follow up with flyers and information;
- Inform the PCBA and Tazewell County Bar Association of pro bono opportunity details and local statistics that describe the need;
- Target senior management at law firms and corporations to be involved in specific pro bono opportunities;
- Use certain legal community leaders to encourage people into pro bono service;
- Relax the definition of pro bono, to allow for matters to develop into pro bono;
- Regularly provide a seminar like this event to provide information and statistics to the legal community;

- Identify and publicize the local attorneys who have experience with legal matters that come up in doing pro bono, and let larger firms and corporations know they can seek their advice and mentorship;
- Assign a key person at every larger firm and corporation to manage pro bono work being done;
- Educate community about various pro bono stakeholders, and their roles in promoting pro bono and in engaging pro bono volunteers;
- Work with firms to create internal and external incentives for doing pro bono work;
- Develop a networking opportunity targeted to those attorneys who don't currently do pro bono work, and at the event address the needs and introduce them to pro bono volunteers; and
- Ask attorneys at firms to fill out a checklist of documents they would need help filling out (e.g. power of attorney);

II. What are the barriers to pro bono for individual attorneys?

- Fear of taking a case without adequate knowledge of legal issues involved;
- Perception that pro bono clients will need and demand more than the pro bono volunteer can provide;
- Potential embarrassment from being asked to answer things that are unknown and not knowing where to go to for support;
- Concern that cases will ultimately require more than a reasonable number of hours;
- Uncertainty about the complexity of a case;
- Knowledge about the availability of malpractice insurance coverage for government attorneys and whether there is a malpractice deductible for pro bono volunteers;
- Concerns about meeting a firm's billable hour requirement and being supported by firm management; and
- Apprehension about the ARDC and unintentional misconduct, because of not being familiar with an area of law.

III. What are some of the pro bono challenges your law firm or corporation faces (as opposed to individuals)?

- Potential for conflicts of interest with firm clients;
- The loss of resources for smaller firms when one attorney is out of the office or unavailable;
- The uncertainty of client expectations;
- The time commitment required to develop pro bono partnerships and provide pro bono legal services;
- Credit is not given for pro bono hours spent, so there is pressure to not give up any amount of limited time for pro bono;
- The pressure associated with limited time availability;
- The inability to relate to pro bono clients and needs; and
- Misunderstanding around the ability to take certain cases and limited scope representation options.

IV. What are some unique pro bono strategies that you have successfully used? What replicable models exist for successful and innovative pro bono programs/projects?

- Structure your schedule to commit a designated amount of time to pro bono work;
- Grant CLE credit for pro bono hours provided;
- Work with local firm management to establish a system where billable hour credit is given to associates for pro bono work;
- Partner more experienced pro bono attorneys with less experienced attorneys on pro bono matters through a mentoring program;
- Widely publicize all pro bono support needed;
- Utilize lawyers who are not using their law degrees to do pro bono work;
- Develop clinics addressing different areas of law in order to attract lawyers with different interests (e.g. wills, immigration and expungement);
- Apply the model used in DuPage where inexperienced attorneys receive training, meet with clients and then take a case to court;
- Partner up teams of attorneys who can divide the work and time commitment (e.g. in-house counsel and associates);
- Use of limited scope representation with pro bono clients; and
- Provide CLE training sessions as a way to recruit new pro bono attorneys.

V. How do you measure/evaluate the success of your firm or corporation's pro bono program? How do these measurements help you improve your program?

- Different measures of success include the number of people helped, the number of hours spent and the number of cases closed;
- Adequately managing client expectations is one way to evaluate success; and
- Recognition by organized groups in the legal community (e.g. PCBA, ISBA and American Trial Lawyers Association) can denote success.

VI. There is a wide range of potential volunteers within the legal community, e.g. government attorneys, senior attorneys, law students and paralegals, who are not the traditional pro bono volunteer. How do we effectively engage these groups in pro bono legal services? What partnership opportunities exist?

- Identify local law students with their 711 license, and connect them to pro bono opportunities through their law school or place of work;
- Designate new associates as a pro bono lawyer at the larger firms;
- Work with law schools to identify lawyers who are unemployed after taking the bar;
- Use paralegals more systematically and tap into the Illinois Central College Paralegal Alumni Association to promote opportunities; and
- Partner with local employers of summer interns and clerks (e.g. Heyl Royster, Fleming & Umland, Quinn, Johnston, Henderson, Pretorius and Cerulo, State's Attorney, and local Courthouses and law schools).

VII. What role could/do courts and judges have in supporting your program's efforts? Are there other individual or organizational advocates who are key to your success?

- Judges could participate in in-Court training for pro bono attorneys, in order to make volunteers more familiar and comfortable with the process;
- The Chief Judge and the Illinois Supreme Court Justices could provide more guidance, encouragement and promotion of pro bono needs and service;
- Judges could actively make pro bono attorneys feel welcome and at ease;
- Public employees could serve as pro bono volunteers more easily if they did not have to take vacation time to volunteer during the day; and
- Courts could ensure availability of a forms library.

VIII. What research is needed that could help to improve pro bono delivery in Illinois and how could that research be used to develop or improve pro bono programs?

- Develop and distribute more information around effective limited scope representation arrangements with pro bono clients; and
- Research the impact of Self-Help Desks locally.

IX. How can we engage those attorneys who are not currently involved in pro bono?

- Offer free CLE programs, and promote them widely;
- Create a system where pro bono volunteer hours count towards the CLE requirement;
- Recruit new law firm volunteers by sending Prairie State's Pro Bono Coordinator to private law firms and other offices to share the need and opportunities;
- Tap In-House Counsel by making direct one-on-one requests to take a case; and
- Support the development of top-down pro bono leadership at firms and corporations, where those with more authority do pro bono work and set an expectation of providing pro bono service.

X. What are ways of recognizing pro bono work being done in our community that should be considered?

- Publish the name of every single person who does pro bono work in the PCBA's Legal Ease newsletter;
- Reduce the cost of PCBA CLE's for pro bono attorneys; and
- Identify opportunities to engage attorneys not already doing pro bono work.