

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

What we heard from across Illinois

In 2015 and 2016, PILI hosted its Forum on Pro Bono in the six judicial circuits in which it currently has Judicial Circuit Pro Bono Committees. Each Forum began with a panel presentation that explored poverty in Illinois and its connection to the need for legal assistance among low-income individuals and families, as well as ways in which increased pro bono legal services can help address those needs. Following each panel presentation, small discussions groups considered several questions that touched on the themes from the panel presentation in an effort to explore how to further expand and enhance pro bono across the circuit. Below are the collective ideas and feedback from Forums on Pro Bono held through by the Third, Fifth, Sixth, Tenth, Eleventh, and Fourteenth Judicial Circuit Pro Bono Committees.

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

- Ensure information is readily available throughout the legal community about the:
 - Specific areas of need for pro bono, with relevant statistics and trends;
 - Current pro bono opportunities, trainings and resources;
 - The roles various pro bono stakeholders play in promoting pro bono and in engaging pro bono volunteers;
 - The availability of expert assistance and malpractice insurance by Prairie State and Land of Lincoln; and
 - Pro bono mentorship opportunities.
- Work with firm and corporate in-house leaders to:
 - Appoint a representative to manage the pro bono work being done;
 - Create incentives for doing pro bono work;
 - Increase pro bono participation within firms that are signatories to the Judicial Circuit Pro Bono Pledges;
 - Develop pro bono mentoring programs;
 - Target senior management at law firms and corporations to promote and be involved in specific pro bono opportunities; and
 - Provide client meeting space for pro bono attorneys.
- Engage individual attorneys across the judicial circuit to handle a pro bono matters by:
 - Recognizing attorneys who take new pro bono cases;
 - Conducting personal outreach to recruit new volunteer and place cases, and using certain legal community leaders to encourage people to provide pro bono service;
 - Ensuring that attorneys who offer to volunteer are contacted in a timely manner;
 - Developing a networking opportunity to recruit new pro bono volunteers;
 - Reaching out to young lawyers and advertising the opportunities to gain experience in court;
 - Referring out a diversified range of legal issues to pro bono volunteers;
 - Partnering more experienced pro bono attorneys with less experienced attorneys on pro bono matters through a mentoring program;
 - Maintaining regular contact with existing volunteers;
 - Targeting volunteer recruitment and pro bono trainings around specific areas of law, such as small

- claims or eviction defense;
- Identifying mediators and publicizing the need for their pro bono services.

- Partner with county bar associations to:
 - Disseminate details about the need for pro bono and local pro bono opportunities;
 - Refer cases to pro bono volunteers;
 - Present pro bono-related information and opportunities at the meetings of young lawyer divisions and co-host pro bono-related events for younger attorneys;
 - Discuss pro bono during other monthly bar meetings; and
 - Incorporate pro bono information into new member information.
- Establish practices that make providing pro bono service delivery easier by:
 - Setting up a pleading ID for pro bono attorneys that judges would recognize;
 - Using YouTube and other social media outlets strategically to publicize the value of pro bono, and to connect attorneys with pro bono opportunities;
 - Making sample forms easily accessible and simple to complete; and
 - Expanding the use of Skype for serving pro bono clients in remote areas.

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

- Concerns around competency, including:
 - Fear of taking a case without adequate knowledge of the legal issues involved; and
 - Not realizing/understanding the transferability of legal skills between private and pro bono practice.
- Apprehension involving the time required to do pro bono work, including:
 - Uncertainty about how much time cases will ultimately require and/or duration of representation;
 - Perception that pro bono clients will need and demand more than the pro bono volunteer can provide; and
 - Unpredictable and inconsistent court dates and times.
- Lack of knowledge about resources and concerns around availability of support, including:
 - Availability of malpractice insurance coverage;
 - Lack of staff support for pro bono-related work, especially for retired attorneys;
 - Lack of understanding of how Prairie State and Land of Lincoln screen clients and what assistance they can provide to pro bono attorneys; and
 - Lack of pro bono resources geared towards volunteers outside of Chicago.
- Hesitation about issues involved in working with pro bono clients:
 - Adequately managing client expectations from the start about the terms of service and time availability;
 - Clients not having the ability to meet with attorneys because of lack of transportation or resources; and
 - The conflicts that arise in rural communities with limited number of attorneys.
- Lack of certainty about law firm support of pro bono service, including:
 - Not having clear law firm commitment or encouragement of pro bono services;
 - Concerns about whether it is permissible to be doing pro bono outside of usual practice areas;
 - Concerns about meeting a firm's billable hour requirement; and
 - The need for income generated by clients, as many private attorneys are struggling financially.

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

- The lack of knowledge or experience by any firm attorneys in working on the areas of law most needed for pro bono legal services.
- The amount of time it takes to develop pro bono partnerships and provide pro bono legal services.
- No clearly established expectations, policies or procedures around pro bono work by associates:
 - 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; and
 - The lack of a clear and formalized pro bono program with the firm.
- Hesitation about issues involved in working with pro bono clients:
 - The potential for conflicts of interest with firm clients;
 - Uncertainty about client expectations;
 - The inability to relate to pro bono clients and needs; and
 - The geographic distance of some clients and courts.

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?

- Be a proactive and strategic pro bono attorney:
 - Structure your schedule to commit a designated amount of time to pro bono work;
 - Use limited scope representation with pro bono clients;
 - Dedicate the time and accept a couple of cases to get more comfortable with the process;
 - Treat pro bono clients the same as paying clients; and
 - Request that pro bono clients compile all legal questions, issues and associated documents and schedule a single meeting to address all at one time.
- Partner more experienced pro bono attorneys with less experienced attorneys on pro bono matters:
 - Establish a pro bono mentoring program;
 - Create opportunities for new pro bono attorneys to shadow attorneys working in that area of law;
 - Partner up teams of attorneys who can divide the work and time commitment (e.g. in-house counsel and associates); and
 - Apply the model used in DuPage County where inexperienced pro bono attorneys meet as a group to receive training, meet with clients and then take a case to court.
- Publicize pro bono-related information across the legal community by:
 - Sharing information about the specific areas of law in which pro bono help is needed;
 - Providing CLE training sessions as a way to recruit new pro bono attorneys; and
 - Providing concrete examples of ways to use limited scoped representation for pro bono service.
- Identify potential sources of pro bono volunteers who are currently underutilized:
 - Leverage law students participating in law school clinics to assist with specific pro bono projects;
 - Engage retired, inactive and attorneys licenses out of state; and
 - Utilize lawyers who are not using their law degrees to do pro bono work.

- Make pro bono work more accessible for volunteers by:
 - Providing CLE credit for pro bono hours provided;
 - Replicating the model used by Land of Lincoln, who train and provide materials on how to assist with uncontested divorces;
 - Developing clinics that address different areas of law in order to attract lawyers with different interests (e.g. wills, immigration and expungement);
 - Working with local firm management to establish a system where billable hour credit and recognition is given to associates for pro bono work; and
 - Dedicating a day to providing pro bono legal services.

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?

- Keep thorough and accurate records of the number of hours spent and the number of cases closed;
- Adequately managing client expectations is one way to evaluate success;
- Recognition by organized groups in the legal community (e.g. PCBA, ISBA and American Trial Lawyers Association) can denote success;
- Measure success by the number of pro bono attorneys who have provided legal services;
- Establish and revisit future goals for pro bono participation; and
- Assess employee satisfaction with regard to pro bono participation.

VI. There are 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?

- Target retired attorneys who may not know that malpractice insurance is provided and may not be aware of the pro bono needs in their community.
- Maximize opportunities to use law students, including:
 - Identify local law students with their 7-11 license and connecting them to pro bono opportunities through their law school or place of work;
 - Gain the support of law school administration in encouraging students and faculty to do pro bono; and
 - Developing an avenue for law students to do pro bono in order to gain practical experience in a law school clinic-like environment.
- Target new attorneys when marketing local pro bono opportunities:
 - 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 and engage them in pro bono;
 - Judicial Circuit Pro Bono Committees could add a Young Lawyer Representative/Liaison to the committee; and
 - Use experienced attorneys to mentor and train young lawyers in pro bono cases.
- Use paralegals more systematically by:
 - Facilitating opportunities for paralegals and paralegal students to volunteer to assist local attorneys in handling pro bono cases, such as social security hearings; and
 - Taping into the Illinois Central College Paralegal Alumni Association to promote opportunities.

- Share information about pro bono opportunities, resources and practices:
 - Direct cases to different groups of pro bono volunteers, understanding their specific area(s) of legal knowledge, limitations, and concerns;
 - Draft brochures detailing the procedures involved in certain areas of law and keep them current through the pro bono and bar committees, Land of Lincoln/Prairie State and judges;
 - Engage government attorneys in suitable pro bono programs and events;
 - Increase awareness about the need for pro bono attorneys at local corporations with legal departments by hosting CLEs in house;
 - Consult with and encourage upper level attorneys in corporate legal departments to lead internal pro bono efforts;
 - Widely publicize the specific legal needs of the local community; and
 - Advertise that pro bono attorneys can use Land of Lincoln and Prairie State offices to meet with clients.

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 can assist in recruiting pro bono volunteers by:
 - Developing a listserv of pro bono volunteers for judges to distribute pro bono referrals;
 - Establishing a system of judicial referrals and appointments for pro bono matters;
 - Asking individual attorneys to volunteer personally;
 - Reaching out to and encouraging mediators to provide pro bono legal services;
 - Participating in in-court training for pro bono attorneys in order to make volunteers more familiar and comfortable with the process;
 - Creating and distributing written materials that detail the expected procedure at trial when setting a pro bono case for hearing; and
 - Providing a clearer sense of the different unmet legal needs of pro se individuals in the community based on their observations from the bench.
- Judges could identify ways to make the process easier for pro bono volunteers to appear in court:
 - Actively make pro bono attorneys feel welcome and at ease;
 - Set consistent times and dates for pro bono hearings, or call pro bono cases first; and
 - Assist in pairing new pro bono attorneys to shadow experienced attorneys in court.
- The courts generally can assist in recruiting pro bono volunteers by:
 - Developing and distributing brochures outlining the law for specific areas with pro bono needs, such as landlord/tenant, collections, and family law;
 - Developing a court-based pro bono program to help unrepresented low-income litigants who need immediate advice or assistance on a limited scope basis in appropriate cases, including: small claims; evictions; Orders of Protection; and family law;
 - Court-based help desks could provide information to attorneys regarding limited scope representation and basic instruction sheets for taking pro bono cases in the Lawsuit and Small Claims Divisions; and
 - Courts could ensure availability of a forms library.
- Government employers could make it easier for their attorneys to provide pro bono legal services.
- Expand use of Illinois JusticeCorps administered by the Illinois Bar Foundation.

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?

- Research related to the Judicial Circuit Pro Bono Committee Pro Bono Pledges:
 - Develop measurements to assess the effectiveness of each Pro Bono Pledge;
 - Identify more ways to spotlight signatories to the Pro Bono Pledge; and
 - Consult firms and corporations about ways to expand participation in the Pro Bono Pledge.
- Develop and distribute more information around effective limited scope representation arrangements with pro bono clients.
- Research the impact of self-help desks locally.
- Research could be done that identifies common areas of need in order to develop specific pro bono initiatives (e.g., pro bono assistance for elderly people in the area who are victims or potential victims of scams).

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

- Use CLE programs as an incentive:
 - Offer free CLE programs, and promote them widely; and
 - Create a system where pro bono volunteer hours count towards the CLE requirement.
- Promote pro bono opportunities and needs:
 - Use social media;
 - Widely publicize facts about volunteering with Prairie State or Land of Lincoln, (e.g. availability of malpractice insurance, pre-screened cases, limited scope representation opportunities, support of staff attorneys, etc.); and
 - Communicate pro bono needs and opportunities between the Judicial Circuit Pro Bono Committees and the area bar associations.
- Actively recruit new volunteers:
 - Send the legal aid program's pro bono coordinator to private law firms and other offices to share information about the need and opportunities;
 - Tap in-house counsel by making direct one-on-one requests to take a case;
 - 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; and
 - Encourage law schools and paralegal programs to add a set number of pro bono hours as a requirement of graduation, and develop ways to assist students in fulfilling the requirements.
- Develop more mentoring programs matching experienced and inexperienced pro bono volunteers.
- Develop a public pro bono challenge between area attorneys.
- Get a better sense of the possible pool of pro bono volunteers, identify the skill set of those volunteers and align pro bono opportunities with those skill sets.
- Host CLEs relevant to pro bono attorneys at local corporations or law firms with a significant number of pro bono attorneys.

- Develop regular cross-county “Ask A Lawyer” days for volunteers to answer general legal questions, similar to what is sponsored annually by the Illinois State Bar Association.

X. **How are we recognizing the pro bono being done in our community? Are there other ways of recognition that should be considered?**

- Publicly recognize current volunteers more widely:
 - Issue periodic news releases through Prairie State, Land of Lincoln or the Chief Judge’s Office to thank recent pro bono volunteers and encourage others to volunteer;
 - Recognize pro bono attorneys and non-lawyer volunteers through local county bar association newsletters;
 - Publicize the names of every pro bono attorney volunteer over the year on a program during Law Day or Pro Bono Week;
 - Dedicate a page on the local county bar association website to recognize volunteers and link to their employer website.
 - Increase community recognition and engagement in Law Day;
 - Host a party to celebrate the work and impact of pro bono attorney volunteers; and
 - Formally recognize distinguished pro bono attorney(s) at annual county bar association events.
- Provide special incentives for pro bono volunteers:
 - Send personalized thank you notes to pro bono volunteers, firms and corporations from the Executive Director or Managing Attorney of Prairie State and Land of Lincoln.
 - Reduce the cost of local CLEs administered by county bar associations for pro bono attorneys.