

## **Public Interest and Private Law Firm Pro Bono Collaboration: Soup to Nuts**

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This workshop will discuss the nuts and bolts of successful pro bono collaborations: including building effective models, training and supervision and pro bono infrastructure. We will discuss partnership or signature projects as one example of successful collaborations. While cognizant of some of the inherent tensions that exist between providers and firms, we hope to give participants concrete ways to improve and expand on complementary resources. We will examine the strategic use of training and supervision in pro bono and how infrastructure within firms advances our work.

### **Topical Outline:**

#### **I. Partnership Projects/Signature Projects**

##### **A. Introduction**

There are various ways to develop relationships between firms and public interest providers. Examples that we will talk about are what some might refer to as partnership projects or signature projects. Partnership projects are sustained and ongoing and often involve a commitment to working on a particular issue. Partnership projects often involve a pro bono infrastructure set up at a firm, coupled with training provided by a public interest provider. The leaders of these projects may tout them internally and encourage colleagues to focus on the projects and make special efforts to support them. A signature project is a kind of partnership project which an organization particularly wants to focus its resources on, develop expertise through, and market its connection with. In other words, an organization may have multiple partnership projects, but it may refer to one of them in particular as a signature project.

We will talk about three partnership projects: Clifford Chance's partnership with New York Lawyers for the Public Interest, inMotion's partnership with Simpson Thacher & Bartlett, and Skadden Arps' partnership with New York Lawyers for the Public Interest.

## **B. Clifford Chance/New York Lawyers for the Public Interest**

### **1. Brief Description of Project**

Clifford Chance has been partnering with NYLPI to represent individuals with disabilities in housing access work. The project involves negotiating with landlords and co-op boards for physical alterations. In some cases, the landlord or co-op board agrees to make the alteration. In other cases, it is necessary to file suit in an administrative agency or court.

### **2. Issues**

#### **a) Supervision of Cases**

Partner involvement is critical. There are 2 partners and 1 team leader for this signature project. Team leader spent about 25 hours leading the project in 2004.

#### **b) Screening and Packaging of Cases**

The legal services provider interviews clients and develops one-page summaries, complete with conflicts and contact information.

#### **c) Staffing Cases**

It is helpful to use the availability of particular partners for the project as a selling point when staffing cases. It is also helpful to tout a “team” of attorneys working on similar cases.

#### **d) Training**

A staff attorney at NYLPI has expertise in housing and disability law and is available to advise on cases. The firm has held training sessions and brought in the staff attorney and other NYLPI representatives. The firm entices people to come to training events through providing CLE credit, or simply by providing a free lunch. The firm developed a research memo and a packet of research materials. The pro bono coordinator tracks cases to see if there are ways to share knowledge. Attorneys are developing in-house expertise, which is useful to lessen reliance on outside mentoring.

#### **e) Goals of Clifford Chance**

One goal is to help as many clients as possible. Recently, attorneys accepted the seventh case in the project. Another goal is to encourage attorneys to take multiple cases to develop expertise and to share knowledge of their cases with each other. A third goal is to train transactional and litigation associates to negotiate and litigate. A final goal is internal and external press and recruiting promotion of this project as a signature project.

## **C. inMotion/Simpson Thacher & Bartlett LLP**

### **1. Brief Description of Project**

Junior litigation associates at Simpson Thacher & Bartlett LLP are asked to represent indigent women with complex matrimonial and family law cases in partnership with inMotion. The entire litigation department has, over time, built up substantial expertise to assist domestic violence survivors in establishing safety and security for women and children. Matters include contested divorces and orders of protection.

### **2. Issues**

#### **a) Selling the Project to a Law Firm**

To sell the project to a law firm, it is important to identify supportive partners. Also, it is helpful to communicate the rewards not only for the clients, but also for the firm, such as litigation expertise for junior associates. The program should be tailored to each firm. For instance, there should be firm meetings that are held annually at a minimum, depending on the partners' preferences.

#### **b) Training and Mentoring**

The program has a training and mentoring component – a three-hour in-house training plus manuals providing step-by-step guidance. Ongoing mentoring is available for reviewing documents, providing samples, strategizing, preparing associates for trial, and trouble-shooting if there is difficulty with clients. Attorneys have ongoing accessibility to mentoring over the telephone. inMotion also has lined up a panel of experienced practitioners who are assigned to law firms as mentors, in addition to the availability of inMotion's own staff.

#### **c) Maintaining the Project at a Law Firm**

To maintain the project, it is best to try to grow it. This project started with a handful of cases, and at this point Simpson Thacher has taken over 200 litigated cases over the past eight years.

#### **d) Required Staffing at inMotion**

All of the staff in inMotion's Legal Program are available to assist. inMotion's Legal Program consists of 10 full-time members – 6 attorneys, 3 legal assistants, and 1 social worker. In addition, inMotion has in-house volunteer attorneys and law students (about 50 yearly). Staff are available as needed by the attorneys during normal business hours of 9:30 a.m. to 5:30 p.m.

#### **e) Goals of inMotion**

inMotion has several goals for the project: (1) prevent needy women from being underrepresented; (2) build a model that can be used with other law firms; and (3) solidify the relationship with Simpson Thacher and be open to other opportunities for partnership with the firm, such as coverage of duplicating costs by the firm for other inMotion projects.

## **D. Skadden Arps/New York Lawyers for the Public Interest**

### **1. Brief Description of Project**

Skadden, Arps, Slate, Meagher & Flom and Weil, Gotshal & Manges, in conjunction with NYLPI, provide monthly educational workshops for low-income parents of adults with disabilities on how to apply for guardianship pro se. This allows people to make crucial decisions for their adult children. No lawyer-client relationship is established. At the workshops, volunteers go through a form with the parents.

### **2. Issues**

#### **a) Packaging to Law Firm**

The project was marketed to Skadden Arp's pro bono coordinator and an NYLPI board member. NYLPI, as the provider, screens the cases and manages the intake and referral process. The project is a discrete commitment of firm time (5-hour monthly workshops) and can be staffed with paralegals or lawyers as facilitators.

#### **b) Training**

Annual training workshops are conducted over lunch. Each workshop is also attended by a staff member from NYLPI who checks in clients and serves as a resource for the facilitators.

#### **c) Staffing**

One firm uses lawyers while the other uses paralegals. Paralegals are an excellent resource, but the downside is high turnover.

#### **d) Sustainability**

Each year NYLPI and each firm must recruit new team members to facilitate. The recruitment is done by active participants at the firms. Pro bono infrastructure at the firm is essential.

## **II. Training and Supervision in Non-Signature Projects**

### **A. Ongoing Communication**

Ongoing communication with attorneys can help to prevent the project from fizzling out.

### **B. Meetings at a Firm**

Setting up meetings at each firm is important because it enables coordinators to find out about problems and faulty assumptions. Feedback is important. A guide was developed as a result of a revelation in a meeting about a problem in a case. Pro bono coordinators also should attend trainings to make sure that the subject group – attorneys, summer associates, paralegals – understands the material presented.

### **C. Written Guides/Handbooks**

An associate may be bashful about having a “stupid” question. Encapsulating in one place the most frequently-asked questions and answers is helpful. Pro bono cases involve unfamiliar areas of law. Project leaders need to make life easier for the associates handling the projects.

### **D. Alleviating Fears**

Training and supervision is necessary to help alleviate volunteers’ fear of the unknown and fear of mishandling cases.

### **E. Summer Associate Projects**

Aside from working on pre-existing matters, summer associates can participate in special projects. An example is working for two weeks at a public interest group through NYLPI. Other examples are inMotion’s summer associate program and its summer event. Summer associates can also take on new pro bono matters that largely or completely can be done during the summer, such as family court matters and uncontested divorce cases obtained from inMotion.

### **F. Paralegal Projects**

Paralegal projects can be viable. Skadden used to have even more non-lawyer projects than it does now. Very often, public interest groups do not think about non-lawyer projects as viable in the first instance.

#### **1. Examples**

Examples of paralegal projects are as follows: (1) advocating in administrative hearings; (2) digesting depositions; (3) summarizing and putting together exhibits for a legal expert witness, and even testifying; (4) drafting uncontested divorce papers; and (5) conducting outreach to find information about New York inmates who potentially might benefit from revisions to the Rockefeller drug laws, as an essential first step towards an effort to find pro bono counsel for those who could use it.

#### **2. Supervision**

It is helpful to get the cooperation of the paralegal supervisors. A project is more feasible if the paralegal coordinator communicates to the paralegals about the importance of quality work.

#### **3. Turnover Problem**

It is harder for a signature project to be done with paralegals because of high turnover. Institutional knowledge may constantly come and go. From the provider side, it is very demanding to set up a partner project with paralegals. The projects generally do not become self-sustaining. There is an exception, to the extent there is a long-term paralegal. Skadden has greatly been helped for well over a decade by having a senior paralegal who has become extremely knowledgeable regarding the in’s and out’s of incorporating non-profits and securing tax-exempt status for them. Thanks to her, many more of these matters proceed relatively smoothly. Skadden also has a legal assistant who has been at the firm for several years who tries to keep track of political asylum matters and make sure they move forward.

### **III. Pro Bono Infrastructure**

#### **A. Identifying Key People at Firms**

It is important to nurture relationships with key people at the firm. One aspect of this is to have ongoing communication. Another aspect is to take stock on a regular basis. If a leader can get someone at the firm to find out if a person would be interested in a particular topic, that can be a way of discovering a project that the firm can do. It is helpful to meet as many people at the firm as possible and to make pitches to associates. It is useful to develop an in-house video library of training sessions and other resources necessary to support the program internally. Periodic case appeals and training announcements should be forwarded via e-mail to pro bono coordinators to circulate to all attorneys at firms. These should include factual digests of the cases, information about the availability of training and mentoring, and relevant deadlines.

#### **B. Tracking Matters**

##### **1. The Firm**

Someone at the firm should be monitoring matters. If a person leaves, the firm needs to re-staff the case.

##### **a) Substance of Matters**

Ideally, the pro bono coordinator tracks cases by getting specific information on each case, such as the time spent, and comparing substantive developments with the last known status. The information can be obtained by questioning volunteers in person, by e-mail, or over the telephone.

If a client has not been in touch with the volunteer, it is advisable to notify the referral source. It is possible, using Skadden's case tracking system, for example, to track cases by referral source, and to provide a referral source with reports on the status of every case received from that source.

##### **b) Training**

If there is a gap in volunteers' knowledge, the pro bono coordinator can suggest to the referral organization to provide further training. Multi-firm trainings can be useful and more efficient for referral organizations.

At a firm, materials can be posted on the intranet to answer questions. Examples are "the top 10 most frequently asked questions about asylum" and information on "what desk to go to at the courthouse."

Pro Bono Net (<http://www.probono.net>) is a good source for training information. Pro Bono Net has information and listservs on specific areas of law that are popular for pro bono work, such as prisoners' civil rights. Hopefully, more sites and listservs will be developed.

##### **2. The Legal Services Provider**

Some legal services providers refer cases and then monitor them through, for instance, periodic case conferences. Other legal services providers like NYLPI are solely referral sources and do not track cases.

### **C. Collaborative Problem-Solving**

In some cases, a firm and a legal services provider will need to collaborate to solve a problem. For instance, in one case, a client did not want to follow a firm's advice. The firm contacted the legal services provider about the problem. The provider had the necessary expertise, concurred with the advice, and notified the client of its concurrence. The client thereafter accepted the advice.

### **D. Solo and Small-Firm Practitioners**

Solo and small-firm practitioners can become involved in pro bono projects. Here are some ways to facilitate their involvement: (1) provide office space for attorneys to meet with clients; (2) hold training in a building where these practitioners would be anyway, such as in a courthouse; and (3) provide other supportive services, such as filing of court documents. It is important to note that some of the small firm and solo practitioners that inMotion knows serve as mentors to lawyers at large firms. Without such mentors, lawyers at large firms would be extremely unlikely to take on most of the cases they now do, in very unfamiliar areas of the law.

### **E. Technology**

Technology makes it possible to send information, such as caselists, and respond within seconds via e-mails and pdf's. NYLPI e-mails weekly caselists to law firm pro bono coordinators for distribution to attorneys. Training sessions and meetings can be videotaped, copied, and distributed to interested attorneys. Taped sessions can also be posted on the intranet for associates' convenience.