

ABA/ NLADA 2005 Equal Justice Conference

**Innovative Partnerships in Systematic Reform and Advocacy**

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**Brief Description:**

Systemic reform and advocacy can, in many ways, provide the ideal partnership opportunity for private attorneys and legal services providers. Panelists will discuss innovative approaches of identifying client problem areas in need of systemic reform, how to develop, package and market these ideas to law firms and strategies for working in partnership to shape favorable outcomes for clients.

**I. Description of Litigation Assistance Partnership Project (LAPP)**

A. Project of ABA Section of Litigation

1. National program
2. Matches major, impact cases with pro bono counsel
3. Created in 1989
4. Successful track record, placing over 200 cases nationwide since inception
5. Cases include education, welfare reform, health care, disability rights, immigration, migrant farmworkers, housing, etc.
6. Program re-launched in 2004 after 2+ year hiatus

- B. LAPP's relationship with legal services and public interest programs
  - 1. LAPP accepts referrals of cases from legal services and public interest program across the country
  - 2. LAPP screens cases for compliance with LAPP case acceptance guidelines (Guidelines specify that case satisfy ABA Model Rule definition of pro bono service, and have broad impact beyond an individual litigant)
  - 3. Screening committee votes on all potential cases
  - 4. LAPP does not co-counsel cases; LAPP's role is matchmaker
  - 5. LAPP places approved cases with law firms across the country
  - 6. Access to 70,000+ members of ABA Section of Litigation
  - 7. National scope provides advantage of being able to place cases outside of immediate jurisdiction (avoids local conflicts, assists rural programs)

- C. Steps to Ensure Successful Relationship
  - 1. Recommend co-counsel agreement
  - 2. Anticipate potential problems and clarify positions at the outset
  - 3. LAPP available to help navigate sensitive issues (e.g. cost sharing, attorneys' roles, etc.)

## **II. A New Methodology For Thinking About Client Cases And Problems**

- A. What are the major issues facing our clients?
  - 1. Utilizing Facilitator for the meetings.
  - 2. Be Inclusive about who is in your Brainstorming Group
  - 3. Try to Think As Broadly As Possible
  - 4. Organize Issues Into categories
  - 5. Develop a Screening Mechanism
  - 6. Refine, Refine & Distill the List
  - 7. Develop Precise Summary of the Problem and Best Possible Approaches
- B. A New Methodology for Recruitment: Getting them to the Table
  - 1. Utilizing your Board and its Connections
  - 2. Consider Who on the Board Might be the Biggest Draw
  - 3. The Structure of the Meeting Itself
  - 4. Get Preliminary Commitments before the 1<sup>st</sup> meeting ends.
- C. The Importance of Follow-up: Now You're Here, we want you to stay.
  - 1. Conference calls to discuss problem further
  - 2. The need for continuing work plans
  - 3. The need for continuing staff involvement
  - 4. Monitoring Progress and providing back-up assistance.
- D. Sample Projects: Here's some of ours
  - 1. Fair Housing
  - 2. Nursing Home Education Project
  - 3. Tax Sale Project
  - 4. Grandparents Rights
  - 5. Home Visit Wills and Powers of Attorney

- E. Challenges: What might go wrong?
  - 1. Turn-over of personnel at both program and law firm
  - 2. Issue conflicts Especially as Big Firms get Bigger
  - 3. Sustaining Ongoing Interest
  - 4. What do you do for an encore?
  
- F. Legacy: In the final Analysis, what have you accomplished?
  - 1. Forge closer bonds with law firms
  - 2. Staff perception of clients' problems: A Paradigm Shift
  - 3. Quality of life for clients: You have the potential to make a big difference.

### **III. Sample Model Partnership:**

- A. Identify the Systemic Problem
  - 1. What issues do clients face?
  - 2. Are clients impacted by recent legislation or a court decision?
  - 3. What are the community's needs?
  - 4. Are any organizations dealing with the problem systematically?
  
- B. Identify Practical Partnerships
  - 1. Are there any organizations concerned or are addressing these problems?
  - 2. Need to balance knowledge, expertise and resources.
  - 3. Identify a lead person to be in charge.
  
- C. Identify the Resources
  - 1. Fellowships, Equal Justice Works/Americorps
  - 2. Grants from law schools, bar associations, non-profit organizations
  - 3. Support staff, office space, travel expenses, etc.
  - 4. Law Clerks
  - 5. Pro Bono Attorneys
  
- D. Identify Solutions to Systematic Problem
  - 1. Phone Calls
  - 2. Letters
  - 3. Hearings
  - 4. Litigation
  - 5. Change in Policy/Legislation
  
- E. Implement Solutions: Working Towards Systematic Reform
  - 1. Act as a Clearinghouse to monitor problems
  - 2. Create a working list and document frequency of problems
  - 3. Notify important people about list of problems
  - 4. Provide free services to overburdened advocates/pro bono attorneys
  - 5. Other creative ways

F. Get the Word Out

1. Pool together list of networks.
2. Send project updates to list of networks.
3. Create new contacts with legal services organizations.
4. Create new opportunities for pro bono attorneys to get involved.

G. Create a Self Sustaining Project

1. Train advocates/pro bono attorneys in other counties to do the same.
2. Provide free materials and guides.
3. Maintain partnerships and networks.
4. Always follow up immediately!

**IV. The Law Firm Perspective on Systemic Reform & Advocacy Projects**

A. We like them!

1. Interesting legal issues
2. Efficient use of resources
3. High impact
4. Good visibility
5. Training, morale, retention, etc.
6. Importance of finding the right match in terms of timing, forum & subject

B. Impact Litigation: National Class Action re Documentation of Status for Legal Permanent Residents (LPRs)

1. LAPP referral
2. Co-counsel with Texas Lawyers' Committee
3. Description of case
4. Current case status
5. Hopes for outcome
6. Positive experience for the whole team
7. Firm-wide support

C. Another Type of Project: Behind-the-Scenes Research for Major National Civil Rights Organization

1. Background research crucial to strategic planning
2. Final memo relied upon in significant decision-making
3. Low firm visibility but high project visibility
4. Draws on firm strengths: legal analysis plus creativity
5. Fresh "eyes" for the issue
6. Assistance with ongoing issues going forward

D. Practical Tips for a Successful Collaboration

1. Don't short-change initial discussions – make sure there is a meeting of the minds on overall goals and strategy from the outset
2. Discuss costs issues in advance
3. Discuss division of labor/responsibilities in advance
4. Sign specific co-counsel agreement
5. Hold regular team meetings

## Website Links:

1. Training Materials and Access to Justice Updates located on the Western Center on Law and Poverty website:  
<http://www.wclp.org/accesscourtslitigationresources/publications.php>
2. LAPP website: <http://www.abanet.org/litigation/lapp>
3. Spreading Justice, Spring 2005 newsletter:  
<http://www.abanet.org/abanet/common/login/securedarea.cfm?areaType=premium&role=lt&url=/litigation/premium-lt/probono/home.html>
4. Spreading Justice, Fall 2004 newsletter:  
<http://www.abanet.org/abanet/common/login/securedarea.cfm?areaType=premium&role=lt&url=/litigation/premium-lt/probono/home.html>