

Engage Business Lawyers, Empower Nonprofit Organizations

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Brief Description:

Explore innovative approaches to engaging more business lawyers in pro bono while enhancing the governance and management of community based organizations. Panelist will discuss pro bono opportunities that utilize the unique skills sets of transactional lawyers. Models discussed will include performing pro bono legal audits for nonprofit organizations; developing and teaching workshops on business legal issues to entrepreneurs and nonprofit community groups; and providing assistance with issues such as real property transactions or tax counseling.

Topical Outline:

I. Pro Bono Initiative (PBI)

- a. Works with the law firms, corporations, and law schools to encourage increased participation in pro bono work.
- b. Works with legal services providers to come up with more user-friendly pro bono projects.
- c. Formed a “transactional attorneys working group” to focus on attracting more attorneys by making non-litigation pro bono work more accessible.

II. Legal Audits

- a. Teams of transactional attorneys, drawn from different law firms and corporations, review areas such as:
 - Legal Formation and Corporate Governance
 - Internal Controls and Procedures
 - Insurance
 - Tax Matters
 - Privacy and Intellectual Property Matters
 - Employment Policies

III. Administration of Project and First Audit

- a. Recruited eight attorneys from three law firms and two corporations.
- b. Each attorney picked one of several legal areas to review.
- c. The audit was done in conjunction with Chicago's Community Economic and Law Development Project
- d. PILI was the pilot audit. The group interviewed PILI staff and reviewed PILI's articles of incorporation and bylaws, meeting minutes, tax documents, compliance documents, employment policies, and intellectual property to assess PILI's legal needs.
- e. Auditors met with PILI staff and board members to discuss the results of the audit and offer legal assistance.
- f. A final report was drafted and distributed to the PILI Board for review and an ad hoc committee was set up to review the document and act upon the recommendations.

V. The Role of the Team Lead

- a. Communicate and coordinate with the client as follows:
 - Develop assessment process
 - Scope of Work Letter
 - Identify types of documents that will be needed
 - Identify Client office logistics
 - Develop timeline
- b. Communicate and coordinate with the assessment team as follows:
 - Determine how team wants to work (in person or remotely)
 - Application for liability coverage (e.g., CEDLP)
 - Review Sample report
 - Identify preliminary final report format
 - Develop timeline
- c. Produce the Assessment
 - Conduct reviews and submit summaries
 - Draft Summary and share with Assessment Team
 - Revise as necessary
 - Draft to Client for review
 - Respond to/manage any Client questions or comments
- d. Follow-up with Client and Assessment Team to evaluate process.

VI. Current Program

- a. Expanded to two audits at a time.
- b. Involved more law firms and in-house counsel.
- c. Currently have four ongoing audits at this time.

VII. Challenges

- a. Obtaining malpractice insurance for in-house counsel.
- b. Difficult to get those participating in the assessment to do follow up work, e.g., employee manual. Not a huge issue for a legal agency, but could be a problem for non-legal agency.
- c. Too many participants. Easier to work with one law firm, or a partnership between a law firm and in-house counsel.

- d. Finding attorneys with appropriate skill sets and interest.
- e. Not setting a firm timeline created delay problems.
- f. Finding non-legal services providers organizations to be audited.
- g. Important to get client to pull documents ahead of time so they are ready to go for the lawyers.
- h. Often lawyers are available to volunteer for only a short time. If client delays, you may lose some of your volunteers.

VIII. Texas CBAR Program

- a. Overview
 - i. Recruit law firms and corporate attorneys to provide free legal assistance to NPOs.
 - 1. Use firm coordinators to place cases.
 - 2. Tried to use bar sections and local bar associations without success.
 - ii. Conduct outreach to NPOS
 - 1. Emphasis on rural, colonia, and NPOs that serve low-income communities.
 - 2. C-Bar serves as General Counsel to advise, screen types of matters, and make sure clients ready to work with attorneys.
 - iii. Types of assistance
 - 1. Trainings
 - 2. Publications and on line resources
 - 3. Legal referrals
 - 4. Advice only
- b. Engaging Lawyers
 - i. Marketing
 - 1. CLE for Ethics
 - 2. Presentations to law firms/corps
 - 3. Volunteer spotlights
 - 4. Nominations for bar awards
 - 5. Press coverage
 - ii. Types of Pro Bono Work Available
 - 1. Direct legal-discreet matter
 - 2. Direct legal-corporate counsel
 - 3. Legal research
 - 4. Workshop presentation
 - 5. Publication assistance-Title manual, farmer's markets, renter's rights, Katrina advice brochures
 - iii. Program Tracking
 - 1. Evaluation client/attorney
 - 2. Reports on law firm activity
 - 3. Reports on individual attorneys
 - iv. Program Support
 - 1. Draft documents
 - 2. Mentoring
 - 3. Malpractice Insurance

- v. New Projects
 - 1. Legal Assistance to Microenterprises
 - 2. New Orleans nonprofit assistance
 - 3. Contract for Deed conversions

- c. Empowering Nonprofits
 - i. Marketing
 - 1. Work with associations and TA providers
 - 2. Work with funders
 - 3. Brochures, newsletters, workshops
 - 4. contact local legal aid, NAACP, migrant farmworker groups in the area
 - ii. Basic empowerment
 - 1. Issue spotting
 - 2. Relationship building
 - 3. Technology use

- d. Challenges
 - i. Having enough cases for volunteers
 - ii. Keeping volunteers once they are partners/getting partners involved
 - iii. Variety of oversight from firms
 - iv. Capacity of NPOs
 - v. Trends in the industry: loss of funding; accountability and other changes in the law; too many npos
 - vi. Outreach/travel is expensive and time-consuming

IX. Lawyers Clearinghouse Referral Programs

- a. Programs provide pro bono representation to nonprofit organizations.
- b. Many cases placed with the assistance of larger firm Pro Bono Coordinators.
- c. Case types include:
 - Real Estate
 - Tax
 - Corporate
 - Tax Exempt Organizations
 - Intellectual Property
 - Contracts
 - Employment
 - Landlord/Tenant

X. Nonprofit Incorporation Workshops

- a. Joint project with the Volunteer Lawyers for the Arts with support from Goodwin Procter.
- b. Semi-monthly workshops for groups seeking nonprofit incorporation and tax exempt status.
- c. Workshop attendance required before groups will be placed with a pro bono attorney for nonprofit incorporation and tax exempt status assistance.

XI. Challenges

- a. Outreaching to and communicating services to nonprofits and community groups.
- b. Finding interesting and valuable pro bono cases for volunteer attorneys.
- c. Adequately publicizing/recognizing attorneys' and firms' contributions of pro bono services.
- c. Getting the support of funders for services to organizations.

Notes:

Bibliography & Website Links:

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6. Texas C-BAR <http://www.texasbar.org/>