

ABA/ NLADA 2007 Equal Justice Conference

Second Season of Service: Tapping into a Growing Volunteer Base

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It is estimated that 40,000 lawyers a year will begin to retire, consider retiring, or significantly alter their work environment over the next several years. Based upon just 50 hours a year per affected attorney, represent two million volunteer hours annually. This program will highlight the work of the ABA Presidential Commission on Second Season of Service, inform legal services providers how to tap into this demographic, highlight existing programs. The workshop will also look at practice rules and other considerations that facilitate pro bono practice by this population.

Topical Outline:

- I. ABA Presidential Commission on Second Season of Service
 - a. 2-part mission
 - b. Research surveys
 - c. Overview of Second Season website, www.abanet.org/secondseason
 - d. Current/upcoming activities

- II. Volunteers and Their Reasons for Volunteering
 - a. Retired, or otherwise inactive; previous practice may include private firm, corporate, government, academia, judiciary, or legal services.

 - b. Motivations vary, may include giving something back to the community, furthering a commitment to public service, making productive use of skills, learning more about issues that might be confronting in own life (e.g. elder law), finding personal satisfaction with representing “live” clients, opportunity for professional growth, or opportunity for social interaction.

 - c. Second Season of Service

- III. Recruiting Volunteers
 - a. Mass mailings?
 - i. Inactive or retired lawyers not always on bar lists
 - ii. Less personal
 - b. ABA supported national computerized volunteer matching service
 - c. Peer recruitment?
 - i. Need bar support
 - ii. Involve judge, bar leader, or respected local attorney(s)
 - iii. In-person contact
- IV. Overcoming Administrative Barriers
 - a. Office space and administrative support
 - b. Malpractice insurance coverage
 - c. Scheduling
 - d. Substantive experience
- V. Overcoming Practice of Law Barriers
 - a. Purpose of enacting Emeritus Pro Bono practice rules and establishing an Emeritus Pro Bono Attorney program is to encourage and facilitate retired or otherwise non-practicing lawyers who otherwise may choose inactive status or resign from membership in the bar to provide pro bono legal services to low-income individuals.
 - b. 19 states and the District of Columbia have practice rules that permit retired or inactive attorneys to volunteer to provide legal services to low income clients.
 - c. In December 2006, the Commission surveyed jurisdictions with and without pro bono practice rules in order to better inform states and territories that are considering adoption or strengthening of emeritus pro bono practice rules.
 - d. Asked four questions in our survey of states with emeritus pro bono practice rules: (1) What year did your state enact rules permitting retired or otherwise inactive lawyers to participate in organized pro bono programs; (2) Who is the person in your state responsible for overseeing the Emeritus Pro Bono Rule Program; (3) How many lawyers provided pro bono legal services under your state's emeritus pro bono rules during 2006; (4) What advice or guidance would your state give to a state considering adoption of emeritus pro bono rules?
 - e. State bars with Emeritus Attorney Pro Bono Participation programs (California, Oregon and Washington) have significantly more emeritus attorneys providing pro bono services than states that have only adopted an emeritus pro bono rule.

- f. Survey findings suggest that:
 - i. To recruit emeritus pro bono attorneys, states must adopt emeritus pro bono practice rules that make it attractive for an attorney who is considering transferring to inactive status or retiring to instead change the attorney's status to emeritus pro bono;
 - ii. Emeritus attorneys serve as volunteers of the bar organization or licensing entity that adopted the practice rules, similar to attorneys who volunteer to serve on boards, committees, and commissions of the organization;
 - iii. Adoption of emeritus attorney pro bono practice rules without the establishment of an emeritus attorney pro bono participation program is not an effective means of meeting the unmet civil legal needs of persons unable to pay for those services or providing a meaningful volunteer experience for emeritus attorneys.

VI. How Can Retired or Inactive Volunteers Help?

- a. Discrete projects
- b. Intake
- c. Advice and brief services
- d. Self-help programs
- e. Litigation
- f. Mentoring
- g. Represent program on Boards
- h. Consumer education
- i. Mediation
- j. Long-term care ombudsman
- k. Fundraising

VII. Program Management Concerns

- a. Supervision
- b. Quality control
- c. Cultural and other personnel issues

VIII. Legal Services Corporation Private Attorney Involvement Action Plan

IX. Large Firm Model: Mayer, Brown, Rowe & Maw LLP –

- a. For information, contact Adrian Steel at asteel@mayerbrownrowe.com
- b. Part of firm protocol for partners age 55+. May opt for regular compensation plan until retirement (age 65 “normal” or 60 “early”) or choose 3-year program of reduced billable hours in exchange for training, mentoring, and pro bono projects. Partner status retained for three year period.
- c. Type of work - international, national, and local, including Eastern European law reform projects, supportive housing projects for homeless, represent charitable organizations. Firm helps identify potential projects.
- d. Outcomes: improved transition of clients; firm retains expertise and leadership; partners nearing retirement undertake meaningful public service activity; more dignified and respectful approach to compensation reductions.

Notes:

Bibliography & Website Links:

1. ABA Center for Pro Bono, http://www.abanet.org/legalservices/probono/senior_lawyers.html
2. ABA Commission on Law and Aging, www.abanet.org/aging
3. ABA Second Season of Service, <http://www.abanet.org/dch/committee.cfm?com=BG110800>
4. LSC Resource Library, www.lri.lsc.gov
5. DC Bar Senior Lawyer Public Interest Project
http://www.dcbar.org/for_lawyers/pro_bono/senior_lawyer_public_interest_project/index.cfm
6. State Bar of California Emeritus Attorney Pro Bono Participation Program
<http://calbar.ca.gov/calbar/pdfs/comcom/Emeritus-App.pdf>
7. The Association of the Bar of the City of New York – Senior Lawyers
<http://www.nycbar.org/SeniorLawyers/OurMissionStatement.htm>
8. Seniors Partners for Justice, Volunteer Lawyers Project of the Boston Bar Association -
www.spfj.org
9. Senior Lawyer Volunteer Project/Utah Legal Services - SL County Utah Legal Services
http://www.utahbar.org/public/pro_bono_resources.html#SrLawyer
10. Senior Legal Clinic Program/Utah State Bar - SL County
http://www.utahbar.org/public/pro_bono_resources.html#SrLegalClinic
11. Retired Senior Volunteer Program (RSVP) of North Central Washington <http://www.rsvp-wa.org/ncw/>