ABA/ NLADA 2008 Equal Justice Conference

The Challenges and Opportunities of Public Interest Impact Litigation and Pro Bono

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Brief Description:

Public interest impact litigation creates unique challenges for law firms: defining the law firm's role; handling litigation costs; and addressing law firm expectations. Affirmative/impact cases are attractive to law firms, but the details of the co-counseling relationship can deter referral of cases and negatively affect partnerships. Addressing these issues early will enhance the number of matters referred to, and accepted by, pro bono counsel. This session will cover drafting co-counsel and client retainer agreements; staffing the legal team; articulating a clear decision making process; and addressing distribution of attorneys' fees.

Topical Outline:

I. Different Models
   a. Referral from a Public Interest Program
      1. Retainers/Engagement Letters
   b. Co-Counseling with a Public Interest Program
      1. Co-Counseling Agreements

II. Placement Issues
   a. Staffing
   b. Expenses
   c. Decision Making Responsibilities

III. Maintaining the Relationship
   a. Responding to staff changes
   b. Resolving Conflicts
   c. Understanding the public interest and law firm cultures