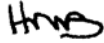




## Program Letter 07-2

**TO:** All LSC Executive Directors

**FROM:** Helaine M. Barnett 

**DATE:** December 20, 2007

**SUBJECT:** Guidance to LSC Programs for the Development of Enhanced Private Attorney Involvement

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### I. INTRODUCTION

The purpose of this Program Letter is to provide guidance to LSC-funded programs on resources and innovative approaches available to more effectively integrate private attorneys into the provision of high quality civil legal assistance to eligible low-income individuals and families. Currently, LSC programs are integrating private attorneys into their legal work in many ways. This letter sets out some examples of these efforts. Whether a particular activity is properly allocated to a recipient's 12.5% requirement, or whether the particular activity can be reported in the recipient's CSR data submission, will continue to be determined on a case by case basis.

In LSC's 2005 groundbreaking report, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, it was established that one out of every two people who sought help from an LSC-funded program was turned away due to lack of resources to serve them. An invaluable resource to address this justice gap is the effective, strategic, and creative engagement of private pro bono attorneys and attorneys providing legal services to eligible clients at reduced fees. LSC is fully committed to encouraging and supporting private attorney involvement with LSC-funded programs in order to expand the availability of civil legal assistance to eligible clients.

The legal services delivery system has evolved considerably over the past twenty years. Changes in client demographics and legal needs, technology, funding requirements, and available resources necessitate that each LSC-funded program revisit and reevaluate the ways in which private attorneys are currently integrated into the program's legal services delivery structure. Programs also need to reassess whether there are more effective and strategic methods of involving private, corporate and government attorneys that will result in increased availability of legal services to eligible clients. While service area needs and resources may vary, programs should evaluate how those resources that do exist could be used effectively.

LSC programs are currently using a variety of private attorney delivery models and cooperative relationships with the organized bar to serve clients. Private attorneys are working with programs in urban and rural communities to provide legal assistance to individual clients and community legal education to groups of low-income individuals. They are conducting intake interviews and staffing telephone hotlines and clinics. They are training program attorneys in specialty areas of the law, performing legal research, and assisting in the drafting and revising of manuals and other publications. In some instances, they are co-counseling with program attorneys.

Yet more can be done. This Program Letter encourages grantees to undertake renewed, thoughtful and strategic efforts to leverage private attorney resources in order to address more of the civil legal needs of low-income persons and communities.

In 2006, the LSC Board of Directors focused on the opportunities and challenges of private attorney involvement and unanimously approved the adoption of LSC's Private Attorney Involvement Action Plan: *Help Close the Justice Gap, Unleash the Power of Pro Bono*. This Program Letter builds upon the recommendations received during those deliberations - from the private bar, law schools, legal services programs and others - on how programs can expand and enhance the participation of private attorneys in the delivery of high quality legal services to eligible clients.

In April 2007, the LSC Board of Directors adopted a *Resolution in Support of Enhanced Private Attorney Involvement with LSC-Funded Programs*. This resolution has served as a model for LSC-funded programs, which are adopting similar resolutions tailored to local needs and circumstances as a step toward enhancing their PAI activities. To date more than 60 programs have adopted PAI resolutions. The LSC Board Resolution is available at [http://www.lsc.gov/program/program\\_initiatives.php](http://www.lsc.gov/program/program_initiatives.php). Program resolutions are at [http://www.lri.lsc.gov/probono/board\\_pai\\_resolutions.asp](http://www.lri.lsc.gov/probono/board_pai_resolutions.asp).

A recurring theme among the private attorneys who addressed the LSC Board in 2006 was their desire to do more to help address the justice gap, and their recognition that pro bono service is a core element of the ethical responsibility of every lawyer. They urged that LSC programs be encouraged to create a range of options that allow private attorneys to volunteer efficiently and effectively, and that produce successful outcomes for clients.

It is in this spirit of commitment to increasing access to legal services that the recommendations detailed below were offered by private attorneys and others. The recommendations are designed to meet client and program needs and the needs of private attorneys. Each is accompanied by one or more examples of private attorney involvement projects with links to additional examples of the key points of the recommendations offered. LSC expects each legal services program to consider the applicability of these recommendations to enhance the integration of private attorneys into its delivery of legal services.

## II. RECOMMENDATIONS

These recommendations are divided into four categories of potential volunteers or other sources of support: large law firms, corporate and government attorneys; small firm, solo practitioners and Judicare attorneys; law schools and law students; and the judiciary, bar associations and access to justice entities. Although the Program Letter is structured around each category, many recommendations include cross-cutting elements that apply to more than one category. For example, all those who spoke to the LSC Board were interested in having a variety of volunteer opportunities from which to select. They all preferred activities that would fit into their schedules, and that were accompanied by adequate administrative support and training. They also all emphasized the importance of volunteers receiving recognition for their efforts.

### A. Using Large Law Firms, Corporate, and Government Attorneys

#### 1. Develop Sustained Relationships

Programs need to think strategically about building long-term, sustained relationships with large law firms or branch offices of large firms, local corporations, government legal departments, and other legal organizations. Ongoing relationships with such entities can offer considerably more promise to a program than placing an isolated case or two. Particularly with large firms and corporate law departments, long-term relationships can yield both human and capital resources. Law firms and other large organizations that are invested in pro bono efforts frequently do extensive and complex legal work. It has also been demonstrated that legal services providers who have effectively engaged volunteer attorneys in the delivery of legal assistance have seen a significant increase in monetary contributions from those volunteers as a result of their work with the program. Another potential benefit of such a relationship is that it provides volunteers an understanding of the legal issues that low-income persons confront on a daily basis.

One strategy for developing long term relationships is the creation of attorney and paralegal rotation programs that place firm or corporate personnel in legal services programs for a defined period of time.

- *In 1995, the Atlanta Legal Aid Society (ALAS) started a Pro Bono Fellowship Program when the law firm of Alston & Bird committed an associate to work at ALAS for four months. This partnership has expanded to a fellowship program in which ten law firms have sent associates to one of five ALAS offices for periods of four to six months. During their fellowships, the associates continue to receive salary and benefits from their firms and maintain office and library privileges. This program not only helps clients and the program, but it benefits the fellow and the participating law firm by providing fellows with valuable client contact and court experience that usually come much later at a large law firm. The existence of a rotation program also helps the law firm recruit promising law school graduates. The training they receive at the legal services program also inures to the benefit of the firm. Most recently a corporation – UPS -- has joined the ALAS*

*Fellowship Program, sending an associate to work at one of the offices. For more about the ALAS program, see:*

[http://www.lri.lsc.gov/probono/delivery\\_methods\\_detail\\_T68\\_R8.asp](http://www.lri.lsc.gov/probono/delivery_methods_detail_T68_R8.asp).

*For more on rotation programs in general, see:*

[http://www.lri.lsc.gov/probono/delivery\\_methods.asp](http://www.lri.lsc.gov/probono/delivery_methods.asp).

## **2. Look Beyond Geographical Boundaries**

LSC programs should look beyond the geographic boundaries of their service areas to access large firm resources in other locations. This is particularly true for programs in smaller or rural communities. While there may not be large firms in the service area, there may be a branch office of a national firm nearby, which could draw upon the resources of its other offices to assist the program. Many firms perform legal work in areas other than those in which their attorneys live and practice. Moreover, in recent years technology has done much to eliminate traditional geographic boundaries.

- *The national legal community responded to Hurricane Katrina with an outpouring of pro bono and in-kind support. Southeast Louisiana Legal Services (SLLS) received pro bono help from Winston-Salem, North Carolina based Womble Carlyle Sandridge and Rice (Womble Carlyle). Womble Carlyle assisted low-income New Orleans homeowners to clear title to the family homes in which they lived, allowing them to become eligible for federal, state and insurance assistance to rebuild their properties. As in many communities across the south, real property had been passed from one generation to the next without the legal steps necessary to pass clear title from one generation to another. From July 10 through August 31, 2006, more than 30 Womble Carlyle attorneys and other staff traveled to New Orleans each week. They interviewed hundreds of potential clients and provided assistance to almost 200 people. Lawyers and administrative professionals from the firm's home offices provided drafting and research assistance. With oversight from SLLS, Womble Carlyle interviewed homeowners, helped them obtain relevant legal documents, advised them about their legal options, prepared pleadings and affidavits for probate, filed petitions of succession, and obtained judgments of possession. To date, the firm has provided nearly 4,000 hours of pro bono assistance to Katrina clients.*

[http://www.lri.lsc.gov/probono/delivery\\_methods\\_detail\\_T68\\_R24.asp](http://www.lri.lsc.gov/probono/delivery_methods_detail_T68_R24.asp).

The American Bar Association can link legal aid programs with large firms outside of the programs' service areas. The ABA Section of Litigation Pro Bono Committee supports the Litigation Assistance Partnership Project, through which LSC-funded programs in any state can apply for pro bono litigation assistance and be paired with a law firm in another state. For information, see:

[http://www.abanet.org/litigation/committees/probono/lapp\\_0805news.html](http://www.abanet.org/litigation/committees/probono/lapp_0805news.html).

For additional guidance on using large firms in pro bono rural delivery, see the information developed by the ABA Center for Pro Bono as part of its Rural Pro Bono Delivery Initiative: [http://www.abanet.org/legalservices/probono/rural\\_delivery.html](http://www.abanet.org/legalservices/probono/rural_delivery.html).

### **3. Provide Training, Research and Technical Assistance**

LSC-funded programs should involve program leaders and substantively knowledgeable legal services staff in the private attorney involvement efforts of their program. They also should provide training and research opportunities for volunteer attorneys. The availability of substantive training and support is a key factor in obtaining and retaining volunteers and in generating high-quality pro bono work. The following example shows how a program's training of volunteers made a difference.

- *In support of its efforts to stabilize neighborhoods and preserve affordable housing, Legal Aid of Western Missouri (LAWMO) has collaborated with the Bryan Cave law firm to initiate the Abandoned Housing Act project in Kansas City. LAWMO and a core group of twenty Bryan Cave attorneys pursue nuisance complaints and similar actions against property owners who have abandoned their homes in Kansas City's urban core. Missouri law (which LAWMO attorneys helped to draft in the early 1990's) allows neighborhood associations, under court supervision, to take possession of abandoned homes that are in disrepair, renovate them, and -- under appropriate circumstances - - turn them into owner-occupied housing. After substantive training by LAWMO staff, the Bryan Cave attorneys devoted more than 300 hours to the project in its first 6 months. Their work has resulted in the demolition of one abandoned home; litigation involving fourteen additional properties is moving forward. For more on substantive training and research, see: [http://www.lri.lsc.gov/probono/training\\_admin.asp](http://www.lri.lsc.gov/probono/training_admin.asp).*

LSC programs are also encouraged to examine their staff resources. If a program does not have the internal staff resources available to meet an identified legal need, an external resource may be available in the form of private attorney involvement. Legal research can be performed by law firms in collaboration with legal services programs to develop training materials for volunteers and legal services staff.

- *In Phoenix, Arizona, Community Legal Services identified an emerging client legal need in the form of increased requests for assistance on foreclosure fraud and predatory lending. The program brought this request to the attention of the Volunteer Lawyers Program (VLP). VLP asked a large Phoenix law firm, Snell & Wilmer, to prepare a manual that could be used by both volunteer attorneys and legal services staff. The result was a written manual prepared by the firm that is now being used to address this legal need throughout the state. For more information, see: [http://www.lri.lsc.gov/probono/delivery\\_methods\\_detail\\_T68\\_R30.asp](http://www.lri.lsc.gov/probono/delivery_methods_detail_T68_R30.asp).*

#### 4. Develop Signature Projects

LSC programs should consider the underutilized resources of large firms. As pro bono becomes more formalized and structured, many firms are seeking signature, or thematic, projects. Firms are assuming responsibility for a single client group, community or area of the law, and focusing on it in a way that involves lawyers, paralegals and other staff from different practice groups as appropriate. This allows a range of law firm resources to be directed at problem solving for the identified area. The benefit to LSC programs that have worked with firms to develop signature projects is the ability of concentrated resources to address an unmet client need.

- *Legal Services for New York City (LSNY) identified the need to address school suspensions. In response, the New York office of DLA Piper law firm launched its New York Signature project, “Access to Education”, in October 2006. Working with LSNY, the firm has committed 5,000 attorney hours worth \$2 million during the first 12 months of operation. Access to Education leverages a unique collaboration of business, nonprofit and law firm resources to address: advocacy in school disciplinary and special education proceedings; transactional and governance work; and education policy work. These efforts provide DLA Piper lawyers opportunities to perform pro bono services that change individual lives and make a meaningful and lasting result on education at the big picture level. For more information, see: [http://lri.lsc.gov/probono/delivery\\_methods\\_detail\\_T68\\_R15.asp](http://lri.lsc.gov/probono/delivery_methods_detail_T68_R15.asp).*

LSC programs are encouraged to collaborate with other partners in the justice community to develop signature projects.

- *In Pittsburgh, Neighborhood Legal Services Association, in collaboration with the Allegheny County Bar Foundation Pro Bono Center, has created a signature project through which the Academy of Trial Lawyers provides lawyers for students at school board expulsion hearings. The project was first proposed to the Pro Bono Partnership, a 25 member coalition of law firms, corporate legal departments and the Pro Bono Center, which in turn referred it to the Academy. The project is exclusive to the Academy, which provides all the volunteers. The Education Law Center, a non-profit public interest law center providing free legal advice and technical assistance to children and families on issues of public education, screens cases for eligibility before referring them to the project. The Education Law Center also provides training for which participating attorneys will receive CLE credit. For more about this project, see: [http://lri.lsc.gov/probono/delivery\\_methods\\_detail\\_T68\\_R14.asp](http://lri.lsc.gov/probono/delivery_methods_detail_T68_R14.asp). For more on signature projects in general, see: [http://www.lri.lsc.gov/probono/delivery\\_methods.asp](http://www.lri.lsc.gov/probono/delivery_methods.asp).*



## 5. Pursue Transactional Legal Work

Legal services programs should consider transactional work as a potentially valuable use of pro bono attorneys. Transactional work can significantly impact low-income communities and the community groups that work in them. Pro bono transactional attorneys are a resource to LSC programs to effectively address systemic legal problems and economic opportunities of the eligible client population as outlined in the *LSC Performance Criteria, Performance Area Three, Effectiveness of Legal Representation*.

- *Texas Community Building with Attorney Resources (Texas C-BAR) provides free business law services across the state to community-based nonprofits developing affordable housing and other much-needed services in low-income communities. Texas C-BAR was founded in 2000 with the support of the Texas Bar Foundation and continues as a successful program of Texas Rio Grande Legal Aid (TRLA) with support from more than 45 law firms, hundreds of volunteer attorneys, the State Bar, and numerous other funders and participants. In 2006, the program assisted more than 200 non-profits. Also in 2006, Texas C-Bar and TRLA partnered to create the Legal Assistance to Microenterprises Project (LAMP) to provide microentrepreneurs with free legal services. LAMP in turn partners with agencies and nonprofits to build the capacity of microenterprises by providing business training and access to capital. For more information on Texas C-Bar, see: [http://lri.lsc.gov/probono/delivery\\_methods\\_detail\\_T68\\_R4.asp](http://lri.lsc.gov/probono/delivery_methods_detail_T68_R4.asp). For more on non-litigation delivery models in general, see: [http://www.lri.lsc.gov/probono/delivery\\_methods.asp](http://www.lri.lsc.gov/probono/delivery_methods.asp).*

The ABA Business Law Section Pro Bono Committee's *A Business Commitment (ABC) Project*, maintains a directory of business law intermediaries such as Texas C-Bar at: <http://www.abanet.org/legalservices/probono/businesslaw/home.html>.

## 6. Collaborate and Co-Counsel

Many legal services providers with limited advocacy resources find co-counseling with volunteer private attorneys to be an effective delivery mechanism.<sup>1</sup> Program advocates benefit from the private attorney's expertise and the private attorney benefits from engaging in the legal work of the program. The ultimate beneficiary of co-counseling is the client who is provided a more seasoned legal team. For more about co-counseling models, see: [http://www.lri.lsc.gov/probono/delivery\\_methods.asp](http://www.lri.lsc.gov/probono/delivery_methods.asp).

- *The Jones Day law firm contributed hundreds of pro bono hours as co-counsel with Alaska Legal Services Corporation (ALSC) on a case involving Alaska's treatment of Alaska Native children in the State's foster care system.*

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<sup>1</sup> For guidance and clarification on a pro bono attorney's ability to claim and retain attorneys' fees in a pro bono case, and a program's ability to allocate costs to PAI in the case, see LSC OLA External Opinion EX -2005-1003 <http://www.lsc.gov/laws/olaoe.php>.

*Plaintiffs – the Native Village of Curyung and three other Alaskan Tribes – contends that Alaska's Office of Children's Services violates numerous federal laws relating to foster care, including the Indian Child Welfare Act and the Adoption Assistance Act. The State filed two separate motions to dismiss. A team comprised of two Jones Day DC office partners and a Jones Day Shanghai partner worked on the plaintiffs' opposition papers; one of the DC partners argued the case. After plaintiffs successfully defended the Tribes' complaint in the trial court, the Alaska Supreme Court granted interlocutory review, and in December 2006 ruled that the Tribes' claims can proceed to trial. The case is now in discovery in Superior Court in Anchorage.*

## **7. Involve Government Attorneys**

Government lawyers offer legal services programs a large pool of relatively untapped resources to support the delivery of legal services. In many locations, such as state capitals, government attorneys comprise the largest group of potential volunteers. In other areas, such as very rural counties, government attorneys may represent a large percentage of available volunteers. As a result, pro bono programs and government agencies are designing new ways and opportunities for government attorneys to participate in pro bono.

- *Through a partnership between the Ohio Legal Assistance Foundation and the Ohio Attorney General's office, assistant attorneys general prepare wills, advance directives (living wills, durable powers of attorney for health care) and general powers of attorney for seniors and low-income persons across the state. Participants receive training and mentoring from LSC- and non-LSC funded legal services programs, including the Columbus Bar Association, the Legal Aid Society of Columbus, and Pro Seniors. For more information, see: [http://lri.lsc.gov/access/elder\\_assistance\\_detail\\_T97\\_R9.asp](http://lri.lsc.gov/access/elder_assistance_detail_T97_R9.asp).*

The ABA Center for Pro Bono and the ABA Government and Public Sector Lawyers Division have collaborated to prepare extensive materials on how to develop pro bono opportunities for government attorneys. The materials also address how to overcome such issues as conflicts of interest, limitations on use of agency resources and restrictions on volunteering during office hours.

See [http://www.abanet.org/legalservices/probono/government\\_attorneys.html](http://www.abanet.org/legalservices/probono/government_attorneys.html).

## **B. USING SMALL FIRMS, SOLO PRACTITIONERS, AND JUDICARE ATTORNEYS**

### **1. Provide Support for Practitioners**

Small firm and solo practitioners, as well as retired lawyers, need “back office” support to ensure that their volunteer participation is practical, efficient and effective. Programs should provide volunteers with malpractice insurance, substantive law manuals,



procedural law training and other specific technical assistance. Effective recruitment of any volunteer requires an effective support system.

- *Legal Services of Northern California operates a Senior Legal Hotline staffed in part by a corps of approximately sixteen attorneys, most of whom are retired and each of whom works on the hotline a minimum of six hours a month. Volunteers receive free CLE credits and training, including a required overview of elder law. The hotline stays open two nights per month and provides dinner to volunteers who staff the phones. For more information, see: [http://www.lri.lsc.gov/probono/delivery\\_methods\\_detail\\_T68\\_R16.asp](http://www.lri.lsc.gov/probono/delivery_methods_detail_T68_R16.asp).*

## **2. Provide Screening of Cases**

When practical, LSC-funded programs should develop the facts of each referral so as to allow participating volunteer and Judicare attorneys to quickly assess the legal issues presented. This may entail collecting necessary documentation and compiling the administrative record. LSC-funded programs should also consider conducting as much investigation and/or research as will facilitate the timely disposition of the referral in a manner calculated to achieve the result desired by the client.

- *Legal Services of Eastern Missouri's (LSEM) Northeast PAI Judicare Plan screens all applicants for eligibility in the program's St. Louis office. Once screened, the intake is forwarded to the Hannibal office where the managing attorney reviews the case to determine whether it is appropriate for referral to a Judicare attorney. Once a determination has been made to refer the case, a package of materials including a retainer agreement is assembled and forwarded to the client applicant. When the package is completed and returned, a referral is made and the package is forwarded to the Judicare attorney. Within 15 days of the referral the Judicare attorney arranges to meet with the client and returns the Attorney Follow-Up Form to the program. By this form the Judicare attorney informs LSEM that the case has been accepted and provides a brief description of the services to be provided. To learn more about Judicare as PAI, see: [http://www.lri.lsc.gov/probono/pai\\_written\\_plan\\_detail\\_T66\\_R7.asp](http://www.lri.lsc.gov/probono/pai_written_plan_detail_T66_R7.asp).*

## **3. Encourage Recruitment Incentives**

LSC programs should work with bar associations and others in the justice community to encourage the state's highest courts and bar associations to implement policies that promote pro bono. A number of states have implemented rules permitting attorneys who take pro bono cases to earn credit toward mandatory Continuing Legal Education requirements. Legal services programs can help to develop and promote these programs.

- *The Legal Aid Society of Cleveland offers free CLE as a device for expanding pro bono in rural counties. Attorneys in Lorain County who agree to handle a pro bono case qualify for a free CLE course. The course, which would*

*otherwise cost \$165, focuses on the unmet legal needs of the low-income community. To learn more about recruitment methods go to:*

*[http://lri.lsc.gov/probono/recruitment\\_methods\\_detail\\_T70\\_R11.asp](http://lri.lsc.gov/probono/recruitment_methods_detail_T70_R11.asp) and [http://www.lri.lsc.gov/probono/recruitment\\_methods.asp](http://www.lri.lsc.gov/probono/recruitment_methods.asp).*

The ABA Center for Pro Bono provides a state-by-state breakdown of CLE and pro bono rules at <http://www.abanet.org/legalservices/probono/clerules.html>.

#### **4. Use Retired and Inactive Attorneys**

Retired or otherwise inactive lawyers constitute a rich potential source of volunteers, although they may face barriers to pro bono participation. They may have converted their bar membership to inactive status to avoid the expense of mandatory bar dues and continuing legal education programs. They may have moved to states in which they are not licensed. They may no longer maintain an office or carry malpractice insurance, or may not have poverty law experience. With planning and support, these barriers are readily addressed.

Most programs' malpractice coverage extends to volunteers. In addition, retired lawyers may wish to come into the program office rather than having cases sent to them. Such an arrangement is not only attractive for a lawyer who seeks the company of professional colleagues, it also allows for administrative and other support, and necessary case supervision.

- *Utah Legal Services (ULS) has used retired, semi-retired, and otherwise inactive volunteer lawyers for several years to assist senior clients served under the program's Older Americans Act grant and other programs. Currently ULS has long term volunteers who assist staff with senior cases. The volunteers handle simple estate planning including preparation of wills, financial powers of attorney, and advance directives for health care. They work both remotely and at the ULS office, and also make home visits to clients. The best scenario is when the volunteers can make a time commitment of several hours a week and/or several months. ULS provides office space, paralegal assistance and professional insurance. A ULS attorney screens clients, tracks cases, and provides support and assistance to the volunteers. For more information, see: [http://www.lri.lsc.gov/probono/delivery\\_methods\\_detail\\_T68\\_R39.asp](http://www.lri.lsc.gov/probono/delivery_methods_detail_T68_R39.asp).*

To address the hurdles that licensure rules may pose for retired or otherwise inactive lawyers seeking to do pro bono, more than 20 states to date have adopted pro bono practice rules. These rules were originally aimed at retirees, but in recent years the audience has broadened to include lawyers who are not in active practice but who are interested in public service. The rules may vary from state to state, but they have a common goal. They are intended to encourage pro bono practice while protecting the public and the profession by requiring that: (1) the activity be performed under the auspices of a legal services or other non-profit organization; (2) the volunteer be a

member of a bar in good standing; and (3) the volunteer be supervised by a lawyer licensed in the jurisdiction. For more on emeritus or pro bono rules, see: <http://www.abanet.org/legalservices/probono/emeritus.html>.

## **C. INVOLVING LAW SCHOOLS AND LAW STUDENTS**

Law schools and law students are another important but often underused pro bono resource. LSC funded programs are encouraged to seek opportunities to engage law students in a variety of pro bono experiences. This experience will not only expand the students' educational horizons. It will also enable them to see firsthand what it is like to do pro bono work in cooperation with legal services attorneys and community-based organizations. This exposure to pro bono work can instill a commitment to public interest work regardless of the students' ultimate career choice.

There are many ways to use law schools and law students. For additional information, and to identify law school pro bono and public service programs in your area, see: <http://www.abanet.org/legalservices/probono/lawschools>.

### **1. Involve Legal Clinics**

Legal services programs should explore ways to use legal clinics to effectively engage law students in advocacy efforts.<sup>2</sup>

- *The Michigan Poverty Law Project (MPLP) is a cooperative effort between LSC-funded Legal Services of South Central Michigan and the University of Michigan Law School (UMLS). MPLP provides support to legal services programs and other poverty law advocates by coordinating advocacy among field programs and assuring a full range of advocacy on behalf of the poor. UMLS students are recruited and trained and work under the supervision of experienced MPLP attorney staff. Many law students work in the MPLP Family Law Project on domestic violence cases. For more on this project, see: [http://www.lri.lsc.gov/probono/lawschoolcollaborations\\_detail\\_T261\\_R8.asp](http://www.lri.lsc.gov/probono/lawschoolcollaborations_detail_T261_R8.asp). For more on law school delivery models in general, see: <http://www.lri.lsc.gov/probono/lawschoolcollaborations.asp>.*

### **2. Instill Support for the Future**

LSC programs should collaborate with law schools to develop volunteer projects that instill in students the values of service and commitment to pro bono work.

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<sup>2</sup> For guidance on the limited issue of whether costs related to staff attorney time spent supervising and working with law student volunteers counts toward a program's PAI requirement, see LSC OLA External Opinion #EX-2005-1001 <http://www.lsc.gov/laws/olaeo.php>.

- *The Law Students in Action Project (LSAP) is a Pro Bono Legal Corps project of Legal Assistance of Western New York, Inc. (LAWNY). (Pro Bono Legal Corps is an AmeriCorps program administered by Equal Justice Works). The twin goals of LSAP are to provide law students with pro bono opportunities in public interest law firms in the LAWNY service area and to expand the legal services available to underserved low-income people in those communities. In addition, LSAP encourages law students to continue engaging in public service and pro bono activities when they graduate. To accomplish these goals, LSAP (1) collaborates with public interest law firms primarily located in the LAWNY service area to create opportunities for law students; (2) collaborates with area law schools to foster student participation in public interest and pro bono legal activities; and (3) helps area law schools develop lasting partnerships in the public interest community by creating programs that promote public interest and pro bono and by seeking to ease difficulties associated with such work. For more on LSAP, see: [http://www.lri.lsc.gov/probono/lawschoolcollaborations\\_detail\\_T261\\_R7.asp](http://www.lri.lsc.gov/probono/lawschoolcollaborations_detail_T261_R7.asp). For more on law school collaborations in general, see: <http://www.lri.lsc.gov/probono/lawschoolcollaborations.asp>.*

### **3. Develop Research and Training Resources**

LSC-funded programs are encouraged to explore innovative ways to use law school resources for training and research. Since law schools are in the business of educating and training new lawyers, such training could include providing support and talent to programs assisting low income persons. One way to assist is to provide legal research to legal services attorneys.

- *Several law schools allow students to perform legal research for legal services attorneys and lawyers engaging in pro bono representation. In Pennsylvania, Mid-Penn Legal Services has benefited from the legal research provided by law students at The Miller Center for Public Interest Advocacy at the Dickinson School of Law in Carlisle, Pennsylvania. The Center matches students who have expressed an interest in doing pro bono research with legal services attorneys, public interest attorneys and lawyers who are doing pro bono representation. The Center originally limited student research to pending cases. However, it recently extended its mandate to offer student research on public interest issues or projects that are not directly tied to a matter currently in litigation. For more about the Dickinson Law School project, see: [http://www.lri.lsc.gov/probono/lawschoolcollaborations\\_detail\\_T261\\_R0.asp](http://www.lri.lsc.gov/probono/lawschoolcollaborations_detail_T261_R0.asp).*

In addition to students, law school resources include law school librarians, who have an extraordinary wealth of knowledge about sophisticated legal research. Law school faculty, including those who are on sabbatical, may be available to programs for legal research or work on a particular project.

- *The Legal Aid Society (LAS) of Louisville Kentucky expanded its volunteer assistance when the Brandeis School of Law, University of Louisville, committed to providing a faculty member to LAS for the summer to help on skills training of staff and to offer additional client assistance. In addition to the faculty member as a resident scholar for the summer, LAS benefits from law student interns who are willing to work on a volunteer basis or through stipends paid by other funders.*

For more on law schools as a resource, see:

<http://www.lri.lsc.gov/probono/lawschoolcollaborations.asp>.

#### **4. Collaborate and Partner**

LSC-funded programs should explore partnerships that bring together law schools, law firms and community organizations. Collaborative relationships in which program staff work with others to identify unmet legal needs and to develop projects to address those needs will benefit both the students and the program.

- *Rhode Island Legal Services (RILS) participates in Roger Williams University School of Law’s Pro Bono Collaborative Pilot Project, which links three large Rhode Island law firms with local community-based organizations and Roger Williams law students to increase the provision of legal assistance to low-income residents through pro bono service. The project focuses on legal needs that would not otherwise be addressed. RILS staff serve as a resource to the private firms and the law students. For more information, see: [http://www.lri.lsc.gov/probono/lawschoolcollaborations\\_detail\\_T261\\_R5.asp](http://www.lri.lsc.gov/probono/lawschoolcollaborations_detail_T261_R5.asp).*

### **D. INVOLVING THE JUDICIARY, BAR ASSOCIATIONS, ACCESS TO JUSTICE COMMISSIONS, COMMUNITY ORGANIZATIONS AND OTHERS**

#### **1. Obtain the Support of the Judiciary**

Support of the judiciary is a critical component of a successful private attorney involvement program. Programs that have such support have seen an increased receptiveness to their recruitment efforts and expanded participation in their delivery mechanisms. As a result, a rising number of LSC-supported advocate websites have launched recruitment pages to develop judicial support for pro bono.

- *In Georgia, Chief Justice Sears has encouraged every judge in the state to support pro bono. GeorgiaAdvocates.org, the LSC-supported advocate website maintained by the State Bar of Georgia Pro Bono Program, has launched an initiative to promote judicial support for pro bono. In addition to a message from Chief Justice Sears, the site includes links to Georgia Pro Bono Publico Rule 6.1, and to articles on such topics as, “The Judiciary: Leading the Pro Bono Effort Statewide and Locally” and “How Judges Can*

*Participate in Pro Bono*". As a result of this effort, the Georgia Legal Services Program (GLSP) has seen a marked increase in pro bono participation in rural counties. For more on judicial support in Georgia, see: [http://www.lri.lsc.gov/probono/recruitment\\_methods\\_detail\\_T70\\_R7.asp](http://www.lri.lsc.gov/probono/recruitment_methods_detail_T70_R7.asp). For information on judicial support for pro bono in general, see: [http://www.lri.lsc.gov/probono/recruitment\\_methods.asp](http://www.lri.lsc.gov/probono/recruitment_methods.asp).

The ABA Center for Pro Bono also has resources for encouraging judicial support for pro bono. See <http://www.abanet.org/legalservices/probono/judiciary.html>.

## **2. Encourage Bar Association Participation**

LSC programs should encourage state and local bar associations and specialty bars to support or adopt pro bono programs. Bar associations with members who are bilingual in languages common to the service area are excellent sources of enhanced PAI services to the Limited English Proficiency (LEP) community.

- *The Legal Aid Foundation of Los Angeles (LAFLA), in cooperation with the Asian Pacific American Legal Center of Southern California, created an Asian Pacific Islander Unit (API). API has recruited bilingual volunteer attorneys and law students who work with LAFLA to provide on-site assistance at courthouses and community-based organizations, and to staff clinics and hotlines. API operates legal hotlines in six languages. For more information, see:*  
[http://www.lri.lsc.gov/probono/delivery\\_methods\\_detail\\_T68\\_R26.asp](http://www.lri.lsc.gov/probono/delivery_methods_detail_T68_R26.asp).

## **3. Seek Support from State Access to Justice Entities**

LSC programs in states with active access to justice commissions or similar organizations should work with those entities to enhance support for pro bono recruitment and delivery. Several states, including Colorado, Florida and New Mexico, have adopted state pro bono plans.

- *In New Mexico, the Supreme Court adopted recommendations submitted by the Commission on Access to Justice in its report, "Ten Step Plan for Improving Access to Justice." Step One calls for involvement of the judiciary. Step Two calls for expansion of pro bono participation through creation in each judicial district of a pro bono committee that will be required to submit a plan to the Supreme Court addressing the legal needs of the district and how those needs will be met. As the LSC-funded statewide provider of legal services, New Mexico Legal Aid will work with the legal services coordinator of the State Bar of New Mexico to develop and implement this effort.*

For information on state access to justice plans, see the ABA Access to Justice Resource Center, see: <http://www.abanet.org/legalservices/sclaid/atjresourcecenter/home.html>.



#### **4. Partner with Community Organizations**

Many legal services providers are partnering with community organizations and service providers, such as health care providers, to offer legal assistance as part of a more holistic approach to services.

- *Pine Tree Legal Assistance (PTLA) recently launched the Kids' Legal Aid of Maine project to deliver legal services to low-income children with a goal of ensuring access to health care, appropriate education services, services for children with disabilities, and public benefits. This project involves a number of collaborations, including with the Pediatric Clinic of the Maine Medical Center, the Multilingual Office of the Portland School System, and several centers for homeless teens in Portland. Kids Legal is a statewide resource for professionals who work with low-income youth, providing training and consultations to attorneys, guardians ad litem, court personnel, social service providers and school staff on a range of civil legal issues that impact low-income children. For more on the PTLA initiative, see: [http://www.lri.lsc.gov/probono/delivery\\_methods\\_detail\\_T68\\_R23.asp](http://www.lri.lsc.gov/probono/delivery_methods_detail_T68_R23.asp). For more on community partnerships, see: [http://www.lri.lsc.gov/probono/delivery\\_methods.asp](http://www.lri.lsc.gov/probono/delivery_methods.asp).*

#### **5. Integrate Technology**

An increasing number of LSC-supported advocates websites have integrated the tools of technology into the recruitment, support and training of volunteer attorneys.

- *Montana Legal Services Association (MLSA) has been a pioneer in the use of technology for working with the courts and supporting volunteer attorneys. Funded by a LSC TIG grant, MLSA partnered with ProBono.net to develop an online legal community at MontanaProBono.Net. The MontanaProBono.Net website provides information and resources for pro bono attorneys, legal aid attorneys, public defenders, and others interested in increasing access to justice. See: <http://www.montanaprobono.net/index.cfm>. For more on MLSA's use of technology, see: [http://www.lri.lsc.gov/technology/techprojects\\_detail\\_T144\\_R11.asp](http://www.lri.lsc.gov/technology/techprojects_detail_T144_R11.asp). For more on technology in general, see: [http://www.lri.lsc.gov/probono/tools\\_technology.asp](http://www.lri.lsc.gov/probono/tools_technology.asp).*

For general information on pro bono advocate websites, see: <http://www.probono.net>.

### **E. RECOGNITION**

Regardless of whether a volunteer is a member of a large firm, a corporate or government lawyer, a member of a small firm, a solo practitioner, a judicare lawyer, or a law student, recognition is essential to successful private attorney involvement and retention. LSC programs

are encouraged to develop a variety of ways to recognize volunteers and to communicate volunteer achievements.

- *Florida’s Bay Area Legal Services Volunteer Lawyer Program (BAVLP) administers and supports numerous pro bono projects, thereby providing a wide variety of pro bono opportunities to local attorneys. Outstanding efforts of volunteer lawyers are recognized in numerous ways. Volunteers are honored at an annual pro bono service awards luncheon that is jointly sponsored by BAVLP and the bar association. BAVLP coordinates the luncheon, nominates award winners and publishes a special program and a column in the local bar association magazine to recognize award recipients. All pro bono programs in the region recognize volunteer attorneys who have donated 20 hours or more to an organized pro bono project. Each is presented with a letter of recognition from the Chief Justice of the Florida Supreme Court and a lapel pin. Finally, BAVLP and its sub-grantees regularly nominate outstanding volunteer attorneys for local, state, and national pro bono service awards. For more on the BAVLP program, see:*  
[http://www.lri.lsc.gov/prbono/training\\_admin\\_detail\\_T74\\_R3.asp](http://www.lri.lsc.gov/prbono/training_admin_detail_T74_R3.asp).  
*For more on volunteer recognition in general, see:*  
[http://www.lri.lsc.gov/probono/training\\_admin.asp](http://www.lri.lsc.gov/probono/training_admin.asp).
- *The LSC Board of Directors continues its practice, begun in 2006, when holding Board meetings outside of Washington, DC, of recognizing and celebrating local attorneys who have made significant contributions to the host program’s PAI projects. In so doing, LSC demonstrates support for private attorney involvement as an effective means to expand the availability of civil legal assistance to eligible clients.*

### **III. ADDITIONAL GUIDANCE**

#### **A. LSC Resource Information (LRI)**

The recommendations and examples in this Program Letter are designed to assist LSC-funded programs enhance their PAI activities. They are not the only examples of such activities. Additional models and resources for enhancing PAI are available in the PAI section of LSC Resource Information (LRI) website. This website is LSC’s online clearinghouse of best practices, model projects and resources for LSC funded programs. See <http://www.lri.lsc.gov/>

#### **B. LSC Regulations, Performance Criteria, and CSR Handbook**

As programs consider how best to enhance their PAI efforts, and as they develop written PAI plans, they will need to look also to other LSC resources, including the regulations, the *LSC Performance Criteria*, and the revised 2008 *CSR Handbook*. Written PAI plans should conform to 45 CFR Part 1614 and incorporate the indicators enumerated in *LSC Performance Criteria, Performance Area Three, Effectiveness of Legal Representation, Criterion 2. PAI*. For example, the written PAI Plan should answer the question, “Does the program effectively integrate private

attorneys in its work in order to supplement the amount and effectiveness of its representation and other services and achieve its goals and objectives?”

For guidance on what activities are authorized for the purpose of case service reporting of PAI cases, see the revised 2008 LSC CSR Handbook Section X: Private Attorney Involvement Cases, <http://www.lri.lsc.gov>.

### **C. American Bar Association**

The ABA Standing Committee on Pro Bono and its project, the Center for Pro Bono provide resources and assistance on issues around the delivery of pro bono legal assistance. The Center for Pro Bono also operates a Peer Consulting Project to provide pro bono programs with on-site technical assistance and planning. See: <http://www.abaprobono.org>.

Other ABA resources include the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means and the ABA Standards for the Provision of Civil Legal Aid (2006). To review these Standards, see:

<http://www.abanet.org/legalservices/probono/standards.html> and  
<http://www.abanet.org/legalservices/sclaid/civil.html>

## **V. CONCLUSION**

There is no doubt that private attorney involvement is an effective way to expand the availability of civil legal assistance to eligible clients. Private attorneys can be used in a full range of program activities, including direct representation, counsel or support in major litigation, transactional work, community legal education, clinical assistance to pro se parties, training and other activities.

With this Program Letter, LSC underscores its own commitment to PAI, as well as to the work of its programs in enhancing their PAI activities. The examples in the Program Letter are not intended to be exclusive; rather, they are designed to demonstrate various ways in which legal services programs have effectively integrated private attorneys into the delivery of legal services to eligible clients. Private attorneys are a valuable resource, and when used creatively and effectively by LSC programs, they can help close the justice gap.