



EXTENDED PRO BONO PLACEMENTS IN CHICAGO Background and Best Practices March 2009

The increased interest of law firms seeking to place more of their attorneys in longer-term pro bono commitments at legal aid and other public service organizations in Chicago offers a tremendous opportunity for Chicago's legal community to work together to help our community in a way that benefits everyone involved.

Law firms increasingly are finding that they have excess capacity in their attorney ranks due to the economic slowdown. As a result, many of these firms would like to place some of their current or incoming attorneys at legal aid and other public service organizations for extended periods so that these attorneys (collectively referred to as "placed attorneys") can contribute their skills in a meaningful way while gaining expertise and experience. Already overburdened legal aid and public service organizations are facing increasing demands for their services at the same time that their major sources of funding are declining or are under severe stress. These organizations may be able to utilize placed attorneys to supplement their efforts to help low-income and disadvantaged clients and address community needs, but face some logistical challenges in doing so. To effectively integrate, train and supervise placed attorneys requires managerial staff, space, equipment and other resources that already are in short supply for most legal aid and public service organizations.

The current economy presents an array of opportunities and challenges for firms, legal aid and public service organizations, and individual attorneys, many of which intersect at this issue of long-term volunteer placements. By working together, we can create and implement programs for placed attorneys that benefit everyone. To do so effectively, there are a few core principles that firms, organizations and the attorneys need to be mindful of:

- **This is a partnership.** Law firms, legal aid organizations and placed attorneys are in a partnership, with each party bringing unique assets and individual goals. If the parties work together, extended placements benefit everyone—placed attorneys gain skills and experience while supplementing the hard-work and expertise of legal aid and public service attorneys.
- **Be innovative and flexible.** The current influx of interest in long term volunteer attorney placements is unprecedented, and there is only limited guidance from the past for creating these placements and managing the relationships. However, the beneficial possibilities are vast, and we have a real opportunity to address unmet legal needs, train young attorneys, develop relationships, and have many more attorneys with detailed knowledge and experience with legal aid and public service returning to private practice.
- **Communication is key.** Law firms, legal aid organizations and individual attorneys must effectively set expectations, work to understand the objectives and concerns of the other parties, and resolve issues together.
- **Consider the long view.** Right now, extended placements at legal aid organizations are driven largely by the response to current economic conditions. However, even before the economic crisis, some firms and communities regularly planned and participated in similar models of deferrals and

rotations, but on a smaller scale. These current extended volunteer placements provide the opportunity for the Chicago legal community to implement a system which may be regularly utilized on a smaller scale in better economic times, but with the same benefits to firms, legal aid and public service organizations, and individual attorneys.

The Chicago Bar Foundation (CBF) and the Public Interest Law Initiative (PILI) have worked together with various stakeholders to gather information and develop a system to efficiently and effectively maximize the use of placed attorneys in Chicago. We encourage law firms and legal aid and public service organizations to utilize PILI as a primary point of contact for prospective placed attorneys; in partnership with the CBF, PILI will continue to regularly monitor the local capacity for these placements as well as other issues involved in the partnership. A national clearinghouse also has been set up for firms and legal aid organizations to post and/or find available placements on a national level (www.pslawnet.org), which we anticipate will be very helpful for learning about potential volunteer attorney placements outside of Chicago. The Association of Pro Bono Counsel also has developed a useful publication about key considerations in these placements, which is available on PILI's website, www.pili-law.org/lawfirmrotationprograms.htm.

Below are points that we believe are the essential considerations for Chicago firms and legal aid organizations as they develop and implement extended volunteer placements.

Law Firms

- **Firms should be aware of, and responsive to, the capacity limitations and goals of legal aid organizations relating to hosting long term volunteers.**
 - Legal aid organizations operate on tight budgets, with limited space and resources. Providing office space and equipment, training, supervision and support to new attorneys requires a significant organizational investment in a time of already overstretched resources.
 - Firms and placed attorneys should be mindful that these placements are an important supplement to, not a replacement for, the critical work that legal aid and public service attorneys do for their organizations.
 - Legal aid organizations do not have unlimited capacity to host extended volunteers. As noted above, space, as well as time from experienced staff to train and supervise attorneys, is limited. Therefore, firms should work with legal aid organizations, individually and collectively, to address these limitations.

- **Firms should provide financial and other support to legal aid organizations specifically in connection with placed attorneys.**
 - Firms should ensure that legal aid organizations do not incur any direct costs by hosting a placed attorney—most organizations are already dealing with strained budgets, so even amounts that seem minimal can be a significant burden.
 - In structuring their programs for placed attorneys, firms should strive to make a contribution to the host organization of at least \$10,000 per hosted attorney to help cover costs associated with integrating, training and supervising placed attorneys. Firms should ensure that this support is above and beyond all other financial support which the firm may already be providing to the organization.
 - Firms should also consider in-kind contributions to legal aid organizations in connection with placed attorneys. For example, providing space, a laptop computer and/or printer may be extremely helpful to legal aid organizations with limited computers and similar resources.

- **Firms should encourage and support, but not require, public interest placements for deferred and/or under-utilized attorneys.**
 - Requiring attorneys who are not interested pro bono and legal aid to work full time in a legal aid position can have serious negative consequences, including a poor experience for the legal aid organization, its staff, the placed attorney, and the firm.
 - Therefore, rather than require attorneys to participate in these programs, firms should encourage and, if possible, incentivize, public service work for deferred and otherwise displaced attorneys. Some examples of incentives include class advancement on return to the firm based on work experience, a modest increase in the stipend provided, medical benefits, or other recognition on return to the firm.
 - Firms should also work with their attorneys and legal aid organizations to facilitate placements. This will ensure placements that further the firm's objectives as well contribute to establishing a partnership between the firm and legal aid organization for these issues.
- **Firms should take steps to maintain the desired relationship with the placed attorneys**
 - The appropriate relationship, if any, to maintain between placed attorneys and firms during the placement will vary depending on the goals of the parties. Depending on the relationship, and mindful of any issues regarding employment status, firms may consider, for example, including placed attorneys in regular firm events and trainings, reviewing performance evaluations provided by the legal aid organization or having regular meetings with their attorneys working at legal aid and public service organizations.

Legal Aid Organizations

- **Legal aid organizations should be aware of the goals and needs of law firms and the placed attorneys.**
 - Law firms have not been immune to the economic slowdown. Many firms are grappling with furloughing, laying off or deferring large numbers of associates and staff. In addition to helping address community needs, firms want to ensure that placed attorneys receive training and experience that will be beneficial to the attorneys' careers.
 - Placed attorneys are in a different position, career-wise and financially, than they anticipated. They may be fearful about what this change means, even though they may also be enthusiastic about working with the legal aid organization.
- **Legal aid organizations should be flexible and innovative throughout the extended placement process.**
 - Engaging firm attorneys in the legal aid delivery system is an exciting opportunity to increase the delivery of legal services to those in need, create ambassadors for your organization specifically and the legal aid cause generally, and to build relationships with firms and attorneys in the private bar.
- **Legal aid organizations should make selection and similar employment decisions, and should encourage communication to effectively set expectations.**
 - Legal aid organizations should meet with and choose the volunteers who are a good fit for their organization.
 - Legal aid organizations should candidly and realistically discuss with the firm and placed attorney the potential work, the logistics of working in a legal aid organization, the volunteer's expectations for the placement, and the goals of the legal aid organization in accepting the volunteer.

- Agree upon the terms of the relationship at the outset, and consider entering a memorandum of understanding. Examples of terms that may be important to consider include the length of the engagement, expected hours, the evaluation process and whether evaluations will be shared with the placing law firm, and the circumstance under which the relationship may be terminated earlier than anticipated.
- **Legal aid organizations should provide the placed attorney with substantive legal work, meaningful training and supervision and constructive feedback.**
 - Planning and preparation are important to ensure that the placed attorney receives substantive work appropriate for his or her skill level that is also beneficial to the organization and its clients.

For assistance with extended attorney placements, contact:

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The CBF is also available to serve as a resource on these issues:

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