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# The CBF Pro Bono Checklist

*A resource for legal aid and other organizations seeking to start or strengthen pro bono programs*

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## Step-by-Step Checklist for Starting and Strengthening a Pro Bono Program

This checklist provides a roadmap for developing a pro bono program. Consider using this tool when you are evaluating whether to begin a new pro bono program or to adjust an existing one.

### 1. [Evaluating the Need](#)

- Define the legal problem to be solved
- Confirm that the program is consistent with your organization's work
- Determine which organizations are operating in similar space locally
- Research existing models for similar pro bono programs
- Assess how a new program complements, interferes, or works within the existing system

### 2. [Designing the Program](#)

- Identify legal and other services that can be provided at each point along the continuum
- Determine client demand and volunteer supply for each kind of service
- Determine program complexity and required staff capacity for each potential service
- Determine program costs, create a budget, and research funding options
- Conduct cost-benefit analysis for each potential intervention
- Balancing all information, decide whether to proceed with program and in what form

### 3. [Implementing the Program](#)

- Decide what services the program will offer
- Decide which services, if any, will be offered remotely
- Identify primary staff person(s) with substantive legal knowledge, strong interpersonal skills, time, and strong customer service skills
- Establish intake procedure and case acceptance criteria
- Develop uniform program policies and procedures (e.g. data tracking, standardized forms and templates, case closing criteria)
- Identify your target volunteer pool (e.g. remote volunteers, in-house lawyers, law firm lawyers, retired lawyers, law students)
- Draft a volunteer opportunity description
- Post the opportunity on the [Pro Bono Opportunity Guide](#)
- Identify other methods of promoting the opportunity (bar associations, law schools, law firms, judges, social media, etc.)
- Prepare initial training program and training materials, and decide whether training will be available on-demand, live, or both
- Adjust your training and outreach strategies (to prospective clients, volunteers, and other stakeholders) as necessary.

### 4. [Evaluating and Improving the Program](#)

- Provide ongoing training and support for your volunteers (can be in-person or remote)
- Coordinate with your organization's development team about external communication
- Periodically update and involve board members
- Recognize your volunteers (newsletter articles, volunteer-focused events, award nominations, notes to supervisors, etc.)
- Provide ongoing training and support for your staff

- Periodically evaluate your program with respect to volunteer satisfaction, client outcomes, program structure, and continued need

## Introduction, Background and Relevant Rules

### Purpose of the Checklist and Related Resources

The Pro Bono Checklist and the accompanying materials were developed to provide legal aid and other organizations with an overview of the process for setting up a successful pro bono program, as well as helpful resources and sample documents.

The Pro Bono Checklist and supporting materials can be found [here](#), which will be updated periodically with additional samples, templates, and resources.

### Defining Pro Bono

**Basic Definition:** Free legal services to low-income individuals and certain nonprofit organizations or training that supports the provision of legal aid or pro bono services to those clients.

As our pro bono system has evolved, a variety of rules has been implemented to define and encourage pro bono service. In basic terms, *pro bono publico* retains its original definition, “for the public good,” and is commonly understood to mean professional work undertaken voluntarily and without expectation of payment. It is helpful, though, to understand the various rules and resolutions that exist around pro bono. These rules may affect the ways that law firms, corporations, and individual lawyers approach pro bono. In addition, the rules may be helpful incentives to encourage participation in your pro bono program.

### Local: Illinois and Chicago Specific Rules and Standards

The preamble to the **Illinois Rules of Professional Conduct**, Section 6(a), states as follows:

It is also the responsibility of those licensed as officers of the court to use their training, experience, and skills to provide services in the public interest for which compensation may not be available. It is the responsibility of those who manage law firms to create an environment that is hospitable to the rendering of a reasonable amount of uncompensated service by lawyers practicing in that firm. Service in the public interest may take many forms. These include, but are not limited to, *pro bono* representation of persons unable to pay for legal services and assistance in the organized bar’s efforts at law reform. An individual lawyer’s efforts in these areas is evidence of the lawyer’s good character and fitness to practice law, and the efforts of the bar as a whole are essential to the bar’s maintenance of professionalism. To help monitor and quantify the extent of these activities, and to encourage an increase in the delivery of legal services to persons of limited means, Illinois Supreme Court Rule 756(f) requires disclosure with each lawyer’s annual registration with the Illinois Attorney Registration and Disciplinary Commission of the approximate amount of his or her pro bono legal service and the approximate amount of qualified monetary contributions.

**Illinois Supreme Court Rule 756(f)** defines pro bono in Illinois and requires all attorneys licensed in Illinois to report, in connection with the attorney’s annual ARDC registration, pro bono legal services provided and qualified monetary contributions made during the preceding 12 months.

Supreme Court Rule 756(f) contains a broad definition that illustrates four distinct ways in which lawyers can use their unique training, experience, and skills to help the public on a pro bono basis. Under the rule, qualifying “pro bono legal services” include:

- (a) legal services to a person of limited means;
- (b) legal services to charitable, religious, civic community, governmental, or educational organizations designed to address the needs of persons of limited means;
- (c) legal services to charitable, religious, civic community, governmental, or educational organizations in matters that further their organizational goals; and
- (d) training intended to benefit legal service organizations or lawyers who provide pro bono services.

According to Rule 756(f), “persons of limited means” are not only those persons with household income below the federal poverty standard but also those persons frequently referred to as the “working poor.” The Rule does not require lawyers to perform pro bono service, only that lawyers report their service under the Rule.

The Illinois Supreme Court also has implemented supportive rules that allow a variety of attorneys to engage in pro bono service in Illinois. House counsel admitted under [Illinois Supreme Court Rule 716](#) are permitted to engage in pro bono service without any additional registration or affiliation requirement. Under [Illinois Supreme Court Rule 756\(k\)](#), retired and inactive Illinois attorneys and attorneys who are licensed in other states, but not in Illinois, are also allowed to engage in pro bono service if they do the following:

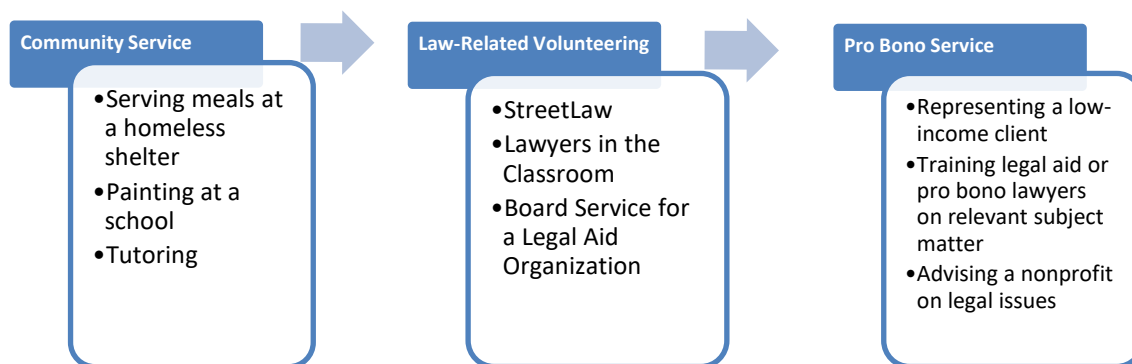
- (1) file a registration form with the ARDC;
- (2) work with an approved sponsoring entity (such as a legal aid organization or law clinic);
- (3) complete any training required by the sponsoring entity; and
- (4) annually register with the ARDC ongoing participation in a pro bono program.

The forms needed to register under the Rule are available at <https://chicagobarfoundation.org/pro-bono>, and a list of sponsoring legal aid and pro bono programs in Illinois is available at <https://www.illinoislegalaid.org/legal-information/reporting-pro-bono-and-financial-contributions>.

### **Legal-Related Volunteering**

Many law firms, corporations, individual lawyers, and law students are interested in law-related volunteering and other community service programs in addition to (or sometimes instead of) pro bono work. Only lawyers can provide legal advice and representation, and encouraging lawyers to engage in pro bono work when possible is important to increase access to justice in our community. The goal is to move lawyers along this continuum to where they are comfortable providing the necessary services only lawyers can provide, but also to meet people where they are. Lawyers and others can support our pro bono and legal aid community in a variety of ways, and engaging volunteers in areas where they are interested has numerous direct and indirect benefits. For example, programs such as [Street Law](#) and the [Lawyers in the Classroom](#), in addition to being incredibly valuable to the schools that they serve, are often “gateway” programs, leading to additional engagement on pro bono and access to justice. In addition, if corporations or students want to engage in community service work, creating opportunities for them within legal aid helps to build relationships and can expose them to the other needs of organizations. Finally, many law firms and in-house departments are eager to involve their paralegals and other staff. Creating non-legal volunteer opportunities can be a chance to engage them as well.

## Continuum of Lawyer Volunteer to Pro Bono Service



## Traits of Successful Pro Bono Programs

The Checklist and associated resources in this Guide will help pro bono programs to maximize their efficiency and effectiveness, with successful programs exhibiting the following traits:

### Program Evaluation and Preliminary Design

A pro bono program should:

- Further the mission and strategic plan of the organization
- Meet existing or emerging legal needs of low-income or disadvantaged individuals in the community or nonprofit organizations that serve the community
- Offer an opportunity that is appealing to volunteers (generally or a specific group)
- Complement and coordinate with other organizations and groups working in the area. If other organizations are already doing this work, the organization should be able to explain why multiple programs are needed in the area, and how theirs complements and collaborates with already existing programs
- Have the capacity to screen cases, make referrals, and provide the appropriate level of training and support to volunteers
- Have a budget and sufficient resources and funding
- Be on the winning side of the cost/benefit analysis

### Program Creation and Implementation

A pro bono program should:

- Use a remote or in-person delivery model that effectively and efficiently meets client needs
- Collaborate with relevant stakeholders, including legal aid and public interest organizations, community-based organizations, the courts, the private bar, bar associations, law schools, and others



- Be staffed by someone with substantive legal knowledge, strong interpersonal skills, time to devote, and strong customer service skills
- Provide malpractice insurance for its volunteers
- Identify volunteers who are a good match for the program based on the volunteer's skills, interest and availability, and the client's and program's needs
- Identify the benefits of its volunteer opportunities for potential volunteers and effectively communicate those benefits
- Present professional, organized, and informative pitches and trainings to effectively promote the opportunities
- Identify which technologies, if any, will be used through the program
- Establish an intake system and case acceptance criteria appropriate for the program and its volunteers
- Establish a policy regarding fees and expenses
- Have a conflicts of interest policy and be prepared to deal with volunteer conflicts
- Have standard engagement and referral letters
- Have ongoing tracking and other quality assurance measures
- Have a system to close cases internally and with volunteers

### **Program Maintenance**

A pro bono program should:

- Provide appropriate levels of ongoing training and support to its volunteer; programs that are open to volunteers of any level will need more robust training and support than programs which intentionally solicit experienced volunteers
- Supplement substantive legal training with cultural awareness training for volunteers working with people experiencing poverty or other marginalized groups
- Coordinate with the organization's larger development efforts
- Involve its board members in outreach efforts
- Recognize its volunteers
- Provide ongoing training and support for pro bono staff
- Identify ways in which technology can be used to improve efficiencies with the program or to allow more clients and volunteers to participate
- Periodically evaluate the effectiveness of the program as well as the satisfaction of stakeholders, clients, and volunteers

## Program Evaluation and Preliminary Design

Utilizing volunteers to meet client need is often effective, efficient, and beneficial on a variety of levels. However, strong pro bono programs require a significant investment of time and resources. If not done well, a pro bono program will reflect poorly on the organization and potentially the larger pro bono and legal aid system as well. It also may not effectively serve the client population it is intended to help. Therefore, an organization should carefully consider whether to start a new pro bono program through market research. In addition, programs should periodically evaluate whether existing pro bono programs are still meeting the original goals and whether the program should be continued, adjusted, or eliminated.

### Most Important Inquiries:

- What need you are trying to meet?
- Are other organizations operating in this space and, if so, how will a new program complement, improve upon, or interfere with that work?
- Will volunteers be interested in your program? If so, will they be subject matter experts or general volunteers? Why and how will they be willing and able to manage the work given other demands on their time?
- Taking into account the program complexity, do you have the capacity to appropriately staff the program?

### **Define the Legal Problem to Be Solved:** *What are you trying to accomplish with pro bono volunteers?*

A simple description of the program will help clarify your goals and guide your evaluation process. This need not be overly complex. A description will also help you evaluate whether your project has enough shape to conduct a preliminary analysis. Below are two examples, and there are many more ways to approach the project description.

**Example 1.** Organization would like to use pro bono volunteers in a variety of school law cases, including expulsions, exclusions, IEP enforcement, and more general special education issues.

**Example 2.** The purpose of the Municipal Court Pro Bono Program is to provide pro bono representation to low-income litigants in Municipal Court, particularly in those cases where a jury demand has been filed. Through the program, we hope that pro se litigants will receive much-needed representation, pro bono attorneys will receive trial and related experience, and the Program will improve the administration of justice.

### **Confirm that the Program is Consistent with Your Organization's Work:** *Ensure that the proposed program fits with your organizational mission and strategic plan.*

There are many reasons that an organization may choose to start a new pro bono program: to meet client need, to receive funding that might be available in connection with a pro bono program, or because having the assistance of volunteers sounds helpful. In addition, courts, government agencies,

social service providers, volunteers, or others sometimes suggest or want to start their own pro bono programs. Before starting any new pro bono program, an organization should first ensure that the program furthers the mission and strategic plan of the organization. If the proposed program does not further your organization's mission, consider proposing the program to another organization or entity whose mission would be furthered by the pro bono program, when appropriate.

**□ Determine which Organizations are Operating in Similar Space Locally:** *Evaluate how your proposed program complements, improves upon, or overlaps with their work.*

Understanding the legal aid and pro bono programs operating in the same area of focus is important for several reasons. First, unnecessary duplication of efforts will result in wasted resources. Second, if programs exist in this area, collaborating or coordinating with those programs may be the most efficient way to accomplish your goals. Third, understanding existing programs will help you evaluate the need for a new program. Finally, volunteers often perceive the pro bono and legal aid community as a whole; it may undermine the pro bono community's credibility if volunteers are confused about multiple programs doing the same work or if we are unable to articulate how the programs are distinct and work together.

Ideally, a new program will address an unmet legal need. For example, there may be a gap in service that a new program would fill. However, if existing programs provide similar services, you should determine how the programs could collaborate or how they complement one another.

- For example, would the new program's goals be best accomplished by building on the existing program?
- Alternatively, if the existing program is turning away clients due to capacity, can you coordinate on intake and referral?
- If the existing program only handles specific kinds of matters, can you tailor your program to focus on another need?
- Finally, even if you believe that a new program is needed to improve the representation available because the existing programs are not effectively addressing the issues, talk to the existing programs to better understand their work and barriers.

### ***Helpful Resources***

- The [CBF's Guide for Finding and Accessing Free and Affordable Legal Help](#) includes a directory of legal aid organizations operating in Cook County sorted by area of law.
- The [CBF's Pro Bono Opportunities Guide](#) offers a comprehensive, statewide directory of existing pro bono programs in Illinois.

**□ Research Existing Models for Similar Pro Bono Programs**

Existing models can help you decide the best structure for your particular program. In addition, programs may be able to share training materials, standard forms, automated documents, and lessons learned. To learn about existing program models in Illinois, visit the [CBF's Pro Bono Opportunities Guide](#)

or contact CBF Associate Director of Pro Bono & Programs, Elise Tincher, at [etincher@chicagobarfoundation.org](mailto:etincher@chicagobarfoundation.org).

**□ Assess How a New Program Complements, Interferes, or Works Within the Existing System**

*Analyze together your program’s mission, the organizations working in a similar space, and the existing models for similar programs*

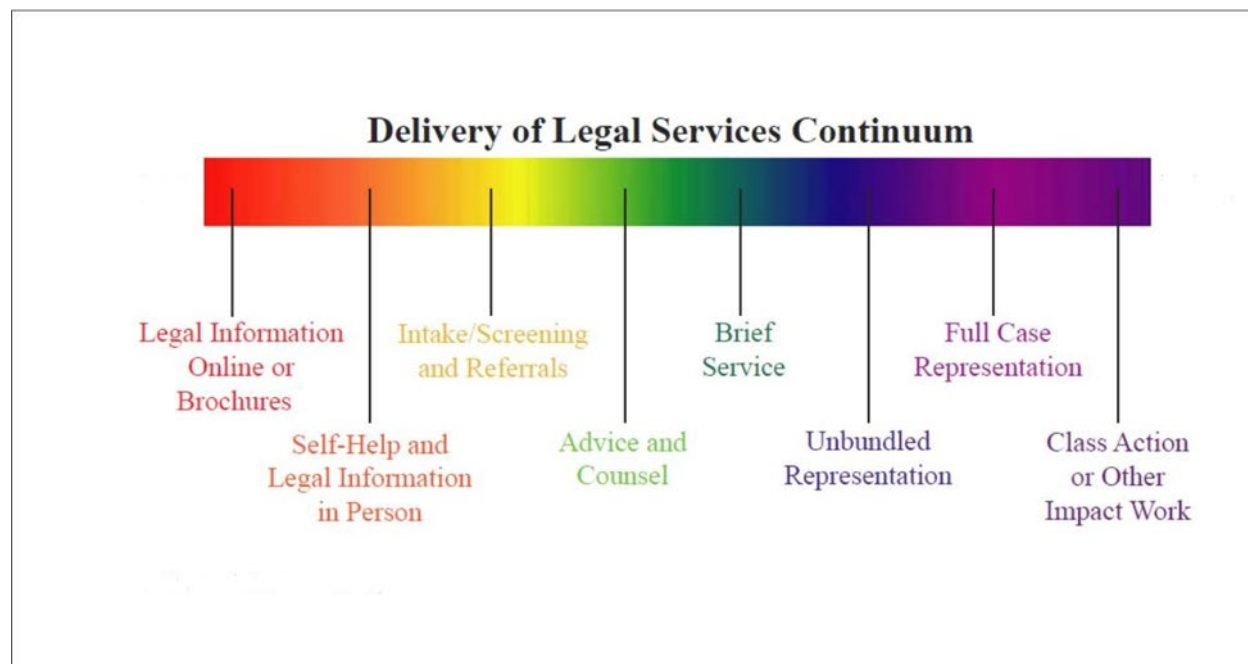
If you are unable to determine how a new program complements or improves upon existing programs, it may be that the new program may actually interfere with existing work by creating confusion or by targeting a limited volunteer pool with the same cases.

If a new program would cannibalize the volunteer pool that existing programs rely upon, coordinating with that program is particularly important. If the existence of more than one program would be confusing to the public, or potential volunteers and funders, steps should be taken to minimize potential confusion. You should be prepared to explain why two or more programs are needed in this area.

If you determine that a new program may interfere with existing work, reach out to the existing programs or the CBF for assistance evaluating how to resolve that potential problem.

**□ Identify Legal Services That Could Be Provided at Each Point Along the Continuum**

The continuum of legal services below outlines the various points of intervention that may be appropriate for addressing a legal need.



Using the continuum of legal services as a guide, map out the various options for your pro bono program. It is important to consider each of the various options for services along the continuum which would be appropriate for pro bono intervention and to complete a cost-benefit analysis for each.

This [template](#) can help you navigate this decision-making process and conduct the eventual cost- benefit analysis for each viable option.

**Determine Client Demand:** *Conduct a preliminary analysis to determine the level of existing or emerging need.*

The primary goal of any pro bono program should be to meet existing or emerging client need. For example, if you are creating a program simply to impress a firm or funder, this can easily backfire if you spend the time putting the project together, training everyone, and then realize that you do not have a ready pool of clients or matters for your volunteers. Therefore, determining the level of need is an important step. The following questions will help evaluate the need:

- How many of these cases are you seeing at your organization? How many are you taking and turning away?
- Are other legal aid organizations working in this area? If so, do they have capacity to handle additional cases? Are they turning away cases?
- Is court data available through the AOIC or the Circuit Court that can add additional context about the legal area and legal need?
- Is the need documented somewhere?
- Are there private attorneys who handle these claims for low-income clients (on contingency fee or because fees may be available)?
- With support, could these potential clients represent themselves? Depending on matter complexity and the type of resources available for pro se litigants, some individuals may need just brief advice or may not need an attorney at all.

**Determine Volunteer Supply for Each Potential Level of Service:** *Conduct a preliminary analysis of the potential volunteer pool to determine whether volunteers are likely to be interested in your program.*

**Potential for Volunteer Involvement.** Every volunteer program requires a cadre of interested and engaged volunteers to succeed. Often, the concept for a new pro bono program springs from an inability to meet client need with existing resources. Volunteers can help. However, not every subject matter or case type is well-suited for a pro bono program. A primary question is whether volunteers will be interested and available to take on cases at the levels needed.

**Pro Bono Appropriate.** While pro bono volunteers can provide a great deal of assistance, they are not a panacea. As a threshold inquiry, determine whether the matters are appropriate for pro bono placement. Two primary considerations:

- **Expertise Needed.** Can you train pro bono attorneys without subject matter expertise to handle the matters in a reasonable amount of time? As discussed more fully in other parts of this manual, around two hours is a standard amount of time for an initial training, although some areas of law may lend themselves well to shorter trainings or to multiple trainings.

Alternatively, are attorneys with expertise willing to handle the cases pro bono? If the subject matter is so complex that pro bono attorneys cannot be trained in a reasonable amount of time and if experts are not likely pro bono candidates, then the program may not be realistic.

- **Appeal to Pro Bono Volunteers.** As discussed more fully in other parts of this manual, pro bono attorneys handle cases for a variety of reasons, which might include helping people in need, contributing a particular expertise, improving the system, or developing skills. In addition, a variety of other factors may influence a volunteer's decision to get involved – the time required and the “feel good” factor are just a couple of examples. In the early stages of planning, consider whether your proposed program will have some kind of appeal to pro bono attorneys or a particular group of attorneys. Some questions to ask here:
  - Are particular types of volunteers likely to be especially interested in your program? Who? Why?
  - Does your program offer an attractive training opportunity? What kinds of skills can attorneys gain through your program?
  - What time commitment do you need from volunteers (number of hours, length of case)? This may impact whether volunteers can or will commit to your program.
  - How time-sensitive are your matters?
  - Can the work be done remotely in part or whole?
  - What about the cases may appeal to the “feel good” factor? Are there any challenges there to be addressed?

### ***Helpful Resources***

- [Lash, Karen, Pitching Pro Bono: Getting to First Base with the Big Firm, Management Information Exchange Journal](#)

**Why Lawyers Volunteer for Pro Bono Service.** Successful pro bono programs reflect the requirements of their clients and the culture of their organization, but also the needs of their volunteer attorneys. Understanding why your volunteers participate in pro bono activities, as well as the law firm or corporate cultures in which they operate on a daily basis, is essential to designing a program that best fits their needs and goals, while enabling you to maximize your volunteers' time and skills.

Lawyers volunteer their time for many different reasons. Understanding the motivation for a pro bono lawyer's participation in your pro bono program is important so that you can attempt to meet their expectations for a positive pro bono experience.

Many lawyers volunteer with pro bono and legal aid organizations because they are compelled by the cause that you serve or are interested in using their talents as lawyers on behalf of clients who could not otherwise afford their services. Others may have an interest in networking, a desire to obtain training and/or professional development opportunities, a requirement from superiors, or an expectation from their employers to log a certain amount of pro bono time each year.

Whatever their motivations, ensure that your volunteers know you expect excellence in their work for your organization, and that they may expect the same from you and your staff.

When you first meet with a firm pro bono coordinator, a group of attorneys interested in learning more about your pro bono program, or a potential volunteer, communication is key. Ask specific questions to determine a person's motivation for volunteering and the parameters under which they expect to work. Some helpful questions:

***Is the volunteer looking to gain particular skills?*** A potential volunteer may want to gain certain skills or experience (such as trial, negotiating, interviewing, or drafting). If you offer the particular experience the potential volunteer is seeking, it may be a good match. If not, be up front about what the volunteer is likely to experience by taking a case with your program. Do not hesitate to communicate the practical limitations – for example, cases often settle before trial, but a volunteer may gain other valuable experience leading up to that point.

***How much time is the volunteer willing to commit?*** A volunteer may be excited about taking on a case, but it is important to be realistic about how much time he or she is able to give and whether their time is controlled by their own schedule or by someone else. How much time is the volunteer willing to spend in total? How much time does the volunteer have to spend in the time frame needed?

***Is there a certain type of case the volunteer would like to handle or a certain population with which the volunteer is hoping to work?*** Ask questions to find out what your volunteer is expecting. Someone who wants to handle a “family law” case may think that means working with children, not handling a divorce. If you talk about this up front, the volunteer may still be willing to take the case, but will appreciate having the opportunity to decide, rather than receiving a case he or she did not expect.

***Does the volunteer understand the type of cases you have and what that work entails?*** For example, a volunteer will get courtroom experience in a guardianship case, but the volunteer should also understand that guardianship matters involve intensive interviewing about personal issues and often contentious family situations. Ask questions to ensure that the volunteer understands the type of case he or she will handle through your program.

***Does the volunteer understand why the work is important?*** As noted above, sometimes lawyers volunteer because they are required to do so. If that is the case, there may be an opportunity to engage these less-than-enthusiastic volunteers by tugging on their heartstrings and explaining the importance and impact of your work.

None of these questions are meant to suggest that your program must accommodate the wishes of every volunteer. And, in fact, the most important questions should always focus on whether the program effectively serves the client. However, asking questions up front allows you to determine whether your program is a good match with a particular volunteer or set of volunteers and to set expectations for all parties. Volunteer job descriptions or volunteer agreements may help set expectations and define roles and responsibilities.

### ***Helpful Resources***

- [Sample Volunteer Agreement](#)

**□ Determine Program Complexity and Required Staff Capacity for Each Potential Service:** *How complex is the program, and do you have the staff capacity to screen cases, make referrals, and provide the appropriate levels of training and support?*

All pro bono programs must provide some level of screening, training, and other support. The level required varies greatly depending on the case type, complexity, and subject matter of the cases, as well as the types of volunteers that the program will utilize.

In terms of complexity, pro bono programs run the gamut. Understanding where your proposed program might fall on the continuum is essential to evaluating whether your organization has the capacity to effectively staff it. Consider several factors, including:

**Training Required.** How much training is needed? If your volunteers are already subject matter experts, then little will be required. On the other hand, if your volunteers do not have relevant substantive and/or practice experience, then your program will need to provide training and have the corresponding expertise and ongoing support. Either way, it is absolutely critical to put time and energy into developing effective training programs that will make your volunteers feel both comfortable with the subject matter and anxious to begin volunteering for your program.

**Screening Required.** How are you going to decide which cases to refer to volunteers? What criteria and process will you use? Can the cases be screened in a phone call or meeting? Will you need to do some legwork before referring cases, such as gathering documents or verifying information? Who will screen the cases? How will you get the cases to volunteers?

**Supervision Required.** The level of supervision required typically depends on the complexity of the subject matter and the volunteer type. It may also depend on the type of volunteer, as law firm volunteers with internal support may need less supervision than volunteers from smaller firms or solo practitioners. Are your volunteers likely to have ongoing questions? If so, who within your organization will they contact? You need an expert who can answer questions from the viewpoint of the advocate and will be available as needed. Who will monitor the cases to ensure high-quality representation? Again, doing a poor job of offering resources and supervision can reflect badly on an organization, especially if the organization is unresponsive to volunteer questions, and ultimately may negatively impact the client and case as well.

**Support Required.** Will the volunteer require support from your staff with filing and serving documents? If there are interpreter needs, who will be expected to provide them? Will staff be needed to cover court dates, and do you have the capacity to do so? Who will monitor filing deadlines and upcoming court dates? It is important to decide these questions up front to ensure nothing falls through the cracks and no deadlines are missed.

**Time Sensitivity.** If the matters are particularly time sensitive, additional staff time may be required to find volunteers to handle matters quickly or to handle cases if no volunteers are available. Sometimes a pro bono program is the best solution to the client need and sometimes another staffing solution might be more appropriate for these cases.



These factors should guide your understanding of how much staff capacity will be needed for the program. A few programs may need only a short screening to refer cases to volunteers who already know the area and will require only limited oversight. Most programs will require intensive training and ongoing support and, therefore, will require a dedicated staff person. Whether your program is at one end of the spectrum or somewhere in the middle, be sure you have the capacity to staff it effectively before moving forward.

Note that some of these functions may be appropriately accomplished by partnering with other organizations or engaging volunteers. However, if you cannot resolve the issues raised here, then a pro bono program is not likely to be successful.

### **□ Determine Program Costs, Create a Budget, and Research Funding Options**

All programs will have some costs, but the amount of those costs will vary greatly. For every program, create a program budget, including staff time, materials, technology, meals for training programs if applicable, costs associated with volunteer recognition, and any other costs. For many programs, these costs will be nominal. For other programs, specific additional funding or a reallocation of existing resources may be required. In either case, having a clear budget will help you understand your program costs and to seek outside funding, if appropriate. Template budgets for a [Pro Bono Staff Position](#) and a [Pro Bono Project](#) are provided.

### **□ Conduct Cost-Benefit Analysis for Each Potential Intervention**

Conduct a cost-benefit analysis for each potential level of service in which you have determined that a pro bono intervention is an option. On the cost side, the biggest investment will likely be the staff time required to create and run the program. These start-up costs tend to be very high, as staff must develop or revise the training and other materials needed for the program, identify and develop relationships with potential volunteers, and closely monitor the cases to ensure the program is working as anticipated.

In addition to staff time and other costs identified in your budget, a pro bono program can have other costs. A “bad” program can have significant costs to your organization; volunteers who have a bad experience are unlikely to volunteer again, are unlikely to donate to your organization, and may be “bad will” ambassadors of your program. Common pitfalls in the start-up phase include the following:

- Recruiting and/or training volunteers, then not having cases to refer to them;
- Poor training;
- Unscreened or poorly-screened cases; and
- Insufficient support for volunteers, leaving volunteers with unanswered questions or unreturned calls

The damage caused by a bad volunteer experience is difficult to repair, and the potential for this should be factored into your cost-benefit analysis.

As far as the benefits, the most obvious is that clients will receive much-needed legal assistance. There are, however, a number of other benefits from pro bono programs that you should take into account:

- Working with your organization may give volunteers a better understanding of your work and resources. If volunteers admire your work and recognize the limited resources with which you work, they are more likely to get further involved in your organization and to support your organization financially.
- Working with your clients may give volunteers a better understanding of the challenges they face. For example, it may be inconceivable to a volunteer that a \$20 per month garnishment may have serious consequences for someone dependent upon Social Security income. By working with clients, volunteers may come to understand and empathize with some of the challenges faced by individuals and families living in poverty. By gaining this understanding, volunteers may become advocates for your organization and for broader access to justice issues.
- Many firms and corporations have charitable giving policies that align their charitable giving dollars with the volunteer time donated by their employees, and even those that don't are more likely to provide financial support to organizations in which their employees are involved. Therefore, good pro bono programs often help justify and increase financial support from law firms and corporations.
- Certain kinds of volunteer opportunities may be particularly sought after by firms or corporations and may generate goodwill and other benefits. For example, law firms may seek opportunities for their junior associates to gain trial skills (although it is important to bear in mind that many transactional law firm attorneys never go to court and specifically seek opportunities that do not require a court appearance). Corporations may be particularly interested in opportunities that are limited in scope or that involve their support staff in a group outing. These kinds of opportunities may generate goodwill as well as financial support.
- Pro bono attorneys may bring resources and other support that you don't otherwise have, including paralegal support, litigation expenses, access to experts, and document management. Pro bono attorneys may also bring other connections or perspectives and may have more time to devote to a single case. Working as part of a pro bono team may allow you to take on matters that you otherwise could not.
- Pro bono programs can strengthen the relationships between your organization, your staff, and your volunteers. Staff and volunteers involved in pro bono interact in a different way than they might otherwise. Working on a common cause, sharing expertise, and mutual dependence can foster respect and understanding between the legal aid community and the private bar.

Taking into account all of the costs and benefits associated with the potential program over the long term, determine whether the benefits to your organization and clients justify the investment.

### **□ Decide What Services the Program Will Offer and the Target Volunteer Pool**

It is now time for you to decide which level of service is best suited for the pro bono program's goals, the client needs, and your organization's mission. Take into account the information you have outlined for each viable level of service on the continuum, including: client demand, volunteer supply, program complexity and required staff capacity, costs, funding sources, and the overall cost-benefit analysis.

It is important to have consulted with your target volunteer pool before deciding on a level of service to ensure that your analysis of their interest, needs, and abilities is accurate. You will want to work closely with any target volunteer pool on assessing a new program, implementing your program, and on an ongoing basis as partners.

Pro bono programs may utilize a variety of models to deliver legal services. Some possible models:

**Traditional/Panel Program.** Organization staff screens cases and sends out to a list of volunteers with expertise or training in the subject matter. Interested volunteers accept cases they are interested in. Lists can be shared by email blasts, or indicial cases can be posted to the [Online Pro Bono Opportunity Guide](#).

**Pro Bono Clinic.** Clinics take a variety of forms, but in a typical pro bono clinic, volunteer attorneys provide legal advice or assistance, in community-based setting or virtually, at a specified time (often once per month or once per week). Clinics may have a particular focus or may be open to addressing any type of legal issue. Sometimes, legal aid staff pre-screen cases, while other models encourage walk-ins. In some clinic models, volunteers provide legal advice at the clinic and take cases that need full representation. In other models, volunteers provide only brief advice or legal information and do not take cases. If you are considering a pro bono clinic, it is important to be clear about your model and ensure your volunteers will have the expertise and supervision necessary to provide high-quality service to clinic clients. In addition, it is important to identify referral resources and to develop relationships with those organizations so that clients can access the assistance they need beyond what the clinic offers. Either way, it is generally important to have a supervising lawyer from your organization present to answer volunteer questions and ensure that volunteers are giving accurate advice.

**Time-Limited Group Programs.** Half-day or full-day programs or clinics may be very popular with volunteers who have limited time or are new to pro bono. In these programs, training is typically provided the same day or available remotely ahead of time, and volunteers provide services in a group. Successful clinics have covered legal services including assistance with expungement petitions, DACA applications, and advanced directives.

**Help Desks.** Like community-based clinics, court-based help desks may utilize volunteers in a variety of ways. At general help desks or desks that deal with complex subjects, it may be challenging to incorporate volunteers unless they have significant experience in the area. On the other hand, some desks address discrete areas of law that are amenable to basic training, such as assistance with filling out expungement petitions. As with clinics, it is important to set clear expectations for clients and volunteers about whether they will be receiving/providing legal information or brief advice, and to be clear about the scope of the service. Again, it is important to have a supervisor present to answer volunteer questions. Several help desks have successfully incorporated volunteers and are able to provide training and supervision so that volunteers are able to increase the number of clients served at the desk. If you are considering involving volunteers at a help desk, consider reaching out to existing help desks to learn about their volunteer programs. Note that Rule 6.5 of the Illinois Rules of Professional Conduct eases conflicts issues for pro bono attorneys providing brief advice and can be an

important planning and recruiting tool by removing the needs for real-time conflicts screening.

**Court-Based Programs.** Court-supported or sponsored programs offer the opportunity to work closely with the court, and the court's involvement can be an excellent volunteer recruiting tool. One example of such a program is the Settlement Assistance Program for Pro Se Litigants, a partnership between the Federal District Court for the Northern District of Illinois and the Chicago Lawyers' Committee for Civil Rights Under Law.

**Volunteer-Run Programs.** From time to time, programs that are run by volunteers in whole or in part may be successful. If you are considering a program in which volunteers will provide the primary infrastructure, evaluate the program complexity, volunteer expertise and commitment, the likely experience for the client, and the potential downsides if the program does not go well. The volunteers running the program need to be extremely committed to avoid damaging the volunteer experience. If you decide a volunteer-run program is viable, set expectations with the volunteers who are participating in the program so they understand that the infrastructure and support may be more limited than your typical staff-run program.

**Target Volunteer Pool.** Broadly speaking, which volunteer pools might you target? Some possibilities include: large law firms; transactional lawyers or litigators; lawyers who are already experts in the subject matter; newer lawyers; corporate counsel; retired attorneys; paralegals; and law students. Some programs may be appropriate for a general audience, but some will have more success targeting a particular group and tailoring the program to the goals of that group. All partners bring with them different benefits and all can be important partners in your work. Set forth below are some basic considerations for some target volunteer pools:

**Large law firms.** Every firm is different. Some goals that may be more prominent at large law firms include opportunities that provide litigation experience, involve transactional work, or that provide the opportunity to partner with their clients. In addition, some firms have or would like to establish signature projects, so if your subject matter fits, they may be especially interested. One benefit is that large law firms often have one full-time pro bono contact with whom you can establish and maintain a relationship. However, don't write off other firm partners as well: lots of pro bono is happening at small and medium-sized firms, even if they do not always have a full-time contact for their pro bono program.

**Lawyers who are already experts in the subject matter.** Involving lawyers who already have relevant experience or expertise can be a great strategy. Some lawyers and law firms are looking for opportunities to use their particular expertise and will welcome the opportunity. In other circumstances, subject matter experts may not be as likely to get involved, and there may be conflicts that prevent them from doing so. If you are considering relying on subject matter experts, it is a good idea to research whether they are likely to do pro bono work for you. For some preliminary research, consider reaching out to bar association committees in the relevant areas, specialty bar associations, or even just a few attorneys you know in the area. These conversations should give you a general idea of the interest level.

**Newer lawyers/job seekers.** Newer lawyers are often especially eager to build skills. In addition, in a challenging job market, they may have more time to dedicate to pro bono. However, because they have less experience, they will likely require more training, support and supervision, as well as malpractice insurance. Setting realistic expectations for the lawyer and the organization at the outset can help alleviate problems down the road. For example, newer lawyers may be eager to take on multiple cases, but will probably not be able to keep all of them if they obtain employment. Don't be too quick to throw them away because of this possible restriction. Instead, consider special projects, engaging the lawyer in an area where you could absorb the cases if the volunteer gets a job, or give a limited number of cases to the attorney.

**Corporate counsel.** Due to the nature of practicing in-house, corporate counsel are often seeking opportunities with short time commitments, opportunities that do not involve court appearances, or opportunities that involve the full staff (including paralegals and administrative assistants). In addition, many corporations are located in the suburbs and may appreciate opportunities located nearer to them or opportunities that can be done remotely. Corporate counsel licensed under Illinois Supreme Court Rule 716 (limited admission) are allowed to do pro bono work in Illinois.

**Retired attorneys.** Retired attorneys may have a lot of experience and wisdom to bring to a program. While programs targeting only retired attorneys are rare, this volunteer pool can be a great resource. Because they may no longer have active offices, these attorneys may require more space and administrative support than others. Illinois Supreme Court Rule 756 permits attorneys on retired and inactive status to perform pro bono work under certain conditions.

**Paralegals.** If your cases require non-legal research or other similar functions, consider whether paralegals can participate individually or paired with attorneys. Corporations in particular may be enthusiastic about involving paralegals, and law firms may be interested as well.

**Law students.** While law students are more limited in what they can do, most law schools are seeking meaningful opportunities for their students and some schools/states are now requiring (or encouraging) a set number of pro bono hours. In some instances, law schools may be able to provide some coordination and support as well. Most law schools have pro bono and/or public interest law staff who may coordinate programs or provide a good connection to students. The [Public Interest Law Initiative](#) maintains a list of public interest and pro bono contacts at area law schools.

**General audience.** Some programs may work for all kinds of attorneys and there may be no need to target a particular audience.

Once you have identified a potential target volunteer pool, it is a good idea to conduct a focus group meeting, send a limited survey, or reach out to contacts in the target group to find out whether they are interested and willing to participate. If you think larger law firms may be interested in your program, meet with a group of pro bono managers or partners to test your theories.

## **Helpful Resources**

- [Collaboration Agreement Template](#)
- [Rule 6.5 of the Illinois Rules of Professional Conduct](#)

### **Balancing All Information, Decide Whether to Proceed with Program**

Finally, evaluate the information you have gathered so far. Does moving forward with a pilot or a full program make sense? While it may be tempting to move ahead out of a desire to help more clients or to satisfy a particular volunteer demand, a program is unlikely to be successful if the other issues raised in the Checklist are not resolved. Additionally, as noted above, a bad pro bono experience can be very damaging to the organization and the pro bono community. Before proceeding, be sure you have the resources, capacity, and investment in place to have a successful program. If you do, get started.

### **Identify Pilot Phase, if needed**

If you are starting a new program, especially if you have an innovative model or collaboration, consider starting with a pilot phase. If you begin with a pilot:

- Work with a limited number of volunteer partners who commit to developing the program, including by providing detailed feedback and acting as ambassadors for the program when you are ready to launch the full program. These volunteers should understand that the program is a pilot and be working with you to work out minor problems and to make adjustments as the program gets off the ground.
- Establish criteria and systems to track and evaluate the program, including client and volunteer satisfaction. Implement changes based on the feedback before launching the program.
- Conduct regular meetings to assess the program with relevant stakeholders, which may include the court, volunteers, and other agency partners.

## Program Creation and Implementation

### Identify Primary Staff Person(s) with Substantive Legal Knowledge, Strong Interpersonal Skills, Time to Devote, and Strong Customer Service Skills

Every pro bono program needs a strong staff person who is responsible for managing the program. Sometimes, different people may be responsible for aspects of the programs, but this fractured arrangement presents a variety of challenges. The skills required to work with volunteers are not the same as those required to be a good legal aid attorney. The staff person responsible for the program ideally should be an attorney with substantive expertise in the area, but also must have strong interpersonal skills, the ability to manage and respond to volunteers of all kinds, and strong public speaking skills to pitch the program and to train volunteers. In many ways, the skills required to run a pro bono project are more similar to those required in a development director – sales, networking, and public speaking.

Whatever the arrangement, when starting a new pro bono program, you should draft a job description (even if internal staff will be running the program) and define the roles and responsibilities of all other relevant individuals and groups.

#### *Helpful Resources*

- [Pro Bono Staff Position Breakdown](#)

### Secure Malpractice Insurance for Volunteers

Professional liability coverage or malpractice insurance for volunteers is often overlooked by pro bono and legal aid programs. Low-cost coverage can easily be obtained to cover volunteer attorneys and non-attorneys. A pro bono program should provide malpractice coverage to program volunteers to:

**Protect Your Program and Your Clients.** While there are many quality assurance systems that a program can establish, a program cannot shield clients from professional errors by volunteers. By providing malpractice coverage, pro bono and legal aid programs protect clients and the program from financial loss that may result from a volunteer's malpractice.

**Use the Coverage to Recruit and Retain Volunteers.** Availability of malpractice coverage is often a major selling point for some volunteers, particularly retired, inactive, in-house counsel and government attorneys who either do not have any malpractice coverage or whose employer's malpractice insurance does not extend to pro bono work.

#### *Helpful Resources*

- Review Available Resources on Understanding Malpractice Coverage
  - [The American Bar Association's Standing Committee on Lawyers' Professional Liability](#)
- Consult with Possible Sources of Malpractice Coverage for Volunteers
  - [National Legal Aid & Defender Association](#)

- [Complete Equity Markets](#)
- [CIMA Liability](#)
- [The American Bar Association's Center for Pro Bono](#)

## □ Establish Intake Procedure and Case Acceptance Criteria

**From Intake to Assignment: Crucial to a Pro Bono Case's Success.** Cases handled by pro bono attorneys are similar in many respects to cases handled by staff attorneys. However, for pro bono cases, initial stages of a case (from intake to its assignment to a pro bono volunteer) are particularly important to ensure that the rest of the case runs smoothly. This section focuses on the steps involved in assigning a pro bono case and gives tips and guidance on how to effectively transfer a case to a volunteer attorney to ensure a smooth transition.

**Intake & Screening.** A good pro bono program doesn't stop with the review associated with the initial intake. It has a responsibility not to waste its staff or volunteers' time by accepting or referring cases that do not have merit or when the client will be unable or unwilling to work effectively with pro bono counsel. Well-trained program staff should be able to determine the merits of a request for help. For instance, should a volunteer attorney take a tort defense case for a permanently judgment-proof defendant? Win or lose, that client will be in the same position. A program should not commit the time and resources it takes to place such a case with a volunteer attorney, only to have an annoyed attorney send it back because the case is a waste of his or her time. That being said, many volunteers are eager to take on challenging but worthwhile cases. As discussed above, communication with your volunteers is key. If, for example, you have a case that may be very difficult to win, but has a compelling story, explain it to your volunteer to see if he or she is up for the challenge.

A determination that a case is valid and meritorious, and appropriate for volunteer placement, cannot be done cursorily. In many cases, the staff attorney (or paralegal working under the direct supervision of an attorney) should conduct a face-to-face interview with the potential client and review all relevant documents. In many cases, the interviewer may also need to talk to other persons, such as family members or potential witnesses, while evaluating a case. Successful intake and screening requires time, resources, and solid training.

**Referring the Case to a Volunteer.** Once you decide that the case is appropriate for your organization and your pro bono program, the next step is to match the case to a volunteer attorney. This can be done by a call or email to an individual or firm, by sending out a blast with multiple cases to a volunteer list, or by posting to the [Online Pro Bono Opportunity Guide](#). Once you have identified a volunteer who is willing to handle the case, a number of steps are necessary to ensure the case is successfully transferred to the volunteer. You should also have a backup plan for what will happen if you are unable to place the case with an outside volunteer.

**Firm Screening.** If your potential volunteer is employed at a firm, that volunteer will likely need to first have the specific case approved by their firm's pro bono committee or pro bono partner. While policies vary from firm to firm, a volunteer will typically need



the following information: (1) referring organization; (2) client name and any adverse parties; (3) scope of work/subject matter of the case and (4) anticipated costs (if any). Your volunteer will appreciate if you immediately send this information, along with the information needed for the conflict check (discussed below). If you frequently work with a firm, you might inquire into “pre-approval” for cases coming from your organization—this saves a step when new cases are placed at that firm.

**Conflicts Check.** A volunteer attorney will need to check for conflicts. Often, the conflicts check can take place at the same time as the Firm Screening. Therefore, as soon as a volunteer expresses interest in the case, you should provide the volunteer with the information needed to check for conflicts, which typically includes: (1) name(s) of the client; (2) name(s) of all interested parties; (3) the case number and caption; and (4) the subject matter of the case. Be aware that, in addition to actual conflicts, many firms will be concerned about business conflicts (also called “issue conflicts”) which are business concerns rather than actual conflicts. For example, if a firm has an established practice representing employers in employment cases, that firm may be hesitant to take a pro bono case representing an employee in a discrimination case, or may have a policy prohibiting it. It may be worth having these discussions with firms that you work with often to avoid placing certain types of cases with them if they have standing conflicts.

**Review Policies/Issues with Volunteer.** Once a case is approved and cleared of conflicts, go over key policies relevant to a particular case with the volunteer. For example, discuss who will bear costs such as filing fees, deposition fees, etc. While some volunteers are happy to take on these costs, others are not. Similarly, while some attorneys require assistance with administrative tasks, such as filing motions, others do not. If there are more unique issues in the case, discuss those as well. For example, if the case is likely to generate media attention, agree upon who should speak to the press. If the case involves statutory attorneys’ fees, agree upon who will receive those fees. Agreements on these types of issues should be memorialized in the referral letter, discussed below.

**Referral Letter Between Organization and Attorney.** It is a good idea to have a referral letter or other document for each case handled by a pro bono attorney. This letter should identify, at a minimum, the following: (1) the scope of work for the volunteer attorney (and the role the organization will play); (2) understandings regarding payment of expenses and fees; (3) understandings with respect to potential conflicts of interest, if any; (4) who is the contact person within your organization for the particular case; and (5) circumstances under which the volunteer attorney might terminate the relationship. Additionally, in cases where fees, press contacts, or other similar issues might arise, those items should also be included in the referral letters or in a co-counseling agreement if applicable. Sample referral letters are included below.

**Case Transfer.** Once the case has been approved by the firm, cleared of conflicts, and the referral letter has been obtained, the next step is to actually transfer the case. When you transfer the file, it is a good idea to describe the background of the case, including the information you have obtained to date, the documents you are providing the volunteer, whether you have met with the client in person or spoken to the client on the phone, any dates (hearings, meetings, etc.) that are scheduled, and any other information necessary to give the volunteer a complete picture of the case. If you have

any relevant training materials or manuals that the volunteer does not already have, include those as well. Finally, it is a good idea to include your suggested next steps. For example, “A hearing is scheduled for X date. You may want to file a motion to present on that day, extending discovery by X days. Judge \_\_\_\_\_, assigned to this case, typically grants these types of motions.” This type of insight is invaluable, especially to attorneys who are new to your pro bono opportunities.

***Connecting the Client and the Volunteer.*** In most circumstances, the volunteer will connect with the client without you being present. When transferring the case, you should include information about how the volunteer can get in contact with the client. If you have any “inside information,” include that too. For example “Mrs. Smith’s cell phone has been disconnected. The best way to reach her is through her son. His number is...” Sometimes, a volunteer will want you to make the connection initially--ask the volunteer (and potentially the client) what they would prefer.

### ***Helpful Resources***

- [LAF Volunteer Agreement](#)
- [Sample Case Referral Form](#)
- [Sample Retainer Agreement Between Volunteer and Client](#)

### **Develop Policies and Procedures Including: Ongoing Tracking, Standard Forms, and a Plan to Close Cases**

Having clear program policies and procedures will increase efficiency and improve the volunteer experience. Policies and procedures vary greatly depending on the nature of your pro bono program and how closely you work with your volunteers. Whether you co-counsel cases and therefore remain active throughout, or screen cases and then send them to volunteers who are solely responsible for them, your program policies and procedures might address the following:

- Roles and responsibilities of the volunteer and the organization (including whether a formal co-counseling agreement is appropriate)
- Communication (who is the contact person at the organization the volunteer should go to with any questions, at what stages do you want your volunteers to provide information about the case, when will you check in, etc.)
- What happens if a volunteer wants to withdraw from a case
- What happens if a volunteer leaves his or her firm
- What happens if fees are available or awarded in the case
- Responsibility for out-of-pocket costs
- Reporting from volunteers about their contributions
- Closing a case

Learning about the experience of the clients and volunteers involved in your program will allow you to adjust and improve your program over time. Occasional surveys or follow-up calls can provide needed

information. In addition, tracking the impact of your program can help you determine the return on your investment. As with all cases handled by your organization, tracking client outcomes, money saved, and other measures can help you explain the value of your program internally and to potential donors and volunteers. Finally, it is a good idea to convene stakeholder meetings on a regular basis to ensure that the program is running smoothly and to refine any area in which improvements are needed.

### **Develop Standard Forms**

Standard forms increase efficiency and uniformity of representation. Standard pleadings provide great examples for your volunteers and increase their efficiency (as well as your own). Standard forms allow you to incorporate your policies and procedures into the documents that pro bono counsel might use. Finally, standardizing some common client communications, including engagement letters, helps ensure that client communications are written at a level that clients can understand, which may not be the case if firms use their standard engagement letters. Depending on your program, consider providing standardized or sample versions of the following:

- Engagement letter
- Other client communications (for example, a letter pro bono attorneys should send if they are unable to reach their client after multiple attempts)
- Common motions
- Common briefs or other pleadings
- Case closure letters

### **Develop Plan to Close Cases**

Closing cases is often an overlooked step. Be sure to have a plan in place to close cases, including the information you need from the volunteer and internal procedures.

### **Identify an Evaluation Plan and Quality Assurance Plan**

Pro bono programs should continuously and actively evaluate their program, including impact, as well as both volunteer and client satisfaction.

**Impact.** The measures of success and impact will vary depending on the program. Money saved/recovered and case outcomes are common measures of success. Programs should also consider other meaningful measures that will demonstrate the program's impact, including the client experience. Collecting information allows the program to evaluate whether the program is a good investment and allows you to tell the story to potential funders and volunteers.

**Volunteer Satisfaction.** Often, we don't ask volunteers about their experience because we are busy or perhaps even afraid of the feedback we will receive.

Volunteer surveys can provide a wealth of information that helps improve programs, retain volunteers, and increase program effectiveness. In addition, volunteers appreciate being asked about their experiences and knowing that their feedback will be

used to improve the program. Finding out about a bad experience through a volunteer survey offers the opportunity to address the problem with the volunteer individually, which may encourage the volunteer to give the program another chance, and to fix any systemic issues in your program. Finally, quotes from happy volunteers can provide material for newsletters and promotion of your program to other potential volunteers.

One word of caution: when you survey volunteers, be prepared to act on the feedback received. Volunteers can quickly become frustrated if they provided feedback that is ignored.

**Client Satisfaction.** Surveying clients can be difficult and present a variety of obstacles. However, collecting information from clients about their experiences in the pro bono program can provide incredibly useful information about the impact and quality of your pro bono program, and may help you determine whether pro bono or legal aid attorneys are best positioned to handle particular types of matters. Also, as discussed above, quotes from happy clients can help you tell your story and promote your pro bono program, as well as your organization generally, to both potential volunteers and donors.

## **Draft Volunteer Opportunity Description and Create Plan to Promote It**

Whether you are advertising your pro bono opportunities on the [Online Pro Bono Opportunities Guide](#), on your organization's website, or in an e-mail, a concise yet informative and compelling explanation of the opportunity is essential. Potential volunteers rely on the description to decide whether to commit to the program. Additionally, pro bono coordinators at law firms and corporations rely on your description to promote the opportunity to their attorneys. Your description might change depending on your audience, your affiliation with the firm, and the specific program.

The most important information that volunteers need to know is: (1) the specific activities they will engage in; (2) when they need to do the work and how long it will take; and (3) the skills needed and whether training is offered to teach those skills.

Every program needs two main descriptions: (1) a description of your pro bono program; and (2) a format for distributing specific cases.

A complete volunteer opportunity description should include the following information:

- A basic explanation of the legal issues involved in the case or opportunity
- A description of the skill sets and skill level needed to perform the work and the skills the volunteer may gain from the opportunity
- A description of the activities that representation will involve
- The estimated time commitment
- Details on the training(s) your organization provides including whether those trainings are eligible for MCLE credit
- A description of the clients served through the opportunity
- An explanation of any special issues relating to the program

- Whether or not your organization provides malpractice insurance
- A specific contact person or the process by which interested volunteers can get involved with your organization

If you are sending a complete case description, you should also include information about specific deadlines and very basic information about the case.

Providing all of this information at the outset is critical to successfully recruiting volunteers. Volunteers want to know what they are committing themselves to and to be sure that they can deliver on what you expect of them. Realistic expectations on both sides of the pro bono relationship in the beginning will help ensure a long and productive relationship.

Finally, *how* you present the information is just as important as what information you include. Drafting effective descriptions takes some thought, time, and creativity. Some volunteers may be compelled to take cases based on personalized client stories, while other volunteers only want to know the practical information (what they will do, how long it will take, the skills they will gain) and will find stories unnecessary and distracting. A variety of opportunity descriptions can be found in the [CBF Pro Bono Opportunities Guide](#).

As discussed in other parts of this manual, volunteers are motivated by different factors – for example, some are motivated by helping while others want to gain certain skills. Therefore, there may not be a one-size-fits-all description, and it may be necessary to adjust your description depending on the target volunteer pool. When in doubt, ask your volunteers or the pro bono coordinators what they want to see in individual case descriptions and adjust accordingly. Some general tips and best practices from law firm pro bono contacts are also summarized here as [Case Description Best Practices](#).

## **Develop Method to Distribute Pro Bono Opportunities**

A number of different models are available to promote your pro bono opportunities generally and to distribute specific cases for acceptance by pro bono volunteers.

**Posting on [CBF Pro Bono Opportunity Guide](#).** The online guide provides tools for pro bono organizations and pro bono attorneys to easily connect . Organizations can post information about their general pro bono opportunities as well as individual cases. Potential volunteers can search for available opportunities by identifying a variety of characteristics, including area of law, client type, scope of engagement, and geography. To create a new account to post on the Guide,

**Leave-Behind One-Pager.** Your organization should create a one-page description of the general pro bono opportunities in order to distribute at events and trainings.

**Regular Newsletter.** Many organizations use a regular, usually monthly, newsletter to keep volunteers and potential volunteers aware of new developments in the area, significant achievements of volunteers or attorneys, as well as new volunteer opportunities that are available. Your newsletter is a reflection of your organization and your pro bono program, so if you don't have time to do it well (by, for example, providing interesting and new content), then it is better to stick to other methods of promoting your pro bono opportunities.

The most common distribution methods for specific cases are discussed below:

**Email List.** An email to a list of potential volunteers describing available cases is the most common method of outreach. The email usually includes a description of cases available for volunteers. Benefits include reaching a large group of people, usually with multiple opportunities. Let people know that the cases are available on a first come, first serve basis - your potential volunteers will know the system is fair, and your email may generate an urgency because recipients know that other volunteers may snap up interesting cases first. For this method, it is important to keep an up-to-date email list. Take steps to avoid getting blocked by spam filters; for example, ask your volunteers to add you to their contacts and eliminate extra attachments. Blind carbon copy all recipients so that others don't accidentally "reply to all" when accepting a case, resulting in unwanted inbox clutter for your volunteers. Most importantly, your descriptions should include an accurate and concise description of the opportunity that is effective for your target audience (discussed more fully in the preceding section).

**Distribution Through Case Management System.** Case management systems, including LegalServer, now allow programs to post cases and volunteers to select cases directly through the system. Combining your case management and case placement systems is not without complication but has many advantages.

**Telephone Calls or Other Individual Outreach.** For smaller programs or programs where each case may require specialized skills, reaching out directly to a volunteer may be the best method to promote a particular case. Just as with written descriptions, it is important to be prepared with all of the information a volunteer might want, like type of case, merits, the time commitment required, and similar information. Reaching out directly to a volunteer provides the distinct advantage of connecting directly with the volunteer, which is great for relationship building. You should explain why this volunteer came to mind for the case; for example, the volunteer is great at handling difficult cases or has specific skills, or the case is less time consuming than others, which you knew the volunteer wanted. The volunteer will appreciate the individual attention, and likely feel needed and valued by your program.

**In-Training Assignment.** When you are presenting a group training session, if possible consider having cases available at that time for interested volunteers. This way, you are getting to the volunteers when their interest is high and their skills are sharpened.

These methods can be used alone or in coordination with one another. Whichever method(s) you choose, make sure to be conscious of your target audience. For example, if you have a case that needs immediate attention, you should focus on already trained volunteers. If you have a case that requires experience in a specific area, or is particularly complex, be sure to include that information. The last thing you want is to advertise a case, have an excited volunteer respond, and then have to tell the volunteer that it actually is not a good fit for him or her. However, if that happens or another volunteer has already taken a particular case, try to offer the volunteer another case or follow-up when a similar case becomes available.

## Prepare Initial Training Program and Training Materials

A successful pro bono program may include both veteran attorneys, skilled in the areas in which they volunteer, and attorneys wanting to experience a new area of law. Providing quality training and support is essential to both recruiting and retaining your volunteers.

The most successful pro bono programs provide substantive, detailed training for volunteers. This may include one or more of the following: individual or group training sessions (live or on-demand); programs where a volunteer attorney shadows a legal aid attorney or experienced volunteer on a similar matter; manual, checklists, and flowcharts that educate volunteers on pertinent areas of the law and provide step-by-step guidance for anticipated representation; ongoing support and availability of the organization to answer questions; templates and other sample documents; and periodic updates through seminars and/or email blasts and newsletters that keep volunteers abreast of major developments in the law and important legal issues being confronted by the organization's clientele.

Training and support must be available on both a large and small scale. On a large scale, the program will need knowledgeable attorneys to create and maintain training manuals for specific areas of law, sample pleadings and court forms, and research materials. On a small scale, skilled staff attorneys must be available to answer questions and help guide the attorney's work when needed. Training materials cannot take the place of an attorney's experience and insight. When asking for help on a pro bono case, a volunteer attorney does not want to hear, "I don't know" or "It's in the materials." They especially don't want their inquiries to go unanswered.

In-person training should generally be no more than two hours. On-line trainings should generally be no longer than ninety minutes and may be broken into multiple sessions or shorter modules to accommodate schedules. Both in-person and online training should be accompanied by materials that the volunteer can refer to after the training. If possible, offer to come to the volunteer's office to conduct training sessions during lunchtime. Most firms are happy to host training sessions, and many will allow an "open" training, permitting volunteer attorneys from other firms to attend the training program. Many firms will even coordinate providing the CLE credit for the program.

When designing and implementing a volunteer training program, incorporate adult learning principles and remember that your pitch for your program should be a different presentation than your training program. Staff that will be training pro bono attorneys and giving these presentations may want to consider training themselves on how to give effective presentations and trainings. For example, there is everything from one-hour presentation skills training to two day "train-the-trainers" trainings. Let the CBF know if you are interested in learning more about presentation skills training opportunities.

### ***Helpful Resources***

- [Pincus Professional Education \(presentation skills trainings\)](#)
- [Webinar on Webinars \(for online presentation skills training\)](#)
- [Presentation Planning Template](#)

### **Conduct Additional Outreach to All Relevant Stakeholders**

Once you have identified the parameters of your program, follow up with the relevant stakeholders with an update. An email may be sufficient, but an in-person meeting or phone call may offer the chance to gain some additional insights into the proposed project and identify potential areas that need work before the program goes live. Consider the following groups:

- Potential volunteers
- Pro bono and legal aid organizations operating in the same space
- Other organizations operating in the same space (i.e. community-based organizations)
- The relevant court or administrative body
- Internal (board, other staff, etc.)
- Funders



## Program Maintenance

### Provide Ongoing Training and Support for Your Volunteers

#### Supporting and Retaining Your Volunteers

Retention is a challenging but exceptionally important part of working with volunteer attorneys. The program should provide non-monetary incentives to retain volunteers. A pro bono program has to take care of its volunteers by making the work enjoyable and rewarding.

Overall, a program must provide security to the volunteer, who needs to know that the program accepts final responsibility for all of its cases. Staff attorneys need to be available to provide support by answering questions and, ultimately, to handle any case that a volunteer cannot complete.

Below are some tips on supporting and maintaining your volunteers:

***Treat Volunteers as Your Secondary Client.*** A key aspect of any successful program is to treat your legal volunteers as clients. Granted, your organization's actual clients always come first, but your volunteers should come in a close second, in terms of how you structure and manage your volunteer program. Crucial first steps in this process are to make sure that your volunteers are well-equipped to represent your clients and that you agree on how to divide up the work on a particular engagement.

***Be Available to Answer Questions and Provide Support.*** Once the case is transferred to the volunteer, you must remain available to answer questions, provide information, review court pleadings as needed, and monitor the status of the case. You should respond to all volunteer inquiries within 24 hours or sooner, if possible. It is a good idea to keep track of significant dates, and to follow up with the volunteer before and/or after the date to either answer questions or to find out what happened. Volunteers usually appreciate the recognition of the work they are doing and "de-briefing" on important hearings, depositions, meetings, etc.

***Provide "Inside Information."*** Volunteers appreciate the inside scoop on your area of practice. If the judge assigned to the case has a pattern of ruling on similar issues, or runs an unusually slow or fast docket, let the volunteer know. If the 9:00 a.m. court call really starts at 10:00 a.m., tell your volunteer so extra time can be blocked out in his or her calendar. If you have a particular experience with opposing counsel, your volunteer will appreciate strategy tips.

***Provide Back-Up, Administrative Support, and a Pro Bono Office, if Necessary.*** Many volunteers, particularly at larger firms, will not need this type of assistance. However, when necessary, someone should be available to cover routine court appearances. While they may never need it, volunteers will appreciate knowing they have back-up. Additionally, some volunteers, particularly solo practitioners or those in small practices, may want assistance with routine docketing tasks, document assembly, and similar matters. Finally, some volunteers may need a "pro bono office," whether in the form of office space to meet with clients, access to online research, or paralegal support. Make all of these things available, if possible, and let your volunteers know. Again, even if they don't need it, they will appreciate knowing it is available.

***Understand that Your Volunteer Has a Day Job.*** The lawyers who volunteer at your organization are different than you in one very important respect: they are part-timers when it comes to the work of your organization, but full-timers in their regular day jobs. This should not be interpreted as a lack of commitment. Volunteers will come with varying degrees of expertise about your subject matter and the relevant law, and they will presumably come from work environments and cultures that may be very different from that of your organization. None of these factors should prevent a successful partnership. You must respect the commitments of their day jobs and help them understand the resource constraints and support capacity of your organization. (Of course, it is equally important to be up front with a volunteer who is not being responsive to a client or to you. If this happens at a firm with a pro bono partner, you may want to enlist their help getting the volunteer back on track.)

***Recognize and Reward Your Volunteers.*** Constantly cheerlead your volunteers by publicly celebrating their accomplishments, building camaraderie amongst your volunteers, and giving them recognition with their employers and the pro bono community at large for their contributions to your organization. Recognition ranges from thanking your volunteers when you talk to them to nominating them for awards and recognitions, either with your own awards or with organizations. Additionally, don't forget to recognize individuals who are helping "behind the scenes." For example, if you know a paralegal or assistant has been helping an attorney with the case, send a note thanking that person or nominate him or her for an award. Volunteer recognition is discussed in detail below.

***Make the Engagement as Easy as Possible on Your Volunteers.*** Overall, keep in mind that there are many things you can do to make the volunteer experience positive, from matching appropriate cases with the right volunteer to providing resources and support throughout the case. Whatever you do to make the engagement easier on volunteers will increase your retention of them, and will result in a better experience for the volunteer, client, program, organization, and pro bono community as a whole.

### **Thinking Long-Term About Your Volunteers**

Once the case is complete, you should officially take the steps necessary to close it out with the volunteers and the client, as well as in your internal system. The end of a case also provides an opportunity to gain information and, perhaps, additional service from your volunteer.

The key to growing your volunteer program into a self-sustaining, powerful resource for your organization is to always be looking beyond the volunteer's current pro bono engagement. For this reason, treating your volunteers like clients should go well beyond simply supporting their work. Your volunteers are representatives of the law firms and corporations where they are employed. If you can convert a new volunteer into a supporter of your organization, that volunteer is likely to bring you additional volunteers and support from his or her employer. The reality is that pro bono lawyers regularly exchange perspectives on good versus "bad" volunteer programs and their employers typically are more willing to provide financial support to those organizations that treat their volunteers well and provide positive experiences.

At the end of every representation, you should interview your volunteer to give him or her an opportunity to rate the experience, and to provide constructive input on how your volunteer program

can be improved. There is nothing more frustrating for a volunteer than to experience the same problems time and time again. Volunteer suggestions about how to improve your program should be taken seriously. Invite them to help you develop best practices, and make them feel accountable for the success of other volunteers. This interview may take the form of a call, or if the volunteers would feel more comfortable, a survey or email.

Many volunteer agencies make the mistake of not following up with their volunteers once an engagement is concluded. If the volunteer's experience was generally positive, you should ask that volunteer to take on a new engagement; if the volunteer is reluctant to take on another case right away, find out when he or she might have enough time to take one on, and follow up with that volunteer at that time. Alternatively, a volunteer may be willing to recruit or supervise another attorney within the firm to handle a similar case. Finally, the volunteer may be willing to play some other role for your organization, such as training other volunteers, helping the organization strategize about impact cases or issues to take on, or serving on the Board or a committee. However, you won't know what the volunteer is interested in unless you ask.

In addition to following up with each of your volunteers, you should follow up with pro bono committee heads and/or full-time pro bono counsel to foster long-term relationships. For example, the firm may be interested in a special project, or these pro bono leaders may provide feedback about your program that your individual volunteers are not comfortable providing. Regardless of the avenue, find a hook into a longer-term relationship with your volunteers and sponsoring employers. If you do so, you will find that your volunteers will do more than just help you with your caseload. In addition, make sure that you are making the appropriate requests of the individual volunteers (i.e. their individualized feedback, case updates) and the full time pro bono counsel (i.e. pro bono hours requests). Best practices for pro bono hours requests, including a sample email request, can be found [here](#).

### **Coordinate with Your Development Efforts**

Pro bono programs are important to the organization's overall development effort in several ways. As discussed above, volunteers are often donors and can be excellent ambassadors for your program and access to justice in general, based on their experience in your program. Pro bono program staff should work with the organization's development team to determine the best way to integrate that work, whether working to encourage your volunteers to donate to the program or telling the organization's story through volunteer experiences.

### **Periodically Update and Involve Board Members**

Board members may be excellent ambassadors for your pro bono program. Periodically update the board to ensure they understand and support the program. When appropriate, ask them to get involved with the program; their experience may help them understand your organization's work and commit even more to the cause.

### **Recognize Your Volunteers**

Recognition and appreciation of volunteers is important and can take many forms. In addition to more formal awards (discussed more fully below), consider the following:

- Handwritten note, personal email, and/or call to volunteers
- Especially for more junior attorneys, send an email to their supervisor, practice group leader, and/or pro bono partner about the attorney's great work
- Small gift certificates to Starbucks or Dunkin' Donuts. Programs may wish to use these small tokens of appreciate to mark milestones, such as a year of service, five cases handled, etc.
- Highlight volunteer achievements in newsletters
- Regularly highlight volunteer achievements on social media (Facebook, Twitter, LinkedIn)
- Suggest outstanding volunteers provide testimonials about how they incorporate pro bono into successful careers for the annual [CBA/CBF Pro Bono Week](#)

Formal awards are another great way to recognize outstanding volunteer commitment and awards. In addition to recognizing volunteers with awards or certificates from your organization internally, perhaps as a part of a reception or ceremony, you might also consider nominating volunteers or supporting firms for one of the more prestigious local and national pro bono awards.

### Local Awards

***CBA/CBF Pro Bono and Public Service Awards.*** Each year the CBF partners with The Chicago Bar Association to recognize exemplary attorneys in our legal community through the CBF/CBA Pro Bono and Public Service Awards. The Pro Bono and Public Service Awards celebrate outstanding members of the legal profession who have used their talents and resources to improve access to justice for the less fortunate in our community. These six awards are presented each year at the CBA/CBF Pro Bono and Public Service Awards Luncheon in July. Nominations are typically due in May. More information is available on the CBF's [website](#).

***Northern District of Illinois and the Chicago Chapter of the Federal Bar Association Pro Bono Awards.*** Since 1999, the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association have presented pro bono awards to outstanding pro bono attorneys for their work on cases that are no longer pending in the District Court. Nominations are typically solicited in early spring and award recipients are recognized at an annual awards reception.

***Seventh Circuit Bar Association Pro Bono Awards.*** Since 2010, the Seventh Circuit Bar Association has presented annual awards to celebrate the profession's commitment to community service and honor outstanding pro bono and public service work by members of the bar. Awards are given out for work in the Seventh U.S. Circuit Court of Appeals, U.S. District Courts in Illinois, and U.S. Bankruptcy Courts in Illinois. Nominations are accepted for individual attorneys, groups of attorneys, firms, or other organizations. Nominations are typically solicited during the winter and are presented at the Seventh Circuit Bar Association's annual meeting in late spring.

***ISBA John C. McAndrews Award.*** The ISBA established the John C. McAndrews Award to honor the extraordinary commitment of individuals, bar associations, or law firm/corporate legal departments to providing free legal services to the income eligible in Illinois or expanding the availability of legal services to the income eligible in Illinois.

Nominations are typically accepted in early spring and the award is presented at the ISBA annual meeting in early summer. More information is available at [www.isba.org](http://www.isba.org).

**Public Interest Law Initiative Awards.** Each year, PILI presents awards to acknowledge those whose work epitomizes the ideal of access to justice for all, including a Distinguished Service Award, a Pro Bono Initiative Award, and two PILI Alumni Awards. Recipients are recognized at PILI's annual luncheon, typically in late November or early December. More information is available at [www.pili.org](http://www.pili.org).

## National Awards

Several organizations at the national level present pro bono awards. Some examples are included below.

**ABA Pro Bono Publico Awards.** Each year, the Standing Committee on Pro Bono and Public Service presents five awards to individual lawyers and institutions in the legal profession that have demonstrated outstanding commitment to volunteer legal services for the poor and disadvantaged. The awards are presented at the Pro Bono Publico Awards Assembly Luncheon during the ABA's annual meeting in August. More information is available on [www.americanbar.org](http://www.americanbar.org).

**National Legal Aid and Defender Association Awards.** NLADA sponsors 13 awards honoring the distinguished men and women whose outstanding service and achievements advance the cause of equal access to justice. More information about these awards is available at [www.nlada.org](http://www.nlada.org).

**Other ABA Awards.** Many ABA sections and committees present pro bono awards to their members relating to specific subject matter. If your volunteer is active in the ABA, you might consider one of these awards. A chart of the ABA awards is available at [www.americanbar.org](http://www.americanbar.org).

## Provide Ongoing Training and Support for Your Staff

Attorneys who work with volunteers utilize different skills than attorneys who only represent clients. Pro bono program staff should continuously evaluate and refine the pro bono program to maximize efficiency and to improve the client and volunteer experience. In part because of the professionalization of pro bono, a vibrant, engaged pro bono community exists made up of firm pro bono counsel, legal aid pro bono coordinators, and other access to justice professionals. Pro bono program staff should be encouraged to participate in groups and trainings that address issues relevant to pro bono programming. For questions about pro bono groups in Chicago, contact the Associate Director of Pro Bono & Programs, Elise Tincher, at [etincher@chicagobarfoundation.org](mailto:etincher@chicagobarfoundation.org).

Two national conferences offer excellent programming on pro bono and other legal aid issues, and both offer a limited number of scholarships each year. Both new and experienced program staff benefit from attending national conferences where they can learn from and connect with their peers throughout the country.

**Equal Justice Conference.** Sponsored by the ABA and NLADA, the Equal Justice Conference brings together all components of the legal community to discuss equal access to justice issues as they relate to the delivery of legal services to the poor and

low-income individuals in need of legal assistance. The emphasis of this Conference is on strengthening partnerships among the key players in the civil justice system. Through plenary sessions, workshops, networking opportunities, and special programming, the Conference provides a wide range of learning and sharing experiences for all attendees. The conference typically takes place in May. A limited number of scholarships are available each year. More information about this conference and the scholarships are available at [www.americanbar.org](http://www.americanbar.org). Typically, EJC also offers a basic and advanced pre-conference for pro bono staff. These programs are especially valuable for new pro bono program staff.

**National Legal Aid and Defender Conference.** NLADA champions effective legal assistance for people who cannot afford counsel, serves as a collective voice for both the civil legal aid and public defense communities throughout the nation, and its annual conference brings together legal aid lawyers, public defenders, and advocates of equal justice to address common issues. The conference typically takes place in November. A limited number of scholarships are available. More information about the conference is available at [www.nlada.org](http://www.nlada.org). NLADA occasionally offers an excellent two-day “train the trainers” pre-conference session led by David Cruickshank, which is incredibly valuable for pro bono staff who present trainings.

### Periodically Evaluate Your Program

Pro bono programs should continuously and actively evaluate their program, including impact, as well as both volunteer and client satisfaction. Evaluating all aspects of your pro bono program can help ensure that you are continuing to meet the needs of your clients, volunteers, and your organization as your program develops and evolves.

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*The Chicago Bar Foundation prepared this checklist and supporting resources with input and consultation from many people in the Chicago legal aid and pro bono community. The CBF would like to acknowledge these many contributions and thank each person who contributed.*