



PRO BONO TOOLKIT

for Retired/Inactive Illinois Attorneys



PEARL

Project to Engage Active Retired Lawyers

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OVERVIEW/INTRODUCTION

Purpose of the Toolkit

This toolkit and the linked resources are designed to help retired and inactive status attorneys in Illinois understand the benefits of pro bono work and to learn more about getting involved. There are over 11,000 inactive status attorneys in the state and hundreds more retire every year, and yet only 86 were registered under Pro Bono Authorization Rule 756(k) to provide pro bono services in 2017.¹

The need for free legal assistance in the state is great, and pro bono is a great way for retired attorneys to continue to use their expertise, stay connected, and give back to the community. Interested parties are encouraged to read through the toolkit and explore the external pro bono opportunities linked below.

What is Pro Bono and Why Do It?

Basic Definition of Pro Bono: The Illinois Supreme Court definition of pro bono includes legal services delivered without charge or expectation of a fee to people of limited means (including the working poor) or charitable, religious, civic, or community-based organizations. Pro bono service also includes training intended to benefit legal aid or pro bono lawyers.²

The 2017 Justice Gap Measurement Survey conducted by the Legal Services Corporation finds that fewer than half of low-income people who face a legal problem will be able to access legal help³ because of a lack of pro bono and legal aid resources. An increasing number of moderate-income people are also unable to find affordable legal help.⁴ This systematic shortcoming means that thousands of people are left without the assistance they need to navigate the legal system and fairly and effectively resolve their legal problems.⁵

RETIRED VS. INACTIVE

Both retired and inactive attorneys are exempt from MCLE reporting requirements and permitted to provide pro bono services under Pro Bono Authorization Rule 756(k) at a reduced/waived fee.

Retired lawyers pay no annual registration fee. To resume active status, they must submit their notification to the ARDC and pay full active fees for the registration year in which they will resume active status and for every other year in which the lawyer was registered as retired.

Inactive status lawyers pay an annual fee of \$121 (subject to change). They can resume active status by submitting notification to the ARDC and by paying the active lawyer registration fee for the year in which active status is resumed.

¹ <https://www.iardc.org/AnnualReport2017.pdf>

² https://courts.illinois.gov/SupremeCourt/Rules/Amend/2017/012517_756.pdf

³ <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>

⁴ <https://www.lawpracticetoday.org/article/middle-class-untapped-legal-marketplace/>

⁵ <https://cbf.joinpaladin.com/chicago-bar-foundation/new-to-pro-bono/>

Lawyers, as officers of the justice system, have a special responsibility to ensure that all people, not just those who can afford it, have access to the justice system. Section 6(a) of the preamble to the **Supreme Court of Illinois Rules of Professional Conduct** states that it is

“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... 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.”

Legal services can only be adequately provided by those who are licensed to practice, so trained attorneys are in a unique position to help people in need as they maneuver through a justice system that was designed for legal professionals only. The crucial work of pro bono makes the community a better and more just place to live and improves the public image of the legal field, which sets a professional example for others to follow.

Why Retired Attorneys Should Consider Doing Pro Bono

In 2018, the American Bar Association surveyed over 47,000 attorneys across the country about their experiences with pro bono work and found that 81% believe that pro bono services are either somewhat or very important, but only 45% indicated that they were either likely or very likely to undertake pro bono work in 2017. The number one deterrent: lack of time.⁶

The professional and ethical obligation to public service does not disappear when a career ends. Retired attorneys bring years of experience and have more time to devote to pro bono work since they do not have to simultaneously maintain an active office. Providing competent representation to those in need is rewarding, especially for retirees who wish they could have done more pro bono work during their active careers.

Beyond the gratification of helping fellow community members, some retired attorneys note real satisfaction that comes out of the problem-solving aspect of legal aid.⁷ Transitioning from a breakneck career in legal work to full-time retirement can be difficult. Doing pro bono work allows retired attorneys to maintain a sense of purpose and importance while keeping the brain active, and it can also be a way to keep up the social connections within the legal community.

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https://www.americanbar.org/content/dam/aba/administrative/probono_public_service/lis_pb_supporting_justice_iv_final_authcheckdam.pdf

⁷ <https://www.law360.com/articles/1104754/senior-service-how-retired-attys-are-battling-the-justice-gap>

Additionally, retired attorneys who become authorized to provide pro bono services do not need to pay any registration fees nor keep up with MCLE requirements to obtain authorization status – Rule 756 (k) waives both for retired and inactive status attorneys who wish to provide pro bono services.

Rule 756 (k)⁸ and the Pro Bono Authorization Process

Illinois Supreme Court Rule 756 (k) provides authorization for inactive, retired, or out-of-state attorneys who are not disbarred or otherwise suspended from practice in any jurisdiction to provide pro bono legal services under a certain set of circumstances. The legal services have to be pro bono, or provided (1) without charge or an expectation of a fee by the attorney, and (2) to individuals of limited means or not-for-profit organizations, governmental entities, law school clinical programs, or bar associations providing legal services.

ADDITIONAL INCENTIVES FOR OBTAINING PRO BONO AUTHORIZATION UNDER RULE 756(K):

- **No registration fee** for retired status attorneys
- **No MCLE requirement** for retired or inactive status attorneys

Provided all of that is true, attorneys wishing to obtain Pro Bono Authorization follow this simple process:

1. The attorney submits the [Statement of Attorney Seeking Authorization to Provide Pro Bono Services](#) to the Administrator of the Attorney Registration and Disciplinary Commission along with the [Verification of Sponsoring Entity](#), which is completed by the entity/organization with which the attorney will be working. The statement includes agreement by the attorney to participate in any training required by the sponsoring entity and to notify the Administrator within 30 days of ending participation in the pro bono program.
2. When the Administrator approves, the attorney's authorization will last until the end of the calendar year in which the statement and verification were submitted (or until the program or the lawyer's participation in that program has ended).
3. An authorized attorney can renew their authorization annually by submitting the [Renewal Statement of Attorney Authorized to Provide Pro Bono Services along with the Verification of Sponsoring Entity](#). No registration fee is required.

⁸ http://www.illinoiscourts.gov/supremecourt/rules/Art_VII/artVII.htm#Rule756

GENERAL PRO BONO INFORMATION

Types of Pro Bono Programs

Pro bono programs take on a variety of models to deliver legal services depending on client demand, capacity, funding sources, and several other factors. Some common models include:

Traditional/Panel Programs. Organization staff screens cases and sends them out to a list of volunteers with expertise or training in the subject matter. Interested volunteers accept the cases they want. While most cases are start-to-finish litigation, some may be appropriate for limited scope representation.

Pro Bono Clinics. Clinics take a variety of forms, but in a typical pro bono clinic, volunteer attorneys provide legal advice or assistance in community-based settings at a specified time. Clinics may have a particular focus (e.g. expungement) or may be open to addressing any type of civil legal issue. Sometimes, legal aid staff pre-screen cases. 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 with no further obligation.

Help Desks. Court-based help desks usually operate during regularly scheduled hours with volunteers signing up to cover specific shifts in advance. In Cook County, most help desks focus on a particular area of law (e.g. guardianship or eviction). Outside of Cook County, most help desks are open to all civil legal questions. Depending on the help desk, volunteers may provide legal information or legal advice. Some help desks may also offer opportunities for same-day limited scope court appearances. Help desks do not require volunteers to take on any extended representation beyond the assigned shifts.

Mediation. Mediation services involve an impartial volunteer mediator working with two or more parties to help settle a conflict and navigate possible solutions. It's important to note that mediators do not advise, take sides, or render a judgment in these cases – they simply facilitate communication between the parties to reach a mutually acceptable resolution. The Center for Conflict Resolution (www.ccrchicago.org) specializes in mediation and has locations throughout Cook County. Resolution Systems Institute also maintains a list of mediation programs throughout Illinois at www.aboutrsi.org/court-adr-across-illinois/mediation.

Mentoring. The Illinois Supreme Court's Commission on Professionalism approves lawyer-to-lawyer mentoring programs and is the only mentoring program in Illinois that qualifies as pro bono. Mentoring provides the opportunity for experienced lawyers to give professional advice to younger lawyers. Guidance can range from transactional assistance to judgment and other skills in a generally flexible structure that varies depending on the mentee's needs and the mentor's expertise. To view more about the mentoring program in Illinois and to see sponsoring organizations, visit www.2civility.org/programs/mentoring.

What to Ask Before Taking a Case

Before taking on a pro bono case, it's important to (1) understand the pro bono program's expectations, and (2) make sure to receive any needed training and support.

Then, depending on your needs and preferences, ask the following questions of the program staff:

- **Does the program thoroughly screen clients?**
Before referring a case to a lawyer, the program should, at a minimum, complete a comprehensive screening of clients. A program should also provide a statement of facts and an assessment of the case.
- **How does the program's intake system ensure that I will receive a meritorious case or project?**
Solid intake and screening procedures should ensure that you are receiving a meritorious case involving an eligible (financially and otherwise) client.
- **Will the program assign me a case that matches my expertise, interests, and time restraints?**
A program's intake and screening procedures should ensure that the case is within the parameters of the type of work for which you volunteered.
- **Will I be covered by the program's malpractice insurance?**
Most legal aid and pro bono programs in Illinois have malpractice insurance available for volunteers. You should confirm directly with the organization before taking on a case.
- **For which expenses, if any, will I be responsible?**
Some pro bono programs require that the clients pay for out-of-pocket expenses such as court costs, filing fees, etc. However, some programs maintain a fund to cover the same, while others allow or depend upon the volunteer to pay these expenses.
- **What if the case becomes too much for me to handle?**
Some pro bono programs can facilitate co-counseling and/or mentoring arrangements with program staff attorneys or with other volunteer lawyers. In some instances, the program may agree to take the case back if it becomes too onerous for a volunteer.

- **What types of training and support does the program offer to its volunteers?**

Programs offer a variety of support mechanisms and training to its volunteer lawyers that should include all or some of the following:

- Legal Support
 - Substantive law and procedural training and support
 - Legal manuals (containing compiled legal research)
 - Form pleadings
 - Mentors (program staff or more experienced volunteer lawyers)
- Time Management Support
 - Co-counseling arrangements
 - Program staff attorneys to cover in emergencies
- Training specific to the organization and its clients
 - Handbooks with program policies and staff contact information
 - Client sensitivity training
- Malpractice Insurance & Administrative/Logistical Assistance
 - Malpractice insurance
 - Office space for client interviewing and meetings
 - Administrative assistant/legal support (through volunteer paralegals, law students)

VOLUNTEER OPPORTUNITIES FOR OTHER LEGAL PROFESSIONALS

Legal pro bono work is not restricted to attorneys alone. Many pro bono opportunities exist for other legal professionals (including paralegals and law students) to provide support and give administrative assistance. The [Pro Bono Opportunity Guide](#) powered by Paladin and the Chicago Bar Foundation and the [Public Interest Law Initiative](#) website list several programs and ways for legal professionals to get involved in pro bono.

- **Often clients have more than one legal problem. How can I ensure that the client understands that I am agreeing to provide representation only in a specific matter?**

Most pro bono programs will prepare retainer agreements. A retainer agreement should clearly state that the pro bono attorney is providing representation only in the matter referred. A program should assure volunteers that they are not expected to provide representation in other matters and instruct them to refer clients back to the program if the need arises, unless a volunteer is willing to assist the client in additional legal matters.

- **What is my relationship with my pro bono client and the pro bono program?**

A pro bono program should clearly communicate the nature of the relationship it is establishing between the program, a client and a volunteer. That agreement should be reflected in the written retainer agreement. A volunteer lawyer should discuss with the pro bono client the extent of the representation the volunteer agrees to undertake on the client's behalf and document that understanding in a written retainer agreement.

- **Once I accept a case, will the program keep in touch with me?**

A pro bono program should maintain contact with its program volunteers through periodic follow-up via telephone or email as part of the program's comprehensive tracking system. A tracking system provides a mechanism for determining that volunteers are progressing on cases the program has placed with them and that the program is providing effective and high-quality legal services to the client.

- **Once I accept a case, what are my responsibilities to the pro bono program?**

Generally pro bono programs ask that the volunteer attorneys: keep the program apprised of the status of the case on a regular basis (for example, every 60 to 90 days); seek support and mentoring when needed; advise the program of any problems or issues that arise; advise the program when the case is closed, the disposition thereof, and the number of hours you spent on the case; and complete any evaluation forms.

- **How do I know which programs are authorized by the ARDC to supervise retired/inactive attorneys under Rule 756(k)?**

A list of approved sponsoring entities is available at www.illinoislegalaid.org/legal-information/pro-bono-retired-corporate-and-out-state-attorneys. If an organization is not on that list, they can apply to become a sponsoring entity by completing an [Application of Organization or Entity to Qualify as a Pro Bono Sponsoring Entity](#) to the ARDC.

PRO BONO OPPORTUNITIES

Where to Find Pro Bono Opportunities

As you look for the opportunity that is a good fit for you, it is important to be mindful that pro bono and legal aid programs are working to meet a high level of need with extremely limited resources. The websites listed below are helpful resources to use to find the pro bono program that's right for you.

CBF & Paladin Pro Bono Opportunity Guide. This online resource allows you to search pro bono opportunities and cases by area of work, type of client, and time commitment and contact organizations directly. Interested authorized attorneys can access the Pro Bono Opportunity Guide and filter opportunities to find options that fit for them.

How to use the guide:

1. From the Opportunity Guide landing page, click on an area of focus (area of expertise, target group, availability) to see a list of all the opportunities associated with that focus (e.g. clicking on "Children & Families" will bring up all the available opportunities associated with children and families).
2. Scroll through opportunities and select specific options to read a description and see details about location, time commitment, required training and support, and other information.
3. Once you find an opportunity that fits, click "Express Interest" to directly message the opportunity contact.

Definitions under "What you can do"

- **Fixed Time Commitment** – Opportunities with set start and end times. These are often limited scope in nature and may include clinics, help desks, and other time-bound opportunities.
- **Litigation** – Opportunities that involve litigation, or direct representation of clients in legal proceedings.
- **Policy, Advocacy, & Research** – Opportunities to support legal aid programs with their systemic work, including legislative advocacy, court advocacy, and impact litigation. These listings lend themselves toward remote work and do not require direct interaction with clients.
- **Training and Education** – Opportunities to develop self-help materials and resources for people facing a legal problem without a lawyer.

- **Transactional** – Opportunities that involve transactional work outside of the courtroom, including contract drafting, estate planning, real estate matters, and intellectual property disputes.
- **Statewide Opportunities** – Opportunities that are located or available outside of Chicago and Cook County. Specific geographic locations are noted in the upper right corner of each opportunity box.
- **Remote Friendly** – Opportunities that are not location-specific and can be done remotely from any location with computer access. These are noted with a globe symbol next to the geographic location in the upper right corner of each opportunity box.

ILAO Calendar of Events. Illinois Legal Aid Online posts a calendar of continuing legal education (CLE) workshops and other training opportunities and resources that are open to attorneys interested in taking on pro bono matters. The listed events are short, one-time commitments, and event details and links to register are accessible after clicking on the event. You can find the calendar at www.illinoislegalaid.org under “For Legal Professionals.”

PILI Pro Bono Programs. The Public Interest Law Initiative provides various statewide and remote-friendly opportunities for pro bono work with a direct online form to register for opportunities. Listed organizations and opportunities provide a short description and a link to more information, and at the bottom of the webpage is an embedded form to register as a PILI Volunteer. You can find more information at www.pili.org/pro-bono.

CBF Pro Bono Resources. The Chicago Bar Foundation dedicates an entire section of its website to pro bono which includes links to the above webpages, resources for pro bono attorneys, rules and forms, and CBF Pro Bono Initiatives.

FORMS AND OTHER RESOURCES

Retired/Inactive Attorney Forms

The ARDC has created forms for retired or inactive attorneys to use when applying for Rule 756(k) Pro Bono Authorization. The forms are available online at this link:

https://registration.iardc.org/attyreg/Registration/Registration_Department/Pro_Bono_Authorization/Registration/regdept/probonoauthorizationforms.aspx?hkey=8cc4e1b3-b684-46c8-95e7-8f2b7f13bc93