

# Pro Bono Clearinghouse Manual

Resources for developing pro bono legal services



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RESOURCES FOR DEVELOPING PRO BONO LEGAL SERVICES

A joint publication of

**PILnet: The Global Network for Public Interest Law**

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**Advocates for International Development**

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# I. Foreword

We live in a world of potent inequalities—power, wealth, access to information and opportunity—in which numerous people struggle to achieve their potential. Many do not know the rights they have. Even more do not know how they can go about accessing them. These are problems universal in nature, from the housing estates of east London to the rural communities in east Africa. Far too often, the law lacks relevance and power.

This is a challenge not just for the individual but also for the community group, the charity and the not-for-profit. Inequalities of wealth and power have the potential to leave people with little access to the legal resources needed to protect themselves and those they seek to assist.

Recent decades have seen an exponential growth in access to free legal assistance. At the same time, we are faced with the challenge of ever-decreasing state funding for legal services. Access to justice continues to be a major global problem and one to which there is no ready, government-based solution in sight.

With this in mind, it is the responsibility of lawyers, and of the legal profession globally, to do all they can to ensure that people are able to access the protection the law should provide. It is not right that we live in a world in which, according to the United Nations, four billion people live outside the rule of law. This is a situation that we cannot simply sit by and accept, or argue that the solution should only be the responsibility of others.

I have been fortunate, through my time as the chairman of Advocates for International Development (A4ID) and now as the person leading the pro bono and community affairs programs globally at Allen & Overy, to meet both the lawyers willing to offer their assistance and the people and groups who have needed it so much. For some, the barrier to seeking legal advice is financial. For others, it is psychological—a lawyer would not want to assist me since surely lawyers only act for the other side? For many, the question of communication is key.

The lawyers involved also face similar issues—can my skills be of use? how will I manage the relationship? how do I find the right person to assist?

Pro bono clearinghouses, like PILnet, A4ID and many others around the world, provide an essential solution to these problems. At their heart they connect skills with need. But they also do much more. They raise the profile of the pro bono client. They raise the standards that we as legal professionals must meet. They enable slowly, gradually, step-by-step, more of those four billion to be reached.

Clearinghouses already achieve so much, from the nearly 200 matters placed each year across PILnet, to the 340+ organizations assisted by A4ID since it was founded. However, they are just a part of the global picture. More needs to be done to make a difference, and this manual is an important step on that journey.

From experience, I know it can be daunting to try and set up a new clearinghouse. However, there is a need for clearinghouses to spread so that we can build a greater network around the world, especially throughout developing countries in need.

For this to happen there needs to be a real sharing of knowledge and expertise across clearinghouses. This is my hope for this guide (and also for the workshops that PILnet has been running). It does not provide answers to all the questions new clearinghouses will face—nothing ever will—but it does identify many of those key challenges and explains the ways in which others have navigated around those issues. This manual should be seen as a living document into which the experiences of others can be fed and which can continue to provide a blueprint for clearinghouse growth well into the future.

I also hope that this guide will inspire ever-closer working relationships among clearinghouses worldwide. We are at our very best when we come together to share, to be open and to learn. In a world where resources are scarce but legal need is great, we stand a far greater chance of meeting our objectives when we work together.

At its heart, pro bono is about a lawyer working with a client, offering a much needed service for which otherwise the client would not be able to pay. Without clearinghouses, this connection would be much less likely to happen.

This manual offers the potential for so many more connections to be made and for so many more people to be assisted. It is an incredibly welcome development. I hope and trust that through the manual, and by working together, we can each do our part to reach those in need and bring them within the protection of the rule of law.

*Chris Marshall*

Pro Bono and Community Affairs Senior Manager, Allen & Overy

## II. Preface

This manual represents an ongoing collaboration between PILnet: The Global Network for Public Interest Law (PILnet) and Advocates for International Development (A4ID) to develop best practices for operating pro bono clearinghouses in order to assist the development of pro bono clearinghouses globally.

When PILnet first began working in Eastern Europe in 1997, one of its core goals was to enhance access to justice for socially vulnerable, poor and disadvantaged people. It developed strategies to reform legal aid systems and legal education, and it successfully facilitated critical reforms throughout the region. PILnet also helped build the advocacy capacity of civil society organizations by maximizing the reach of their work and their impact on the communities they serve.

Towards the end of its first decade working in Europe, PILnet (formerly known as the Public Interest Law Institute or PILI) witnessed an increasing interest in “pro bono”—uncompensated voluntary legal services for the public good. Seeing an opportunity to develop much-needed legal resources for public interest purposes, PILnet began its quest to bridge the gap between the lawyers willing to provide free legal help and those who need it.

Around the same time in the United Kingdom, A4ID was also trying to institutionalize the commitment to international pro bono. Following the Asian tsunami of 2004, a group of London-based lawyers, the “1,000 City Lawyers,” came together in association with Oxfam to further the underlying goals and principles of the Make Poverty History campaign. A4ID was the independent successor organization of this movement—pulling together the talent, commitment and enthusiasm generated by 1,000 City Lawyers but adopting a broader focus: to use legal skills in support of a range of development actors to champion the United Nations Millennium Development Goals.

Both PILnet and A4ID independently realized that establishing a clearinghouse was one way to achieve their new goals. A clearinghouse facilitates the provision of pro bono legal advice by acting as a broker between people or organizations who need legal assistance and lawyers who are willing to help. Clearinghouses generally aim to institutionalize the pro bono practice of law firms and individual practitioners in order to leverage private sector resources for the good of all. By promoting and providing technical assistance for organized pro bono, clearinghouses help increase access to legal resources for more disadvantaged groups.

Accordingly, in 2006, PILnet launched its Global and Hungarian clearinghouses to help enable long-lasting connections between pro bono practitioners and NGOs around the world, later adding clearinghouses in Russia and China. In London, A4ID was simultaneously launching its clearinghouse aimed at promoting international development and poverty eradication by increasing access to legal practitioners. Following these models, other European clearinghouses launched soon thereafter. Suddenly, pro bono practice in Europe was becoming a reality.

In 2007, PILnet held its first European Pro Bono Forum, which has since become an essential event for those interested in pro bono practice in Europe. Before the conference, PILnet hosted the first-ever European Pro Bono Clearinghouse Workshop. By the 2010 Forum, held in Paris, the attendance and agenda of the Clearinghouse Workshop had expanded greatly, bringing together participants from across Europe and around the globe—from as far afield as Ireland, France, Latvia, Brazil, and South Africa—to share knowledge, exchange information, and freely discuss issues. A4ID made major contributions to these conversations, but both A4ID and PILnet felt there was more to share.

The success of the Forum, coupled with the proliferation of emerging clearinghouses around the world, made us realize there was a need for a practical guide aimed at giving substantial guidance to individuals and NGOs who plan to launch a pro bono clearinghouse in their country. In an attempt to capitalize on our combined experience in establishing and running successful clearinghouses, the *Pro Bono Clearinghouse Manual* was born. The manual has since benefitted from the input of a number of fellow clearinghouses, particularly at the November 2010 Pro Bono Clearinghouse Workshop. We hope that learning from the experiences of other clearinghouses will help guide your clearinghouse and expand pro bono practice globally.

*Edwin Rekosh*

Executive Director, PILnet: The Global Network for Public Interest Law

*Yasmin Batliwala*

Chief Executive, Advocates for International Development

### III. Introduction

In many jurisdictions, free legal services have traditionally been available to those in need either informally, from solo practitioners and small firms on a pro bono basis, or through legal aid or non-profit organizations that employed lawyers to provide free services to specific categories of clients in need. More recently, however, and particularly during the last two decades, pro bono has become a more institutionalized service within the legal profession. A number of factors have contributed to this. First, in some jurisdictions, cuts in government-funded legal aid programs challenged the legal profession to examine the availability of free legal services to those in need and to consider the profession's role in providing such services on a pro bono basis. Second, as the size and globalization of law firms began to grow, many law firms started to institutionalize their firms' pro bono work, in part in order to recruit top law school graduates and retain associates. Finally, many bar associations began organizing non-profit pro bono programs and promoted volunteerism at law firms as an alternative to legal aid organizations. A critical contribution to the development of pro bono legal services has been the growth of pro bono clearinghouses—non-profit organizations that help promote the availability and institutionalization of pro bono while acting as pro bono matchmakers, connecting those in need of free legal services with lawyers capable of providing it. The goal of this manual is to draw on the experiences of PILnet, A4ID and others to provide resources to new and developing pro bono clearinghouses globally.

This project has been prepared jointly by Advocates for International Development (A4ID) and PILnet: the Global Network for Public Interest Law (PILnet).

**A4ID** is a charity registered in England and Wales and an international NGO that plays a strategic role in creating effective and efficient solutions to eradicating global poverty by utilizing the law and harnessing the skills of the legal profession to meet development needs.

A4ID inspires and enables lawyers<sup>1</sup> to play an active role in the fight against poverty and ensures that legal support is available to organizations involved in international development. This is achieved through its global network of leading law firms, chambers and in-house legal teams who provide pro bono legal assistance to A4ID’s international development partners that include local charities, global NGOs, social enterprises, bar associations and developing country governments. The legal support offered through this clearinghouse allows A4ID’s partners to operate more effectively, and thus increase their impact. It also assists them in influencing legislation and policy decisions, protecting rights and building a strong rule of law, in order to meet international development goals.

In partnership with lawyers and development organizations, A4ID also works to raise awareness and share knowledge about the role law can play in tackling poverty, in order to develop more effective and sustainable responses to development challenges. This is done through a program of education events, seminars and debates, as well as the dissemination of current thinking around issues of concern related to law and development.

A4ID grew out of the Oxfam 1,000 City Lawyer Initiative following the Asian tsunami of December 2004. It became a separate organization in 2006 and has grown rapidly to become a global pro bono leader.

**PILnet** was established in 1997 after the fall of the Berlin Wall, when the countries of Central and Eastern Europe were re-inventing themselves. At that time, the law was seen by many as a means of state control rather than an instrument for the common good. PILnet was created to promote the use of law as a tool to serve the interests of the whole of society rather than those of a powerful few.

In 2002, PILnet established an office in Budapest, Hungary, from which it coordinated efforts across Central and Eastern Europe. Subsequently, PILnet set up offices in Russia (2004) and China (2008) to address the on-the-ground needs of its international fellows as well as apply its unique approach of activating, empowering and connecting those that use legal tools to work in the public interest.

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1 Throughout this manual, the authors use the terms “lawyers” and “law firms” interchangeably. When the authors use the term “lawyer” it does not necessarily mean that a clearinghouse should bypass any appropriate pro bono coordinators, committees or specially-assigned pro bono partners that exist within the law firm structure.

In 2007, PILnet became an independent non-profit organization (then the Public Interest Law Institute) and established a New York office; PILnet adopted its current name in 2011 to better reflect its strategy of bringing together global networks devoted to delivering justice and protecting rights.

In order to inspire lawyers to advance the public interest and strengthen the ability of civil society to influence laws and policies and assist individuals in need, PILnet develops pro bono (or volunteer) legal practice around the world. Although in recent years, lawyers and firms have become increasingly willing to undertake pro bono matters, they often lack a direct connection to the community. PILnet's pro bono clearinghouses in Hungary, Russia, China and its cross-border Global Pro Bono Clearinghouse serve to bridge that gap between lawyers seeking opportunities to provide free legal help and those who need it.

PILnet also helps replicate its model by providing technical assistance, know-how exchange and other forms of coordination to partner clearinghouses in Europe and elsewhere, including nascent efforts in India, Nigeria, and Hong Kong. It also organizes the annual European Pro Bono Forum to provide a dynamic, multinational platform for exchange of information, skills transfer and networking related to pro bono activities on an increasingly global scale.

This manual draws on the experiences of A4ID, PILnet and others in starting and managing pro bono clearinghouses.

The intention of this volume is not to say that there is one right way to start and manage a pro bono clearinghouse. There is not. Instead, careful thought is required taking into account culture and context so that a clearinghouse meets local need appropriately and effectively. It is hoped that this manual will act as a starting point for that process so that the shared learning of PILnet and A4ID can help to inform and encourage others working to enable access to lawyers for those otherwise unable to afford it.

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The following guide offers practical tools, advice and personal accounts for how to start and maintain a clearinghouse. The initial chapters introduce the concept of clearinghouses and detail the procedures for setting up and successfully running a clearinghouse, including who will be helped, how to involve the legal community, referring matters and follow-up communications. The later chapters focus on communication. Specifically, they detail how to create a supportive environment for pro bono practice and how to develop a strategy for publicizing the pro bono activities of the clearinghouse. Finally, we provide brief chapters on financial sustainability and useful contacts.

Throughout, we provide examples and refer to documents that we believe illustrate and supplement what is being discussed in the text of the guide. The appendix contains this set of documents, which are included for illustrative purposes only. These tools provide examples of the different ways clearinghouses operate, so we encourage you to use them practically. There is no right way to run a pro bono clearinghouse, and varying cultures and contexts will dictate how to operate a particular clearinghouse. It is our hope that learning from the experiences of other clearinghouses will serve as a positive example and will help guide the creation of a successful clearinghouse.



## IV. Golden Rules

1. Be clear about the clearinghouse's objectives by defining its goals and principles and communicating them clearly to clients, lawyers and donors.
2. Clearly define the type and scope of the legal matters on which the clearinghouse can assist.
3. Build the supply of pro bono legal services. Raise awareness and seek the support of the local bar or law societies and all parts of the legal profession, from law students to retired lawyers.
4. Identify demand for pro bono legal services. Work with NGOs to understand their and their constituents' needs, and let them know what pro bono legal services may be available to assist them in achieving their goals.
5. When matching lawyers with pro bono opportunities, make sure all parties agree on the terms and conditions of the pro bono legal service. Keep in touch with both the client (NGO, individual) and the law firm/lawyer to ensure the matter has been completed and that both parties are satisfied.
6. Publicize successes by using new media tools. Keeping an up-to-date website, sending out newsletters and communicating through social media will help grow both the clearinghouse and pro bono generally.
7. Appreciate and recognize the pro bono community. Organizing pro bono award ceremonies, dinners and other events will express thanks to lawyers who dedicated their time and effort to pro bono and will encourage them to do more.
8. Seek support and encouragement from fellow clearinghouses! There is a growing international network of pro bono clearinghouses, many of which are listed in this manual.



## V. Meaning of Terms Relating to Pro Bono Clearinghouses

### a. What Is Pro Bono?

“Pro bono” derives from the Latin phrase *pro bono publico*, which means “for the public good.” The term is used within the legal profession to refer to lawyers’ provision of free legal services to those in need but otherwise without access to such services. While the kind of work that is considered to be “pro bono” may vary depending on local legal traditions, cultures or social backgrounds, pro bono can be defined as having certain of the following characteristics:

- legal work done by lawyers;
- for the public good, rather than for commercial interests;
- voluntary and uncompensated for the lawyer;
- free for the client; and
- delivered with the same professional standard as paid legal work.

A distinction can be drawn between pro bono and other free legal services available to those in need. For example, some people are eligible to have their legal problems serviced at their government’s expense through government-funded legal aid programs. Such work is not considered to be “pro bono” because the lawyer providing the service is paid to do so by the government. Another example involves situations in which those in need access free legal services provided by lawyers working at a law center or other non-profit organization. Again, such work is not considered to be “pro bono” because the lawyer providing the service is paid to do so by the non-profit organization. Finally, some lawyers may give free initial consultations to

prospective clients. This is not considered to be “pro bono” because the lawyer is acting in his/her own commercial interests to cultivate new fee-paying clients.

In Germany, the **Frankfurt Pro Bono Roundtable** defines pro bono as:

The provision of free legal advice for a good cause. Pro bono activities involve advising and representing charitable and non-profit organizations, NGOs, foundations and persons of limited means, as well as a commitment to promoting due process and human rights. The intention behind pro bono work is for law firms to make their expertise and resources available for a good cause and, as such, to develop their civic commitment through their professional activities. Pro bono legal advice is subject to the same professional standards as paid-for legal advice.

In the United States, the **American Bar Association** (ABA) provides a non-binding model ethical code that individual bars at the state level are encouraged to adopt.

ABA Model Rule 6.1 defines pro bono as follows:

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least fifty (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

- a) provide a substantial majority of the 50 hours of legal services without fee or expectation of fee to:
  - 1) persons of limited means or
  - 2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and
- b) provide any additional services through:
  - 1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization’s economic resources or would be otherwise inappropriate;
  - 2) delivery of legal services at a substantially reduced fee to persons of limited means; or
  - 3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

In the United States, the **Pro Bono Institute** defines pro bono as activities that a firm undertakes normally without expectation of fee and not in the course of ordinary commercial practice and consisting of:

- a) the delivery of legal services to persons of limited means or to charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means;
- b) the provision of legal assistance to individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties or public rights; and
- c) the provision of legal assistance to charitable, religious, civic, community, governmental or educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate.

## b. What Is a Clearinghouse?

A clearinghouse<sup>2</sup> facilitates the efficient provision of pro bono legal advice. It acts as an intermediary between people or organizations needing legal assistance and lawyers prepared and able to assist. By acting as a hub for the skills and expertise of the legal world, a pro bono clearinghouse provides NGOs, governments and/or individuals with an identifiable mechanism through which they can find legal support. It provides access to an otherwise inaccessible service.

## c. Other Terms

This manual provides definitions for the following terms. Although definitions vary, the manual will rely on the following understanding of each term when used throughout this publication.

**Bar, Bar Association or Law Society**—A professional body representing, and in some cases regulating, all or part of the legal profession in relation to a specific jurisdiction.

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<sup>2</sup> Sometimes clearinghouses operate under a different name, such as “Pro Bono Center” or “Pro Bono Alliance.”

**Broker**—An individual or organization acting as an intermediary between two individuals or entities, in this context a client and a lawyer. Clearinghouses are sometimes described as brokers.

**Client**—An individual or organization receiving pro bono legal advice.

**Engagement letter**—A letter provided by the lawyer to the client that sets out the relationship between them and what each can expect. This is also known as an **appointment letter** or **retainer agreement**.

**Indigent**—Derives from the Latin *indigere*, “to lack,” and is used as an adjective to describe a person living in poverty or in need. It can also be used as a plural noun (“the indigent”) to describe such persons.

**Lawyer**—A legally qualified person providing legal advice, also known as an attorney, solicitor, barrister, or counsel, depending on the country and context.<sup>3</sup>

**Legal advice clinic**—A place where free legal information and advice on various areas of law is regularly provided. There are a variety of different legal clinic models. Some clinics provide advice on the spot, while others follow-up with advice at a later date. All should be supervised by qualified lawyers who may be employed by the clinic or may be volunteers.

**Legal aid**—The provision of free or subsidized legal advice or representation to people who cannot afford to pay for it, generally subsidized by government. It is different from pro bono services which are usually provided by lawyers who do not receive payment for their work.

Pro bono is not a substitute for legal aid. It is a necessary supplement because unmet legal needs exist in every society no matter how robust a state’s organized legal aid system. Governments usually have an obligation to fund and provide legal aid, and the availability of pro bono should not be an excuse to reduce or eliminate a legal aid system. Governments should work closely with clearinghouses to ensure that unmet legal needs are addressed.

**Matter**—A legal matter, which may be a case, legal research, or legal issue, that is referred to a lawyer or law firm.

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<sup>3</sup> Law students, paralegals, apprentice or trainee lawyers may also assist in providing pro bono legal services under the supervision of a fully qualified lawyer in certain jurisdictions.

**Non-governmental organization (NGO)**—A non-profit organization that promotes justice or other social issues and that is fully independent from the government (though it may receive some government funding). Also known as independent organizations, charities, grassroots organizations, associations, private voluntary organizations, self-help organizations, civil society organizations, community groups, the Third Sector and non-state actors.

**University-based legal clinic**—A clinic through which law students provide free legal and law-related services under the supervision of qualified legal professionals. The students' work may be part of an assessed curriculum or it may be conducted on an extra-curricular basis.





## VI. Clearinghouse Activities

### a. Introduction

Pro bono clearinghouses need to be clear about who they help and how they help them, in order to treat everyone seeking help with consistency. Doing this will allow other entities to know whether to refer people to the clearinghouse.

Similarly, it is important to be able to explain clearly to clients, lawyers and donors why the clearinghouse exists. If people are not familiar with pro bono work, they may misunderstand the purpose of the clearinghouse. Later chapters of this manual offer suggestions on how to communicate about why pro bono work is done and how a pro bono clearinghouse might be valuable.

Many clearinghouses have found that NGOs are sometimes unaware of their needs and are without legal knowledge. They are not eager to talk to lawyers as they are uncertain about the purpose of pro bono.

And it is not just NGOs who are confused about pro bono work.

Sometimes lawyers improperly consider services which are offered at a reduced price, on a “free consultation” basis, or where payment of legal fees is delayed until the end of a judicial procedure, to be “pro bono.”

## b. Aims and Principles of a Pro Bono Clearinghouse

Pro bono clearinghouses generally exist to make some positive difference in society, particularly for those who are most in need. Some ways pro bono clearinghouses might describe the aims and principles of a clearinghouse are:

- to improve access to justice;
- to provide legal advice to all, regardless of race, background or creed;
- to provide legal advice independent of politics and religion;
- to promote the rule of law;
- to act independently of governments, funders, law firms, NGOs and other groups;
- to support national and international development;
- to further specific goals, such as the United Nations' Millennium Development Goals;
- to raise awareness of pro bono work;
- to educate people about the law and development; and
- to promote the use of law as a tool to achieve social justice.

In most jurisdictions, lawyers have exclusive access to practice law and to represent clients before a court. As a result, they have an ethical and professional obligation to provide legal services for those who would otherwise have no access to the legal system. A clearinghouse provides an easy and efficient avenue for lawyers to fulfill this obligation.

### i. Importance of Access to Local Legal Advice

Developing pro bono locally, for example through a local bar association in one's home jurisdiction, is important for many reasons. First, by gaining support from the local legal community the clearinghouse may best be able to meet the legal needs of clients in an accessible way. Second, the local pro bono community is an important resource for the clearinghouse's financial sustainability. Finally, by supporting the local development of pro bono, a clearinghouse can improve the effectiveness of NGOs in their work for the public good and create a permanent infrastructure for pro bono work, while also promoting the legitimacy of pro bono and expanding the network of lawyers and law firms willing to perform such work in the future.

## **ii. Global Pro Bono Activities**

Sometimes a domestic pro bono clearinghouse will not be able to help with all the different types of legal requests that people or organizations have. For example, an organization may need advice on the law from a country other than the one it is located in, or it may need advice on international law or global comparative law. In these situations, it can be useful for a client to be able to approach a global pro bono clearinghouse, such as A4ID's or PILnet's Global Pro Bono Clearinghouse. These types of clearinghouses get requests and find lawyers to help from all over the world.



## VII. Procedures for Establishing and Running a Pro Bono Clearinghouse

### a. Relationship with Clients and Lawyers

The key to running a successful clearinghouse is ensuring lawyers and clients know about it! That may sound obvious, but it will not happen automatically. How the lawyers and clients are selected will make a big difference to the nature of the clearinghouse.

#### i. Who a Clearinghouse Helps

Some clearinghouses help organizations such as charities and other NGOs. Others also help individuals, either directly or through their client NGOs. It is important to be clear about who can receive a clearinghouse's help finding lawyers and to set guidelines for deciding whether a particular individual or organization falls within the clearinghouse's scope.

Some options for defining who can be a client of a clearinghouse include:

- people in financial need, defined by level of income and/or assets or a “means test” (i.e., a determination of the level of a person's means of support);
- people affected by a particular issue, such as women affected by domestic violence;
- organizations working towards certain aims or focusing on a particular geographic location; and/or
- any non-profit entity meeting financial criteria or other indicia of need.

**A4ID** selects its clients on the basis of whether the organization in some way seeks to eradicate poverty and further the UN Millennium Development Goals.

**A common mechanism used by clearinghouses to assess NGO clients is the “Three Ms”— mission, matter, means.**

- **Mission—Does the NGO have a “public benefit” mission?**
- **Matter—If they are not a public benefit or human rights NGO, do they still qualify because the particular matter they need help with would benefit the public?**
- **Means—Despite having neither a public benefit mission nor matter, does the NGO still qualify because neither it nor its members have the means to afford a lawyer?**

## **ii. Screening and Vetting Clients**

Screening and vetting is a procedure to select clients and cases based on a set of criteria and overall assessment of the client. Consideration should be given regarding the extent to which the clearinghouse will assess clients, who can be organizations, individuals or both. This should be made clear to the lawyers who may be relying on the clearinghouse to refer only a certain type of client. Clearinghouses should be as transparent as possible about the vetting or screening they do and the criteria that they use.

Screening and vetting is important for a clearinghouse’s legitimacy. Lawyers and law firms that agree to take on pro bono matters rely heavily on the clearinghouses’ screening function. A clearinghouse, especially a new one, cannot risk damaging its reputation because it did not properly screen a potential client in accordance with a publicized vetting procedure.

For example, when clearinghouses assist **organizations**, the clearinghouse must decide whether checks will be done on the organizations’:

- financial position,
- governance, transparency and accountability standards,
- trustees, directors and/or staff (e.g., to ensure there is no association with terrorism or other criminal activity), and/or
- aims and principles.

For an organization to be eligible for pro bono services through a clearinghouse, it may need to meet criteria regarding transparency.

Often, clearinghouses require NGOs to fill out some sort of preliminary intake form that solicits basic information from the NGO, or otherwise conducts basic background research on the organization.

**The Pro Bono Alliance (PBA)**, formerly the Public Interest Lawyer’s Association (PILA), in the Czech Republic uses several forms. It uses an initial form to be filled out by the NGOs that have expressed interest in pro bono services and it asks about specific services they may need help with. PBA also has a second form for NGOs to fill out when an NGO has a particular matter about which to make a request. *See Appendix 1, Form for NGOs Interested in Pro Bono; Appendix 2, Pro Bono Request Form for NGOs.*

**PILnet’s Global Clearinghouse** carefully considers each NGO that wants to receive pro bono services through its clearinghouses. It screens potential clients for infrastructure, good business practices, open communication, and professionalism. Generally, when a new client is being considered, PILnet will conduct basic background research on the NGO by checking its website, its donors, annual reports, active projects and partners. Vetting is done on a case by case basis.

The **Instituto Pro Bono**, the first clearinghouse in Brazil, screens its potential NGO clients to ensure that they are “legitimate, committed and financially strapped.”

Sometimes clearinghouses place legal matters for **individuals**. When working with individuals, it also is important to take careful precautions screening the individuals to ensure that they are eligible for pro bono services. Apart from income levels, clearinghouses may choose to examine other criteria, such as whether the person has already received legal advice on the issue. *See Appendix 3, Intake Form for NGO Matters.*

Clearinghouses may also want to consider:

- A process to ensure that those individuals eligible to receive government-funded legal aid services are directed to those services. Clearinghouse services should be directed to those ineligible for legal aid yet unable to afford to pay for legal assistance.
- Whether to conduct additional means testing to ensure that help is going only to those individuals least financially able to afford legal assistance. Conducting means testing ensures that lawyers’ pro bono efforts are going to those most in need while providing reassurance

to the legal profession that the clearinghouse is not “stealing” clients otherwise able to pay for a lawyer’s services. This must be balanced against the fact that thorough means testing of individuals can require extensive clearinghouse resources.

- Building a referral network—if a clearinghouse is unable to assist a potential client with his/her legal needs, it may still assist by referring the individual to an organization that can help.
- Providing appropriate training and supervision to the individuals who will be handling the client intake. Where a clearinghouse uses volunteers or law students to conduct client intake, it is important to ensure that they are adequately trained and supervised by a qualified lawyer.

**PBA** (Czech Republic) requires individuals to complete a declaration of means and financial status in order to obtain pro bono legal services. After the individual has been approved, PBA then has the individual complete the specific request form for pro bono services, similar to the form NGOs fill out for their own needs. PBA has also developed a relationship with the Association of Citizen Advice Bureaus in the Czech Republic. The Advice Bureaus often obtain pro bono assistance for individuals through PBA. As a result, PBA has created a special intake form just for the Advice Bureaus because they cannot use the standard PBA form. PBA has recognized that the Advice Bureaus are an important resource for obtaining clients, so it was flexible and accommodating to this Association.

Some clearinghouses provide services to both individuals and NGOs.

**Queensland Public Interest Law Clearinghouse Incorporated (QPILCH)**, in Australia, has one application form for both individuals and NGOs. For individuals, it asks various questions, including their income, their household gross annual income and their personal net income after taxes. For NGOs, it asks whether they have applied for legal aid before for this matter and who their current and previous legal advisors are, among other items.

On the first page of its application form, available on its website [www.qpilch.org.au](http://www.qpilch.org.au), **QPILCH** also provides a timeline of what the application process will entail in order to manage the expectations of applicants. The process is as follows:

Step 1 Complete the application form. Please complete ALL applicable sections.

Step 2 Return the form along with **photocopies** (not originals) of any relevant information and supporting documents. In particular, please provide copies of any court or tribunal documents.



### iii. What Types of Matters Are Included?

Some clearinghouses will only seek volunteer lawyers for matters that comply with certain criteria. Some ways of narrowing the work could include:

- family and children’s law matters,
- matters in the public interest,
- matters that affect a large group of people or a marginalized section of society,
- matters that can be undertaken in less than three days of work,
- matters that are not eligible for publicly funded legal aid,
- advice only, not representation in court, and
- only matters that have good prospects of success (a “merits test”).

Additionally, some clearinghouses not only provide access to lawyers willing to take on cases, but they also arrange for lawyers to deliver legal training sessions or workshops for NGOs.

**PBA** only takes clients that cannot otherwise access legal services due to their income and property situation. Evidence needs to be provided through a declaration from the client. Any false information would lead to an obligation to pay for the legal services provided.

Step 3 QPILCH will acknowledge receipt of your application by letter or email.

Step 4 QPILCH will assess your matter based on our eligibility criteria.

Step 5 If you are eligible for assistance and your matter is successfully referred to a lawyer for pro bono assistance, QPILCH will advise you of the lawyer’s details for you to contact to take the matter further.

Step 6 If the matter does not fit QPILCH criteria or cannot be referred, we will write to you explaining why we are unable to assist you.

While QPILCH tries to assess applications as quickly as possible, due to limited resources and a high volume of applications, it may take more than two weeks to get back to you.

#### **iv. How Will Potential Clients Be Contacted?**

Most people will not know to go straight to a clearinghouse if they need help to find a lawyer. In fact, they may not even know they need a lawyer or that some lawyers may be willing to act at no cost. It is, therefore, important to build up strong networks with the people to whom potential clients will go when they are in need, for example, social workers, government agencies (including the courts), professional bodies (e.g., local bar association or law society), NGO umbrella organizations and NGO resource centers, in the case of individuals, and sector-specific networks, in the case of organizations. The NGO community is usually a small circle of people who know and trust each other. If a clearinghouse is able to find a few initial supporters within this community, it will gain legitimacy. Those initial supporters can serve as “agents” of the clearinghouse and can help spread information about it within the NGO community.

A clearinghouse may wish to identify NGOs that it believes are doing good professional work in their respective fields. Once you have researched these NGOs, you can arrange to meet with them individually and discuss their legal needs with them.

#### **Best practice in making first contact with NGOs:**

**The purpose of the initial email or letter sent by the clearinghouse is to establish contact with a non-profit organization and to offer pro bono services to it.**

**You might consider including the following five elements:**

- **personal introduction of the writer of the letter;**
- **introduction of the organization (clearinghouse);**
- **introduction of the clearinghouse’s pro bono program: this could include success stories, number of matters placed, and examples of the types of matters NGOs have been helped with;**
- **recognition of the NGO and the importance of its activities; and**
- **request for a conference call to discuss possible ways of cooperation.**

**If the NGO does not respond to the email within five business days, you may wish to resend the email or telephone the organization directly.**

**PILnet's Global Clearinghouse** finds it is helpful to start any email communication with the name of the person who recommended/referred the NGO to PILnet, if applicable. This helps gain trust and attention.

Speaking at conferences, attending NGO events to disseminate information, and distributing newsletters are some ways to promote your clearinghouse. By networking with leaders of the non-profit sector, a clearinghouse should be able to locate and target NGOs that could benefit from lawyers' pro bono help. However it is done, the task of making contact with those who most need legal assistance is very important and will demonstrate to the community your commitment and legitimacy.

When **The Peace Institute** in Slovenia initially started, it held group meetings with NGOs to present the clearinghouse, explain its purpose, and invite them to think of legal matters they could use legal advice on. At these meetings, the clearinghouse presented the NGOs with examples of legal matters from other countries' NGOs and explained how free legal advice could be used in different contexts, e.g., training, advocacy. The meetings were organized as roundtables, allowing for interactive participation. Subsequently, the clearinghouse also held individual meetings with NGOs that expressed interest in obtaining legal counsel on specific matters. These meetings led to legal matters being successfully placed with law firms and lawyers.

**PILnet-Moscow's Clearinghouse** also had a strategic approach to initial NGO outreach:

- First, it gave a presentation at the Russian American Chamber of Commerce, NGO/Corporate Committee (which focused on corporate social responsibility issues).
- Then it followed that presentation with a discussion with the CEO of United Way of Russia, which finances charity programs in Russia. This discussion highlighted the opportunities of receiving pro bono services to their grantees.
- Then it organized a training on "how to be a pro bono client" for NGOs.

These efforts promoted the clearinghouse, while also yielding the clearinghouse its first requests for pro bono assistance.

How you contact potential clients will also depend on who they are. For example, if you are trying to help communities in financial need where there are high levels of illiteracy, relying on email will be ineffective. If you are based far away from those you are helping, you will need to consider what use you can make of the phone and Internet. Consideration should be given to

whether clients need to apply in writing and what service will be provided by phone or email. A clearinghouse might consider creating a simple flyer or one-page brochure which outlines how a clearinghouse could help an NGO and whether the NGO is eligible for pro bono assistance. *See Appendix 4, Global Pro Bono Clearinghouse information sheet.*

#### **v. How Will Lawyers Become Involved?**

The legal community plays a critical role in achieving the clearinghouse's objectives. First, lawyers provide the actual pro bono service—voluntarily agreeing to provide free professional services to NGOs and individuals. Second, they provide essential financial, educational and promotional support to the pro bono community.

A clearinghouse may consider the following when reaching out to law firms:

- Identify lawyers and law firms in your city that are most likely to take pro bono matters, such as:
  - international law firms,
  - in-house lawyers at international corporations, or
  - large domestic law firms.
- Research each individual law firm to determine the most appropriate person to contact for a meeting. This may include:
  - pro bono coordinator
  - director of corporate social responsibility
    - If there is no person in either of these roles, then consider looking at the law firm's different programs, events, training, or practice areas. Identify any lawyers that have been involved in any possible public interest or similar areas.
- Contact the most appropriate person to arrange a meeting.
- Meet with representatives from the firms in order to:
  - introduce the clearinghouse and its mission;
  - discuss the benefits of a law firm's support of pro bono practice:
    - This is a chance to give back to society by helping people who cannot otherwise obtain a lawyer.
    - It is personally rewarding to those involved.
    - It contributes to the lawyer/law firm's positive image and reputation in the community.
    - It is an opportunity to develop skills, gain experience and enhance training of the firm's lawyers.

- It can help recruit new, talented lawyers.
- It can bring an issue to court that may not otherwise be heard.
- Many clients value a firm’s pro bono efforts and may consider a firm’s dedication to pro bono when looking to hire a law firm.
- A firm that participates in pro bono may be seen as a desirable strategic partner in a potential client’s charitable activities. A strategic partnership with a potential client in a corporate social responsibility project may strengthen the client/firm relationship and lead to billable work for a firm.
- It can be an enjoyable challenge that would not otherwise be available.
- It helps to build public confidence in lawyers and the justice system generally.
- Encourage them to identify a pro bono coordinator or one key person who will be the contact person for the clearinghouse, explaining that this is essential for effective communication with the clearinghouse as well as for developing a pro bono program at the firm. If possible, suggest an individual by identifying that person in advance (e.g., people that used to work for NGOs or who have shown a clear interest in this area through networking opportunities).

**PILnet-Budapest’s** and **PILnet-Moscow’s Clearinghouses** each organize a pro bono coordinators committee meeting several times a year where the pro bono coordinators of law firms and a select number of NGOs meet for a breakfast or lunch. The meetings serve as an opportunity for NGOs to meet and network with law firms, give presentations, obtain feedback on the clearinghouse and generally raise issues.

**The Association of Pro Bono Counsel (APBCo)** in the United States is dedicated to the support and professional development of full time pro bono counsel and coordinators at commercial law firms. APBCo currently has more than 100 members from more than 75 law firms. APBCo does not provide pro bono legal services or references to pro bono legal service agencies.

Use the legal network that the clearinghouse has already established as your advocates and encourage them to promote to their contacts the value of being involved in the clearinghouse. Personal contacts are crucial. Many large law firms have pro bono coordinators, or directors of corporate social responsibility who are responsible for screening and disseminating the pro bono matters to the appropriate lawyers in their firm. Relationships with these individuals should be properly maintained and carefully managed.

A clearinghouse can get lawyers and law firms involved in other ways. Several clearinghouses have drafted “**Pro Bono Declarations**,” affirmations of the ethical and professional commitment to advancing the public good through pro bono legal services. A clearinghouse can then use a declaration to reach out to law firms and encourage them to sign it, as well as a means of promoting the clearinghouse. *See Appendix 5, Pro Bono Declaration; Appendix 6, Pro Bono Declaration for the Americas; Appendix 7, Pro Bono Declaration (Czech Republic); and Appendix 8, Pro Bono Publico Declaration.*

**PBA**, in the Czech Republic, invited members of the pro bono community, including law firms and the bar association, to an event to sign the declaration and officially “open” the clearinghouse for business. This was a great way to get members of the legal community involved with committing to pro bono, and as a way to promote the clearinghouse generally.

**Centrum Pro Bono** in Poland organized a meeting at the Polish Constitutional Tribunal hosted by the Tribunal president. There were approximately thirty high-profile guests from the Warsaw offices of international law firms, domestic law firms, bar association representatives and PILnet. Meeting participants signed the Pro Bono Publico Declaration, affirming their commitment to pro bono principles.

A **pro bono survey** is another way to reach out to law firms and assess their interest in pro bono. It is important to make sure the survey is quick and easy to complete. A carefully constructed and narrowly tailored survey allows a clearinghouse to see the kinds of pro bono work in which law firms are interested. Conclude the survey by asking whether the lawyer would like to take part in pro bono services provided by the clearinghouse. Surveys may be conducted via direct mail, email or online through surveying services like Survey Monkey. *See Appendix 9, Survey on Pro Bono and Legal Aid Practice.*

Another approach is to create a pro bono **advisory council** for your clearinghouse. The advisory council can be drawn from pro bono coordinators or prominent partners of law firms, who can help guide your future efforts in maintaining and developing your links with local firms and funders. For example, PILnet’s Pro Bono Advisory Council meets once a year and has an honorary president, co-chairs and members from prominent law firms. In addition to lawyers, an advisory council could also include judges, academics and senior level representatives from the organizations that the clearinghouse helps.

Each jurisdiction has different rules about how lawyers can operate. For example, in some jurisdictions, lawyers can only give advice as part of their law firm due to insurance and practice requirements. In other jurisdictions, lawyers are allowed to give pro bono advice in their personal capacity (that is, not through their firm). The rules in a particular jurisdiction can help a clearinghouse decide whether it will only work through law firms or also with individual lawyers. Whatever is decided, a clearinghouse should ensure that the lawyers have appropriate expertise, insurance and, if applicable, supervision, to guarantee the pro bono work is done to the same professional standards as fee-earning work and meets all local regulatory standards. Lawyers become involved in pro bono work for many different reasons. Later chapters of this manual offer suggestions for how to promote a pro bono culture within your area.

#### vi. Agreements Between Parties

Upon identifying an NGO with a legal problem and a lawyer able to assist, some clearinghouses will require one or both of these parties enter into an agreement. These agreements generally describe and define the terms and conditions of the pro bono service between the clearinghouse, the NGO and the lawyers. The advantage of such an agreement is that it builds a consensus on standards and expectations amongst all those working with the clearinghouse. Often, law firms require the submission of corporate or personal documents as a prerequisite to these agreements.

The **Slovenian Clearinghouse** asks that all three parties—the clearinghouse, the pro bono lawyers and pro bono clients—sign a “General Conditions on Cooperation Contract.” This contract outlines the conditions under which the clearinghouse will operate, how the NGO will request pro bono legal services, communication between the parties, etc. *See Appendix 10, General Conditions on Cooperation between Pro Bono Clearinghouse, Pro Bono Attorneys and Pro Bono Clients in the Pro Bono System.*

**A4ID** asks all its lawyers and clients to sign a letter confirming agreement to its “Governing Code” before finalizing the allocation of any project. *See Appendix 11, Governing Code for Legal and Development Partners.*

Law firms that access **Centrum Pro Bono’s** program in Poland sign a general agreement that does not commit them to a set number of hours or projects, but allows them to adapt their pro bono commitments to their current workloads. Centrum Pro Bono does not require law firms or NGOs to sign any additional agreements.

Other clearinghouses, like **PILnet’s Global Clearinghouse**, do not require parties to sign contracts or agreements. However, **PILnet-Budapest’s Clearinghouse** asks lawyers to complete a one-page registration form which ascertains contact information, confirms the lawyer’s interest in taking pro bono cases and assesses the lawyer’s availability for those cases. *See Appendix 12, Lawyers Registration Form (Budapest).* Where agreements are used it is important that they are kept short, simple and easy to understand

## b. Preparing Requests

### i. Evaluating the Requests

The individuals and organizations being helped can often be unfamiliar with legal processes and concepts. Therefore, they will benefit from assistance on scoping and assessing their legal needs and putting them into language which the legal community will understand. This is a core function of most clearinghouses. If the request falls outside the areas with which lawyers can assist, then ideally a clearinghouse should look to refer them on to another organization. In order to do this, it is important to maintain a good network of contacts. Depending on the client group served, it may be useful to consider training staff on dealing with people who are particularly distressed.

### ii. Drafting the Requests

The description of the legal work needed must be clear, carefully written and concise, so that a lawyer can quickly and easily understand the request. PILnet has drafted guidelines for how to summarize NGOs' legal needs, which it distributes to NGOs when necessary. PILnet also uses this document internally as a guide on how to draft a matter that is sent to law firms. *See Appendix 13, Guideline for NGOs: How to Summarize Your Legal Needs.*

When writing the description of the request provided to lawyers, consider the following:

- explain why the legal advice or assistance is needed;
- present the impact the legal work will have;
- describe how the matter/client fulfills the clearinghouse's criteria (and therefore why the matter should be done pro bono);
- outline what work is requested;
- describe who the client is (consider, however, whether it is necessary to anonymize the client);
- mention other entities involved in the matter and their role;
- specify the timeframe for the work;
- present the type of lawyers needed for the work; and
- analyze how the lawyers' final product will be used by and be useful for the client.



### iii. Circulating and Allocating the Requests

There are many ways in which requests for legal assistance may be made known to participating lawyers. The method chosen will be affected by the number of requests coming through to the clearinghouse. Different models for communicating requests include:

- circulating all requests to all lawyers/firms on a circulation list;
- circulating requests only to a sub-group of lawyers based on their relevant expertise;
- selecting lawyers from a database based on how recently they've taken on a pro bono matter;
- contacting individual lawyers/firms directly regarding a particular request;
- sending requests out monthly/weekly; and
- posting all requests on a website for lawyers to review whenever convenient.

The method by which you distribute requests can also vary from emails, to personal phone calls, to posting requests online. It is important that the method chosen is kept under review and discussed regularly with participating lawyers. It is also important to manage the expectations of participating lawyers as to how often they can undertake a pro bono project and, where multiple lawyers volunteer for the same project, to ensure that the process for selecting a particular lawyer for a particular matter is as transparent as possible.

When sending emails, it is important to keep in mind that lawyers are quite busy juggling many different tasks and communications throughout the day. It is best to

- provide a short summary of all the matters up front so the lawyers can quickly browse;
- keep the longer explanations of the matters clear and concise; and
- avoid attachments; they are ignored because they take longer to open and/or are difficult to read on a Blackberry or other smart phone.

*See Appendix 14, Global Pro Bono Clearinghouse Sample Pro Bono Matters List.*

A possible advantage of communicating requests on the same day each week/month is that, over time, lawyers may start to anticipate receiving the emails and it may become a part of their schedules in some way.

Different approaches to communicating about clearinghouse matters suit different organizations.

**A4ID** sends out a weekly email detailing all project requests and has found this method to be effective.

**Centrum Pro Bono**, in Poland, posts a list of current matters on its website in order to enable lawyers to review and select matters according to their own schedule.

**PILnet's** Global Clearinghouse distributes its matters via email approximately once a month. As you can see, different approaches suit different clearinghouses.

In many instances, only one lawyer will volunteer for a matter, and if it is a good match the lawyer gets the case. However, sometimes more than one lawyer will volunteer for a matter and the clearinghouse then has to choose which lawyer or firm will get the matter. It is important to have a clear policy on how requests are allocated (that is, which lawyers or law firms are chosen) so that lawyers know what they can expect and to avoid any perception of bias. Different criteria include:

- relevant expertise;
- how recently a firm/lawyer has been assigned a matter;
- which lawyer is the first to contact the clearinghouse to express interest; and
- the best overall match for the NGO. Consider factors like:
  - which law firm has the most appropriate resources;
  - which law firm has the most reliable track record;
  - which law firm can put together the best team of lawyers; and
  - the languages required for the matter. This is an issue that may make one law firm better equipped than another.

**PILnet** closely tracks each law firm and how many times they have requested a matter, how many times they have actually gotten the matter, and how many times their assistance has been turned down. This helps keep the allocation process equitable. *See Appendix 15, Chart of Lawyer Involvement.*

After the clearinghouse has chosen the appropriate lawyer or law firm to handle the matter, several important communications must take place. First, you must inform the selected lawyer or law firm that it is getting the case for which it volunteered. It is also important to ask the lawyer or law firm to confirm that there is no conflict of interest that prevents it advising the client. Rules about the implementation of this principle may vary from jurisdiction to jurisdiction, but it is important to understand this well and any other professional standards that apply to the provision of legal services. A clearinghouse should never consider a matter assigned until after the lawyer or law firm confirms that there are no conflicts and confirms that it can take the matter.

Next, the clearinghouse must contact the lawyers who volunteered for the matter, but were not chosen for it. You want to maintain a good relationship with them because you want them to volunteer for matters in the future. Thus, it is very important not to ignore these individuals. Finally, you need to inform the client that a law firm has agreed to take on its matter. In the event that the clearinghouse is unable to place a matter with a law firm, the clearinghouse also needs to communicate this to the NGO and ideally suggest other ways in which it might be able to get the needed assistance.

### c. Referring a Matter

Once the lawyers have been chosen, it is important to consider how the clearinghouse will introduce them to the clients. Options at this stage include:

- having a clearinghouse staff member present at the first meeting between the lawyer and the client;
- introducing the client and the lawyer by email or telephone and allowing them to make future contact with each other; and
- sending a letter to the client and the lawyer.

However you introduce the lawyer and the client, it is important to ensure that everyone involved knows exactly what the lawyer has agreed to do. Many clearinghouses prefer clients to contact the clearinghouse if they need more help after the initial request. This ensures that the lawyers do not get repeatedly contacted by the client after the agreed-upon work has been completed. Depending on the NGO, the law firm and the clearinghouses' relationship with each of the parties, it may sometimes be helpful to sit in on the first call between them. This is a matter of discretion. It is also important to keep track of the matters in an organized and detailed manner, for example, in a database.

**PILnet** often introduces parties via email. In this email, PILnet provides everyone's contact information and usually asks that the law firm to organize the first call.

**PILnet** also keeps a matters database, which tracks each matter, the NGO, the lawyer(s) that volunteered to take the case, their contact information and even the time, date and substance of the written communications between the clearinghouse and the parties.

#### d. Involvement After the Referral

After the pro bono work has been allocated, the level of involvement by the clearinghouse depends on the nature of the matter and the parties involved. Generally, a clearinghouse has limited involvement.

Unlike in many clearinghouses, in France the **Alliance des Avocats pour les Droits de l'Homme** continues to stay involved. In fact, the Alliance acts as the intermediary between the NGO and the law firm. The NGO and law firm actually have no direct contact, unless the issue is very complex, or there are confidentiality concerns.

For those clearinghouses that choose to limit their involvement after the referral, it may still be beneficial to contact the NGO a month or two after the matter has begun to follow-up and find out how the matter is progressing, as problems sometimes arise well after the matter was first assigned. It is important to have proper systems, e.g., a “tickler” system that provides calendar reminders for this purpose. Often, as a result of the meeting between the NGO and the law firm, the content of the original pro bono request changes. For example, previously unknown issues may be discovered, or the NGO and law firm may sign a long-term cooperation agreement. In this event, the clearinghouse should be kept apprised of the terms of the new relationship and update its database accordingly. Also, a follow-up correspondence allows a clearinghouse to ask whether the NGO has other, new matters for the clearinghouse.

This type of communication serves two purposes. First, it allows the clearinghouse to determine whether the cases it is placing are successfully progressing. Occasionally, an NGO might report

a problem—miscommunication, lack of communication, failure to receive a final product, etc. Second, this type of follow-up promotes the maintenance of this relationship and serves as an opportunity to obtain more matters from the NGO.

In the event a problem is reported by the NGO or by the law firm, it is recommended to communicate with both parties to fix the problem. Do not assume that one side has reported the problem accurately. Clearinghouses have an interest and obligation to ensure that the problem is resolved fairly, there is a good relationship between the parties, the matter is completed in a reasonable time frame and the NGO is satisfied. This may not always be possible, but the clearinghouse should always remain professional and ensure that high standards are consistently met by all participants in the clearinghouse.

When the pro bono work has been completed, it is often helpful to assess its impact. This helps demonstrate the value of the clearinghouse and shows whether the clearinghouse is meeting its aims. Collecting feedback on the pro bono work can also encourage more lawyers to get involved. Feedback can be obtained by a survey, email, phone call or in-person meeting, depending on the nature of the clients and the clearinghouse. Law firms are often very interested in hearing about this feedback as it helps them to continue to promote pro bono work within their firm and to their fee-paying clients.

**QPILCH** uses “Matter Closure Reports” to assess the outcome of pro bono matters and how much work was done by the lawyers involved.

**Centrum Pro Bono** (Poland) has developed a satisfaction questionnaire for clients to evaluate completed projects.

Additionally, a clearinghouse might consider sending thank you letters to the lawyer(s) that took a case through the clearinghouse. Generally, thank you letters should be addressed to the team leader of each pro bono matter. This person is often (but not always) a partner under whose supervision the work was performed, or a lawyer who agreed to take on the specific matter on behalf of the firm after it was referred by a pro bono coordinator. All lawyers who worked on the project and relevant law firm pro bono coordinators should receive a copy of the letter.

**PBA** (formerly known as PILA) sent a “Thank You Certificate for Cooperation in PILA’s First Year” to law firms. Gestures like this encourage lawyers to take pro bono matters in the future.

## e. Guidance for Successfully Effecting Communication Between Lawyers and Clients

It is often the case that pro bono clients do not have experience working with lawyers. Similarly, lawyers may not be accustomed to working with clients that lack basic knowledge about what a lawyer’s role is. Therefore, clearinghouses should consider communicating the following tips to lawyers and clients to help successfully effect communication between lawyers and pro bono clients.

### i. Tips for Lawyers’ Communication With Clients

Pro bono clients may have less experience in dealing with lawyers than commercial clients, so lawyers may need to learn new skills to ensure they provide an effective service to them. *See Appendix 16, Pro Bono Representations: Tips for Volunteer Lawyers.*

The following tips may be helpful for lawyers to consider:

- Explain the nature of the lawyer-client relationship (this may be set out in an engagement letter, following an initial explanation by the clearing house).
- Manage expectations by clearly outlining the scope of your work and advice, the likely timeline and potential prospects of success.
- Talk about fees and expenses at the outset. The client may feel uneasy until you confirm that the work will be done at no cost. If there will be any expenses that the client may need to pay (e.g., court filing fees), explain this to them at the first meeting.
- Explain that any information the client gives you will be treated in confidence, and, if helpful, explain the concept of legal privilege.
- Be flexible with appointment times.
- Ask the client to bring all their documents to your first meeting or send them in advance. This should include all relevant paperwork, records of conversations, correspondence and any other piece of information however small.

- Ask the client to bring their own contact information as well as the contact information of any other individuals who can help the lawyer facilitate communication with the client.
- Ask the client to bring the contact details for any other parties involved, including any adverse parties, previous lawyers, government officials/departments or organizations that have been involved.
- Bear in mind the client's financial situation, e.g., offer to make calls, send letters and avoid asking the client to incur travel costs.
- Encourage the client to ask questions.
- If for some reason your firm can no longer provide the advice or if you as an individual leave your position, try to find another lawyer to assist, or contact the clearinghouse to help with this.

## ii. Tips for Clients' Communication With Lawyers

Many NGO staff or individuals have never worked alongside lawyers before accessing a pro bono clearinghouse and will, therefore, have little knowledge or experience of the processes involved in pro bono legal work. A clearinghouse should consider how best to explain to potential clients all that they need to know about working with lawyers. It may be helpful to make a list of points for the client to think about before meeting their lawyer. *See Appendix 17, Pro Bono Representations: Tips for Clients.*

Lawyers often have professional obligations that require them to obtain certain documents and information from their clients. These may include:

- certified copy of passport (for an NGO, of one or more of the directors/trustees),
- certified copy of utility bill (for an NGO, of one or more of the directors/trustees),
- company document, and
- evidence of legal and official ownership.

It is important that clients understand that these are regulatory matters about which lawyers tend to have little control.

It should be stressed to clients that their lawyer will need to be in contact with them. As a result, if they are expecting to be away they should let their lawyers know and/or provide details of an alternative contact.





# VIII. Creating a Supportive Environment for Pro Bono Practice

## a. Introduction

A successful pro bono practice needs a supportive environment. Supporters of pro bono include both legal and non-legal entities, and a successful pro bono practice depends, in large part, on the trust, support and loyalty of these entities.

The following chapter details who to contact in the pro bono community, and tips on how to do it.

## b. Who to Contact—Legal and Non-Legal Professionals

### i. Law Firms

Support from law firms—from large global firms to mid-sized firms and individual practitioners—is vital to establishing and maintaining a strong pro bono community. Once a good working relationship has been established, law firms can become key resources. They often generously offer their financial support to clearinghouses and sponsorship of their events. They may also help develop educational and training seminars directed at NGOs or individuals helped by your clearinghouse. These public presentations give the clearinghouse greater exposure to those who need to know about it and promote the image of the clearinghouse in the pro bono community. Some of the reasons law firms get involved in pro bono work are set out below.

## ii. Bar Associations and Law Societies

Establishing long-term relationships with Bars and Law Societies can also be very valuable. Many clearinghouses have noted that cooperation and support from bar associations have facilitated their early and ongoing success. It is important to research what rules and laws apply to pro bono work in your area. Bar associations often have their own rules or codes about pro bono work, so understanding them is an important first step. You need to make sure you can legally provide pro bono work in a particular region.

In seeking connections to Bars, try to identify all possible associations and societies including those at national, regional, district, and local levels. Next, determine whether each of these has an individual designated to deal with pro bono, legal aid and/or other public interest issues and try to make contact with that person. In some cases, the president may be the most appropriate person to contact initially. Bar associations are generally well established and have numerous contacts, so starting by partnering with them can help spread the word quickly.

**PBA** sent a letter to the director of the Czech Lawyers Association about pro bono service, requesting cooperation and a meeting.

Bars play a variety of roles in the administration of pro bono work. Where they are supportive, it can be of great benefit to a clearinghouse, so it is worth seeking their involvement. Some Bars have started clearinghouses. In France, the Paris Bar founded the Alliance des Avocats pour les Droits de l'Homme, which provides a clearinghouse there. Others help facilitate the public administration of pro bono work. For example, in Poland, the Bar hosts an annual “free of charge” day when it organizes lawyers to provide free legal advice. In the Czech Republic, the Bar recruits lawyers to participate in pro bono projects. In Rwanda, the Bar organizes an annual pro bono week in partnership with the courts and government.

Bars may also offer opportunities for publicity about your clearinghouse or help to organize educational opportunities. For example, the Polish Bar provides training to young lawyers through civil, criminal and family law clinics. The Czech Bar has promoted the activities of the clearinghouse, posted information on its website, helped create a pro bono award and organized workshops with the clearinghouse there. Bars are key resources and partners, even if they provide support in name alone, and offer a great way for clearinghouses to gain early legitimacy.

In 2003, two former presidents of the Paris Bar established the **Paris Bar Solidarity project** to promote pro bono work. Lawyers visited “sensitive” areas and set up free legal clinics which offered free legal advice, primarily to illegal immigrants. More than 20,000 people have received free legal advice to date.

### iii. Law Schools and Students

Law schools and law students can play a vital role in the future advancement of the pro bono community. In a 2009 survey conducted by PILnet of 148 lawyers in fifteen different countries, fifty-seven percent of all respondents said that the greatest impediment to pro bono work is that it is “not prioritized,” and thirty-six percent indicated that pro bono is not “respected or valued generally.” Law students are sometimes taught that lawyering is just another type of business, and no information is provided to them about the social and ethical responsibility of the profession. To overcome these impediments, lawyers need to be educated on the value and benefit of pro bono practice early in their careers. If this education starts in law school, lawyers are more likely to appreciate the value of pro bono practice and it will gain respect and become prioritized in the legal community.

If a clearinghouse wants to work with law schools, it will probably need to identify which schools to contact first. Next, determine whether there is an administrator or professor in charge of pro bono work, clinics, or any other public interest administration group. If contact with the law school is not successful, you may wish to consider contacting student groups with similarly aligned goals (e.g., those interested in public interest, human rights, etc.) and see if they can encourage the development of a pro bono culture within their school. Equally, contact may also be made through one of the law firms with which a clearinghouse works. Many firms have strong relationships with local law schools.

Law students are ideal candidates to conduct pro bono work (under the supervision of a practicing lawyer). They are not constrained by the commercial pressures of an employer. Additionally, students that participate in pro bono programs increase their knowledge and marketability, gain practical experience, develop skills and facilitate their involvement in the community. University-based clinical programs, specifically, are excellent ways for law students to take part in pro bono work.

In October 2009, the International Law Unit of the Graduate Institute, the Geneva Academy of International Humanitarian Law and Human Rights and the University of Geneva signed an agreement with the Defence Counsels of the International Criminal Court for the former Yugoslavia and the Special Tribunal for Lebanon establishing a law clinic in international law. Under this agreement, students from the three academic institutions will conduct research to assist lawyers representing individuals charged with war crimes appearing before these two courts.

From 1997 to 2008, twenty-five legal clinics were created in **Poland**. As of June 2010, Polish legal clinics involved 1,756 students, supervised by 216 lecturers, providing legal advice in almost 12,000 cases per year. The legal clinic at **Warsaw University** in Poland offers an opportunity to understand the practical sides to the legal profession. The women's rights clinic there focuses on cases regarding domestic violence, employment discrimination, and reproductive rights. Throughout the year, students attend three-hour classes weekly, meet with clients once a week, and attend seminars. The success of the clinic led the Federation for Women and Family Planning to ask the clinic for legal assistance on a controversial Polish case regarding access to legal abortion. The case eventually reached the European Court for Human Rights.

One way to inform law students about the benefits of pro bono work is to organize educational seminars and workshops for them. These may be run by the clearinghouse or in conjunction with bar associations and/or law firms. Not only will seminars educate law students, but law school administrators and professors may also learn more about pro bono from them. A clearinghouse could also attempt to create a legal clinic at the school, with the approval and cooperation of the school. *See Appendix 18, How to Create a Legal Clinic.*

In Turkey, the **Bilgi** clearinghouse is housed at Istanbul Bilgi University. This clearinghouse has a unique relationship with the school. It is an NGO, but it is also a part of the law school, and it has had several law firms help on pro bono cases through in-house clinics.

In the **United States**, clinical programs are a standard part of the legal education system, and pro bono services are often a prerequisite to graduation. Clinical programs allow students to work with clients and communities to address urgent problems, influence public policy, and improve the quality of legal problem-solving. Finally, they instill a commitment to public service and the value of pro bono work within students, while simultaneously providing an important educational learning experience. Three exemplary law school clinical programs are at:

*New York University Law School*

- Thirty clinical programs in areas such as international human rights (in-house clinic), immigration (working with the Legal Aid Society's Immigration Unit), tax (working with the tax department of a large law firm to represent low-income taxpayers in cases before the U.S. Tax Court), environmental law (working with the Natural Resources Defense Council), and civil rights (students handle cases out of the New York chapter of the American Civil Liberties Union).

*Harvard University Law School*

- Thirty clinical programs and hundreds of externships.
- Requires that all law students complete forty hours of law-related pro bono as a condition of graduating.
- The Class of 2009 completed more than 308,000 hours of pro bono work.

*Columbia University Law School*

- Eight clinical programs.
- Requires that all law students complete forty hours of law-related pro bono as a condition of graduating.
- By 2009, Columbia students had contributed about 398,000 hours of pro bono service since the inception of the requirement in 1993. In 2009 alone, students contributed more than 32,000 hours of pro bono service.

#### **iv. Governments, State Departments and Ministries**

A clearinghouse might also consider cultivating relationships with competent ministries and state agencies. Some states have specific institutions and/or departments through which citizens and/or civil society organizations can raise important legal problems and social issues. Often legal professionals are required to assist in these processes. This is one reason that government agencies may welcome a clearinghouse devoted to addressing the unmet legal needs of its

citizens and NGOs. It may be useful to explain your mission to various state institutions and point out the possible benefits of these activities for citizens, as well as the good intentions of the lawyers volunteering their time and services.

**PILnet-Budapest's Clearinghouse** signed a cross-promotional agreement with the Hungarian Bar Association and the Legal Aid Bureau. As a result of this agreement, NGOs that are seeking legal advice but are not eligible for state legal aid are referred to PILnet-Budapest's Clearinghouse for legal advice. Additionally, the agreement allows each organization—the Hungarian Bar Association and the Legal Aid Bureau and PILnet-Budapest's Clearinghouse—to display its logo on the others' websites.

Clearinghouses do not necessarily need to involve or contact any ministries or government officials initially. However, a clearinghouse should research the law regarding the legality of providing free legal services; publicity that could be considered illegal professional advertising; and issues related to taxation of pro bono services. These are all issues that clearinghouses have faced in various countries.

The relevant people to contact will vary for each country. However, you should consider contacting the following:

- offices of the parliamentary or governmental commissioners (“ombudsmen”) on human rights, social affairs, etc.;
- coordinating or supervising institutions of legal aid for citizens;
- coordinating bodies between the state and the NGO community; and
- national or local human rights bodies, and monitoring institutions including parliamentary or other human rights committees.

## c. Tips for Engaging the Pro Bono Community

### i. Business Networking

Business networking is the exchange of information, services or ideas amongst like-minded individuals. Specifically, it is a marketing technique that cultivates productive business

relationships and opportunities through formal and informal networks. It is also cost-effective, requiring only personal dedication and commitment. A new clearinghouse should consider networking with the legal and non-legal professionals mentioned above to foster and maintain a positive pro bono sentiment. Arrange meetings, attend receptions, participate in roundtable discussions—anything that may be an opportunity to help the clearinghouse and to meet individuals to involve in pro bono work. As always, start with the people you know, then turn to the contacts of the people you know, then the contacts of the contacts of the people you know, and so on.

## **ii. Promote Initial Success**

Once a clearinghouse has built up a successful record of several pro bono matters, let people know! It could be something as small and quick as a post on the clearinghouse website or an email alert; or it could be more involved, like a newsletter or a press release. Target those groups with which you want to develop connections. See the Publicity for Pro Bono Activities section (page 55) for a more detailed examination of pro bono publicity. By promoting its initial victories, a clearinghouse will raise its profile, get lawyers involved, and help to spread the word among the NGO community.

## **iii. Maintain Relationships**

Once relationships have developed in the pro bono community, maintaining these relationships is vital to the continuation of a positive pro bono sentiment. Specifically, personal contact is key. Continue to reach out to NGOs. Although an NGO may not initially be sure of its legal needs, over time it may grow to understand how a clearinghouse can help with its legal issues. Continue to reach out to lawyers and law firms. Contact the lawyers who completed the pro bono survey or attended an early meeting, and remind them that the clearinghouse is still building its pro bono network. Try to put into place a way of making regular contact with the lawyers the clearinghouse has worked with.

## **iv. Prepare Marketing Materials**

Finally, an efficient way to continue to publicize the clearinghouse, maintain the relationships developed, and to promote the successes of the clearinghouse, is by creating marketing materials that can be widely disseminated within the pro bono community. The Publicity for Pro Bono Activities section (page 55) explores and discusses the ways in which a clearinghouse can use various forms of media to promote itself specifically, as well as pro bono generally.

The Slovenian Clearinghouse established itself through a five-step process.

1. *Survey*—it conducted an online survey of pro bono practice that was emailed to more than 1,000 lawyers.
2. *Analysis*—data obtained in the survey identified gaps which prevent pro bono practice from developing further. This allowed the clearinghouse to prepare recommendations for systematic change and development.
3. *Network*—it obtained support from four respected individuals, each representing a different area (a human rights ombudsman, a university professor, a well-known attorney, and the president of the Supreme Court), and the bar association.
4. *Publicity*—it prepared leaflets with project information, and organized roundtables to present project results to the public.
5. *Full operation of the clearinghouse*—it started placing matters.



# IX. Publicity for Pro Bono Activities

## a. Introduction

Once a supportive environment for pro bono practice has been created, a clearinghouse can start to utilize the media for its benefit. Specifically, publicizing the activities of a clearinghouse helps to:

1. create and develop a positive pro bono sentiment; and
2. promote the clearinghouse to those in need of free legal services and the legal professionals willing to provide it.

By providing information to the mass media, larger segments of the population will know about pro bono activities. As a result, the clearinghouse contributes to the positive image of pro bono practice, to the goals of the clearinghouse and to the general image of legal professionals.

## b. Using the Media to Generate a Positive Pro Bono Sentiment

### i. Internet Tools and Other Media

Not surprisingly, the Internet is the number one tool used by most clearinghouses. The Internet allows an organization to quickly publish ideas and information to a massive audience at a greatly reduced expense.

#### 1. Website

A website is extremely important. Often, the first thing people do when they want to know more about an organization is to look it up on the Internet. As a result, a clearinghouse should

consider launching a website as soon as possible. A thorough and easy-to-use website can help give a clearinghouse legitimacy in the eyes of the public, lawyers, clients and donors, which serves its long-term interest.

After purchasing a domain name for the website, an organization can design its website in whatever manner it chooses. Many content management systems are available free as open source software and allow for the creation of templates and customization of content. Other more sophisticated systems are also available for purchase.

The style, structure and content of a website will evolve as the clearinghouse develops. However, the website should always try to:

- give basic information about the organization and/or the clearinghouse, including contact information, purpose, mission, goals, etc.;
- contain information about news and events—calendar, recent matters and victories;
- allow a user to subscribe to a newsletter/ mailing list;
- contain practical/educational materials, resources;
- positively promote the organization; and
- include a link to make donations!

Once the clearinghouse has developed proper processes for taking donations, the website should contain a link to help people do this easily. This can be achieved by establishing an online merchant account (like PayPal) that will collect donations on behalf of the organization.

## 2. *Mailing Lists*

A mailing list is a collection of names and addresses used by an individual or an organization to send material to multiple recipients. Specifically, an electronic mailing list is a list of email addresses stored on a mail server, to which an organization can distribute information through one email address. This single email address, called a reflector, becomes designated as the recipient of the email address. When an email is sent to that reflector, the email is distributed to all the emails in that particular mailing list. A mailing list is particularly useful for sending out e-newsletters and announcements.

Strategic mailing lists can help an organization with the following:

- increase communication among the clients of the clearinghouse interested in or participating in the services of the clearinghouse;

- generate dialogue and raise awareness about domestic or international pro bono work; and
- inform participants about the activities of a clearinghouse, upcoming events and programs.

### 3. *e-Newsletters*

A more developed way of capitalizing on the contacts of a clearinghouse is by creating a regular newsletter. A newsletter, particularly an e-newsletter, is a cheap and easy way to disseminate information about an organization to large numbers of people. The e-newsletter is a sophisticated tool that can easily distribute information about trends and developments in pro bono work and promote the activities of NGOs, clearinghouses and law firms.

E-newsletter services are available online for little to no cost. Services like iContact or Constant Contact, have tools for creating templates for the structure of the e-newsletter, and track users' interaction with an e-newsletter—how many people opened a particular document or story, clicked on a particular link, how many emails bounced back, etc.

For example, PILnet distributes two quarterly e-newsletters—Doing Justice and Global Pro Bono Link—dedicated entirely to pro bono. For examples, visit [www.PILnet.org](http://www.PILnet.org). A4ID sends out a regular email update and a longer quarterly hardcopy newsletter.

### 4. *Social Networking Sites*

Social networking websites have become the cheapest and fastest way to promote the activities of an organization. Websites like [www.facebook.com](http://www.facebook.com), [www.myspace.com](http://www.myspace.com), [www.linkedin.com](http://www.linkedin.com), [www.twitter.com](http://www.twitter.com), and [www.orkut.com](http://www.orkut.com), have revolutionized the way individuals, groups and organizations can promote, receive and distribute information.

Web-based social networking platforms, like Facebook, Myspace and Orkut allow users to create a profile, add friends, send messages and generally interact and inform others about their happenings. LinkedIn is a professional social networking site that allows registered users to maintain a list of contact details of people they know and trust in business. Twitter is a free social networking and microblogging service that enables its users to send and read messages known as tweets. Tweets are text-based posts displayed on the author's profile page and delivered to the author's subscribers who are known as followers.

Facebook in particular is a great place for a new organization to start. If an organization cannot afford to purchase a domain name and maintain a website, Facebook allows the organization to create a "fan page" for free. A fan page works similarly to a website and allows a clearinghouse

to inform others about its mission and goals, invite members, send status updates and messages to fans, post information about upcoming events and conferences, upload photos, share videos, and even promote its fan page with a Facebook advertisement. A budding NGO can work entirely from a Facebook fan page in the beginning. Keep in mind, however, that Facebook has its limitations—your audience is limited to the users of Facebook and, more specifically, only those who have become your “fans.” It is not as professional as a website and it does not allow a clearinghouse to have all the features a website might have. Many organizations use Facebook as a supplement to a website.

## 5. *Blogs*

A blog is a type of website, usually maintained by an individual, which contains regular entries of commentary, descriptions of events, and/or other material such as graphics and videos. A blog can contain the information that is not provided on the main page of a clearinghouse website. It is one way to provide more information about the clearinghouse activities or some interesting stories, which are the result of the pro bono work in a fast, easy-to-use setting. A blog is generally less formal than a clearinghouse website, allowing users to expand on issues, raise discussion topics and post commentary. Some blogs also have special discussion boards where readers (individuals, law firms and NGOs) can post their comments and requests. It is an inexpensive way to keep followers up to date, but it relies on people checking the site or choosing to follow your comments. Be sure to include a link to the web page of the clearinghouse or its partners on the blog.

## 6. *Other Digital Media*

Digital videos and podcasts are cheap and easy forms of do-it-yourself publicity, and may be useful tools for new clearinghouses. Digital cameras may be used to create videos that can be put online and then widely disseminated. A clearinghouse could record speeches, lectures, and training sessions, as well as interviews with former clients, NGOs and lawyers to help generate a positive pro bono sentiment. This recorded material can be turned into a digital video and posted on a website, Facebook fan page, blog or YouTube. If a particular video gets viewed enough, a larger, conventional media outlet could pick up the story, creating even more publicity.

A podcast may also be a useful tool for clearinghouses. A podcast is a series of digital media files (either audio or video) that are released episodically and downloaded from the web. If audio is already recorded, an editing program is all that is needed to create a podcast. There are free editing programs available, like Audacity, and there are expensive but much more sophisticated ones, such as Protools. A clearinghouse can also use video editing software to edit both video and audio. [www.transom.org](http://www.transom.org) provides many tips and advice on making podcasts.

## **ii. Legal Periodicals**

The publications of the legal community provide a wealth of resources for a clearinghouse. Daily, weekly and monthly magazines, newspapers, journals and newsletters are circulated amongst legal professionals. Start with the clearinghouse's network. Most Bars have one or more publications. Once a relationship with the local Bars has been formed, use them as a resource and disseminate information to its audiences. These publications are excellent ways to promote the work of the clearinghouse and organization as a whole.

## **iii. Mass Media and Other Non-Legal Periodicals**

A clearinghouse may wish to generate press and advertise itself outside of the legal community. Newspapers, magazines, radio, and television are all useful in promoting and strengthening the activities of a clearinghouse. A clearinghouse could advertise itself, promote upcoming events, and even provide human interest stories from a successful pro bono matter to these news outlets. Additionally, securing coverage from one source of media often sparks the attention of other sources.

Once the clearinghouse has the proper time and personnel, it might be helpful to write a media strategy on ways to utilize these news outlets. Newspapers, magazines, radio and television can be difficult to approach. If time and money will allow, media research can help to determine which individuals are writing about the legal world, the third sector, and public interest matters. Developing relationships with key reporters in a variety of media outlets is one way to start. Network with these individuals, invite them to lunch or coffee, introduce the clearinghouse and its goals and successes. Send these reporters the clearinghouse's press releases and invite them to its upcoming events.

It is very important to remember that any information given to the media must be accurate. Otherwise, the result may be damaging to a clearinghouse's credibility and legitimacy. It is also important that all necessary consents from lawyers and clients are obtained before information is released.

## **iv. Events**

There are a variety of ways to promote a clearinghouse and to recognize individuals who have contributed to the pro bono community without sacrificing your budget: thank you letters, thank you or service recognition certificates, and in-house breakfasts/lunches/cocktail hours. The following sections highlight some of the additional, larger-scale events that a clearinghouse could also organize when budget permits.

## 1. *Pro Bono Awards and Dinners*

Pro bono awards are an important way to ensure public recognition to those who have made an outstanding contribution to the pro bono community. Strategically, a pro bono award serves several purposes. First, it gives the clearinghouse an opportunity to thank the lawyers that who have donated their time, money and efforts to pro bono practice. Second, with “official” pro bono recognition by a member of the pro bono community, the clearinghouse, lawyers are given added prestige and can more positively market themselves in the legal community. As a result, these lawyers may be better able to assist the clearinghouse and take on additional pro bono matters in the future. Finally, this kind of event also serves to promote the activities of the clearinghouse generally.

If you decide to hold a pro bono award ceremony, you will need to make several key decisions, regarding the following:

- *General eligibility*—Decide what activities are eligible for the award. Generally, some form of pro bono service, support to organizations which provide pro bono services, and/or other achievements related to pro bono should suffice.
- *Nomination criteria*—decide the criteria for who can be nominated. For example, can the candidates be individual lawyers, law firms, law students, NGOs or all of the above? Will multiple nominations be required, etc.?

In **Poland**, only individual lawyers are eligible for nomination for the Konkurs Prawnick Pro Bono Roku, the annual Pro Bono Lawyer Contest.

In the **United States**, there are many awards and each have their own criteria. Law firms, law schools, law students and individual lawyers, both in private and government practice, can receive a pro bono award, of which there are many.

- *Nomination logistics*—Decide how the nominations will be submitted—via the Internet, mail, etc.; who can make the nominations; and who will judge the nominees.

In **Poland**, the jury consists of a Polish ombudsman, president of the Constitutional Tribunal, president of the Supreme Administrative Court, president of the National Council of Legal Advisers, president of the Bar Council and lawyers previously awarded in the contest.

In **Russia**, the *Corporate Lawyer* best law firm award for contribution to pro bono development is judged by an expert council, consisting of prominent lawyers and other respected professionals. Individuals include members of the State Duma, the Department of the Federal Ombudsman's Office, the Federal Bar Chamber, the Moscow State Legal Academy, the Russian office of the International Center for Non-profit Law, *Corporate Lawyer* and a representative from PILnet.

- *Promotional campaign*—a clearinghouse may wish to draw the media's attention to the pro bono awards to highlight to the general public the volunteer commitment of the legal community.
  - Consider organizing a relationship-building meeting for local journalists. During this event, highlight the success stories of the pro bono program and present them with the aims and potential impact of the award on the legal profession and benefits to the community at large.

In **Poland**, the leading Polish newspaper, *Rzeczpospolita*, is a co-organizer of the pro bono competition.

In **Russia**, **PILnet-Moscow's Clearinghouse** co-organizes an annual Pro Bono Award with the *Corporate Lawyer*, a publication awarding law firms for their contributions in various areas.

- *Awards ceremony*—decide the manner in which the recipients will receive the pro bono award. It could vary from a simple ceremony to a gala dinner. A decision will also need to be made regarding the form of the actual pro bono award: certificate or diploma, plaques, crystal bowls, statuettes, etc. The award should not come in a monetary form because the entire point of pro bono is to do the work without monetary compensation.

Other important considerations to keep in mind when preparing for a gala dinner include:

- **Budget**—Will this fit into the clearinghouse budget? Can you secure donations and sponsorships to fund the event?

- Time—Will the planning of this event consume too much time of an already over-stretched staff?
- Support—Get as many members of the pro bono community involved: NGOs, law firms, bar associations, human rights organizations.
- Press—Be sure to advertise your event! Distribute press releases before and after the event.
- Promote—Be sure to promote the clearinghouse by distributing flyers and brochures at the event; this could spark interest from potential donors as well as with lawyers who want to develop a pro bono practice.
- Thank you—Send thank you letters to all sponsors, donators, volunteers and other contributors to the event.

## 2. *Conferences, Roundtables and Training*

Conferences, forums, roundtables and training are other ways to reach out to the pro bono community and publicize a clearinghouse. These events may be more appropriate to hold after the clearinghouse is well established. However, if a clearinghouse has the means, these events can be quite worthwhile to run earlier in the organization's life. Events include:

- lectures and workshops on various topics concerning non-profit organizations held by expert lawyers;
- roundtables with foreign pro bono experts, which provide an opportunity for discussion and networking among lawyers and NGO representatives;
- legal training for NGO capacity building; and
- conferences and forums on pro bono practice with domestic and international law firms and NGOs.

**PILnet** organizes and hosts an annual European Pro Bono Forum. This forum is the only platform entirely dedicated to an international, comparative perspective on pro bono practice in Europe. The Forum aims to bring together hundreds of participants from all over the world—law firm lawyers, corporate counsel, individual practitioners, bar association representatives, NGO representatives, academics and students—all seeking to develop innovative partnerships between the legal community and the non-profit sector. *See Appendix 20, Summary Agenda for 2010 European Pro Bono Forum.*



**PBA** organizes roundtables for lawyers and NGO representatives on a regular basis. The purpose of these events is to strengthen local support of this pro bono initiative. The roundtables serve as an opportunity for participants to review the current situation and raise potential risks and problems. The clearinghouse regularly invites foreign experts from countries with developed pro bono practices to encourage local law firms to participate in pro bono projects. The presentations and the discussion about possible ways to implement these models in the local environment bring new and fresh ideas to the country. The clearinghouse uses these events to bring interested NGO representatives and lawyers together equally, through both formal discussions and informal networking. Usually, there is the opportunity for short speeches on different aspects of pro bono. Bar officials, law firm representatives and NGOs can explain their interest and motivation to do pro bono. The Czech clearinghouse combines these events with informal receptions at which awards are presented to participating attorneys. *See Appendix 19, Pro Bono in the Czech Republic—Roundtable for Attorneys and NGO Lawyers* for details of the event. Additionally, PBA sponsors other events for the Pro Bono Community throughout the year.

In 2009, **PILnet-Moscow's Clearinghouse** and the charity fund United Way implemented a project to enhance the capacity of Russian NGOs by providing them with legal training on corporate governance and compliance with Russian legislation. The project involved ten training sessions for NGOs on the most challenging issues of the daily operations of NGOs, including:

- registration of non-profit organizations;
- acquiring special licenses;
- procedures for amending the charter and related documents;
- general issues of NGO taxation;
- taxation related to charitable contributions and donations;
- government control of non-profit organizations;
- registration and operation of endowment foundations;
- application of the simplified tax system;
- legal status of branches of foreign non-profit organizations;
- labor issues of non-profit organizations; and
- other topics as suggested by participants.

The training was led by lawyers from international law firms, government agencies, non-profit centers, and PILnet. For NGOs that were unable to attend, training materials were emailed to the “remote participants.” All NGOs that participated in the trainings received information about the services of PILnet-Moscow's Clearinghouse and as a result of the training, twenty new pro bono matters were generated. Finally, after the training sessions were completed, PILnet-Moscow's Clearinghouse and United Way distributed a questionnaire to all participants, asking that participants rate their satisfaction with the training and suggest topics for future training.

#### **v. Marketing Materials: Brochures, Leaflets and Newsletters**

An organization's marketing materials are a good way to reach all target groups of a clearinghouse. They inform those interested in pro bono work about the general operations of the clearinghouse, as well as keep people up-to-date about recent news in the field and upcoming events.

An information brochure or leaflet about the clearinghouse is a great way for a clearinghouse to introduce and promote itself. Brochures about specific areas of law are another way to reach out to the pro bono community. A short and concise brochure can address the basic needs of a defined group of people. For instance, a brochure on the basics of labor law could explain the right to employment for a disadvantaged or minority group. Develop relationships with lawyers who have expertise on specific areas of law and work with them to translate their knowledge into a brochure.

As already mentioned, a newsletter can provide the same types of information as a brochure or leaflet, but can go into more detail and perhaps reach a larger audience. A newsletter can provide basic information about the clearinghouse, upcoming events and can also contain small articles about the accomplishments of the clearinghouse. It may also be expanded to include other issues, like sharing experiences between clearinghouses, law firms and NGOs, the most discussed matters in pro bono, etc.

#### **c. Warning: Ethical and Professional Limitations to Publicity**

Promoting the activities of the clearinghouse is clearly one way to encourage a positive pro bono sentiment and attract pro bono clients and lawyers. However, a clearinghouse should carefully consider which NGOs and which matters it wants to publicize in the media. As a general principle, legal services provided by lawyers are confidential in nature. As a result, consent must be given by the client, as they may not want certain issues and matters brought into the public sphere. The nature of a pro bono request may damage the public image of an NGO client. For example, matters dealing with internal conflict of management, tax problems of the organization, or any socially controversial topics could harm the reputation and image of the NGO. Additionally, the lawyers representing these matters may have reservations about the publication of certain details about the matter. The clearinghouse always has to be aware of these potential issues when it considers announcing matters in the media. The primary goal of the clearinghouse is the facilitation of free legal services. Promoting such matters, though helpful to the clearinghouse, is merely secondary. Finally, the clearinghouse itself should be careful about publicizing matters involving controversial NGOs and/or controversial matters, as it could cause unnecessary damage to the public image of the clearinghouse. Choose what you present to the media carefully.

## X. Financial Sustainability

One of the most important issues to consider before starting a clearinghouse is how to ensure its funding. It is worth noting that there are many different approaches to raising revenue and the following chapter will only offer a snapshot of some of them.

Clearinghouses generally operate as NGOs, so the classic non-profit fundraising strategies will apply. Think about obtaining both core funding as well as project-based or episodic funding. Diversify. Consider individual contributions, state and government donors, public charities, as well as private and corporate foundations.

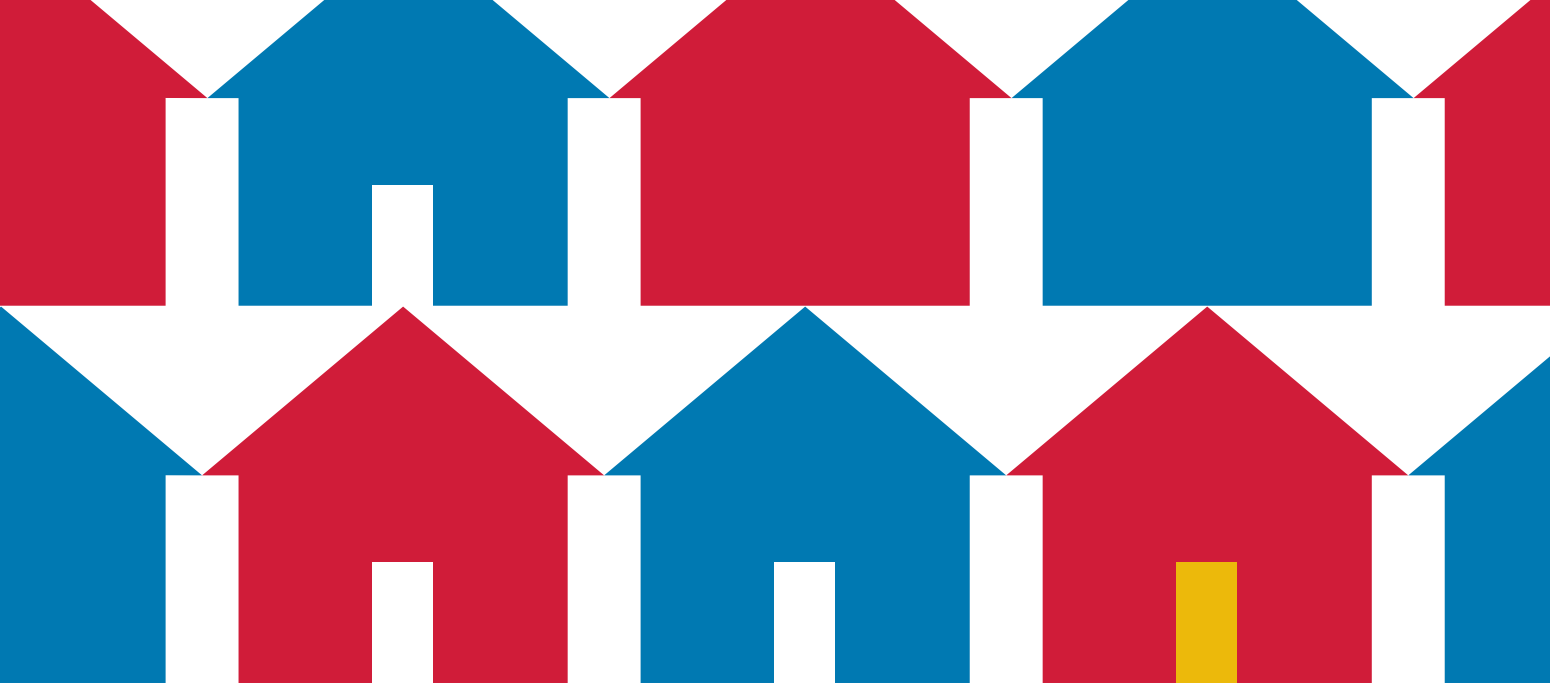
One way to fund a clearinghouse is through mandatory financial contributions from partner law firms, individual lawyers or other organizations. For example, A4ID's Legal Partners all donate an annual amount that is calculated according to the number of partners in the law firm or lawyers in the organization.

Another approach to financial sustainability is through soliciting charitable contributions and project grants. For example, PILnet receives money from private donors, foundations and governmental entities, which enables it to give lawyers access to pro bono matters without charging a fee.

Be creative. If a clearinghouse is unable to find funding related to pro bono directly, it may be able to find funding for a target or marginalized group where it can incorporate a pro bono component.

Think broadly. Look for funding opportunities related to "civil services" and "access to justice," not just pro bono. There is no right way to approach fundraising, but by diversifying, thinking broadly and being creative, a clearinghouse can find funding and success for the long term.







## XI. Useful Contacts

### a. Pro Bono Clearinghouses Worldwide

Country /Region	Clearinghouse	Website
Argentina	La Comisión Pro Bono	<a href="http://www.probono.org.ar">www.probono.org.ar</a>
Australia	ACT Pro Bono Clearing House	<a href="http://www.actlawsociety.asn.au/act-pro-bono-clearing-house.html">www.actlawsociety.asn.au/act-pro-bono-clearing-house.html</a>
	JusticeNet SA	<a href="http://www.justicenet.org.au/index.html">www.justicenet.org.au/index.html</a>
	Public Interest Law Clearing House (NSW) (PILCH)	<a href="http://www.pilchnsw.org.au">www.pilchnsw.org.au</a>
	Pro Bono Clearing House (NT)	<a href="http://www.lawsocietynt.asn.au/for-the-community/pro-bono-clearing-house">www.lawsocietynt.asn.au/for-the-community/pro-bono-clearing-house</a>
	Queensland Public Interest Law Clearing House (QPILCH)	<a href="http://www.qpilch.org.au">www.qpilch.org.au</a>
	Law Society of Tasmania Pro Bono Clearing House	<a href="http://www.taslawsociety.asn.au/web/en/lawsociety/about/ProBono.html">www.taslawsociety.asn.au/web/en/lawsociety/about/ProBono.html</a>
	Public Interest Law Clearing House (Victoria) (PILCH)	<a href="http://www.pilch.org.au">www.pilch.org.au</a>
	Law Access Pro Bono Referral Scheme	<a href="http://www.lawsocietywa.asn.au/pro-bono-scheme/">www.lawsocietywa.asn.au/pro-bono-scheme/</a>
Brazil	ConectasDireitosHumanos	<a href="http://www.conectas.org">www.conectas.org</a>
Chile	Fundacion Pro Bono	<a href="http://www.probono.cl">www.probono.cl</a>
China	PILnet Beijing Clearinghouse	<a href="http://www.pilnet.org">www.pilnet.org</a>
Colombia	Fundacion Probono Colombia	<a href="http://www.probono.org.co">www.probono.org.co</a>

Country /Region	Clearinghouse	Website
Czech Republic	Public Interest Lawyers Association	<a href="http://www.pilaw.cz/index.php?cat=eng">www.pilaw.cz/index.php?cat=eng</a>
England and Wales	Bar Pro Bono Unit	<a href="http://www.barprobono.org.uk">www.barprobono.org.uk</a>
	LawWorks	<a href="http://www.lawworks.org.uk">www.lawworks.org.uk</a>
France	Alliance des Avocats pour les Droits de l'Homme	<a href="http://www.aadh.fr">www.aadh.fr</a>
Hungary	PILnet-Budapest Clearinghouse	<a href="http://www.pilnet.org">www.pilnet.org</a>
International (based in England)	Advocates for International Development	<a href="http://www.a4id.org">www.a4id.org</a>
	iProBono	<a href="http://www.i-probono.com/">www.i-probono.com/</a>
	TrustLaw	<a href="http://www.trust.org/trustlaw">www.trust.org/trustlaw</a>
International (based in Hungary)	PILnet Global Pro Bono Clearinghouse	<a href="http://www.pilnet.org">www.pilnet.org</a>
International (with projects in U.S., Latin America, Africa)	Cyrus R. Vance Center for International Justice (Vance Center)	<a href="http://www2.nycbar.org/citybarjusticecenter/vance-center-programs/">www2.nycbar.org/citybarjusticecenter/vance-center-programs/</a>
International (based in the United States)	International Senior Lawyers Project	<a href="http://www.islp.org">www.islp.org</a>
Poland	Centrum Pro Bono	<a href="http://www.centrumprobono.pl">www.centrumprobono.pl</a>
Russia	PILnet Moscow Clearinghouse	<a href="http://www.pilnet.org">www.pilnet.org</a>
Scotland	Law Works Scotland	<a href="http://www.lawworksscotland.org.uk">www.lawworksscotland.org.uk</a>
Slovenia	Peace Institute	<a href="http://www2.arnes.si/~ljmiri1s/eindex.htm">www2.arnes.si/~ljmiri1s/eindex.htm</a>
South Africa	Probono.org	<a href="http://probono-org.org">probono-org.org</a>



## b. Other Pro Bono Resources

Country /Region	Organization	Website
Australia	National Pro Bono Resource Centre	<a href="http://www.nationalprobono.org.au/home.asp">www.nationalprobono.org.au/home.asp</a>
France	Droits d'Urgence	<a href="http://www.droitsdurgence.org">www.droitsdurgence.org</a>
International	International Bar Association Pro Bono Declarations	<a href="http://www.internationalprobono.com/declarations">www.internationalprobono.com/declarations</a>
	Lex Mundi Pro Bono Foundation	<a href="http://www.lexmundiprobono.org">www.lexmundiprobono.org</a>
	Ashoka's Law for All Initiative	<a href="http://www.ashoka.org/lawforall">www.ashoka.org/lawforall</a>
United Kingdom	Free Representation Unit (FRU)	<a href="http://www.freerepresentationunit.org.uk">www.freerepresentationunit.org.uk</a>
	ProBonoUK.net	<a href="http://www.probonouk.net">www.probonouk.net</a>
	ProHelp	<a href="http://www.prohelp.org.uk">www.prohelp.org.uk</a>
	U.K. Attorney General's Pro Bono Declaration—A statement of principles for international pro bono legal work	<a href="http://www.internationalprobono.com/declarations/item.1254-UK_Attorney_Generals_Pro_Bono_Declaration">www.internationalprobono.com/declarations/item.1254-UK_Attorney_Generals_Pro_Bono_Declaration</a>
	U.K. Attorney General's Pro Bono Toolkit—A toolkit setting out shared experience for development of pro bono culture and programs	<a href="http://www.probonouk.net">www.probonouk.net</a>
United States	Pro Bono Institute	<a href="http://www.probonoinst.org">www.probonoinst.org</a>
	Pro Bono Net	<a href="http://www.probono.net">www.probono.net</a>
	Law Help	<a href="http://www.lawhelp.org">www.lawhelp.org</a>



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**Organisation:**

Name: Postcode:

Street: Phone:

Town: Fax:

Website:

**Contact person:**

Title: E-mail:

First name: Phone:

Last name: Mobile:

**PRO BONO – INFORMATION ABOUT INVOLVED NGOS**

Short description about the aims and activities of the NGO (max. 1500 characters):

---

**Public Interest Lawyers Association (PILA)  
Pro Bono Centrum**

Příběnická 1908, 390 01 Tábor  
Ph: +420 777 668 710, e-mail: [probono@pilaw.cz](mailto:probono@pilaw.cz)  
[www.probonocentrum.cz](http://www.probonocentrum.cz)

**Type of the matter:**

- |  |   |
|--|---|
| <input type="checkbox"/> Refugees                                  | <input type="checkbox"/> Rights of the child      |
| <input type="checkbox"/> Domestic violence                         | <input type="checkbox"/> Education                |
| <input type="checkbox"/> Environmental issues                      | <input type="checkbox"/> Corruption, transparency |
| <input type="checkbox"/> Discrimination (race, nationality, other) | <input type="checkbox"/> Patients rights          |
| <input type="checkbox"/> Gender issues, women's rights             | <input type="checkbox"/> Trafficking in people    |
| <input type="checkbox"/> Migrant issues                            | <input type="checkbox"/>                          |
| <input type="checkbox"/> Employment relations                      | <input type="checkbox"/>                          |
| <input type="checkbox"/> Rights of crime victims                   | <input type="checkbox"/>                          |

**Area of legal practice:**

- |   |   |
|---|---|
| <input type="checkbox"/> Criminal law       | <input type="checkbox"/> Financial law    |
| <input type="checkbox"/> Civil law          | <input type="checkbox"/> Human Rights law |
| <input type="checkbox"/> Administrative law | <input type="checkbox"/>                  |
| <input type="checkbox"/> Environmental law  | <input type="checkbox"/>                  |

**What kind of Pro Bono legal assistance you require in your NGO:**

Technical legal assistance (for the NGO in regards to their internal legal needs):

- Financial matters
- Tax
- Employment matters
- Contracts
- Statutory matters
- 

Legal assistance concerning the aims of the NGO:

- Procuration
- Advocacy
- Litigation of strategic matters
- Research
- Legal analysis
- 
-

# Pro Bono Alliance Pro Bono Clearinghouse

## Pro Bono Request form for NGOs

### 1. Contact details

Name of the organisation: .

Address:

Phone:

Fax:

Person to contact for more information regarding the matter:

Phone:

Mobile:

E-mail:

### 2. Type of Pro Bono legal needs

Technical Pro Bono service (for the NGO in regards to their internal legal needs)

Legal assistance concerning the aims of the NGO

Information regarding legal assistance for clients

### 3. Please give detailed description of the Pro Bono legal matter

### 4. What is the deadline for a reply by the law firm regarding the matter described above?

### 5. Other important information/comments

# P R O B O N O

## INTAKE FORM FOR NGO MATTERS

### NGO Information

NGO name, address,  
phone, e-mail, contact  
person

Short description of  
mission and activities  
of the NGO

### Information on the client of the pro bono service<sup>[1]</sup>

Please select one  
option:

- The client is an NGO
- The client is a beneficiary of services of the NGO

Information on the  
client – name, last  
name, address, phone,  
e-mail

Date of sending the  
matter to the  
clearinghouse

## **Information on the matter**

Description of the problem, of the subject matter (what is the matter about?)

Situation in this moment (did the client already do anything about the matter, lodged a lawsuit or a complaint, or any other legal remedy, has any competent body already decided in this matter?)

What kind of legal service does the client need?

Is there a deadline in the matter in which a certain act needs to be done? If yes, what are the relevant dates?

1 PRO BONO Clearinghouse – Intake form for NGO matters

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[1] Personal and contact information are sent only to the lawyer or firm to which the matter is placed.



PILnet: The Global Network for Public Interest Law is an international organization that advances human rights around the world by stimulating public interest advocacy and developing the institutions necessary to sustain it.



## **GLOBAL PRO BONO CLEARINGHOUSE**

### **Lawyers for the Public Good**

#### **Are you an NGO that needs professional legal assistance?**

Non-governmental organizations (NGOs), just like small businesses, are confronted in the ordinary course of their work with legal issues such as non-profit registration, tax and labor contract matters. In addition, NGOs' substantive work can be enhanced by legal research on other countries' legislation, case law and policy on relevant issues.

#### **How can PILnet's Global Clearinghouse help you?**

PILnet is a leading advocate for institutionalizing pro bono practice (volunteer legal assistance) in Europe and beyond. PILnet's Global Clearinghouse matches the legal needs of NGOs with lawyers from international law firms who volunteer their legal services. NGOs that need legal assistance may submit their legal requests to PILnet's Clearinghouse coordinators. Where appropriate, PILnet refers the requests to its extensive network of volunteer lawyers participating in the Clearinghouse. If a lawyer accepts the case, the NGO and the lawyer are connected directly.

#### **Are you eligible for pro bono assistance?**

NGOs (non-profit foundations, associations, and organizations) with and without charitable status are eligible for pro bono assistance for free through the Clearinghouse. Private individuals who have concrete plans to register a new NGO are also eligible. However, private individuals, for-profit corporations, political parties, and NGOs established by political parties are not eligible for assistance through the Clearinghouse.

(The Clearinghouse provides an opportunity for legal assistance but cannot guarantee that every request will receive legal assistance. Each lawyer participating in the Clearinghouse makes the final determination to accept or decline the individual request(s) submitted.)

#### **To discuss requests for legal assistance, please contact PILnet's Global Clearinghouse:**

Atanas Politov (apolitov@pilnet.org) or Tamás Barabás (tbarabas@pilnet.org)

Tel: +36 1 461 5700 Fax: +36 1 461 5701

PILnet: The Global Network for Public Interest Law

1061 Budapest, Paulay Ede u. 50, Hungary

[www.pilnet.org](http://www.pilnet.org)

# IBA Pro Bono Declaration

**Approved by the IBA Council October 2008**

The Council of the International Bar Association, the global voice of the legal profession:

- a) Inspired by the vision of a better, more just world;
- b) Affirming the vital role of the legal profession in achieving that vision;
- c) Recognizing that access to justice is essential to liberty, fairness, dignity, progress, development and the Rule of Law;
- d) Advocating that barriers to justice wherever they exist should be broken and dismantled as a matter of the highest priority;
- e) Deploing the fact that access to the courts and effective legal representation and advice are not afforded to all who need them, especially the poor, underprivileged and marginalized;
- f) Recalling that access to justice for all individuals is a human right and that governments have the primary responsibility to realize and protect that human right through measures such as state funded legal aid, as underscored in article 10 of the UN Declaration on Human Rights, article 14(3) (d) of the International Covenant on Civil and Political Rights, other major international, regional and national instruments, and also the Legal Aid Resolution adopted by this Council in 1996;
- g) Urging governments to allocate sufficient resources to make legal aid available to meet the critical legal needs of the poor, underprivileged and marginalized and not to use pro bono legal service as an excuse for reducing publicly funded legal aid;
- h) Realizing that public confidence in governmental and judicial institutions is eroded by the absence of justice or the existence of barriers to justice;
- i) Considering that the delivery of pro bono service by the legal profession is of vital public and professional interest and helps to fulfil the unmet legal needs of the poor, underprivileged, and marginalized and restore public confidence in the efficacy of governmental and judicial institutions;
- j) Conscious that the legal profession, given its commitment to a fair and equitable legal system, holds a unique and privileged position in matters of justice, and accordingly, has the duty and opportunity to provide pro bono legal service, together with the state, the judiciary, law schools and legal services organizations;
- k) Observing the value of existing traditions and new initiatives, including collaborations among bar associations, private and public interest law firms, law schools, foundations, and other non-governmental organizations to improve access to justice, and to provide effective pro bono legal service;

- l) Noting that ‘pro bono’ is derived from the Latin phrase *pro bono publico*, which refers to work or actions carried out ‘for the public good’;
- m) Believing that a determined effort is needed to advance access to justice through pro bono work and to strengthen the commitment to public service in the legal profession;
- n) Mindful that the motivation for innovative pro bono standards and practices can be derived from the diversity to be found among nations’ legal systems and traditions; and
- o) Reflecting upon the valuable declarations made in this field on a domestic and regional level, notably the Pro Bono Declaration for the Americas, and encouraging more such declarations to be adopted and implemented;

Declares and resolves that:

1. The Council calls on lawyers, law firms and bar associations to provide pro bono legal service, which is work by a lawyer of a quality equal to that afforded to paying clients, without remuneration or expectation of remuneration, and principally to benefit poor, underprivileged or marginalized persons or communities or the organizations that assist them. Pro bono legal service may extend to: advice to or representation of persons, communities or organizations, who otherwise could not exercise or assert their rights or obtain access to justice; activities supporting the administration of justice, institution building or strengthening; assisting bar associations and civic, cultural, educational and other non governmental institutions serving the public interest that otherwise cannot obtain effective advice or representation; assisting with the drafting of legislation or participating in trial observations, election monitoring, and similar processes where public confidence in legislative, judicial and electoral systems may be at risk; providing legal training and support through mentoring, project management and exchanging information resources; and also other similar activities to preserve the Rule of Law.
2. The legal profession reaffirms its commitment to pro bono legal service, as an integral part of the profession, and lawyers and law firms are encouraged to specify a proportion of their time or resources which they will devote per lawyer to pro bono legal service each year.
3. Pro bono legal service should be provided on a consistent year-round basis, in all manner of criminal, civil and administrative matters where legal aid may be limited, and on a national and international level.
4. The importance and practice of pro bono legal service should be emphasized and promoted in legal education and practice, by making pro bono opportunities a part of the academic or practical programs for law students and by giving credit to lawyers taking continuing legal education or working in this field.
5. Lawyers, judges, law firms, bar associations, governmental and non governmental organizations and other interested persons should promote the awareness of domestic as well as cross border pro bono legal service, and implement measures designed to monitor and report to the profession and the public at large on the extent to which access to justice is being facilitated by pro bono measures.

6. Lawyers, law firms, bar associations, and other organizations employing lawyers, whether non profit or for profit, are strongly encouraged to develop or improve specific pro bono policies and programs, to create the conditions and incentives so that pro bono work is encouraged, valued and rewarded, and to pursue or provide continuing legal education in this field, as pro bono legal service is closely linked to the corporate social responsibility of the legal profession.
7. The Council calls on governments to promote and support the pro bono efforts of the legal profession in their countries and to desist from in any way deterring the provision of such service. Further, governments should assist and encourage pro bono legal service, through measures such as treating it as not being subject to tax, and where such service is presently taxed, such taxes should be rescinded.
8. The IBA recognises and expresses its gratitude for the efforts of many lawyers and law firms who have already devoted or are devoting a portion of their professional activities to pro bono legal service. The IBA is committed to actively encouraging lawyers, judges, law firms, bar associations, law schools, governmental and non governmental organizations to participate in pro bono legal service, and invites them to use and contribute content to the information resources developed by the IBA in this field, notably the web sites **[www.internationalprobono.com](http://www.internationalprobono.com)**, **[www.ibaprobono.com](http://www.ibaprobono.com)** and **[www.roldirectory.org](http://www.roldirectory.org)**.
9. Lawyers, judges, law firms, bar associations, governmental and non governmental organizations, and other interested persons are particularly invited to organize, attend and support pro bono and access to justice conferences so that the design and delivery of pro bono legal service can be improved and so that those involved in pro bono legal service will have an extensive pool of resources on both the supply of and demand for such service from which to gain relevant experience.
10. This declaration launches a broad educational campaign and a multi-year process of consultation by the IBA to establish or promote a pro bono culture, to appreciate the meaning and the importance of pro bono legal service, to identify and agree best practices and desirable specific commitments of time and resources, to deepen the consensus and to make further progress in this field. The Pro Bono and Access to Justice Committee is charged to continue and expand its work in this field and to monitor and report on the application of this declaration.

PRO BONO DECLARATION FOR THE AMERICAS  
DECLARACIÓN DE TRABAJO PRO BONO PARA EL CONTINENTE AMERICANO  
DECLARAÇÃO PRO BONO PARA AS AMÉRICAS

SIGNED DECLARATIONS CAN BE SUBMITTED TO  
THE CYRUS R. VANCE CENTER FOR INTERNATIONAL JUSTICE INITIATIVES  
OF THE NEW YORK CITY BAR\*

FOR A LIST OF SIGNATORIES VISIT: [WWW.NCYBAR.ORG/VC/DECL.PDF](http://WWW.NCYBAR.ORG/VC/DECL.PDF)

\*THE VANCE CENTER IS THE REPOSITORY FOR ALL ENDORSEMENTS:  
42 WEST 44<sup>TH</sup> STREET  
NEW YORK, NY, 10036  
USA

[VANCE@NYCBAR.ORG](mailto:VANCE@NYCBAR.ORG)

+1 (212) 768-8630 (FAX)

## PRO BONO DECLARATION FOR THE AMERICAS

WHEREAS, access to justice and legal representation are essential to democratic societies;

WHEREAS, the resources of government and of legal services organizations are insufficient to satisfy the critical legal needs of poor and underprivileged persons and communities, often leaving these needs unmet;

WHEREAS, consequently, not all members of society have meaningful access to justice or effective legal representation, and this is especially the case for poor and underprivileged persons and communities;

WHEREAS, the absence of access to justice and legal representation undermines public confidence in governmental and judicial institutions and democracy;

WHEREAS, the legal profession has a privileged role and is uniquely positioned in matters of justice and therefore has the duty, means and opportunity to promote a fair and equitable legal system and respect for human and constitutional rights in collaboration with the State, the judiciary and legal services organizations;

WHEREAS, traditions exist across the Americas and new efforts are underway in several countries, including collaborations among bar associations, private and public interest law firms, law schools, foundations, governmental actors and non-governmental organizations, to address these pressing and unmet legal needs;

WHEREAS, a concerted movement across the Americas to promote access to justice through pro bono work would strengthen commitments to democracy and public service in the legal profession;

WE, the undersigned, solemnly declare our commitment to pro bono by stating as follows:

Members of the legal profession have a responsibility to provide pro bono legal services. This responsibility stems from the profession's role and purpose in society, and from its implicit commitment to a fair and equitable legal system.

Pro bono is derived from the Latin phrase *pro bono publico*, which refers to actions carried out "for the public good."

For purposes of this Declaration, pro bono legal services are those provided without a fee, or expectation of a fee, principally to benefit poor or underprivileged persons or communities or the organizations that assist them. They may include representation of persons, communities or organizations in matters of public interest who otherwise could not obtain effective representation. In addition, pro bono legal services can also benefit civic, cultural and educational institutions serving the public interest who otherwise could not obtain effective representation.

Pro bono legal services should be provided with the same quality of representation as services provided to paying clients, and in a manner upholding the applicable ethical norms and standards.

Effective delivery of pro bono legal services requires cooperation among the different actors in the legal profession – including bar associations, private and public interest law firms, law schools, foundations, governmental actors and non-governmental organizations.

WE, the undersigned, each in a manner consistent with our respective roles in the legal profession, commit to:

Act to improve effective legal representation for poor or underprivileged persons and communities;

Enhance widespread and effective access to justice and to legal services for persons and communities who lack such access;

Provide, on a pro bono basis, more than 20 hours or three days of legal services per individual lawyer per annum, or in the case of law firms, institutions or other groups of lawyers, an average of more than 20 hours per lawyer per annum. This commitment should be met within three years of endorsing this Declaration;

Strengthen the profession’s commitment to the provision and expansion of pro bono legal services by emphasizing its importance and practice in legal education;

Support the establishment, development and operations of non-governmental organizations dedicated to the delivery of legal services in the public interest; and

Advocate and promote within the profession for the recognition and promotion of pro bono legal services as part of lawyers’ ethical standards and obligations.

This Declaration is not intended to alter or supersede any existing legislation, resolution or ethical code in any jurisdiction, firm or institution that is more conducive to the provision of pro bono legal services.

This Declaration will be effective from January 1, 2008.

\_\_\_\_\_  
*Signatory*

\_\_\_\_\_  
*Date*

## SIGNATORY DATA SHEET

COUNTRY:

1. Category:

- Institution or  
 Individual

2. Signatory\* (Name of Institution or Individual):

\_\_\_\_\_

3. Legal Representative (Institution only):

\_\_\_\_\_

4. Position: \_\_\_\_\_

5. Address:

\_\_\_\_\_

\_\_\_\_\_

6. Phone(s): \_\_\_\_\_

7. Email(s): \_\_\_\_\_

- \* Please check the box if the signatory is not engaged in the private practice of law and thus subscribes this Declaration to manifest its support of the Declaration and commitment to encourage the adoption and observance by the legal profession of the Declaration's principles and commitments.



## Pro Bono Declaration

We, the undersigned members of the Czech legal profession, hereby declare our solemn intention to bear our share of responsibility for protecting human rights and the public interest and to carry on the tradition of volunteer work by attorneys in these areas.

Our society is developing rapidly, both economically and socially. The law plays an important role during this development. We are convinced that it is very important not to forget that it is the task of a modern state, based on the rule of law, to provide the widest possible access for all to qualified legal aid.

By signing this Declaration we are supporting the idea, expressed in the Code of Conduct for European Lawyers, that ‘In a society founded on respect for the rule of law the lawyer fulfils a special role.’ We also build on Recommendation Rec (2000) 21 on the freedom of exercise of the profession of lawyer, which encourage to promote access to justice of persons in economically weak position, in particular provision of legal aid and advice.

We therefore support the development of the provision of pro bono legal services. We believe it is important for attorneys to voluntarily devote some of their capacity, as far as they are able, towards providing free legal services to the benefit of disadvantaged individuals, groups and interests.

In this context we must point out the irreplaceable role played by the state in providing access to legal aid. We hereby emphasise that the development of the pro bono concept does not relieve the state of its own responsibility in this area.

Aware of these circumstances, we want to support the development of the idea of pro bono in order to express not only our interest in public and social affairs and to encourage ethical conduct within the legal profession. As an influential professional group, we also want to contribute to the development of civil society.

Our aim is to support, to the greatest possible extent, those institutions and individuals contributing to the protection of the public interest, including the protection of human rights. We recall the exceptionally important role played in these areas by non-governmental, non-profit organisations (NNOs). We consider cooperation between attorneys and NNOs to be both natural and desirable.

We are aware that not all attorneys in the Czech Republic have the capacity to set aside a significant part of their time and capabilities for pro bono work. Nevertheless, we are convinced that there is outstanding potential for developing the pro bono concept in this country, and we are ready to contribute to that development as far as we are able.

- 1) *Preamble, Code of Conduct for Lawyers in the European Union, adopted at the CCBE Plenary Session held on 28 October 1988, and subsequently amended during the CCBE Plenary Sessions on 28 November 1998 and 6 December 2002.*
- 2) *Recommendation Rec(2000)21 of the Committee of Ministers to member states on the freedom of exercise of the profession of lawyer (Adopted by the Committee of Ministers on 25 October 2000).*

Support to the pro bono declaration expressed:

Allen & Overy  
DLA Piper Weiss-Tessbach  
Radka Dohnalová, advokátka  
Ludvík Juříčka, advokát  
Giese & Partner  
AK Martin Elger  
e/n/w/c/ attorneys at law  
AK Holubová  
Linklaters  
Lovells LLP  
Kocián, Šolc, Balaščík  
AK Petr Prchal  
Randa Havel Legal  
AK Tomáš Rašovský  
Stanislav Servus, advokát  
David Strupek, advokát  
Petr Svoboda, advokát  
Alena Straubová, advokátka  
Squire, Sanders, Dempsey  
AK Ondřej Tošner  
Vejmelka & Wunsch  
JUDr. Ivana Weigandová

## Polish Lawyers for the Public Good Pro Bono Publico Declaration

Through this Declaration, we, the undersigned representatives of the Polish legal profession, recall our long-standing tradition of work for the public good.

Due to economic growth and social development in our country, we note an increase in demand for free legal services to the most needy, including both individuals and the non-governmental agencies representing the interests of the disadvantaged and excluded, as well as an increase in the duties of representatives of all legal professions. As a result, our profession has not always been able to fulfil the expectations and needs of the society in which we live and work, and action for the public good now requires greater commitment and dedication from us.

Consequently, as representatives of the Polish legal profession, we wish to revitalize the concept of work for the public good, to demonstrate our regard for professional ethics and encourage all lawyers to seek means to enable them to work for the good of society.

We believe that it is our duty to ensure that all members of society, irrespective of their financial situation, are able to receive professional advice when necessary. It is our intention that to the extent possible our profession should serve those institutions and organisations that work for the good of society and all persons who have insufficient means to obtain necessary legal advice, free of charge or for a symbolic fee.

In signing this declaration, we support the spirit of the Code of Conduct for European Lawyers, which subscribes to the principle that “*In a society founded on respect for the rule of law, the lawyer fulfils a special role*”<sup>1</sup>. We believe that our profession has always fulfilled this role and will continue to do so.

Employing our professional knowledge we wish to serve this principle and contribute to building of a true civil society in Poland.

1 Code of Conduct for European Lawyers (CCBE), point 1.1 of the Preamble

## PILnet's Survey on Pro Bono and Legal Aid Practice

The following survey was designed to help PILnet assess interest and involvement in public interest advocacy and to increase your understanding of pro bono and legal aid practice. The survey should take you *approximately five minutes* to complete. Thank you for your participation.

### Key definitions:

*Pro Bono*—uncompensated legal service for the public good.

*Legal Aid*—state-subsidized legal services

*Clearinghouse*—facilitates the provision of pro bono legal advice. It is an organization that acts as the intermediary between those people or organizations who need legal assistance and lawyers who are prepared to assist them.

### 1. Please provide the following information:

- a) Name (optional): \_\_\_\_\_
- b) Country: \_\_\_\_\_
- c) Position (trainee, associate, partner, etc.): \_\_\_\_\_
- d) Years practicing law: \_\_\_\_\_
- e) Law Firm (optional): \_\_\_\_\_
- f) Contact Information (e-mail and/or phone) (optional): \_\_\_\_\_

### 2. What is your main area of practice? (select up to 2)

- Business/Corporate
- Litigation
- Criminal
- Family
- Human Rights
- Other (please specify): \_\_\_\_\_

### 3. Have you conducted any pro bono work in the last 24 months?

- Yes
- No

*If you responded yes, proceed to Question 4.*

*If you responded no, proceed to Question 8.*

4. *If you responded yes to Question 3, how did you first get involved in pro bono work?*

- I got involved on my own
- PILnet Clearinghouse
- Other Clearinghouse
- Bar Association
- Law Firm Pro Bono Program
- Other (please specify): \_\_\_\_\_

5. *If you responded yes to Question 3, what was the nature of the matter? (select all that apply):*

- Legal Research
- Corporate/NGO Registration
- Corporate/NGO Contracts
- Other Corporate/NGO Needs (e.g. tax, real estate, labor/employment, intellectual property)
- Human Rights
- Criminal
- Civil
- Litigation

(Optional) Please provide a brief description of any pro bono matter you have worked on:

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6. *If you responded yes to Question 3, how were your pro bono hours assessed?*

- Billable
- Non-billable
- Non-billable, but I received credit for the hours
- Partially billable
- My work was conducted in my free time
- Other (please explain)

7. *If you responded yes to Question 3, for which types of clients have you provided assistance?*

- NGOs, non-profit organizations and charities
- Individual Clients of NGOs
- Individual Clients (with no NGO affiliation/connection)

8. Would you consider conducting pro bono work in the future?

- Yes
- No

9. What would make you more inclined to do pro bono work? (select up to three)

- I had a wide range of volunteer opportunities available to me
- I had the ability to work on a discrete legal task, such as an initial consultation, rather than a full representation of the client
- I was offered free training and/or continuing legal education
- I was asked directly to take a pro bono case
- I was offered mentors and co-counsel
- If more recognition was given to pro bono volunteers
- If I could work with a pro bono broker/clearinghouse

10. What is your biggest impediment to conducting pro bono? (select up to three)

- It is not respected or valued generally in the legal community (e.g. bar association, law firm, or other employer)
- It is not considered a priority in the legal community (e.g. bar association, law firm, or other employer)
- I do not consider it a priority
- I'm concerned that it undermines the legal aid system
- Lack of time
- Competing billable hour expectations and policies
- I lack the skills or experience in the practice areas needed by pro bono clients
- There is a lack of proper regulation or a prohibition by law

11. Have you conducted any legal aid work in the last 24 months?

- Yes
- No

If you responded yes, proceed to Question 12.

If you responded no, proceed to Question 15.

12. *If you responded yes to Question 11, what was the nature of the matter? (select all that apply):*
- Criminal
  - Civil
  - Litigation
  - Legal Research
  - Corporate/NGO Needs (e.g. NGO registration, contracts, tax, real estate, labor/employment, other)
  - Human Rights
13. *If you responded yes to Question 11, what was the motivation for doing the legal aid work? (select up to three)*
- It was compulsory
  - Personal values/professional ethics
  - Firm supports it
  - Professional training/development
  - Interesting cases and matters
  - Monetary
14. *If you responded yes to Question 11, how many Legal Aid cases have you worked on in the past 12 months?*
- 1–5
  - 6–10
  - 11–20
  - 20+
15. *Do you personally believe that pro bono and/or legal aid work is something lawyers should be doing?*
- Yes to pro bono
  - Yes to legal aid
  - Yes to both
  - No to both

[If we decide to remove Name, Firm and Contact information from Question 1, we can add this here:]

If you are interested in conducting pro bono work, please provide your contact information here:

Name: \_\_\_\_\_

E-mail: \_\_\_\_\_

Law Firm: \_\_\_\_\_

Please feel free to provide any additional comments:

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*Disclaimer*

THIS SURVEY IS SOLELY FOR ACADEMIC AND SCIENTIFIC PURPOSES. PILNET WILL NOT SELL, SHARE OR DISSEMINATE ANY IDENTIFIABLE INFORMATION ABOUT YOU TO THIRD PARTIES. WE MAY USE THE DATA PROVIDED IN THE SURVEY WITHIN OUR ORGANIZATION FOR THE PURPOSES OF COLLECTING AND ANALYZING THE RESULTS OF THE SURVEY, INCLUDING TRANSMISSION TO OUR WORLDWIDE OFFICES, SOME OF WHICH ARE LOCATED OUTSIDE THE EUROPEAN ECONOMIC AREA. BY VOLUNTARILY COMPLETING THIS SURVEY, YOU CONSENT TO THIS TRANSFER.



# PROBONO

## GENERAL CONDITIONS ON COOPERATION Between PRO BONO Clearinghouse, pro bono attorneys and pro bono clients in the pro bono system

General conditions on cooperation define the functioning of the PRO BONO Clearinghouse and relations between law firms and clients of pro bono legal services.

### 1. Definitions:

- a. PRO BONO Clearinghouse is a crosspoint of supply of and demand for pro bono legal services and it functions as an intermediary between suppliers and beneficiaries of pro bono services;
- b. Pro bono suppliers are attorneys, law firms and in-house lawyers employed in companies participating in the pro bono system and who offer pro bono legal services (hereinafter: law firms)
- c. Pro bono beneficiaries are individuals and non-governmental organizations (hereinafter: NGO) who are in need of legal aid and meet the criteria set for eligibility of pro bono legal service, defined in Chapter 2 (hereinafter: clients);
- d. Pro bono legal service is a legal service which can comprise of legal counseling, filing legal remedies, lawsuits, propositions before administrative bodies, domestic, foreign and international courts, preparation of documents, concluding a friendly settlement, or conducting a mediation procedure. Pro bono legal service is free of charge, however the client has to bear the costs, related to the case, such as administrative or court fees, if the case was unsuccessful or only partly successful.

### 2. Conditions for requesting pro bono legal services:

- a. The problem of the client is of legal nature;
- b. Considering the seriousness and complexity of the legal problem the pro bono service required is reasonable which means that the problem is resolvable or it could probably be successful;
- c. The client does not have sufficient resources to pay for legal aid;
- d. The client cannot obtain legal aid elsewhere, through the system of free legal aid on the basis of Free Legal Aid Act at courts, at the NGO that offers such services etc.;
- e. When the required legal services depends on a deadline or another time-related event, the client has to send the request at least ten (10) working days before the expiration of the deadline;
- f. PRO BONO Clearinghouse can reject the case for other justified reasons which are reasonable and in accordance with the purpose of pro bono services, e.g. when the expectations of the client are against the principles of justice or morality, in cases of crimes such as insult, gossiping, offensive accusation etc. When the client is an NGO the pro bono Clearinghouse can reject the case if the case is not related with the mission of the NGO or its activities.

**3. The procedure of placing the pro bono matter:**

- a. Before requesting pro bono services for the first matter the Pro Bono client signs a Statement on Cooperation and by signing it accepts General conditions on cooperation, which are enclosed to the statement (Annex 2);
- b. Pro bono matter is sent to the Pro Bono Clearinghouse by e-mail probono@pic.si using the Template for pro bono matter (Annex 1);
- c. If the matter is accepted by a law firm, the Clearinghouse informs the the client and sends them contact information about the law firm;
- d. The client contacts the law firm on their own;
- e. If none of the law firms accepts the matter in ten (10) working days, the Pro Bono Clearinghouse informs the client about that. When the pro bono legal service is tied to a deadline, the pro bono Clearinghouse informs the client about the non-acceptance of the matter by the law firms in five (5) working days.
- f. If the client does not meet the conditions for pro bono legal service in accordance with Chapter 2 of the present Conditions, the Pro Bono Clearinghouse informs the client about this in five (5) working days;
- g. Pro Bono Clearinghouse is not responsible for the the activities of the law firms or clients.

**4. Accepting the matter by law firms:**

- a. Before accepting the first pro bono matter the law firm signs a Statement on Cooperation and by signing it accepts General Conditions on cooperation, which are enclosed to the statement (Annex 2);
- b. PRO BONO Clearinghouse sends the matters to law firms by e-mail in seven (7) days after receiving the matter from the client. In cases tied to a deadline, the Pro Bono Clearinghouse sends the matter to the law firm in three (3) working days;
- c. The law firm has to inform the Clearinghouse in the shortest time possible about whether or not it is interested in accepting the case. The desired time limit for this notification are three (3) working days, and in caases tied to deadlines two (2) working days). When more than one lawfirm is interested in the matter, the PRO BONO Clearinghouse places the case to the law firm which expresses its interest first;
- d. The Clearinghouse sends contact details of the client to the law firm to which the matter was placed.

**5. Communication between the PRO BONO Clearinghouse, client and the law firm after the matter has been placed and contact details sent:**

- a. Communication between the PRO BONO Clearinghouse, the client and the lawfirm takes place in writing;
- b. The responsibility for establishing the first contact with the lawfirm is on the side of the client;
- c. Except in the case of clarifying any misunderstandings, after the matter is placed the communication about the matter is taking place exclusively between the client and the law firm;
- d. As a coordinator of the pro bono system the PRO BONO Clearinghouse has the right to ask for information on the status of the matter both the client and the law firm, who are obliged to provide the requested information;
- e. In case of misunderstandings the client and the law firm can turn to the PRO BONO Clearinghouse which takes care that the misunderstanding is resolved peacefully in the best interest of both parties;
- f. On the completion of the matter and its result the law firm and the client inform the PRO BONO Clearinghouse.

**6. Record keeping:**

- a. PRO BONO Clearinghouse keeps records on the individual matters sent by the client; numbers each matter, informs the clients and the law firm about the reference number and requests both parties to use the reference number in communication with the Clearinghouse;
- b. The files related to pro bono matters are classified as classified.

**7. Promotion of pro bono work:**

- a. PRO BONO Clearinghouse promotes the pro bono system by information on the website and in publications.
- b. PRO BONO Clearinghouse does not promote individual clients or participating law firms , but only pro bono work as such.

General conditions on cooperation are subject to change. The amended conditions enter into force on the day of their publication on the website [www.pic.si](http://www.pic.si).

Annexes:

Annex 1: Template for pro bon matter

Priloga 2: Statement on Cooperation

Ljubljana, 30 March 2009

**ADVOCATES FOR INTERNATIONAL DEVELOPMENT**  
**GOVERNING CODE FOR LEGAL AND DEVELOPMENT PARTNERS**

- 1 A4ID does not carry out any legal work; it refers requests for legal advice and assistance to its Legal Partners. These requests are known as ‘projects’. Legal Partners include firms of solicitors, chambers, corporations and government departments with in-house lawyers, legal academics and individual members of the Bar. A4ID facilitates the provision of legal advice and assistance by Legal Partners to Development Partners. Development Partners include but are not limited to developing country governments, development NGOs, IGOs, developing country bar associations, community groups, social entrepreneurs and social enterprises.
- 2 All legal advice and assistance carried out through A4ID is conducted on a pro bono basis.
- 3 For each project A4ID will produce a project introductory letter to the Legal Partner involved and a project overview letter to the Development Partner:
  - (a) Confirming which Legal Partner will do the work and providing contact details for those involved;
  - (b) Outlining the Development Partner’s general requirements; and
  - (c) Indicating who the Development Partner contact is for the particular matter.
- 4 The client/lawyer relationship will be between the Legal Partner involved and Development Partner on whose behalf work is referred. For each project the A4ID project letters will indicate an A4ID project contact that will be responsible for assisting the Development Partner in setting out their requirements and with relationship issues.
- 5 Those Legal Partners that take on project work with A4ID will do so on the same basis as they take on fee earning work. No distinction will be made by them between fee earning and pro bono work as regards the professional standards to be applied. All work will be properly resourced, with the right mix of skills and gearing to effectively manage the work within the time frame and to the project requirements of the Development Partner.

- 6 A4ID recognises the importance of proper accreditation and use of work in line with the interests of the Development Partner, the Legal Partner involved and A4ID. A4ID will follow clear procedures to ensure that work when completed has appropriate accreditation and is used in an agreed way. Those working with A4ID recognise that all work produced and referred through it may, if A4ID requests, be accredited as being referred through A4ID.
- 7 Those who take on project work through A4ID acknowledge the benefits of A4ID maintaining and developing know-how from the transactions that it brokers. Those working with A4ID agree that where appropriate they will assist A4ID by providing it with project related know-how, subject at all times to client confidentiality being maintained. Wherever appropriate and approved by the Legal and Development Partners involved, A4ID encourages the sharing of advice with other Development Partners via its online forum.
- 8 For each project, any law firms carrying out the work will produce and send to the Development Partner (who will be their client) and to A4ID their own letter of engagement outlining in detail all the terms on which work will be done. This will include:
  - (a) A description of the work to be done;
  - (b) Details of those lawyers who will be involved in acting on the Development Partner's behalf including details of who will have overall responsibility for the advice or assistance provided;
  - (c) The circumstances in which the relationship can be terminated;
  - (d) Confirmation that all work will be done by lawyers who are adequately trained, have appropriate skills and experience and are properly supervised;
  - (e) Confirmation that the work will be done to the same professional standards as apply to paid work and in particular that the project will be afforded the same priority, attention and care;
  - (f) Confirmation that work will be pro bono and whether there will be any charge for expenses and, if so, the reason for this; and

- (g) Confirmation of whether and, if so, to what extent, the firm's liability to the client is excluded and/or capped.
- 9 For each project where counsel is involved in accepting the instruction, counsel acknowledges and will confirm to A4ID and to the Development Partner:

  - (a) The circumstances in which the relationship can be terminated;
  - (b) He/she has training that is adequate and skills and experience that are appropriate to his/her involvement in the project;
  - (c) Confirmation that the work will be done to the same professional standards as apply to paid work and in particular that the project will be afforded the same priority, attention and care;
  - (d) He/she has the responsibility to make clear to A4ID if he/she wishes any charges to be made for expenses and, if so, the reason for this; and
  - (e) Confirmation that work will be pro bono and whether and, if so, to what extent, counsel's liability is excluded and/or capped.
- 10 A4ID's Legal Partners acknowledge and agree that in the event of any claim being made in respect of a project on which they work, they will not seek to claim against or join A4ID, its directors, trustees or officers or their employers in any action.
- 11 A4ID's Development Partners acknowledge and agree that the Legal Partners to which they are referred are solely responsible for all legal work on projects.

## LAWYERS REGISTRATION FORM / ÜGYVÉDEK REGISZTRÁCIÓJA

### TERMS OF USE / FELHASZNÁLÁSI FELTÉTELEK

1. **HEREBY I REGISTER AS / ALÁBBIKBAN REGISZTRÁLOK**
  - INDIVIDUAL LAWYER / EGYÉNI ÜGYVÉDKÉNT**
  - REPRESENTATIVE OF A LAW OFFICE / ÜGYVÉDI IRODA KÉPVISELETÉBEN**
2. **NAME / NÉV:** .....
3. **POSITION / BEOSZTÁS:** .....
4. **NAME OF LAW OFFICE / ÜGYVÉDI IRODA NEVE:** .....
5. **ADDRESS / SZÉKHELY CÍME:** .....
6. **E-MAIL ADDRESS / E-MAIL CÍM:** .....
7. **PHONE / TELEFON:**.....
8. **(OTHER / MÁS (SKYPE, MSN):** .....
9. **MY AREA OF LEGAL EXPERTISE / SZAKTERÜLETEM:** .....
10. **I AM REGISTERED MEMBER OF THE ..... (COUNTY) BAR / TAGJA VAGYOK A ..... (MEGYEI) KAMARÁNAK.**
11. **I CAN ACCEPT PRO BONO MATTERS / FELVÁLLALOK PRO BONO ÜGYEKET:**
  - ON A REGULAR BASIS / ÁLLANDÓ JELLEGGEL**
  - OCCASSIONALLY / ALKALMANKÉNT,**  
..... **CASE (S) PER YEAR OR: ... CASE (S) PER MONTH**  
**/ ÉVI ..., VAGY HAVI...ÜGYET**
12. **I PROVIDE VOLUNTEER LEGAL ASSISTANCE TO NGOS IN / ÖNKÉNTES JOGI MUNKÁT VÁLLALOK CIVIL SZERVEZETEKNEK:**
  - INTERNAL MATTERS / BELSŐ, SZERVEZETI ÜGYEKBEN**
  - EXTERNAL (COMMUNITY SERVICE) MATTERS / KÜLSŐ KÖZÉRDEKŰ TÁRSADALMI TEVÉKENYSÉGBEN**
13. **I HEREBY DECLARE, ACCEPTING THAT THE GIVEN INFORMATION IS SUBJECT TO CRIMINAL LIABILITY, THAT / BÜNTETŐJOGI FELELŐSÉGEM TUDATÁBAN KIJELENTEM, HOGY:**
  - I AM A REGISTERED PRACTICING ATTORNEY-AT-LAW / BEJEGYZETT, GYAKORLÓ ÜGYVÉD VAGYOK**
  - I AM A REGISTERED EUROPEAN COMMUNITY LAWYER IN HUNGARY / MAGYARORSZÁGON NÉVJEGYZÉKBE VETT EURÓPAI KÖZÖSSÉGI JOGÁSZ VAGYOK**
  - I AM FOREIGN LEGAL ADVISOR REGISTERED IN HUNGARY / MAGYARORSZÁGON NÉVJEGYZÉKBE VETT KÜLFÖLDI JOGI TANÁCSADÓ VAGYOK**
  - I AM A CORPORATE LAWYER REGISTERED IN COURT / BÍRÓSÁGI NÉVJEGYZÉKBE BEJEGYZETT JOGTANÁCSOS VAGYOK**
14.
  - I HEREBY ACCEPT THE TERMS OF USE OF THE WEBSITE / ELFOGADOM A HONLAP FELHASZNÁLÁSI FELTÉTELEIT**

## PILnet’s Guidelines for NGOs: How to Summarize Your Legal Needs

The following points do not need to be developed at length; a one- to two-paragraph description for each section will suffice. These answers will enable PILnet to help you draft the legal matter that will appear on PILnet’s Pro Bono Clearinghouses’ lists.

1. NGO’s description: Provide the date of foundation, mission, location, countries where the NGO operates and website.
2. Legal needs: Describe the specific legal problem(s). The issues raised here can concern your internal needs (corporate law, intellectual property rights, tax law, labor law, real estate, etc.) or needs related to your activity (anti-discrimination law, children’s rights, environmental law, refugee law, etc.).

### **Example n° 1:**

The NGO is seeking legal advice on the following matters:

1. Under which conditions, under French and Hungarian law, are donations to a Hungarian non-profit structure tax-deductible for French citizens?
2. Is it possible to register in France a non-profit organization with activities only in Hungary?
3. Under French law, what is the best non-profit structure to set up in order to achieve the highest level of efficiency regarding tax-deductibility for donors?

### **Example n°2:**

The NGO is looking for legal advice on the following questions:

1. What are the maximum damages provided for under civil defamation law?
  2. How many civil defamation cases were there in 2008?
  3. What was the maximum award in 2008 and in what case?
- The target countries are: Germany, Spain, Poland, Sweden and United States.

### **Example n°3:**

The NGO needs legal research on the following topics:

1. Equality and anti-discrimination legislation in the following countries: United Kingdom, Denmark, Slovenia and Russia.
2. Relevant domestic court decisions regarding equality and anti-discrimination principles in the same countries.

3. Use of the results: Describe the way the work provided by the lawyer will help your organization. For example: to implement a reform, as a lobbying tool, to achieve better organizational efficiency of the NGO, etc.
4. Deadline: Note the date your NGO would like the work to be completed. This helps the lawyer identify if s/he has time for your project. This deadline can also be negotiable and discussed between the parties.
5. Language: Please indicate if the legal work must be drafted in a specific language. If not indicated, the language will be in English, which allows us to have improved outreach with law firms.

**PILnet™ is a trademark of the Public Interest Law Institute.**



**PILnet: The Global Network for Public Interest Law**  
**GLOBAL PRO BONO CLEARINGHOUSE**

*\*\*\*All names and matters in the following document are fictitious and are used solely for the purpose of illustration*

**Summary of available matters**

**I. Equality Now, Serbia**

*Comparative legal research on anti-discrimination rules against ethnic minorities in the workplace - EU State Members' regulations*

**II. Justice Center, Russia**

*For-profit office registration of a non-profit organization in Western Europe*

**III. International Organization for Women, Spain**

*Request before the European Court of Human Rights*

**Available matters**

**I. Equality Now, Serbia**

*Project Summary: Comparative legal research on anti-discrimination rules against ethnic minorities in the workplace - EU State Members' regulations*

Segments of the pro bono request can be taken by different law firms.

Equality Now is an NGO which serves as a resource and advocacy organization for ethnic minorities in Serbia. Equality Now is working to develop best practice guidance to tackle racism in the workplace.

Equality Now is looking for a comparative legal analysis of each EU member state's regulation on anti-discrimination policies and practices within the workplace, with special focus on the protection of rights for ethnic minorities and the promotion of diversity within the workplace.

The findings of the research would be used by Equality Now to formulate recommendations to the Serbian government as well provide a resource to all Serbian education departments and Human Rights NGOs.

**Deadline: End of June 2010**

**II. Justice Center, Russia**

*Project Summary: Non-profit registration of a for-profit office in Western Europe*

Advising Justice Center on the possibility of setting up a for-profit entity for the single purpose of registering a representative office in either Belgium or the Netherlands. The Justice Center needs to know to what extent registration could possibly put its tax exempt, non-profit status in other countries at risk, and if so, how we could manage that issue. Additionally, Justice Center wants to know which country has more favorable legal framework for such a venture.

**Deadline: End of September**

**III. International Organization for Women (IOW), Spain**

*Project Summary: Request before the European Court of Human Rights*

The client, an international, non-governmental organization headquartered in Madrid, provides free legal assistance to individuals seeking to file complaints in the European Court of Human Rights (ECHR). IOW seeks a small team of litigators to assist in its efforts to seek remedies for violations of the human rights. IOW needs the assistance of a law firm to help its outside counsel prepare a letter requesting a thematic hearing in front of the ECHR on the substance and validity of the request.

At present, IOW has six petitions pending before the ECHR; a thematic hearing would help move their cases forward by educating the ECHR Commissioners on the background of the matters. The request forms part of IOW broader strategy to collaborate with the Spanish government and advise on its commitment to provide equality for all.

Location: Spain.

**Deadline: Negotiable**

The Public Interest Law Institute distributes information regarding the legal matters of NGOs electronically through a global network of pro bono coordinators, who forward these matters to their law firm colleagues. This communication may include details that are legally privileged, confidential and exempt from disclosure.

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If your firm is interested in becoming involved with one or more of these matters, or if you need further information, please contact PILnet. If you prefer to be removed from the Global Matters Distribution List, please notify us.

**PILnet: The Global Network for Public Interest Law  
Chart of Lawyer Involvement**

	January			February			March		
Law Firm	Matters asked for	Matters taken by	Matters denied to	Matters asked for	Matters taken by	Matters denied to	Matters asked for	Matters taken by	Matters denied to
Law Firm 1	2	2					1		1
Law Firm 2				3	1	2			
Law Firm 3	1		1	1	1		2	1	1

**NYC BAR COMMITTEE ON PRO BONO AND LEGAL SERVICES**  
**Pro Bono Representations: Tips for Volunteer Lawyers**

*You may be the very first lawyer your pro bono client has dealt with. Here are some general guidelines that you may find helpful. Please bear in mind that you and your client may have an arrangement that is atypical, and so it's always important to talk with your client to explain the attorney-client relationship as well as any arrangements that are unique to your relationship. Also remember that it may feel a bit off-putting for your client to raise questions about payment of fees and expenses, disclose confidential information, and the like. Try to make your client feel as comfortable as possible. One way you might do this is by being the one to raise delicate subjects. And please regularly encourage your client to ask questions.*

*What documents should I ask my client to bring when I meet with him?*

Take a moment to remind your client to bring all relevant documents he has. You might refer not just to “documents,” but also to “paperwork,” as well as to all pleadings and submissions to any court and orders issued by courts. If your client previously spoke with another lawyer, ask him to bring all documents and correspondence he exchanged with the lawyer. You also can follow up by contacting the prior lawyer directly to confirm you have the complete file. It's also helpful to specifically request any contact information the client may have for any adverse parties, possible witnesses, governmental or law enforcement officials with whom the client has dealt that relate to the case, as well as a family member or friend who may be able to help you contact the client if necessary.

*What should I tell the client about confidentiality?*

Keep in mind that your client may not understand the scope of attorney-client privilege. On the one hand, she may not realize that she risks waiving the privilege if she reveals to others her communications with you. On the other hand, she may not be aware of your ethical obligations with respect to maintaining her confidences and secrets. Take a moment to explain this at the outset of your relationship. And be sure to periodically remind your client about the scope of the privilege and the implications of a waiver. For example, you may wish to assure your client that she can tell her family and friends about a court decision that is a matter of public record. As another example, though, you may want to remind your client that she should not discuss with others advice that you gave her. Bear in mind as well that any translator also might need to be reminded that certain matters are privileged or otherwise confidential.

*Do I need a retainer letter or an engagement letter?*

This may be determined by the ethical guidelines applicable in the jurisdiction in which you are practicing. New York, for example, requires engagement letters but there are some exceptions, including with respect to a threshold level of fees. Even when such a letter isn't required, it's useful to memorialize the scope of your engagement with your client, your expectations (such as with respect to obligations to be truthful with you, to cooperate, and to try to be on time for appointments), the absence of any perceived conflict of interest and an understanding that there will be reciprocal notification if either you or the client becomes aware of such a conflict, the arrangements with respect to both fees and expenses, and circumstances when it may be permissible for you to terminate the relationship. Having such matters summarized in writing promotes clarity, and also provides greater opportunities for the client to review and reflect about the terms set forth in the letter at his convenience.

*May I expect the client to pay my fees or expenses?*

Generally, when a lawyer agrees to represent a client on a pro bono basis because she is not in a financial position to pay for legal services, the client is not expected to pay attorneys' fees. Often a pro bono lawyer won't even expect the client to advance expenses. You should take a moment to clarify your expectations with your client. For example, if you want to reserve the right to recoup actually-incurred expenses from a favorable verdict or settlement, you should make that clear to the client (and again, it is advisable in such circumstances to put this in writing to the client and to check whether applicable state regulations require this to be in writing). Similarly, if you are teaming with other lawyers outside your law firm or company to represent the pro bono client, you'll want to clarify any expectations you may have about sharing expenses amongst the volunteer lawyers.

*Must I represent the client with respect to all of his legal needs?*

Typically, a pro bono lawyer agrees to represent the client with respect to a particular matter. The retainer or engagement letter can helpfully memorialize the scope of your representation.

*How will I contact the client if he doesn't have a telephone number or an email address?*

Please keep in mind that your client's financial situation may not make it feasible for her to incur the expense of a telephone, computer, or Internet access. Likewise, a client may be moving from place to place or for some other reason have unreliable access to postal mail and courier deliveries. Discuss with your client the best way for you to reach her. For example, it may be possible for you to leave a message with a friend or neighbor who is reliable about passing along messages to her. Your client can arrange for an email address without charge, and there are places where she can access the Internet to check email without charge; for example, you might suggest that she go to a public library to get Internet access and ask for help setting up an email address. Please note that even when your client has a telephone line, it may be appreciated if you place calls so that she can avoid incurring expenses.

*What should I do if my client doesn't keep his appointments with me?*

It is helpful at the outset to explain that any failure to cooperate may adversely affect the client's matter. When you are arranging appointments with your client, you might remind him to try to call you or your secretary if he can't keep the appointment or if he is running late. Explain that it is especially important to be on time for court appearances and other important meetings. Similarly, extend the courtesy to your client if you need to re-schedule by giving him as much notice as possible. Try to be flexible when you schedule appointments with your client; he may have difficulty meeting with you during regular business hours. For example, he may have to forego wages he otherwise would earn had he not taken time off from work. Understand, too, that even seemingly modest sums, such as round-trip subway fare, may impose a burden on your client's finances. Consider making arrangements to minimize the financial impact of such expenses.

*Who represents my client if I leave my law firm or the company where I was working?*

When you take on the representation discuss with your client whether you are doing so in your individual capacity or whether your employer is doing so. You may find it helpful to consult with the Pro Bono Attorney or Pro Bono Coordinator if your firm or company has someone acting in that capacity. Remember, too, that whether it is ethically permissible for you to withdraw from a representation may be addressed by applicable ethical rules.

last revised 11.05.2007

## NYC BAR COMMITTEE ON PRO BONO AND LEGAL SERVICES

### Pro Bono Representations: Tips for Clients

*A pro bono legal services arrangement generally means that a lawyer is handling a matter for you without charge for his services. Here are some general guidelines that you may find helpful. Please bear in mind that you and your lawyer may have an arrangement that is a bit different, and so it's always important to talk with your lawyer about any concerns or questions you may have about the arrangement. And please feel free to ask questions; legal matters often are very complex and it's important that you understand the situation. It can even help your lawyer when you ask questions so that he can understand what isn't clear to you.*

*What documents should I bring when I meet with my lawyer?*

It's important that your lawyer have all the necessary information and paperwork relating to the matter he is handling for you. You should try to gather all documents you have that have anything to do with your legal problem or matter. If you have received anything from a court, for example, please be sure to bring that with you. If you spoke with another lawyer in the past, please bring all papers that you have that you exchanged with that lawyer. It's also very helpful to bring any contact information (such as names, addresses, telephone numbers, email addresses) for anyone who you believe knows anything about your matter.

*Can I tell people what my lawyer told me?*

You'll want to check with your lawyer before talking to anyone else about what she said. For example, she might tell you that it's fine to tell others that you won your case in court. But as a different example, sometimes it's very important not to tell anyone what advice your lawyer gave you.

*What is a "retainer letter" or an "engagement letter"?*

These are two different names for the same thing. When a lawyer agrees to represent you, he may give you a letter that summarizes your relationship with you. It may describe the legal matter your lawyer is handling for you and your arrangement with him about the payment of fees and expenses.

*Do I have to pay the lawyer?*

Generally, if a lawyer agrees to represent you on a pro bono basis because you're not in a financial position to pay for legal services, you won't be expected to pay her for the time she spends on your matter. Sometimes a pro bono lawyer won't even expect you to pay for expenses, which can include fees that courts require, the cost of hiring someone to transcribe testimony, payments to messengers, and lots of other types of expenses. (Other times, a pro bono lawyer won't expect you to pay expenses in advance, but may expect you to pay back expenses from payments you receive because the lawyer helped you get money you're entitled to when he represented you.) This is another reason that it's important to talk with your lawyer to be sure that you understand what is expected of you.

*Can I bring all my legal problems to my lawyer?*

Probably not. Typically, your lawyer agrees to represent you in a particular matter. A matter may not include a future appeal or a related matter, for example. The "retainer letter" or an "engagement letter" usually describes what legal problem or matter your lawyer will handle for you. The lawyer might not take on other matters with you.

*How will the lawyer reach me if I don't have a telephone number or an email address?*

Discuss with your lawyer the best way to reach you. For example, it may be possible for her to leave a message with a friend or neighbor who is reliable about passing along messages to you. You also can arrange for an email address without charge, and there are places where you can access the Internet to check your email without charge; for example, you can go to a public library to get Internet access and ask for help setting up an email address.

*What if I can't keep an appointment my lawyer has arranged?*

It's important that you cooperate with your lawyer so that she has all the information she needs to handle your matter. As an example, please try to keep appointments your lawyer has arranged because it can be hard to re-schedule. If you have a problem, promptly get in touch with your lawyer or, if you can't reach her, ask to speak with your lawyer's secretary, to let her know that you can't meet her as arranged. You should try especially hard to go to the court on time and to be on time for any depositions, settlement meetings, and other important appointments. It's even possible that if you don't show up when you're required to be in court, you might lose your case.

*What happens if my lawyer leaves the law firm or the company where he has been working?*

Discuss this with your lawyer. Often another lawyer at a law firm will be assigned to help you. Or sometimes a lawyer with a company will continue to represent you when the lawyer takes a new job somewhere else.

*What if I have a problem with my lawyer and I don't want him to represent me anymore?*

It's a good idea to talk with your lawyer about any concerns you have. Many law firms have someone called a "Pro Bono Attorney" or a "Pro Bono Coordinator" who can speak with you about a problem with your lawyer. But you're always free to tell your lawyer that you don't want him to represent you anymore. If you decide to end your relationship with him, you should do so in writing (in a letter to him). You will need to find a new lawyer, and even though your lawyer works with lots of other lawyers, it doesn't necessarily mean that one of them will take on your case.

### How to create a legal clinic?

The first step is to find a key patron of the clinic, whose involvement and assistance may play a vital role in the attainment of subsequent objectives.

A patron will prove particularly helpful in obtaining the consent of the dean or a faculty council to enter the legal clinic's program into the university curriculum. This is the very foundation for the clinic's future development.

The next task is to find an office for the clinic and to provide it with the necessary equipment, which is instrumental for the clinic to operate efficiently. If in the initial phase of clinic organization problems present themselves in obtaining an adequate office at the university, one may arrange with the charitable organizations, which will refer clients to the clinic, to hold client conferences in their offices, thus limiting operations on the university premises to consulting opinions with supervisors and to holding weekly seminars.

Finance is necessary to secure the clinic's efficient operations. It is needed to pay for the running of the office and for an office secretary. Such means may be obtained from institutions and foundations such as: local government, the Stefan Batory Foundation, the Legal Clinics Foundation, the Polish-American Freedom Foundation, the Embassy of the United States of America (which finances exclusively nongovernmental organizations, which means that the legal clinic would need to hold legal personality independent of the university). It should also be kept in mind that one should not assume that any of the above mentioned institutions will continue financing the clinic indefinitely. The aim of the clinic should be to become incorporated in the curriculum and to build itself a strong position at the university law faculty and, ultimately, to obtain recognition in the form of financing from the university budgets.

It is important in the process of establishing a legal clinic to initiate close cooperation with charitable organizations from a given city (such as city social service, Caritas, the Red Cross, Father Albert Association, offices of members of parliament and parishes), so that such organizations may refer clients to the clinic. Such referral would translate into the lack of need to select cases within a specified type, or to verify the financial status of the clients.

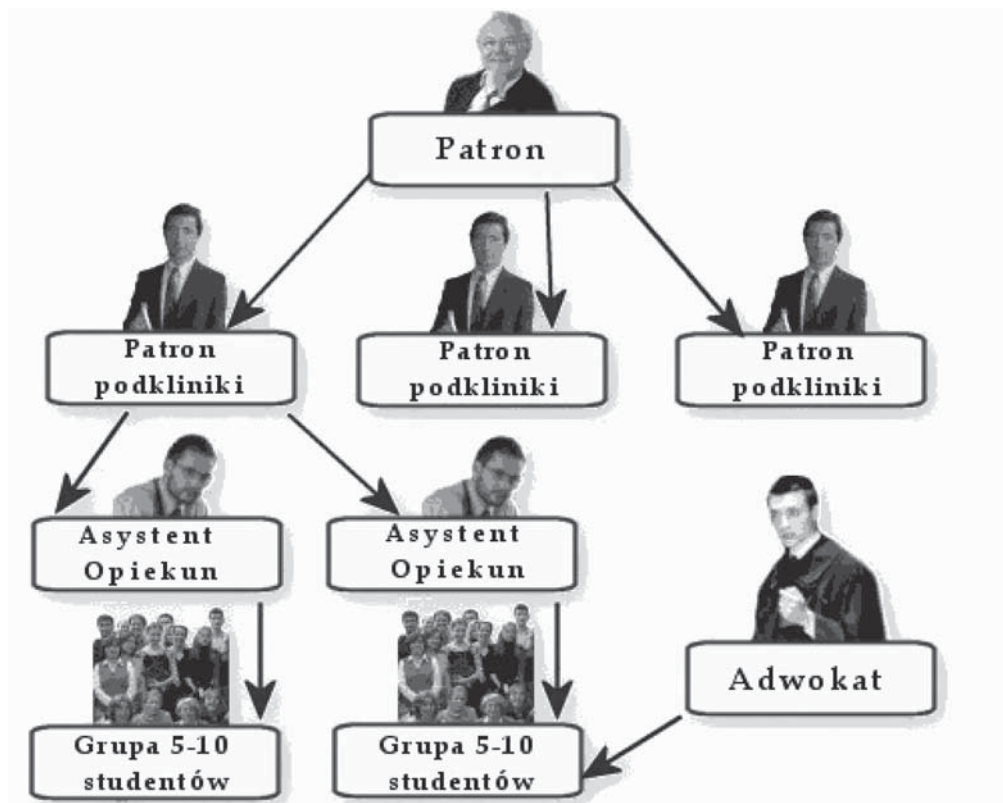
The next step shall be recruiting students to work in the clinic, and the process of establishing the clinic should be concluded with the fulfillment of all standards of legal clinic operations, including civil liability insurance, the proper organization of the clinic's secretary office, and the drawing up of appropriate sets of rules and forms which are going to be used in the clinic.



## Centrum Pro Bono

How to create a legal clinic? - in short:

- find a patron for your clinic,
- obtain consent to incorporate the clinic in the curriculum,
- secure an office,
- research financing options,
- initiate cooperation with charitable institutions in your city,
- promote the clinic and assist with student recruitment,
- make sure that the clinic meets all standards from the onset of its operations.





## ***Pro bono in the Czech Republic*** **Roundtable for Attorneys and NGO Lawyers**

**Prague, March 11, 2008**  
CEELI Institute, Havlíčkovy sady 58, Praha 2

Organized by Public Interest Lawyers Association and League of Human Rights, in cooperation with CEELI Institute Prague and Public Interest Law Institute Budapest

### **Program:**

- 13:00 - 13:15 **Introduction and welcoming participants**
- 13:15 - 13:30 **Pro bono in the context of access to legal aid in the Czech Republic**  
Vítězslav Dohnal (PILA director)
- 13:30 - 13:45 **Discussion**
- Issues:**
- pro bono and other elements of access to legal aid in the CR: relation between pro bono and state sponsored legal aid system
  - law firms and types of pro bono work (legal aid in individual cases, legal research and analysis, strategic litigation and public interest law, technical legal aid to NGOs)
- 13:45 - 14:00 **Benefits of pro bono for law firms**  
Mike Haroz (partner Goulston & Storrs, Boston)
- 14:00 - 14:15 **Discussion**
- Issues:**
- transferability of U.S. experience to the Czech environment
  - value of pro bono for relation between law firms and commercial clients
  - pro bono as a marketing tool
  - benefits of pro bono for qualification of young lawyers
- 14:15 - 14:45 **Coffee break**
- 14:45 - 15:00 **Pro bono in perspective of law firm working in the CR and other Central European countries**  
Erwin Hanslik (partner e|n|w|c Attorneys)
- 15:00 - 15:15 **Discussion**
- Issues:**
- perspective of other law firms present at the roundtable



15:15-15:30 **Hungarian and Polish experience with pro bono development**  
Atanas Politov, Tamas Barabas (Public Interest Law Institute, Budapest)

15:30 -15:45 **Discussion**

**Issues:**

- transferability of Hungarian and Polish experience to Czech environment
- the role of Bar associations in pro bono development
- significance of joint pro bono declaration of law firms for pro bono development

15:45 – 16:00 **Pro bono: cooperation of NGOs and law firms**  
Veronika Kristková (League of Human Rights)

16:00 – 16:15 **Discussion:**

**Issues:**

- clearinghouse – practical issues
- how to test clients´ means
- specialization of pro bono programs v. general pro bono programs
- pro bono and cooperation of law firms and legal clinics
- pro bono, public interest law and conflicts of interest

16:15 – 16:30 **Final discussion : Obstacles/Challenges for pro bono development in the Czech republic –further problems to solve**

**Issues:**

- economic capacity of law firms to undertake pro bono work v. legal qualification not matching clients needs (interest of law firms in training in other legal fields and practical lawyering skills)
- duty to pay VAT from legal services provided free of charge
- pro bono and court fees and proceedings cost as other obstacles to access to justice
- guarantees against abuse of pro bono legal services
- institutionalization of pro bono legal services in the law firm
- need for creating special platform for pro bono development

16:30 – 17:00 **Wrap-up, informal discussion over coffee**

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*Round table prepared with the help of the Public Interest Law Institute*



*Funded by Rule of Law program, Open Society Fund Prague  
Funded also by grant from Iceland, Lichtenstein, Norway in a framework of EHP financial mechanism  
and Norwegian financial mechanism distributed by NROS.*



# PILnet's 2011 European Pro Bono Forum

BERLIN, 17–18 NOVEMBER 2011

Underwritten by

**Microsoft®**

## November 16

10:00–16:00

### Pre-Forum Workshop for Pro Bono Clearinghouses

Location: stiftung neue verantwortung, Beisheim Center,  
Berliner Freiheit 2, 10785 Berlin

19:00–21:00

### Welcome Reception

Location: Hotel Concorde Berlin,  
Augsburger Straße 41, 10789 Berlin

## November 17

Location: Hotel Concorde Berlin,  
Augsburger Straße 41, 10789 Berlin

08:00–09:00

### Registration

09:00–10:15

### Forum Opening

Concorde Room

- **Edwin Rekosh** | PILnet | USA
- **Viviane Reding** | European Commission | Luxembourg  
*Recorded video message*
- **Andrzej Rzepliński** | Constitutional Tribunal | Poland
- **Axel Filges** | German Federal Bar | Germany
- **Wolfgang Ewer** | German Bar Association | Germany
- **Joss Saunders** | Oxfam | UK

10:15–11:00

### Coffee Break

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## WORKSHOP STREAMS

### Pro Bono Developments in Germany

### Pro Bono Infrastructure

### Pro Bono and Human Rights

### Hot Topics in Pro Bono

11:00–12:00

## WORKSHOP SESSION 1

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ashurst

### Pro Bono in Germany

sponsored by Ashurst LLP

Concorde Room A

This workshop will explore the main challenges to promoting pro bono in Germany and provide insight into how these challenges can be overcome.

#### Moderator:

- **Christian Bunsen** | Freshfields Bruckhaus Deringer LLP | Germany

#### Panelists:

- **Benno Heussen** | Heussen, German Bar Association | Germany
- **Malte Richter** | Mayer Brown LLP | Germany
- **Kathrin Wieland** | Save the Children | Germany

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### Developing Best Practices to Strengthen Internal Pro Bono Structures

Odeon Room

Panelists will address the main organizational challenges to institutionalizing pro bono programs within law firms and will also explore the ways in which law firms and NGOs can take full advantage of clearinghouse systems.

#### Moderator:

- **Elisabeth Baraka** | A4ID | UK

#### Panelists:

- **Marga Flader** | Afghanistan-Schulen | Germany
- **Julie Dickins** | Mayer Brown LLP | UK
- **Carmen Pombo** | Gomez Acebo & Pombo, Fundación Fernando Pombo | Spain

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## European Migration Issues

Concorde Room B

Pro bono lawyers and human rights NGOs will explore current issues related to migration, including asylum and refugee matters, and highlight ways in which pro bono initiatives can assist European NGOs active on these issues.

### Moderator:

- **Denis Chemla** | Droit D'Urgence/Allen & Overy LLP | France

### Panelists:

- **Paul Stone** | DLA Piper | UK
- **Ulrich Stege** | International University College of Turin (IUC) | Italy
- **Pádraic Kenna** | FEANTSA Expert Group on Housing Rights / National University of Ireland Galway | Ireland
- **Emilia T. Klepacka** | Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights | Poland



## Corporate Social Responsibility:

### Maximizing Pro Bono's Impact

sponsored by Jones Day Foundation

Vendome Room

Panelists will demonstrate how the corporate social responsibility movement can be effectively harnessed to promote pro bono throughout Europe and encourage variety and innovation in the field.

### Moderator:

- **Birgit Spiesshofer** | Salans LLP, CCBE CSR Committee | Germany

### Panelists:

- **Peter Kromminga** | UPJ | Germany
- **James Daffurn** | Freshfields Bruckhaus Deringer LLP | UK
- **Paul Fraser** | UNICEF | UK

12:15–13:15

## WORKSHOP SESSION 2

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### German Firms and International Pro Bono Mandates

Concorde Room A

Panelists will discuss various opportunities for German law firms to carry out pro bono work to benefit the public interest outside of Europe.

#### Moderator:

- **Florian Mahler** | Clifford Chance LLP | Germany

#### Panelists:

- **Matthias Koch** | Hogan Lovells International LLP | Germany
- **Servaas Feiertag** | Transparency International | Germany
- **Chaitanya Patel** | Reprieve | UK

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LATHAM & WATKINS<sup>LLP</sup>

### Overcoming Obstacles to Pro Bono in Europe

sponsored by Latham & Watkins LLP

Odeon Room

Panelists will share ideas and tools from various jurisdictions to highlight ways in which law firms can overcome perceived obstacles to pro bono.

#### Moderator:

- **Christopher Noblet** | Partos & Noblet in cooperation with Hogan Lovells International LLP | Hungary

#### Panelists:

- **Emanuela Basso Petrino** | Latham & Watkins LLP | Italy
- **Matthias Kilian** | University of Cologne, Soldan Institute for Law Practice Management | Germany
- **Tamás Barabás** | PILnet | Hungary

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## Business and Human Rights

Concorde Room B

Panelists will explore the changing relationship between business and human rights and will discuss opportunities for law firms to engage meaningfully with this issue.

### Moderator:

- **Rae Lindsay** | Clifford Chance LLP | UK

### Panelists:

- **Wolfgang Kaleck** | European Center for Constitutional and Human Rights | Germany
- **Claire Methven O'Brien** | Danish Institute for Human Rights | Denmark
- **Adam Bodnar** | Helsinki Foundation for Human Rights | Poland

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## Engaging Law Schools in the Delivery of Pro Bono Services

Vendome Room

Panelists will look at how law firms can promote the development of pro bono clinics, clinical legal education, and ethics in law schools, including the challenges of developing these areas in European law schools and how they can be overcome.

### Moderator:

- **Ellen P. Chapnick** | Columbia Law School | USA

### Panelists:

- **Martin Curtis** | LawWorks | UK
- **José M. de Areilza** | IE Law School | Spain
- **Stephan Hocks** | Refugee Law Clinic, University of Giessen | Germany

13:15–14:45



## Lunch

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sponsored by Orrick, Herrington & Sutcliffe LLP

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14:45–15:45

### WORKSHOP SESSION 3

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#### Contributing to the World of Thinkers

Concorde Room A

Supporting and strengthening the innovative minds that shape the political, scientific, and intellectual future is an innovative priority for pro bono. Panelists will discuss the opportunities of cooperation in this field.

**Moderator:**

- **Albrecht von Breitenbuch** | Orrick Hölters & Elsing | Germany

**Panelists:**

- **Lars Zimmermann** | stiftung neue verantwortung | Germany
- **Deidre Berger** | American Jewish Committee | Germany
- **Hans P. Birle** | The Nature Conservancy | USA

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#### National and Regional Law Firms

Odeon Room

Panelists will discuss the opportunities and practicalities involved in setting up pro bono initiatives in national and regional law firms.

**Moderator:**

- **Jan Hegemann** | Raue LLP | Germany

**Panelists:**

- **Agostinho Pereira de Miranda** | Miranda Correia Amendoeira & Associados | Portugal
- **Guillermina Ester** | Perez Llorca | Spain
- **Olga Šipka** | Moravčević Vojnović Zdravković in cooperation with Schoenherr | Serbia

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#### Advancing Women's Rights

Concorde Room B

This panel will discuss current issues and trends in women's rights in Europe and describe law firm-NGO collaborations that are making a difference for European women.

**Moderator:**

- **Ian Forrester, QC.** | White & Case LLP | Belgium

**Panelists:**

- **Johanna Fine** | Center for Reproductive Rights | USA
- **Wolfgang Kaleck** | European Center for Constitutional and Human Rights | Germany
- **Monique Villa** | TrustLaw | UK

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- **Karolina Więckiewicz** | Polish Federation for Women and Family Planning | Poland

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### Know Your Rights—Legal Knowledge and Skills for Young People

Vendome Room

Representatives from projects throughout Europe will share their experiences on pro bono projects that involve interaction between lawyers and schools, especially involving socially excluded young people.

**Moderator:**

- **Fiona Whittenbury** | Citizenship Foundation | UK

**Panelists:**

- **Lourdes Martín** | Uría Menéndez | Spain
- **Olad Aden** | Gangway | Germany
- **Tudor Botea** | CMS Cameron McKenna | Romania

15:45–16:30

### Coffee Break

15:45–17:45

**WHITE & CASE**

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### NGO Marketplace

sponsored by White & Case LLP

Opera Room, 2nd floor

NGO representatives and pro bono lawyers are invited to join the Marketplace and meet one-on-one to discuss possible new partnerships.

16:30–17:45

**Dechert**  
LLP

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### Legal Aid and Pro Bono

sponsored by Dechert LLP

Concorde Room

This plenary session will address how the pro bono community can best ensure that pro bono is a complement to, not a substitute for, properly funded legal aid systems.

**Moderator:**

- **Michael Skrein** | Reed Smith LLP | UK

**Panelists:**

- **Fernando Piernavieja Niembro** | CCBE Access to Justice Committee | Spain
- **Javier Rivera** | Madrid Bar Association | Spain
- **Dmitry Shabelnikov** | PILnet | Russia
- **Floris ten Have** | Stibbe Amsterdam | Netherlands

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19:30–23:00



## Evening Reception and Film Screening

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sponsored by Freshfields Bruckhaus  
Deringer LLP

CineStar Event Cinema  
Potsdamer Straße  
(inside the Sony center)

A special screening of the film *Our School* will start at 21:00 and will be followed by a Q&A with director Mona Nicoara.

## November 18

Location: Hotel Concorde Berlin,  
Augsburger Straße 41, 10789 Berlin

08:00–09:00

### Registration

09:00–10:00

## WORKSHOP SESSION 4

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### Making Pro Bono Work for In-House Lawyers in Europe

sponsored by MSD

Odeon Room

Panelists will discuss the practical issues involved in establishing pro bono programs for in-house lawyers in European companies.

#### Moderator:

- **Alexandra Turton** | General Electric | UK

#### Panelists:

- **Hannes Meckel** | General Electric | Germany
- **Anne Kelley** | Microsoft | USA
- **Harold Glasser** | Merck & Co. | USA

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### Roma, Travellers, and Sinti

Concorde Room B

Representatives from human rights NGOs and law firms will share their experiences and expertise to explore the ways in which pro bono initiatives can assist European-based NGOs focused on Roma issues.

#### Moderator:

- **Costel Bercus** | Roma Education Fund | Romania

#### Panelists:

- **Iulius Rostas** | Babes Bolyai University | Romania
- **Siobhan Cummiskey** | Irish Traveller Movement | Ireland
- **Nina Althoff** | German Institute for Human Rights | Germany

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### Pro Bono and the Environment

sponsored by Paul Hasting LLP

Vendome Room

Representatives from both the legal and NGO fields will explore the growing relationship between pro bono and environmental issues and discuss how pro bono initiatives can help tackle these problems.

#### Moderator:

- **Jasper Teulings** | Greenpeace | Netherlands

#### Panelists:

- **Anaïs Berthier** | Client Earth | Belgium
- **Kristína Šabová** | Environmental Law Service | Czech Republic
- **Nick Flynn** | Weil, Gotshal & Manges LLP | UK
- **Pierre Kirch** | Paul Hastings LLP | France

10:00–11:30

 Pro Bono

### The Role of the Bar

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sponsored by Pro Bono Deutschland e.V.

Concorde Room

This plenary workshop will look at how national and regional bars throughout Europe can engage with and promote pro bono activities.

#### Moderators:

- **Jan Hegemann** | Raue LLP | Germany
- **Patricia Brannan** | Hogan Lovells US LLP | USA

#### Panelists:

- **Irene Schmid** | Berlin Bar Association | Germany
- **Antonio Hernandez-Gil Alvarez-Cienfuegos** | Madrid Bar Association | Spain
- **Christiane Féral-Schuhl** | Paris Bar Association | France

11:30–12:00

### Coffee Break

12:00–13:30

### Forum Closing and Presentation of PILnet's Pro Bono Awards

Concorde Room

- **Edwin Rekosh** | PILnet | USA
- **Lord Phillips of Sudbury** | Bates Wells & Braithwaite LLP | UK
- **Jan Hegemann** | Raue LLP | Germany
- **Atanas Politov** | PILnet | Hungary

13:30–15:00

### Lunch

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# Acknowledgments

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**PILnet: The Global Network for Public Interest Law** envisions a world where rule of law, as developed and supported within a wide variety of countries, delivers justice and protects human rights. An international NGO devoted to building a global network to activate, empower, and connect those who use legal tools in the public interest, PILnet, in collaboration with partners around the globe, inspires lawyers to serve the public interest, strengthens the ability of civil society to help shape law and policy, and makes formal systems of justice more accessible.



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**Advocates for International Development (A4ID)** is a charity that inspires and enables lawyers to join the fight against global poverty and ensures that the law is a tool, not a barrier, to development. Through its innovative pro bono broker service, A4ID ensures that free legal support is available for all organisations engaged in tackling poverty. A4ID also raises awareness of the role that the law can play in ensuring sustainable international development through its training and events and by sharing best practices.

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