



CILA Q&A with Cheryl Zalenski: An Expert on Everything Pro Bono

CILA sat down, and by that, I mean had a Zoom call, with Cheryl Zalenski, an expert on everything pro bono. [Zalenski](#) is Counsel of the American Bar Association's (ABA) Standing Committee on Pro Bono and Public Service and Director for the [ABA's Center for Pro Bono](#). She has over twenty years of experience in the pro bono space and a breadth of knowledge. We asked Zalenski questions that came up as a result of CILA's survey and other conversations with nonprofits working with children in immigration matters. We are grateful to her for taking the time to share some expert tips for pro bono programs helping children in immigration cases.

Could you tell me more about your work with the ABA Center for Pro Bono? We are a resource center for anyone interested in developing, starting, or promoting pro bono in their legal community for anyone, including nonprofits, firms, judiciary, paralegals, every facet of the legal practice. We are a free resource provided by the ABA as part of our commitment to pro bono in the profession, available to both ABA members and non-members.

I see that the Center for Pro Bono offers technical assistance to pro bono programs. What are some of the most common questions you get in that aspect of your work? Programs commonly ask how do I create this type of project, when looking at a specific client population or questions about how to recruit from a specific attorney population. Our staff can converse with program staff to provide answers, and we also have a [Knowledge Center](#) on our website with over 3,000 documents relating to pro bono. The Knowledge Center has documents such as an intake or marketing material so you do not have to recreate the wheel.

CILA [conducted a survey of pro bono programs](#) in nonprofits working with children in immigration matters, and the survey showed the primary limitation as getting enough pro bono attorneys involved. Do you have any suggestions for this? The best way to get more pro bono attorneys involved is to look at the abilities and areas of interest of attorneys you are hoping to reach. If the attorneys are new to the practice and have concerns about diving into immigration law, consider training and mentorship as important aspects of your program to get people involved. If the attorneys are very busy in their day jobs,

smaller projects may work better. There is no silver bullet. I cannot say if you do this, you will have a certain number of attorneys at your door, but I think the key is marketing your message and opportunities to the needs of your client and the interest of the attorneys you are trying to recruit.

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How can organizations keep their pro bono programs client-centered, with priorities of the client, the organization, and then the pro bono attorney? This can be an ongoing challenge for pro bono programs because you are considering the individuals in need of legal services and the needs of the volunteers. You have to balance both. It comes back to creating opportunities that meet the needs of your client and match the interest of the attorneys. There is a lot of work programs can do to look at clients' needs and see how that can be broken up into smaller opportunities for volunteers. At the end of the day, all attorneys are responsible and have obligations to advocate for their clients to the best of their abilities. Additionally, cultural competency is something that civil programs have been looking at more closely for the last five years, and this is important for immigration pro bono programs as well. You may have a volunteer who is enthusiastic and onboard, wanting to do the right thing, but they need to also be aware of their client's background and where they are from to inform the working relationship so cultural competency is important.

Some programs have an interest in reaching attorneys in different legal disciplines such as family law, criminal law, federal litigation, as examples. Do you have any tips on how to best do that? It is important to match the interest and need. If you have attorneys doing mergers and acquisitions work for their day job, you may find that they are most comfortable completing paperwork, doing transactional work, making sure all of the i's are dotted and the t's are crossed, so maybe refer them an opportunity that involves preparing paperwork and immigration forms. On the other hand, a litigation attorney may love a challenge so they might be interested in diving into immigration court and the challenges that brings. Consider their day job and what skills they bring. Market your opportunities to take advantage of those skills and interests.

We have also seen an interest from programs in getting volunteers specifically for interpretation and translation services. Have you seen any models for that purpose that works well? This is an interesting challenge, and we have encountered it ourselves in the ABA's [Free Legal Answers](#), virtual clinic, where individuals can raise civil legal questions online and pro bono attorneys respond. In that project, we found that many pro bono attorneys with language skills were not comfortable explaining legal issues in that language so it was a challenge. In 2015, we gave a [Pro Bono Publico Award](#) to United Airlines because of their pro bono work. They set their pro bono work up as teams of attorneys and other staff. This is an interesting model to engage others beyond attorneys, and it creates an opportunity for team bonding. This may be particularly feasible if you are working with firms or corporate legal departments. There may

be an opportunity to recruit paralegals and others. If you reach out to an attorney, and perhaps they are an English-speaking attorney, see if maybe someone on their team with language skills can partner with the attorney so they can provide the pro bono services together.

Some organizations have a goal to partner with larger firms. Do you have any suggestions for this approach? The best way to start down that path is to check if the firm has pro bono counsel or a similar position because names and titles vary. If they do, reach out to that person and find out the firm's interests. They generally have a good sense if the firm has an overarching goal or several goals. They are usually open to helping organizations develop a pitch to the firm because their job is to find appropriate opportunities. If they do not have someone in that role, then usually they have a committee that considers pro bono work. Research the firm online to find out. Many firms are conscious of and want to fulfill the professional responsibility to do pro bono work so this is often integrated into firms' overall goals.

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Sometimes pro bono attorneys do not want to follow an organization's lead on a case, whether that is following policies, considering legal strategy, or in how they work with their clients, with a trauma-informed lens, for example. Do you have any tips for working with pro bono attorneys that present these challenges? From the outset, make sure you provide a good volunteer orientation and job description to delineate expectations from both parties. Have a good engagement letter with volunteers setting forth responsibilities and expectations on both sides. This helps you do the next thing, which is to treat them like staff. Pro bono attorneys should be helping your clients and your mission. Sometimes you may have to fire them from an opportunity or a type of an opportunity. You may need to say this is not a good fit for you, and sometimes you can offer a different project if that is a better fit.

Immigration law changes rapidly. Do you have any advice for an organization setting up a plan for how they can train pro bono attorneys? This is tricky. In this particular field, maybe there is an advantage of virtual live trainings. Other options include providing a newsletter with substantive updates that have occurred or creating short videos for folks to look at on YouTube or other platforms to keep pro bono attorneys updated on the law and practice.

Do you have any tips on keeping pro bono attorneys engaged in the project when it may be lengthy and over a course of many years? This goes to the beginning of the relationship. It is important to be upfront about how things have worked before, current timelines for cases, and how things are frequently changing. If this is also a case that will last quite a while but not always have constant activity, that is important to explain. The thing that worries pro bono attorneys is if there is constant activity over a long period of time. We see this in family law cases. If they know there is some hurry up and wait period that will make them feel less nervous about committing.

Also, this brings on the additional question of how to encourage an attorney to take on another case when they are dealing with long timeframes? It may help to make an analogy. For instance, in other professions like hair styling or physical therapy, it is common for a professional to take one client and then

take another client while the initial client's hair is getting dyed or while the client is working on that particular exercise, etc. so encourage them to do the same. Explain to the pro bono attorney, it is unlikely for you to have to go to immigration court a couple times in a week for the cases. Try to line them up if you can so that during that lull in the initial client's case, there may be time to pick up another case.

I imagine you have seen a variety of pro bono programs and models. Do you have a sense for what works and what does not work? Well, I will start with what does not work. It does not work if you do not reach out to your volunteers. You need to stay up to date with them. Reach out if your organization meets a milestone of years in existence or if you have a record number of cases completed in a month. Let them know you are still there and working hard. If you do not communicate with them, they will look for something else to do. It is human nature; if you do not reach out, they will think they must not need me. I see programs that send regular emails to volunteers updating them on what is going on and that works. The volunteer can opt to read or delete the email, but at least they see some outreach is being done. That keeps them engaged.

There is also a need to track cases, to check in and make sure an attorney is engaged and that the necessary paperwork was filed. This also creates an opportunity to build a relationship with pro bono attorneys and prevent other issues from happening. Calendar some check-ins with the pro bono attorneys. Programs can engage volunteers and non-attorneys such as law students to call and do those check-ins. Law students are usually excited to talk with attorneys, and this may help create some capacity for program staff to take on more cases or mentor cases. Law students and volunteers can do that more administrative management and follow-up, and it would only take 1-2 hours of training to show them what they need to do to check in so it works well even if you are working with an intern who will only be around for a few months. Give them a checklist to check and ensure the attorney is doing these three things, for instance.

From what you have seen, have any particular pro bono models stood out to you? One example of a project that worked well was something that started during the 2008 recession to engage attorneys in family law in Chicago, Illinois. Many attorneys had their firm offers deferred and were hanging their own shingle in that time. Chicago Volunteer Legal Services hosted a Chicago "ThunderDome" Divorce Clinic for attorneys handling their first pro bono divorce case. Everyone was brought together for a big training and halfway through, they said here is your client and their file. There was staff available for back-up, and then everyone went home at the end of the night and filed the divorces. At the next case milestone, a month later, everyone came back again, and they did the next step in the case. They did that for the entire

ABA Center for Pro Bono

The ABA Center for Pro Bono offers free services available for both ABA and ABA non-members. Some key services of the [ABA Center for Pro Bono](#) that may help your pro bono program include:

- [Knowledge Center](#)
- [Resources](#)
- [Publications](#)
- [Pro Bono Exchange Blog](#)
- [Discussion Lists](#)
- [Peer Consulting Project](#)

process, coming back together to do the next step of the case. It created a lot of comradery for folks in the sessions. You can kind of create that too if you are working with a firm. Create a practice group in the firm, a group that can help each other, and they will also likely bond on the case. It offers another level of satisfaction in addition to giving back and doing good.

There are some organizations that have capacity to mentor pro bono attorneys and other programs that do not have that capacity. What is an option for an organization without that capacity? It can be a challenge to engage pro bono attorneys when you do not have the staff capacity to get pro bono attorneys up to speed and when you are working with newer attorneys. Hopefully, have a group, no matter how small, of experienced attorneys to instead serve as mentor attorneys. This can be beneficial to leverage attorneys not to take cases but to maybe mentor five attorneys, and then they hopefully get experienced enough to work on their own. Alternatively, maybe there are opportunities to partner with another organization even in a different state that has this capacity, to do this over technology to connect over greater distances to provide that service.

Are there any resources you would like to highlight specifically for nonprofits working with children in immigration law? One resource that may be of particular interest is the [Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means](#). You can purchase this on the ABA website or contact me to get a PDF copy. It includes a great checklist and structure for what is involved in creating an effective pro bono program, information about recruiting attorneys to interacting with clients. This is a great resource generally and something we refer to in our work with [peer consulting](#).

Anything you would like to add about the ABA Center for Pro Bono's work? We are always available for consultation, technical assistance to pro bono programs. If anyone wants to bounce an idea off of us or ask a question, feel free to reach out to us. We are happy to help. A virtual [ABA/NLADA Equal Justice Conference](#) for legal services and pro bono advocates will be coming soon so check our website for upcoming registration.

As part of CILA's project, *Creative Models for Pro Bono Engagement*, CILA will feature different organizations' programs, experts, and other ideas and resources to enhance pro bono programs. We thank Cheryl for being our inaugural interviewee for this new CILA project. Check out CILA's webpage <http://www.cilacademy.org/pro-bono/creative-models/> for more information and future updates.