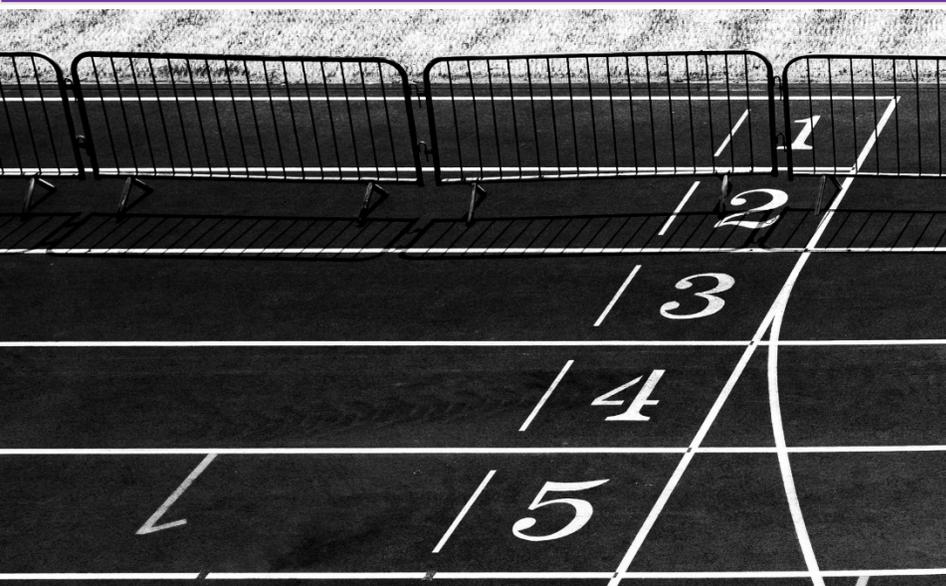




## 5 Program Ideas to Support Pro Bono Attorneys

For programs that do not include a 1:1 in-house pro bono mentor, what are some options?



- PRO BONO ATTORNEY'S EXPERTISE
- RESOURCE DRIVEN
- TECHNICAL ASSISTANCE
- GROUP & VOLUNTEER MENTORSHIP
- OUTSOURCE MENTORSHIP

Not all pro bono programs are designed to have a staff member assigned to mentor each pro bono attorney, and some organizations do not have capacity to offer mentorship to pro bono attorneys in-house. CILA highlights 5 alternative methods to provide support to pro bono attorneys when the program does not offer 1:1 in-house mentorship. These ideas are not presented in any particular order.

There are many considerations at play when an organization has a pro bono program and is determining the design and structure of their program. The organization will likely be considering its mission, values, clients' needs in addition to ethical obligations, risk assessment, and liability to name a few considerations. The organization must define its relationship with the client and ensure that both the pro bono attorney and the client understand the role of all parties and each party's responsibilities.<sup>1</sup> This will help ensure that the organization's staff and the pro bono attorney meet their respective ethical obligations to the client. Additionally, many organizations provide malpractice

<sup>1</sup> The [American Bar Association \(ABA\) Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means \(Standards\)](#) is a valuable resource for organizations delivering pro bono services. The *Standards* states each "program should make an institutional determination as to whether it is creating an attorney-client relationship with its clients, and implement policies consistent with that determination." The *Standards* also describes the need to define the program's responsibility in a written agreement between the program and volunteer.

insurance for pro bono attorneys, and whether the organization provides malpractice coverage to pro bono attorneys may impact the degree of involvement the organization would like to have or needs to have in a pro bono case or project to mitigate risk to the organization. These considerations along with others will likely impact which of the following approaches the organization would like to utilize and will also likely impact the types of projects the organization offers in its pro bono program. Again, it is imperative to have clear communication regarding each parties' role and the scope of services and expectations from the outset.

## 1. PRO BONO ATTORNEY'S EXPERTISE

While the ability to offer mentorship or technical assistance in a pro bono program can be helpful, it is not the only way to run a pro bono program, and sometimes the purpose of the program by design may not necessitate the need for pro bono mentorship or technical assistance. Programs can intentionally seek out pro bono attorneys with a particular skill set or experience to work on something outside of the organization's wheelhouse to further enhance and expand the ability of the organization to meet clients' needs. In this scenario, there may not be a need for pro bono mentorship or technical assistance since the pro bono attorney would be the expert on the subject. In this model, if a program can specifically recruit experienced pro bono attorneys to help serve the organization's clients and needs, the program will likely be able to spend less time and resources training pro bono attorneys.

## 2. RESOURCE DRIVEN

One way to support pro bono attorneys is to provide resources and/or trainings. One option is for an organization to focus on their ability to provide resources and/or trainings to pro bono attorneys. The organization can create the materials in-house or provide the pro bono attorneys with materials created by CILA or other organizations focused on legal trainings.

Resources can focus on the substantive law, skills-based trainings, topics related to working with children and practicing with cultural competency, as well as tools to help the pro bono attorney learn more and connect with others in the field such as sharing suggested immigration law listservs and associations to join. CILA has recently issued a new [Pro Bono Guide](#) that programs can provide to pro bono attorneys as a helpful resource.

### Key Places to Find Resources:

- [Children's Immigration Law Academy \(CILA\)](#)
- [Immigrant Advocates Network \(IAN\)](#)
- [Immigrant Legal Resource Center \(ILRC\)](#)
- [American Immigration Council \(AIC\)](#)
- [Catholic Legal Immigration Network Inc. \(CLINIC\)](#)
- [Vera Institute of Justice](#)

### Listsers & Associations:

- [LIRS "Children in Immigration Proceedings" listserv](#)
- **Facebook groups: UC Defenders Group, Nerdy Immigration Lawyers, Immigration Attorneys, and CAMi589**
- **AILA (members only) listsers: Nonprofit and Removal Defense**

If the organization chooses to primarily support pro bono attorneys by providing resources and/or trainings, it might impact the type of pro bono projects that the organization offers. For example, if the pro bono program is created to focus on a discrete task or a specific part of a case, providing resources may be an effective way of supporting the pro bono attorney because the resources and/or trainings will also be specifically tailored to that topic or part of the case. Attorneys have ethical obligations relating to competency, meeting deadlines, representing client's interests, etc. in all matters including pro bono cases.<sup>2</sup> Providing resources is one way a program can help pro bono attorneys become competent in the subject of law, and an organization may choose to focus their efforts on offering resources if that fits well within their program and the pro bono opportunities they offer.

### 3. TECHNICAL ASSISTANCE

Organizations can choose to provide technical assistance instead of mentorship in their pro bono programs. In this model, pro bono attorneys could contact the organization to answer discrete questions about a case without monitoring the progress of the case. Additionally, the organization could set the scope of the services they offer. For example, the organization could choose to offer technical assistance regarding a wide range of topics such as substantive legal questions, case strategy, and best practices on working with unaccompanied children. Alternatively, the organization could limit their technical assistance service to questions regarding asylum law or Special Immigrant Juvenile Status considering a specific state's laws, for example, depending on the organization's needs and pro bono program. If an organization chooses to offer technical assistance rather than 1:1 mentorship, this could impact the type of pro bono opportunities the organization offers. For example, the organization may choose to offer projects regarding a specific issue so their technical assistance can also focus on that topic.

One idea for pro bono programs is to offer a live chat option for pro bono attorneys where the organization sets office hours for example, and during those times either a staff member or a pro bono attorney is available to answer technical assistance questions regarding cases. CILA recently spoke with Texas Legal Services Center (TLSC) regarding the Texas Law Help [Live Chat](#) function, which they coordinate to provide free legal advice, information, and referrals to attorneys in Texas. Live chats could be integrated into pro bono programs to offer a structured way to provide support and information to pro bono attorneys. Read more about live chats including TLSC's process and options for a technology platform in CILA's feature on this [model](#).

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<sup>2</sup> [ABA Model Rules of Professional Conduct](#) Rule 1.1 governs "Competence," Rule 1.2 discusses "Scope of Representation and Allocation of Authority Between Client and Lawyer," and Rule 1.3 covers "Diligence." The only ethical rule that differs for pro bono matters relates to conflicts in limited scope representation with Rule 6.5 "Nonprofit and Court-Annexed Limited Legal Services Programs."

CILA is a technical assistance provider in Texas to help practitioners and pro bono attorneys working with children and youth in immigration proceedings. CILA can be contacted via our [website](#) to answer particular questions about children’s immigration cases in Texas.

#### 4. GROUP & VOLUNTEER MENTORSHIP

If an organization would like to offer mentorship, but the 1:1 model is not the right fit for the organization, then there are other options. An organization could consider group mentorship where the program establishes a small group of pro bono attorneys led by a staff member, and the staff member helps facilitate mentorship in a group setting and encourages small group collaboration and information sharing. Alternatively, the organization could set up peer-to-peer mentorship in partners or a group setting to encourage pro bono attorneys to work and learn from each other. CILA conducted a survey of pro bono programs earlier this year and published the results on CILA’s [website](#), and the results included an additional idea for group mentorship. The survey results said, “[o]ne survey participant reported having a monthly pro bono roundtable where attorneys can call in or come in person to ask questions from a mentor team.” Learn more program tips from the [survey results](#).

Another option is to recruit experienced pro bono attorneys specifically to provide mentorship. In CILA’s conversation with Cheryl Zalenski, Director for the American Bar Association’s (ABA) [Center for Pro Bono](#), she suggested, “[h]opefully, 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.” For example, Kristie-Anne Padron of Catholic Legal Services, Archdiocese of Miami, Inc. (CLS) in Florida shared their model of working with pro bono attorneys on BIA appeals, and in one of their cases, an experienced pro bono attorney served as a volunteer mentor. Read more about CLS’s program [here](#).

An organization could focus efforts on building connections with local associations to recruit experienced practitioners to serve as pro bono mentors. For instance, organizations could try to partner with AILA local chapters or family law associations or other groups, depending on the organization’s needs, to recruit pro bono attorneys to serve as mentors.

#### 5. OUTSOURCE MENTORSHIP

There are organizations such as [Immigration Justice Campaign](#) and [VECINA](#) which offer mentorship programs along with other services to help complement pro bono programs. If an organization chooses not to offer in-house mentorship, one option is to work with one of these organizations, for example, to provide that service in their pro bono programs.

Zalenski also suggested, “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 great distances to provide that service.” Read more of Zalenski’s tips in CILA’s Q&A with her featured [here](#). There may be additional opportunities to partner with other legal service providers to offer mentorship

services in exchange for a service your organization could offer or for a fee. With the increased use of remote working currently, this could provide the right timing for such a partnership.

If your organization has a creative model for pro bono engagement or for helping support and train pro bono attorneys, contact [cila@abacila.org](mailto:cila@abacila.org) to share your experience. Check out CILA's [webpage](#) on Creative Pro Bono Models for more ideas for pro bono programs.