

5 Tips for Managing Your Pro Bono Workload



Ndidi N.
Moses

By Ndidi N. Moses

Ndidi N. Moses is the president-elect of the CBA and chair of the Pro Bono Committee.

“PRO BONO” OR “PRO BONO PUBLICO,” IS A LATIN TERM THAT translates to “for the public good.” And while we all want to do what is good for the public, the question becomes: “How can we balance a healthy pro bono workload while still billing enough hours to sustain a healthy legal practice?” Here are five tips to help you pick the appropriate pro bono projects and manage your pro bono caseload:

1. Determine Your Availability

Do an inventory of what your workload looks like and how much time you think you have to devote to pro bono projects. If you do not think you have any time to devote to pro bono services, consider joining the board of a nonprofit looking to add attorneys to their board.¹ You can also attend a pro bono fair and speak with pro bono service providers about the projects available and the time commitments. If you are at a firm, you can talk to your pro bono coordinator or other associates working on pro bono projects about shadowing associates working on pro bono cases. You can also help partners and associates at your firm with discrete projects related to their pro bono cases, like research, cite checking, and helping prepare for court proceedings.

2. Pick Issues You are Passionate About

The more passionate you are about an issue, the more rewarding the work will be, no matter the challenges that may be present. First, think critically about the issue you have an interest in and enjoy working on. Then, try to find a pro bono service provider who handles similar issues. Spend some time researching nonprofits and other social service organizations. Once you find an issue or cause you want to support, talk to attorneys and paralegals who have handled similar cases to find out more information about the time commitment and skill set required, which will help you determine the best way to get involved.²

3. Create an Engagement Letter

This is something you do already with paying clients, and it’s equally important for pro bono cases. Make sure you clearly identify your responsibilities, objectives, and requirements, as well as your client’s responsibilities, in an engagement let-

ter. During the first meeting with your client, the engagement letter should be discussed, as well as the terms conveyed and agreed upon, immediately.³

4. Ask for Assistance

Do not be afraid to reach out to others to get advice, sample documents, and general guidance with handling pro bono cases. This is especially true if you have a busy schedule or if you are unfamiliar with the legal issues. Additionally, there is a good chance that other issues may emerge outside of your legal expertise, and go beyond your engagement letter. If this occurs, assess whether you are able to handle the new legal issues and, if you are not, refer those matters out to other attorneys.⁴

5. Carefully Track Your Time and Expenses

While most large and mid-sized law firms require associates and paralegals to track their pro bono hours and expenses, many solo practitioners, in-house departments, and public organizations may not have policies requiring detailed tracking of pro bono hours and expenses by everyone assisting with the pro bono case. Everyone should be tracking the time spent handling a pro bono case and the legal costs expended representing pro bono clients for two reasons: First, attorneys may be able to obtain compensation at the conclusion of some pro bono cases.⁵ A detailed accounting of your time and legal costs will be required to obtain compensation. Second, knowing how much time and money you spend on a case will help you more accurately estimate the time and expenses required for certain types of pro bono cases. This will also help you select the pro bono case that is right for you.⁶

When managing a pro bono caseload, the right balance and fit may seem elusive and hard to achieve at times, but the key is to perform a self-evaluation of your needs and interests, as well as the needs of your prospective pro bono clients. Take on projects only when you are ready for the time commitment required. The good news is that pro bono opportunities range drastically in time and scope, and the only real question is: Which pro bono opportunities are right for you? ■

(Continued on page 40)

PDD (Continued from page 9)

Presentment ordered after hearing for violation of Rule 1.3 of the Rules of Professional Conduct by making only two phone calls to a lender, post-bankruptcy, after agreeing to assist the complainant; violation of Rules 1.4(a)(3) and (4) of the Rules of Professional Conduct by failing to respond to complainant's e-mails and other communications and when he did, failed to provide any substantive information; and violation of Practice Book § 2-32(a)(1) for failing to respond to the grievance complaint. *Cherry vs. Scott A. Garver*, #17-0841 (7 pages).

Presentment ordered by agreement for consolidation of all pending disciplinary matters with this matter alleging violation of Rule 8.1(2) of the Rules of Professional Conduct and Practice Book § 2-32(a)(1). *Atmore vs. Keisha Shantell Gatison*, #17-0778 (6 pages).

Presentment ordered by agreement for consolidation of all pending disciplinary matters with this matter alleging violation of Rules 1.1, 1.4, 1.15, 1.16(d), and 8.1(2) of the Rules of Professional Conduct and Practice Book § 2-32(a)(1). *Costa vs. Keisha Shantell Gatison*, #18-0130 (6 pages).

Presentment ordered for violation of Rules 1.4 and 8.1(2) of the Rules of Professional Conduct and Practice Book § 2-32(a)(1) by failing to communicate with complainant adequately in that respondent failed to communicate to complainant in her native language telling complainant that respondent had been suspended from the practice of law and from practice before the immigration courts, thereby enabling complainant to make an informed decision concerning her file; further, respondent failed to answer the grievance complaint without good cause. *Galdamez-Santos vs. William Fernandez*, #18-0083 (7 pages).

Presentment ordered by agreement for consolidation of all pending disciplinary matters with this matter alleging violation

of Rules 5.3(1) and 8.4(4) of the Rules of Professional Conduct. *New Haven Grievance Panel vs. Keisha Shantell Gatison*, #18-0345 (6 pages).

Presentment ordered by agreement for consolidation. *Furchi vs. Keisha Shantell Gatison*, #18-0307 (4 pages).

Attorney ordered by agreement to attend a three-credit continuing legal education (CLE) course in Connecticut Law IOLTA account management and to close her IOLTA bank account for alleged violation of Rules 1.15(b) and (e) of the Rules of Professional Conduct. *New London Grievance Panel vs. Lynn Jean Cella-Coyne*, #18-0001 (5 pages).

Presentment ordered after hearing for violation of Rules 1.7(a)(1) and (2), 8.1(2), and 8.4(3) of the Rules of Professional Conduct by providing legal advice and filing an appearance on behalf of a party involving a concurrent conflict of interest in that the representation of that client was directly adverse to another client and by being dishonest in his answer to the grievance complaint. *Silver vs. Michael Atwater Stratton*, #17-0753 (7 pages). ■

Pro Bono (Continued from page 33)

Notes

1. Help 4 Nonprofits, *Finding Pro Bono Help through Board Recruitment*, http://www.help4nonprofits.com/UseItToday/UseItToday-Finding_Pro_Bono_Help_through_Board_Recruitment.htm, (last visited January 21, 2019).
2. Erika Winston, *Finding Time for Pro Bono*, Washington Lawyer Magazine, October 2017, <https://www.grossmanyoun.com/wp-content/uploads/sites/155/2018/10/PDF.pdf>, (last visited January 21, 2019).
3. Here is a link to a sample engagement letter created by the American Bar Association for use in immigration cases. https://www.americanbar.org/content/dam/aba/administrative/litigation/leadership_init/pro-bono-for-immigrant-children/sample-client-engagement.pdf.
4. Check out the American Bar Association's Standing Committee on Pro Bono and Public Service at: https://www.americanbar.org/groups/probono_public_service/, (last visited January 21, 2019).
5. CT Law Help, Pro Bono Portal, <https://probono.ctlawhelp.org/frequently-asked-questions-about-taking-pro-bono-cases>, (last visited January 21, 2019).

6. Eve Runyo, *The PBEye: Pro Bono As We See It*, The Pro Institute, <http://thepeye.probonoinst.org/2011/04/18/do-you-track-your-in-house-pro-bono/re>, (last visited January 21, 2019).

Supreme Deliberations (Continued from page 35)

Services employee to remedy a highway defect not because the claim was barred by § 13a-144, but because that particular state employee would not have any duty to keep the highway in repair.

Third, the dissent simply did not read *Lamb* the same way as the majority did. Its "reading of *Lamb* is that all a plaintiff must allege to fit within the sovereign immunity waiver...is that the 'neglect or default of the state or any of its employees' (including state police employees) took place while performing duties related to highway maintenance." *Lamb* does not "restrict the otherwise broad reach of the statute's unambiguous sovereign immunity waiver. Nor could it. The breadth of the statute speaks for itself."

So what's our takeaway from *Graham*? Well, first of all, we take solace in the fact that Mr. Graham is not completely out of luck. He can still go to trial on his claim against the commissioner based on his argument that the *commissioner's* employees should have done more, and he may have recourse regarding his claim against the state police through the claims commissioner process. But from the appellate practitioner's standpoint we, like the dissent, found it interesting that both the majority and the dissent invoked the doctrine of legislative acquiescence to support their respective interpretations of § 13a-144. We're not ones to quibble with how the court goes about interpreting statutes, especially when the method involves a well-established tool like legislative acquiescence. But reliance on legislative acquiescence would seem to be more appropriate when the court decision interpreting the statute is clear—not where the court is split 4-3 on the meaning of its precedent, with a unanimous appellate court apparently backing the three dissenters. ■