

Pro Bono Law — A Solution Is Community Partnership

A Guide to Developing a Community-Based Pro Bono Program



by Adrienne Louise Boothroyd, MA
Multiple Sclerosis Society of Canada, BC Division
for
Pro Bono Law of British Columbia

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Pro Bono Law of British Columbia

Pro Bono Law of British Columbia (PBLBC) was formed in April 2002 to promote, coordinate, and facilitate the delivery of pro bono legal services in BC. PBLBC operates as the first point of contact for lawyers who wish to volunteer and for members of the public and community organizations who need pro bono services.

PBLBC does not offer pro bono services directly to the public. Rather, PBLBC reveals the diversity of various pro bono service providers' approaches to our community, encourages lawyers and community groups to draw on these providers' experiences, and facilitates and supports pro bono services by building on the good work of others.

The PBLBC website (www.probononet.bc.ca) provides related news, information, and resources for the public, community organizations, and lawyers.

The three main objectives of PBLBC are —

- to promote a pro bono culture in the legal community and in diverse communities across the province;
- to expand the capacity of pro bono delivery programs and other providers to help people of limited means resolve their legal problems; and
- to develop, implement, and evaluate innovative approaches to improving the delivery of pro bono services.

This manual outlines the steps for developing a pro bono delivery service. It is intended for community organizations that want to create a pro bono program and for law firms interested in providing pro bono legal services. This manual provides practical information and resource material for creating a successful pro bono program.

Introduction

Pro Bono Is — Pro bono comes from the Latin term, *pro bono publico*, meaning for the good of the public.

A holistic approach

A successful pro bono program depends on a collaborative approach. The community organization's role is to develop an organized delivery service to provide pro bono legal advice. Developing a pro bono program involves connecting to community organizations, creating a corporate identity, and fostering a pro bono environment. The process requires cooperation, balance, good will, and a desire to create long-term partnerships.

A. The Role of the Community Organization

1. Build strong community relations

A volunteer legal advocacy program should connect with other community organizations. Building these relations is vital to a successful pro bono program. Because of limited community resources, all pro bono programs must work together to ensure access to justice for the disadvantaged.

The first step is to research existing pro bono organizations in the community for which the program is intended. As the program's sponsors, you may consult the Red Book (located on the Internet at www2.vpl.vancouver.bc.ca/dbs/redbook/htmlpgs/home.html) or other resources to find out about existing programs and the types of pro bono legal advice offered in the community. This information is valuable for developing a pro bono program: it prevents duplicating community resources and encourages sharing expertise.

After you have developed a resource list, contact other community organizations and meet with their key players. Meeting with other groups is an excellent way to build strong relationships and learn about the limits and operations of existing pro bono programs. Your developing program will benefit from the wealth of knowledge of established pro bono programs. Established programs can identify clients and the needs not being met in the community.

Your developing program will also want to research organizations that may refer clients to your new program. To ensure an effective referral system for your developing program, solicit support and a commitment to work together from representatives of these established organizations. Establishing a viable relationship with all concerned groups will ensure that clients receive efficient service. This may entail written community updates, regular meetings, and relationship building. The goal of a developing program should be to provide legal advice as well as to develop and improve relationships with other legal service programs.

To offer the program to other organizations —

- Make telephone contact
- Send a letter of introduction
- Distribute information about your community organization
- Meet to discuss a potential referral system and learn about other organizations

- Implement a referral system
- Hold periodic meetings to review working relationships
- Send brochures and a yearly program update

Great community relationships ensure —

- Information sharing
- Appropriate client referrals once the new program starts. (Many clients who contact a new program for assistance may not meet the program's criteria and will need referrals to other community organizations.)
- The community works together
- The new program fulfills a need

See the sample introductory letter on the next page.

[Sample]

Multiple Sclerosis Society's Volunteer Legal Advocacy Program (VLAP) Letter to Community Organizations

To Whom It May Concern:

I would like to take this opportunity to introduce the Multiple Sclerosis Society, BC Division's exciting new Volunteer Legal Advocacy Program (VLAP). Over the past several years, the BC Division has recognized a growing need for legal advocacy among its members. People with multiple sclerosis (MS) often face a variety of legal challenges — such as human rights, employment equity, insurance, income security, estate planning, and family law issues.

While staff and volunteers of the MS Society now provide advocacy support to close to 6,000 members, the demand for legal advice and advocacy has become too great for the Society's current resources. VLAP will provide an organized delivery system through volunteers with legal training who will work to meet our members' legal advocacy needs. The Program will serve the communities of Vancouver Island, the Lower Mainland, and Kamloops during its first year, with a website delivery system reaching additional regions and rural areas.

The Law Foundation and the Notary Foundation have both committed financial support to the Program. We have just begun to develop the Program and are eager to work closely with community groups and legal service programs to ensure a collaborative approach to serving people with disabilities. Working together closely will also avoid the duplication of services and allow us to develop a Program that will meet the unique needs of people affected by MS.

Multiple sclerosis is the most common neurological disease affecting young adults in Canada — with symptoms ranging from blurred vision to numbness in limbs to paralysis and blindness. Over 6,000 British Columbians live with MS, whose cause and cure are unknown. VLAP is taking the MS Society one step closer to fulfilling its mandate of enabling people affected by MS to enhance their quality of life.

Please see the enclosed VLAP materials. If you have any questions, please do not hesitate to contact me. I will soon be in touch to discuss the possibility of meeting with you or another representative of your organization. I look forward to learning more about the services your organization provides to people living with disabilities.

Sincerely,

2. Identify the need

Your community organization must first determine if a pro bono program is needed and who will be using the service. An integrated approach to researching this unmet need is essential. Encourage all players to participate. The more information you gather, the more informed your organization will be in determining the need for pro bono services.

Justifying the need for a pro bono program is also crucial when you apply for funding and recruit volunteers. Funders will want to know that the program serves people who have been denied access to justice, and volunteers will want to know that their skills and expertise will make a difference.

Always keep in mind that the purpose of a pro bono program is to serve the community. Therefore, clients' needs should determine the design of a developing pro bono program.

Using some or all of the following methods, you can determine if an unmet need exists.

Survey

Depending on the demographics, your organization may want to survey its clients. A questionnaire — by mail, phone, or email — can determine if an unmet need exists. A questionnaire can gather data to support or reject the need for a pro bono program.

Connect with clients whose legal needs have not been met

Consulting clients is one of the most important ways to determine unmet needs. The clients are the experts who can identify their unmet needs and explain how the lack of legal assistance has affected their lives. They will suggest how your community organization can best support them and what legal services they need.

Explore how legal needs have been met in the past

Explore how your organization has supported people in need of legal help in the past. Perhaps the support consisted of referrals to an outside agency or establishing a committee to provide advocacy support. This information will be particularly helpful in determining if your organization can meet the existing demand.

Consult front line workers

Front line workers listen to clients' stories and are aware of client needs and the community resources available to them. Front line workers can share their observations on potential solutions and the impact on clients of the lack of legal services.

Research existing community pro bono services

A pro bono program must take into account the pro bono legal resources already available in the community. Existing pro bono programs recognize which clients do not receive help. Such information will justify filling a niche and will ensure that a new program does not duplicate existing pro bono services.

Once you have gathered this information, you will know whether or not a pro bono program is needed.

3. Find funding

Once your community organization has identified a need for a pro bono program, it may need funding to develop that program. An excellent place to start is to explore how existing pro bono organizations have obtained funding.

Suggestions for program funding

Foundations may provide the best source of start-up funds. It is important to note that foundations set an annual grant budget and have both funding guidelines and application deadlines. Contact the following Vancouver foundations for their specific funding guidelines:

Law Foundation of BC
1340 – 605 Robson Street
Vancouver, BC V6B 5J3
www.lawfoundationbc.org
604-688-2337

The Society of Notaries Public of BC
1220 – 625 Howe Street
Vancouver, BC V6C 2T6
www.notaries.bc.ca
604-681-4516

Vancouver Foundation
1200 – 555 West Hastings Street
Box 12132, Harbour Centre
Vancouver, BC V6B 4W6
www.vancouverfoundation.bc.ca
604-688-2240

Here are some approaches to consider if no outside funds are available to your organization:

- Consider whether your community organization can finance a pro bono program on its own.
- Consider whether your community organization can support part of the program, perhaps by providing office overhead and administrative support, and by sharing resources and staff expertise.
- Your community organization could solicit private donors or find a sponsor to fund the program.
- Your community organization could organize an event to raise funds for the program.
- Your community organization could partner with another agency wanting to provide pro bono services.

4. Establish a sound budget

Your new program needs an operating budget and a business plan. The budget should allocate funds to successfully realize program goals.

Suggested areas to focus on include the following:

- Staff
- Office space and supplies
- Travel
- Professional development
- Resource materials
- Volunteers
- Overhead costs

When the MS Society implemented VLAP, it started with one part-time staff position. This person was responsible for developing and implementing the Program. When the Program expanded and the workload increased, the MS Society VLAP increased staffing levels by hiring an assistant.

When developing a pro bono program, carefully assess the amount of staff time needed to develop the program. Find out if other departments are able to assist your program. You must fully understand what your organization can and cannot assist with. For example, VLAP had help from the MS Society communications department in writing press releases and advertising.

Once you have determined the level of support your organization can offer, calculate an approximate number of hours needed to create and implement the

program. You may want to contact other pro bono program coordinators to discuss work load. Their knowledge will help you realistically assess the amount of time needed to implement and maintain a program.

When the VLAP established its budget, the MS Society, BC Division, absorbed much of the cost. VLAP is housed at the MS Society's office, so the cost of office space, technology, and office supplies are minimal. This cost-sharing approach means that funds are used to deliver services to the community rather than to cover office expenses.

Expenses for implementing VLAP include a staff position, travel, volunteer orientation and recognition, advertising, and operating costs such as telephone, website maintenance, and office supplies. The VLAP uses a step-by-step approach to its budget, which includes creating strategic objectives and timelines, and assessing the funds needed to reach goals.

5. Create program objectives

First, define the program's overall purpose. Next, set the specific program objectives, which should be realistic, not overly ambitious. Program development depends on collaboration, and a community group must never impose unrealistic timelines and objectives on other community groups or on partnering law firms.

The purpose of defining these objectives is to guide staff and to provide a reference point for funders and the advisory committee. For example, foundations will usually ask applicants to identify their program objectives, which then become guidelines for activity reports that applicants produce throughout the year.

Finally, develop a strategic plan to determine if your program succeeded in meeting its objectives. Understanding the reasons behind your program's success in meeting its objectives is as important as understanding its shortcomings. This information will play a significant role in future planning sessions.

Please see the sample program objectives on the next page.

[Sample]

MS Society's VLAP Program Objectives

To make legal advice and representation available via telephone, email or in person to people living with multiple sclerosis on Vancouver Island, the Lower Mainland (including the Fraser Valley), and Kamloops as well as the province's other rural areas through our website and through email.

Specific program objectives

By the end of the Program's first 12-month period, we will have —

- Developed a Volunteer Legal Advocacy Program Advisory Committee to help implement and direct the Program
- Recruited a pool of legal professionals to provide volunteer legal advocacy support to people with MS
- Developed informational materials on the Volunteer Legal Advocacy Program for distribution to the Program's prospective clients
- Developed Program support materials and resources for delivery through the MS Society's website
- Developed and provided an orientation session for volunteer lawyers
- Developed and implemented a referral system for BC Division staff, other community organizations, and legal service programs
- Advertised and promoted the Program to people with MS and their friends and families
- Held quarterly Advisory Committee meetings to review the Program's progress and to ensure effective legal supervision

Assessing objectives

We will determine whether the objectives have been met by —

- Distributing a questionnaire to Program clients and volunteer lawyers to assess the Program's effectiveness and success
- Asking orientation session participants to provide their comments on the session's usefulness
- Tracking the number of volunteer lawyers recruited and retained throughout the year
- Recording the number of clients who receive legal support through the Program
- Surveying MS Society members on the Program's appropriateness through the BC Division newsletter and the MS Society's website

6. Create a work plan

After you set the program objectives, create a work plan. A work plan could include the following:

- An approximate timeline
- Steps needed to reach the objectives
- The resources available to the program
- Staff and volunteers responsible for the program

A work plan may change as the program develops, so it is important that the program remain flexible. To ensure collaboration, incorporate into your work plan suggestions from community organizations and partnering law firms. Working cooperatively from the start creates reasonable expectations for everyone involved.

Please see the sample work plan on the next page.

[Sample]

MS Society's VLAP work plan and event outline for the project's development and implementation

Task	Date
<input type="checkbox"/> Establish Legal Advocacy Program Advisory Committee	_____
<input type="checkbox"/> Advertise for volunteer lawyers	_____
<input type="checkbox"/> Recruit volunteer lawyers	_____
<input type="checkbox"/> Meet with other community groups re referral system	_____
<input type="checkbox"/> Meet with and research other legal service programs	_____
<input type="checkbox"/> Develop volunteer orientation materials	_____
<input type="checkbox"/> Develop Program materials and resources	_____
<input type="checkbox"/> Meet with Advisory Committee to review Program	_____
<input type="checkbox"/> Conduct volunteer orientation session	_____
<input type="checkbox"/> Refer clients to volunteer lawyers	_____
<input type="checkbox"/> Advisory Committee meets to review Program	_____
<input type="checkbox"/> Survey clients and volunteer lawyers on Program	_____
<input type="checkbox"/> Survey members of BC Division on Program	_____
<input type="checkbox"/> Advisory Committee meets to review Program	_____
<input type="checkbox"/> Evaluation of Program	_____
<input type="checkbox"/> Advertising/promotion	_____
<input type="checkbox"/> Recruitment	_____
<input type="checkbox"/> Referral	_____

Program resources

- Legal professionals (lawyers, paralegals, law students)
- Staff/volunteers with writing, design, website development skills
- Staff/volunteers with volunteer recruitment skills
- Staff/volunteers with service/advocacy support skills
- Staff/volunteers with administrative skills
- Staff/volunteers of other community groups and legal service programs to share best practices
- Facility to hold orientation session
- Office supplies
- Computer/Internet equipment & access
- Printing capabilities & materials

B. Working Together in Partnership

Once your community organization has completed its research and action plan, it is ready to begin working with a law firm. Organize all of your information before meeting with the law firm and remember that a partnership works best when all parties benefit.

Your community organization will have to persuade the law firm that clients need access to justice. To promote your pro bono program to lawyers, you must have an excellent understanding of community needs and the role to be played by the law firm. Your community organization must communicate a strong belief in, and a need for, the program.

Lawyers volunteer their time and talent to promote access to justice. Recognize and treat respectfully the law firm's potential contribution. A solid partnership requires building trust. Your community group must integrate clients' unmet needs with the law firm's corporate responsibility and identity. It must bring all players together for a common goal — creating access to justice.

Hints for a successful partnership:

- Proceed slowly
- Don't be too ambitious
- Be realistic
- Be focused
- Be organized and efficient
- Identify clear objectives
- Define tasks for volunteers
- Know your audience
- Be collaborative
- Keep communication open
- Recognize that there will always be those who doubt pro bono work
- Don't be too bureaucratic
- Encourage
- Give credit to the law firm and volunteer lawyers

There are many ways to provide pro bono legal services. Your program's success depends on how well its design meets the needs of clients and volunteers.

1. Use a client-centred approach

Client needs should determine the design and delivery of a developing pro bono program. A client-centred program will include the following:

- Client needs
- Client expectations
- Client perceptions
- Client priorities

To decide how to deliver pro bono legal services, compare your research on client needs to existing community services. Include input from clients and from front line staff working directly with future pro bono clients. The clients are the experts, and front line staff will provide valuable insight into the challenges clients may face while trying to access your program.

We strongly recommend that any new program include a partnering law firm in its design. This provides an excellent opportunity for the law firm to learn about the clients it will be serving. Implementing a client-centred approach will ensure the development of an accessible and successful program.

2. Choose a vehicle for delivery

Explore which form of communication will best meet clients' needs. Will clients and lawyers communicate by phone, email, or in person? Perhaps clients' needs will require all three ways.

The MS Society's VLAP used all three forms of communication to deliver pro bono legal services. This approach was consistent with VLAP's goal of providing accessible legal advice for people living with multiple sclerosis.

3. Determine the model

The following are two models that have been used successfully in British Columbia.

Clinic model

Location

Clients attend a legal "clinic" where they can meet with a lawyer. The clinic could be located in your community organization's office or another location accessible to clients.

Service delivery

The client has a 30 – 40 minute interview with a volunteer lawyer. The lawyer provides the client with advice. The law firm provides lawyers who can give advice in specific areas of the law. The lawyer tries to resolve the issue in the time allotted. The client can come back as often as needed.

Full representation model

The MS Society's VLAP implemented the full representation model. Its partnership with Davis and Company means that volunteer lawyers take a legal case from start to finish. VLAP chose this model to meet the needs of people living with multiple sclerosis and to avoid duplicating existing pro bono legal services.

Location

The volunteer lawyer and client decide where to meet.

Service delivery

The pro bono coordinator gives the client's contact information to the point person at the partnering law firm. The client goes through the law firm's internal referral process, and the volunteer lawyer fully represents the client from start to finish.

4. Create an intake/referral process

Your community organization needs to establish an intake and referral process with input from the law firm, community organizations, front line workers, and clients.

Areas for discussion

Intake

- What challenges might clients face? If clients are disabled, how can the law firm and community organization work together to meet clients' needs?
- Is the program accessible?
- What would an ideal referral process look like?
- What are the program expectations of Pro Bono Law of BC and how can your community organization and law firm meet them?
- When does the relationship between the community organization and the client end?
- What is a reasonable timeline for referring a client? (The client should be referred as quickly as possible.)
- If the pro bono program cannot assist the client, what is the next step?

- How should the pro bono coordinator and the law firm communicate?
- How much and what type of support can the program offer the client?
- What are the client's responsibilities?
- What are the law firm's responsibilities?
- What are your community organization's responsibilities?

Application form

- What type of client information is needed?
- How much detail about the legal issue is needed?
- How much detail about the opposing party is needed?
- What type of financial information is needed?
- What release and consent forms do clients need to sign?
- Does the form's design meet the needs of the client, your community organization, and the law firm?

Information gathering

- What information would help the law firm and its volunteer lawyer?
- What information would help your community organization?

Case tracking

- How will your community organization track its cases?
- What types of information need to be tracked and documented?
- Where will this information be stored?

Reporting

- What information needs to be reported to the Advisory Committee?
- What information needs to be reported to funders?

Conflict of interest

Partnering with one law firm presents an important challenge. If that law firm has a conflict of interest and is unable to act for a client, your community organization may not have the resources to refer the client to another lawyer. You must explain this limitation to the client.

Liability

The MS Society of Canada has its own insurance policy. It is important that you research and find out the limits of your organization's insurance policy. VLAP was developed to refer clients to a law firm. The individual in need of legal advice or representation becomes the lawyer's client once she or he is referred. Because of our insurance policy, VLAP is also limited to recruiting volunteer lawyers and not law students. Law students can assist in other capacities, but

they cannot give legal advice. Once the client is referred, VLAP's only role with the lawyer and client is to provide support and information.

Once you have answered these questions, you can create an internal referral system. All individuals involved will appreciate a smooth referral and intake process. See the sample intake/referral process set out on the next page.

[Sample]

MS Society's VLAP intake/referral system

1. Reception gets a call.
2. Reception transfers the call to the VLAP coordinator.
3. The VLAP coordinator fills out an intake form.
4. The VLAP coordinator offers support, answers questions, and assesses the case. The VLAP coordinator determines if the individual can get help through other community legal service programs. If a community referral is not the answer, then the client is sent a VLAP application form.
5. The VLAP application forms are assessed to ensure the client meets VLAP's criteria.
6. If the client meets VLAP criteria then the client is referred — either by email or phone — to the partnering law firm. The VLAP coordinator provides the law firm with the client's full name, address, phone number, and a summary of the potential legal issue.
7. The client goes through the partnering law firm's internal referral process.
8. The partnering law firm contacts the VLAP coordinator to confirm the client's referral and give the pro bono lawyer's name.
9. The VLAP coordinator contacts the client to ensure that a lawyer has contacted the client.
10. The VLAP coordinator opens a file — that includes the intake form and application — on the new client/lawyer relationship. The file — which will be appropriately stored as confidential information — will include notes or any relevant information.
11. The volunteer lawyer receives a thank-you letter.
12. The VLAP coordinator stays in contact with the client/lawyer for information on the following:
 - Type of case
 - Resolution
 - Follow-up required
13. The Advisory Committee keeps track of the number and types of cases referred.
14. Program funders receive relevant information.

[Sample]

MS Society's VLAP intake form

Date: _____ Name: _____

Address: _____

Telephone number: _____

Email: _____

Member of the Multiple Sclerosis Society of Canada, British Columbia Division:

Yes No

Summary of problem: _____

Action taken: _____

Case closed: _____

[Sample]

MS Society's VLAP application form

Part A

Personal Information

Application date: _____

Name: _____

Address: _____

City: _____ Province: _____

Postal code: _____ Phone: _____

Fax: _____ Email: _____

When were you diagnosed with MS? _____

What form of MS were you diagnosed with having? _____

Who is your neurologist? _____

Who is your general practitioner? _____

Are you a member of the MS Society? _____

What chapter do you belong to? _____

How did you hear about VLAP? _____

Part B

Legal Issues and Information

Please summarize your legal issue/concern: _____

Please answer the following questions if they apply to your legal situation. If not, continue to Part D:

Name of opposing party: _____

Name of opposing party lawyer: _____

Have court proceedings commenced? _____

Yes No

If yes, what are the scheduled court dates? _____

Are there prior agreements or settlements? Yes No

If yes, please provide basic details. _____

Are there existing court orders? _____

Yes No

When you meet with your lawyer, please bring related court documents.

Part C

Financial Information

Please provide a copy of the *latest* income tax assessment sent by the Canada Revenue Agency to each adult family member living in your household.

How many dependent children and/or adults are living in your household?

What are the ages of the children? _____

Part D

I, _____,
acknowledge that I have to sign a release of information form before I can get legal assistance or advice.

I, _____,
consent to having this application form forwarded to a lawyer or advocate from the Multiple Sclerosis Society of Canada, British Columbia Division VLAP.

I, _____,
accept that I am responsible for the cost of court filing fees and medical forms. I acknowledge that the Multiple Sclerosis Society of Canada, British Columbia Division VLAP, will not cover these costs.

I, _____,
consent to having either a VLAP lawyer or a lawyer from Davis and Company update the VLAP coordinator with the details of my case.

Signature

Date

[Sample]

MS Society's VLAP release of information form

Consent

I, _____,
authorize the Multiple Sclerosis Society of Canada, British Columbia Division, to
obtain from such agencies, individuals, provincial or federal government
departments, medical centres, or hospitals as are concerned with my medical
status and/or legal need, any and all pertinent information, whether from the
Canada Revenue Agency or otherwise, which may be necessary to assist in
providing me with VLAP services. I understand that all such information will be
treated as confidential and privileged, and used only to assist me with my
request.

Signature

Date

5. Choose a type of client support

When establishing a referral process, remember that pursuing a legal issue can be very stressful for clients. Determine the level of support your pro bono program can provide to the client. If you cannot provide support, then you will need to know where to refer clients. Providing support to clients is essential because volunteer lawyers provide legal expertise, not support.

The MS Society's VLAP offers support to its clients. Most people living with multiple sclerosis who need VLAP also need emotional support and advice on other issues. VLAP provides counselling, referrals, education, and advice to its clients. Volunteer lawyers learn about the skills of the pro bono coordinator so that they can refer a client and/or use the pro bono program as a resource.

Resources for clients

Provide the client with written information on the intake and referral process and the limits of the program. The client will have realistic expectations if he or she clearly understands the program limits.

Make clear what the client is responsible for — keeping appointments, bringing documentation, and providing information required for eligibility.

Inform the client of the appeal and complaint process.

Refer or provide the client with a list of community resources that offer support if your community organization cannot support the client.

Give the client information on how to prepare for meeting with a lawyer.

See the sample information about meeting with a lawyer on the next page.

[Sample]

Information about meeting with a lawyer

What will happen when I first see a lawyer?

When you see a lawyer for the first time, you should —

- Bring any papers or documents that relate to your case
- Be prepared for many questions that help the lawyer with the details of your case
- Be completely honest
- Know what you want to achieve so that the lawyer knows exactly how to proceed
- Ask any questions you may have about cost, timelines, and the chances of success
- Write down the answers to your questions
- Discuss the next steps if you decide to retain this lawyer

What should I expect from my lawyer?

You should expect —

- A clear understanding of your legal issue
- Respect and patience
- To be told what your rights are
- To be told what you can expect from your lawyer and the process you are involved in
- An outline of the steps involved
- An estimate of costs (such as court filing fees)

A lawyer cannot predict exactly what will happen with your case, but she/he should give you an idea.

What should my lawyer expect from me?

Your lawyer should expect —

- Your cooperation
- Your complete honesty
- Your understanding that your lawyer assists you with your legal case only, not other issues in your life

6. Set the eligibility criteria

The criteria for program eligibility should be clear. Clear eligibility requirements are crucial to working successfully with a law firm and volunteer lawyers.

To establish eligibility criteria, research existing pro bono programs, which can provide guidelines for a developing program. The Salvation Army Pro Bono Consultation Program and Western Canada Access to Justice both have their own eligibility criteria. The criteria for these two programs differ because each program has different reasons for establishing its criteria.

For example, a yearly family income of \$40,000 has different buying power in Prince George than in Vancouver. Therefore, a developing rural or urban program should take this difference into account.

Another example relates to people with disabilities, who often have higher medical and equipment costs and often cannot work. A program that responds to their needs may need to accept people with higher incomes.

A developing program should clearly identify the needs of the people it will serve. Based on guidelines from other programs, its eligibility criteria should also result from a collaborative discussion between the law firm and your community organization.

The following are some key areas to consider for eligibility criteria:

- Income level
- Monthly expenses
- Assets
- Location (What are the geographic boundaries of your program?)
- Areas of law
- Eligibility for legal aid
- Other criteria necessary for acceptance (For example, to be accepted to the MS Society's VLAP, the client must have multiple sclerosis.)
- Other programs with eligibility criteria that can be applied to this program
- Appeal process

[Sample]

MS Society's VLAP financial criteria

When the MS Society's VLAP established its eligibility criteria, it considered its clients' needs and the disease's uniqueness. People living with multiple sclerosis often face very high costs for drug treatments and equipment. Other key considerations were the disease's unpredictability and the fact that the average age of diagnosis is 28, which often means people have accumulated few assets. The MS Society designed VLAP to offer pro bono legal services to those ineligible for legal aid but unable to afford legal advice.

Financial criteria

The guideline for determining financial eligibility for VLAP is based on the Adjusted Net Income adopted in June 1989 by the BC Ministry of Health.

The Adjusted Net Income is gross income minus CPP, UIC, and Family Allowance. It appears on line **236** of the federal T-1 Income Tax Return and Income Tax Assessment.

VLAP allows gross income (line 236) to be reduced by \$3,000 for each of the following:

- A spouse
- Each child
- Each family member 65 and older
- Each family member with a disability

To qualify for VLAP, the Final Adjusted Family Net Income must be \$35,500 or less. Here's one example:

Adjusted Net Income (line 236)	\$35,500
Deduction for spouse	-\$3,000
Deduction for child	-\$3,000
Deduction for disability	-\$3,000

Final Adjusted Family Net Income \$26,500

This family will qualify for VLAP because their Final Adjusted Family Net Income is less than \$35,500.

If you have any questions, please contact the Multiple Sclerosis Society of Canada, British Columbia Division at 604-689-3144 or 1-800-268-7582.

7. Determine the appeal process

Set up an internal grievance system and a process to appeal a decision. Inform the client about the process to file an appeal or complaint during the intake and referral process.

VLAP implemented the following steps for its appeal process:

Appeal process

1. Client wants to appeal a decision that denied him or her access to the program or to make a formal complaint
2. Client contacts the Advisory Committee
3. Advisory Committee speaks to program staff
4. Advisory Committee reviews relevant material
5. Advisory Committee meets with the client to hear the client's case
6. Advisory Committee decides how to handle the complaint or appeal
7. Advisory Committee informs program staff and client of its decision

8. Consider advertising

Use every opportunity to promote your program. Publicizing your program raises your community organization's and the law firm's profile. It also increases awareness of unmet legal needs.

Where to advertise

- Community organization newsletters
- Local events — brochures, posters
- Community newspapers
- BC Bar Association
- Canadian Bar Association
- Pro Bono Law of BC
- Law firm newsletters
- Local newspapers

9. Make quality assurance a priority

To ensure that a pro bono program reaches its goal, assess your clients' and volunteers' experiences. Measure your program's success by distributing a questionnaire.

Every eighteen months, the MS Society's VLAP assesses its progress through a telephone evaluation because this method best meets the needs of people living with multiple sclerosis.

How to evaluate program success

- Organization newsletter
- Website
- Direct-mail evaluation
- Email evaluation
- Phone evaluation

10. Promote volunteerism

Pre-recruitment

Before recruiting your volunteers, decide how they will be used. This process should include the following:

- Job title:** Define the work that needs doing and the position's purpose. Give volunteers and staff a clear sense of the volunteer's role.
- Responsibilities and duties:** Clearly explain the volunteer's specific duties.
- Accountability:** Tell volunteers who they report to and explain the reporting process.
- Skills and knowledge:** Clearly list the qualifications a successful volunteer needs.
- Commitment required:** Explain the amount of time and length of service required to succeed as a volunteer.
- Training:** Describe the orientation and/or training session and specify its length.

Volunteers are an invaluable resource. Your program must ensure that their time is not wasted and that they are not overworked. Volunteers appreciate knowing about their responsibilities and the amount of time they will need to devote. Clear expectations create a great working environment for volunteers.

Two of the top reasons why volunteers resign or leave are poorly defined jobs and the feeling that they are not needed.

Recruitment

A pro bono program's success depends on volunteers. The following steps will help you to recruit a law firm.

Know the need

Express clients' unmet needs to potential volunteers as clearly as possible. Use both statistics and clients' stories. Be prepared to motivate your volunteers: explain how their legal skills will help the disadvantaged. Volunteers want to know that they can make a difference, and your organization must convey its appreciation.

Target audience

To create a pro bono program, you should understand what motivates people to volunteer. Studies have explored what motivates people to volunteer. Conducted by the Canadian Centre for Philanthropy, the *National Survey of Giving, Volunteering and Participating* lists seven reasons why people volunteer:

- To help a cause in which they personally believe (96%)
- To use their skills and experiences (78%)
- Because they have been personally affected or know someone who has been personally affected by the cause the organization supports (67%)
- To explore their own strengths (54%)
- To fulfill religious obligations or beliefs (29%)
- Because their friends volunteer (25%)
- To improve their job opportunities (22%)

This research should influence your message to potential volunteers. For example, your recruitment message to volunteers who want to use their skills and experience should differ from your message to volunteers motivated by a cause.

Recruitment package

A recruitment package will need to promote your organization and its need for volunteers. Develop a package with a professional image that will persuade potential volunteers of the need for volunteers.

Develop a plan of contact

Develop a strategic plan for contacting volunteers and following up on expressions of interest in volunteering.

Volunteer recognition and retention

A pro bono program's success depends on the work of volunteers. Therefore, volunteer recognition — both formal and informal — should be a top priority.

Volunteer recognition comes in many forms. Be creative and tailor recognition to your particular volunteers. Your organization must express its appreciation on an on-going basis.

Suggested ways to recognize volunteers

- Thank-you letter that uses a specific example of how the volunteer made a difference
- Personalized card sent on behalf of the pro bono program
- Thank-you breakfast/lunch/dinner
- Small gift
- Community organization item (pen, t-shirt)
- Certificate
- Program update that explains how the volunteer has made a difference in someone's life
- Nominating the volunteer/law firm for an award
- Thanking volunteers verbally, explaining the difference they have made
- Client feedback
- Flogging volunteer appreciation in newsletters and local newspapers
- Special recognition for volunteers when they resign

C. Volunteers Needed For a Pro Bono Program

A pro bono program should include a plan to recruit volunteers for two key program areas:

1. The advisory committee
2. The partnering law firm

1. The advisory committee

A pro bono program needs a governing body for direction, guidance, and support. The advisory committee is instrumental in both the program's development and implementation phases.

Other organizations will compete for the same volunteers, so a strategic plan is necessary. Defining the following should help you get started:

Job title — Advisory committee member

The make-up of an advisory committee depends on your community organization's structure and the needs of the developing pro bono program.

Responsibilities

Advisory committee members and program staff must work cooperatively to set realistic objectives, guidelines, and program procedures. The MS Society's VLAP Advisory Committee regularly provides legal supervision and review of the Program. Once your program begins, your advisory committee will be responsible for reviewing the program's performance, goals, and policies. It will also ensure that your funders' terms are met.

Accountability

Your community organization will determine accountability guidelines. Responsible to program funders, the VLAP Advisory Committee reports to the MS Society's Board of Directors.

Skills/knowledge

What skills are needed to make your program a success? Candidates for the advisory committee should have legal expertise, a strong interest in pro bono law, and an understanding of the people who will access the program.

A member of the partnering law firm should be involved in the early stages of program development. A cooperative approach will ensure that the program will meet the needs of the volunteer lawyers, your community organization, and clients.

Commitment

A developing pro bono program should include advisory committee volunteers willing to commit a fair bit of time and energy, especially in the start-up phase. At this stage, the pro bono program will need additional guidance and support.

Discuss with new advisory committee members — and incorporate into a job description — the following issues:

- level of commitment
- amount of volunteer time
- term limits
- responsibilities
- number of meetings

A clear description of advisory committee duties and responsibilities is essential because potential volunteers need a clear understanding of expectations.

Training

Provide advisory committee members with orientation and resource materials that introduce your organization, its pro bono program, and the people it will serve. This package could include any or all of the following:

- Letter of introduction
- Invitation to participate
- Terms of reference
- Annual report
- Newsletter
- Information on the services provided
- Summary of the need for a pro bono program

Your program staff should be available to meet volunteers in person to answer questions and prepared to express clearly your organization's need for a pro bono program. You also need to consider whether advisory committee members require training.

Terms of reference

You need to create terms of reference for your organization's advisory committee. This document should include a preamble explaining your organization's rationale for a pro bono program, the purpose of the advisory committee, and the advisory committee's duties and responsibilities. These points must be clearly set out for your potential volunteers.

Please see the sample terms of reference on the next page.

[Sample]

MS Society's VLAP Advisory Committee's terms of reference

Preamble

Over the past decade, the MS Society, BC Division, has recognized the growing need of our members for legal advice and support. While staff and volunteers at the Division office and at the Chapter level have provided support on a wide range of issues, the demand for professional legal advice and support has become too great for existing Society resources.

As the demand continues to grow for this level of support, so too does the need for an organized delivery system and a resource of volunteers with legal training and expertise to carry out the objectives of the Volunteer Legal Advocacy Program.

The Volunteer Legal Advocacy Program will provide thorough orientation and information to its volunteer lawyers to ensure they are familiar with and have an appreciation for the diverse nature of this often-debilitating disease. An Advisory Committee will provide advice and legal supervision, and ensure effective resolution of each case while Division staff will provide orientation and support materials to volunteer lawyers and Program clients.

Purpose of the Advisory Committee

To provide legal advice and supervision to the staff and volunteers of the MS Society of Canada, BC Division, who are charged with the responsibilities of developing and implementing the Volunteer Legal Advocacy Program.

To ensure that effective legal advice and support is provided to MS Society members.

To ensure effective reporting of the Volunteer Legal Advocacy Program is provided to funding organizations.

Composition

The Volunteer Legal Advocacy Program Advisory Committee shall have a minimum of four committee members from throughout the province (piloted areas). The committee members shall be appointed annually.

Committee members must be legal professionals with knowledge of legal issues facing members of the MS Society (i.e., employment equity, human rights, estate planning, family law, negligence, adult guardianship, and representation agreements).

Resource members of the committee include the Volunteer Legal Advocacy Coordinator, the Director of Client Services and other BC Division staff as desired.

Duties and responsibilities

Committee members will meet on a quarterly basis to review Program progress.

Committee members will provide legal supervision to volunteer lawyers and BC Division staff as necessary.

Committee members will provide input as necessary to ensure effective reporting of the Program to funding organizations.

Committee members provide guidance, oversight, and support to the Program and to the Volunteer Legal Advocacy Program staff.

Recruiting an advisory committee

Use your organization's existing contacts as a first step towards recruitment. Individuals who know your organization may have a vested interest in it. You may find interested volunteers in any of the following:

- Board of directors
- Committees
- Staff
- Members

The following are five steps you can use when approaching potential advisory committee members:

1. Solicit the person with an existing relationship to your organization to suggest and contact potential advisory committee members and to introduce your developing program. Make sure that your contact understands fully why the program is needed.
2. Send a package of information to the potential advisory committee member. This package should reflect a professional image and contain information about your organization's mandate and its pro bono program. It should also explain the reasons why the individual should become involved. Adapt the message for your target audience.
3. Have your contact person follow up with a phone call within a week of sending the package.
4. Set up a meeting at the convenience of the potential advisory committee member.
5. Have all interested players meet. Personal contact helps to develop effective relationships.

Network outside existing resources

Follow the same five steps for existing contacts above but replace your contact with a staff member from any of the following:

- University of British Columbia Law School
- University of Victoria Law School
- Law Society of BC
- Canadian Bar Association
- Pro Bono Law of BC
- Law firms
- Potential partnering law firms

Post a call for volunteers with any or all of the following:

- *Bar Talk*
- *Advocate*
- Community papers
- Volunteer Vancouver
- Pro Bono Law of BC

2. The law firm

Pre-recruitment

Other organizations will compete for the same volunteers, so a strategic plan is necessary. Consider all of the following.

Role

Clearly define the role of the law firm and of volunteer lawyers.

Duties/commitment

Both the law firm and your community organization must understand the law firm's duties and the level of commitment necessary to meet client needs.

Through discussion, establish clear expectations and program boundaries.

The law firm should limit its commitment to the number of cases it is able to handle. The following are two examples of clearly stated responsibilities:

- The law firm will commit to 10 cases per year from start to finish.
- The law firm will provide volunteer lawyers to run a legal clinic one evening a month.

Your community organization will want to partner with a law firm interested in social responsibility, one that supports your organization's mandate. All parties should value the role of pro bono work and make it a priority.

Skills/areas of expertise

Determine the most common legal issues facing your clients. This information will determine the type of legal expertise required to meet client needs. The areas of law practised by the partnering law firm must match client legal needs.

Accountability

Your community organization and the law firm must determine to whom the pro bono lawyers are responsible and if they need supervision.

Training

Your community organization and the law firm should discuss whether the pro bono lawyers need training or an orientation to serve their particular clients.

Recruiting

Use existing contacts to begin networking. These individuals know your organization and understand its goals.

Discuss connections with local law firms with your board of directors and committees. Ask for board support in soliciting a partnership with a law firm. Create a strategic plan for approaching a law firm and tailor your plan to the lawyer/law firm.

Ask the members of your pro bono program's advisory committee to network with the legal community. These volunteers will be key to recruiting a law firm willing to provide pro bono services.

The following are five basic steps for approaching a law firm:

1. Ask the executive director or board/committee member to contact the law firm and introduce your developing program. This individual must have an excellent understanding of the need for the program.
2. Send a package of information to a contact at the law firm. This package must reflect a professional image, contain information about your organization's mandate and its pro bono program, and explain the reasons why the law firm should become involved. Adapt the message to your target audience.
3. Have the executive director or board/committee member follow up within a week of sending the package.
4. Set up a meeting at the law firm's convenience.
5. Have all interested players meet. Personal contact helps to develop effective partnerships.

If your community organization has experience in volunteer recruitment, share information with the staff person who manages volunteers. This person may be aware of lawyers volunteering in other areas of your organization.

Promote the developing pro bono program to your staff. Explain that the organization would like to partner with a law firm.

Network outside existing resources

Below are steps to take advantage of additional networking strategies.

1. Find out which local law firms are interested in community work and enhancing their profile. Locate a contact name and send a package of material on your developing pro bono program. Follow up with a phone call and request a meeting.
2. Research your community's ten biggest law firms and locate contact names. Send a package of information on your developing pro bono program. Follow up with a phone call and request a meeting.
3. Ask the law firms' communication departments about promoting your organization's quest to create a pro bono program.
4. Contact local newspapers and television.
5. Promote your developing program to community organization clients. They may have contacts in the legal profession.
6. Contact pro bono groups for leads they can share.
7. Advertise in magazines or newsletters.
8. Contact the Canadian Bar Association.
9. Use every opportunity to promote the developing pro bono program to increase networking opportunities.

Once you have recruited a law firm, your community organization and the law firm will work collaboratively to develop a volunteer legal advocacy program. Note that this manual's recommendations should be implemented simultaneously, not in the order in which they are presented. This manual will help you develop a successful pro bono program and create access to justice for the disadvantaged.

D. Why Should a Law Firm Partner with a Community Organization?

A law firm that wants to provide pro bono services should partner with a community organization for the resources and skills it offers. By assuming most of the administrative duties, your community group can ensure that the law firm concentrates on providing legal advice and representation. A pro bono program should meet both the law firm's and the clients' needs.

1. Reasons to provide pro bono services

Before partnering with a community organization, a law firm must determine why it wants to provide pro bono services. Its reasons will determine which community organization and pro bono program it decides to support. The following are some of the possible reasons:

Provides valuable training

A pro bono program provides young lawyers with the opportunity for hands-on delivery of legal services not often available in large firms.

Provides experience in diverse areas of law

Pro bono lawyers will have the opportunity to learn new skills and practice in different areas of law. Lawyers from different departments of the law firm will have a chance to collaborate.

Increases job satisfaction

Volunteer work is rewarding and has a positive influence on the hiring, recruiting, and retention of lawyers.

Brings law firm members together

Providing pro bono services encourages senior lawyers to work with young lawyers. Together, they help the disadvantaged and create a culture of good will within the firm.

Improves the firm's profile

By partnering with a community organization, the law firm shows its commitment to the local community and creates a positive corporate identity for itself.

Builds community relations

Working with a community organization to deliver pro bono services connects the law firm to the local community.

Builds client base

If clients' incomes exceed the financial limits of the pro bono program, then the community organization can refer paying clients to the law firm. In addition, other clients or community organization members who can afford legal services may contact the law firm based on its involvement with the program.

Enhances the image of the legal profession

A firm's dedication to pro bono services reflects its concern for the disadvantaged. By partnering with a community organization, lawyers show their commitment to making a difference.

2. Picking a pro bono project

Once the law firm has clarified why it would like to participate in pro bono work, it needs to choose the type of project it will support. The following are areas to consider in choosing the type of project.

Clarify level of commitment

The law firm must establish how much time it can commit to providing pro bono services. If the pro bono program is in the development stage, the law firm should commit a representative to the process. Early involvement, though time consuming, will give the law firm the opportunity to help shape a program that meets its needs as well as those of clients.

If the program is already in place, the law firm will need to determine if its services match the program's needs.

Know the volunteer roles and responsibilities

The law firm must work closely with the community organization to define the law firm's specific duties. If the law firm participates in the pro bono program's development, it will naturally assume greater responsibilities.

Clarify the roles and responsibilities of the community organization

The law firm must have a complete understanding of the community organization's roles. A law firm should partner with an efficient organization that can support the law firm's role.

Know the legal needs of the community

The law firm must consider if it can meet the needs of the specific pro bono program.

Know the reputation of the community organization

The law firm must determine if the organization has a good reputation in the community. Its choice of community organization will play an important role in shaping the law firm's community profile.

Be creative and help when you can

Community organizations have limited resources, and a law firm may be able to help in various ways. For example, a law firm might provide boardroom space for meetings or cover photocopying and printing costs for program materials.

Understand and support the community organization's mandate

The law firm's goals should coincide with those of the community organization.

Choose a partner that respects your limits

Working with a community group that values the law firm's contribution is rewarding. Working with one that makes excessive demands and over-steps limits is unpleasant.

3. Maintaining the project within the law firm

Once the law firm has partnered with a community organization and chosen a project, it will need to sustain the project within the law firm.

Hints to sustaining the project

- Involve as many lawyers as possible in the program
- Show the need for the program
- Promote the law firm's commitment to the program
- Promote top-down and bottom-up hierarchy
- Recognize the efforts of volunteer lawyers

E. A Successful Partnership — Davis and Company and MS Society's VLAP

Community partnerships are rewarding when they benefit those who are most in need. VLAP works hard to ensure that the MS Society, not the law firm, assumes as much administrative responsibility as possible. VLAP believes that volunteer lawyers should contribute their legal expertise without having to assume administrative duties. Essentially VLAP works as a referral centre to Davis and Company. Its main functions are as follows:

- Administering the program
- Screening clients
- Supporting, educating, and offering direction to clients
- Supporting volunteer lawyers with information on multiple sclerosis and helping clients prepare to meet with a lawyer

Davis and Company maintains that it is surprisingly easy to run a pro bono program, particularly in a law firm with a large number of professionals to draw upon so that no single volunteer assumes too much of the firm's commitment. Its work for MS Society clients provides junior associates and students with the opportunity to manage (often small) matters independently and to deal directly with clients. The participating lawyers find the program personally rewarding because the clients are so obviously in great need. With their legal skills, these lawyers can, with little effort, secure important gains for their clients.

Davis and Company believes a successful program depends on (1) the firm management's commitment to the program and (2) mid- to senior-level practitioners willing to contribute their time. Obtaining these commitments relies on considerable flexibility in the nature and amount of work participants can choose to commit to.

Davis and Company's checklist for establishing a pro bono program

The following checklist for establishing a pro bono program is best suited for a mid- to large-sized law firm.

- Secure management's commitment to the pro bono program.
- Management identifies and appoints a point person (P) of some seniority who will deal directly with an MS Society representative and assume responsibility for and organize the program.
- P obtains from the MS Society representative a list of the areas of law in which legal help is needed.
- P identifies a small number of mid- to senior-level practitioners in the firm — with experience in one or more of those areas — who are prepared to supervise junior lawyers or students or to take responsibility themselves for more complex matters. (In Davis and Company's experience, most matters referred can be handled by junior associates or students under a modest level of supervision.)
- P confirms with the MS Society representative the areas of law with which the firm is best able to assist.
- P writes a precedent retainer letter for pro bono clients, confirming that the client will be responsible for disbursements and setting out the circumstances in which the retainer may be terminated by either party.
- MS Society emails or calls P from time to time with the names and contact information of potential clients.
- P contacts the potential client to obtain the names of the other parties involved and begins a conflict search. The MS Society representative should be notified right away in the event of a conflict so that the matter can be redirected.
- Assuming no conflict, P contacts the client for additional information about the legal services required, opens the file, and then refers the matter to a practitioner with the appropriate level of expertise.
This practitioner, often a junior associate or student, should be given the name of the supervising lawyer available to assist as necessary.
- The lawyer assuming conduct of the case gets a copy of the retainer precedent, modifies it as necessary, and has it executed by the client.
- The assigned lawyer deals with the file like any other client matter and notifies P at its conclusion.
- P maintains a record of active files/assigned lawyers and is available to liaise with MS Society representative(s) as required.

Conclusion

A successful partnership depends on collaboration and trust. It takes time, dedication, and a genuine interest in creating access to justice for the most vulnerable. This manual will help you to create a strong partnership and a successful pro bono program. It will help to foster pro bono culture in British Columbia.

VLAP Resources

The following are resources for lawyers and community organizations developed by the MS Society of Canada, BC Division Volunteer Legal Advocacy Program:

- *Multiple Sclerosis and Human Rights*
- *CPP Disability Benefits*
- *What You Should Know about Disability Insurance*
- *Advocacy*

These booklets are available on the Internet at —

www.mssociety.ca/bc/vlap.htm#booklets