

Pro Bono Clinic: A Template

by Andrew J. Doyle



Andrew J. Doyle, a member of the editorial board of *The Federal Lawyer*, practices with the U.S. Department of Justice's (DOJ) Environment and Natural Resources Division in Washington, D.C. He writes in his personal capacity; the views expressed are not necessarily those of the DOJ. He also serves as a vice chair of the Federal Courts Practice Committee of The Florida Bar and on the Admissions and Grievances Committee of the U.S. Court of Appeals for the D.C. Circuit.

The Federal Lawyer often features articles on federal litigation, and it is worth highlighting that one of the many reasons why practitioners should make time for *pro bono* work is that it makes us better advocates. When we find a way to connect with people of modest means who may have difficulty articulating the nature of their legal problems, we improve our ability to listen and frame questions—the same fundamental skills we use in depositions or in court. In addition, *pro bono* work often immerses us in areas of law we do not regularly practice. Making that adjustment sharpens our ability to think on our feet. And even when *pro bono* clients need help with matters we are more familiar with, we learn something new or at least see how that area of law looks from a different perspective. That can inspire taking a new approach toward resolving a tough case at work that had previously inspired nothing but banging your head against the desk.

But the purpose of this Sidebar is not to dwell on the benefits of serving the “defenseless or oppressed,”¹ but to familiarize practitioners and bar organizations with a *pro bono* clinic that has a solid record of delivering to those who desperately need but cannot afford legal assistance. Specifically, I refer to the “Advice and Referral Clinic” operated by the District of Columbia Bar’s Pro Bono Center on the second Saturday of every month.² This civil law clinic feels like home to me; I have had the privilege of volunteering there for many years.³

Nuts & Bolts

The clinic runs like a well-oiled machine. An organization donates its space, computers, printers, and copiers.⁴ Local bar associations, law firms, solo practitioners, and government agencies find approximately 50 volunteer lawyers and paralegals.⁵ On the morning of the clinic, administrators provide training, assign mentors and supervisors, and assure the volunteers that no prior experience is necessary or even common. For fuel, coffee and bagels are on hand.

After doors open to the public at 10 a.m., paralegals meet with every client and collect basic information such as their name, address, and household income.⁶ The paralegals also do their best to get a sense of the client’s legal problem, identify any opposing

parties, and organize any pertinent documents the client may have brought to the clinic. The paralegals can also pull the client’s file at the clinic itself; sometimes clients seek to pick up where they left off last month. Interviews continue until at least 12 p.m., when the clinic closes to new arrivals.

Armed with background information, the clinic administrator pairs clients with eligible attorneys.⁷ Client meetings generally have four parts. First, if the client is new to the Advice and Referral Clinic we explain what it is and stress that it is limited to providing brief services, general information, and advice. The clinic carries malpractice insurance, and its coverage does not extend to ongoing representation.

Next, we jump into the meat of the interview. This often begins with a question from the attorney to the effect of “What brings you here *today*?” or “What legal problem can I help you with *today*?” We try to learn as much as we can about the legal problem at hand while, at the same time, remain mindful of our time constraints.

Third, once we have a good understanding of the circumstances, we usually perform some sort of task for—and often side-by-side with—the client. What that is can vary widely. We might draft a pleading, write a letter to the opposing party, suggest a settlement offer, or place a telephone call. Or sometimes the client may qualify for a referral for full-time representation. Regardless, the task phase of the client meeting does not develop out of thin air; clinic administrators and mentors are always engaged.

Lastly, we create a record of the client meeting by summarizing the tasks or advice given and outlining clearly any steps the client should take after leaving the clinic (e.g., “on Monday, mail this letter” or “On Tuesday, take this answer to the courthouse and deliver it to room No. 5”). Once a clinic administrator approves the product, the client gets the copies she needs and is on her way.

The process repeats itself until all clients have met with an attorney.

Results & Highlights

After meeting with more than 100 clients over the years, a few experiences stand out:

Helping to Lay the Groundwork. I met a working mother who had received an adverse decision from a public school purporting to charge her tuition for her son's education based on the school's determination that she lacked the requisite residency. After hearing her story and combing through her residency-related records, I became convinced that she had grounds to challenge the decision. Together we drafted a detailed complaint and fashioned a strategy going forward. I later learned, to my delight, that the court ruled in her favor.

Securing Immediate Relief. I met a retiree who had been receiving notices from her insurer that it would cancel her homeowners policy if she did not make certain repairs. Photographs that the client showed me belied the insurers' contention; they indicated that the repairs had, in fact, been made. I called the insurance company that very Saturday and, after speaking with a number of supervisors, resolved the matter on terms favorable to the client. The client was so relieved that she later sent me a handwritten note of thanks.

Solving Life's Puzzles. I met an elderly lady who confided that, over 40 years ago, she had eloped with a man who proved to be no good for her. Having separated from him decades ago, she now wanted to disassociate herself with his last name and resume her maiden name. But as the client and I discovered as we combed through records, the marriage had never been recorded. She left the clinic that day not only with an extra spring in her step, but with a specific to-do list for resuming her maiden name with the Social Security Administration and the Department of Motor Vehicles.

Modern Problems. I met a working man who discovered, to his horror, that a person he did not know had posted a photograph of

him on social media and wrote below the photograph her allegation that he was about to do something illegal against a child. The person also wrote that she acted under the canon of "If you see something, say something." Thankfully for the client, Facebook removed the post in question. But the client rightfully wondered: What happened to the hundreds of Facebook "shares" (akin to "retweets") that occurred before the post's removal? Do they also necessarily get deleted? Ultimately, the client and I drafted a letter to Facebook requesting information about the status of that data and seeking its permanent deletion. I would like to know if he heard back.

I urge practitioners, bar organizations, and anyone who helps connect attorneys with *pro bono* opportunities to consider the Advice and Referral Clinic operated by the D.C. Bar's *Pro Bono* Center. The community need could not be greater, and this clinic template works seamlessly. ☺

Endnotes

¹See, e.g., Oath of Admission to The Florida Bar, available at www.floridabar.org/tfb/TFBProfess.nsf/840090c16eedaf0085256b61000928dc/d6e4c998c764799685256b2f006cccfdf?OpenDocument (last visited Mar. 6, 2017).

²Advice and Referral Clinic, D.C. BAR, dcbar.org/for-the-public/help-for-individuals/advice.cfm (last visited Mar. 6, 2017).

³See Peter Nye, *A Government Lawyer Keeps up the Volunteer Habit*, WASH. COUNCIL OF LAW. (Apr. 16, 2015), wclawyers.org/a-government-lawyer-keeps-up-the-volunteer-habit.

⁴In Washington, Bread for the City generously opens up its Anacostia and Shaw facilities. Access Our Services: Legal, BREAD FOR THE CITY, <http://www.breadforthecity.org/services/access-our-services/legal-clinic> (last visited Mar. 6, 2017).

⁵I first learned of the clinic through my employer, which sponsors the clinic at least once a year. See John C. Cruden, *Promoting Pro Bono Service by Government Lawyers*, 45 FED. LAW. 33 (Nov./Dec. 2006); Get Involved: Volunteer, WASH. COUNCIL OF LAW., wclawyers.org/get-involved/volunteer (last visited Mar. 6, 2017).

⁶Although the clinic itself has no income requirement, household income relates to the client's eligibility for a referral for *pro bono* legal services extending beyond the clinic.

⁷State bars are increasingly relaxing their rules of professional responsibility by limiting the imputation of unknown conflicts in the *pro bono* clinic setting. See Model Rules of Prof'l Conduct R. 6.5 (2013).

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