Atorneys at Home
The Forgotten Resource for Legal Aid Delivery

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Attorneys who leave their legal careers for home and family obligations often feel set afloat on the proverbial iceberg—with the parting advice to keep their legal skills current and stay in touch if they are serious about reentry. While the advice is true, it is enormously difficult to put into action. I found myself on this iceberg and, after experiencing the obstacles of practicing pro bono from the suburbs with children, developed a model to remove those hurdles. Nine other female attorneys were also interested in the idea and, together, we created what is now the Pro Bono Network, a small but growing organization outside of Chicago that has brought 200 attorneys (and counting!) to pro bono volunteerism while helping at-home attorneys stay relevant in the practice of law.

My attorney/parent story is representative of the issues that at-home attorneys—men and women—face. Years ago, after a rewarding career as an antitrust attorney with the U.S. Department of Justice, I found myself at home, in the suburbs, with two children. My professional side grieved the loss of my legal career. But, I assumed, I would keep my law degree and legal skills marketable by volunteering pro bono.

That plan quickly revealed itself as impractical. I commuted to downtown Chicago where the legal aid agencies were and hired sitters because trainings and meetings were usually held after school hours. I was assigned clients who could only meet on Saturdays (taking away from precious family time), and I would often have to juggle client meetings due to sick children and family demands. Why was it so difficult for me to volunteer when: (1) there is a critical demand for pro bono attorneys, (2) I have a valuable law degree, and (3) the legal profession claims to care about losing so many women?

After soul-searching walks and coffees with several similarly situated at-home attorneys, I began to conclude that the answer was not to explore the whys, but to answer how volunteering could be made easier for at-home attorneys. The obvious needs were: (1) attorney backup, (2) convenient trainings (either local or online), (3) time commitments only on weekdays during school hours, (4) no long-term case commitments, and, of course, (5) malpractice coverage. Given the additional constraint of chronic underfunding and understaffing of legal aid agencies, attorneys needing these accommodations would need to work in a large group with one contact person to create the economy of scale for such an idea to make sense. Further, the group would have to offer administrative assistance to the legal aid agency to ease the stress of managing a large influx of volunteers. Hence, the Pro Bono Network (PBN) was born.

The first meeting was around a kitchen table the morning of the 2011 Chicago Blizzard. The blizzard highlighted the inevitable conflict of family obligations and legal volunteerism then and there. Each attorney quickly reverted to mother mode as phones started ringing with the school announcement of imminent closure. Providentially though, through those very phone calls, the PBN culture began. From the beginning, family issues would be a relevant, integral, and an openly discussed part of PBN volunteerism. Today, many of our vol-
unteer attorneys mention how freeing this aspect of PBN is for them and how it builds their resolve to continue volunteering, knowing that they are viewed as consummate professionals who simply need an infrastructure to accommodate the inevitable chaos of family life.

Given that we were new to legal aid, PBN was very fortunate to receive an enthusiastic response from the Public Interest Law Initiative (PILI), which coordinates pro bono programs for law firms and corporations. PILI identified the existing legal aid agencies most likely to give this experiment a whirl and facilitated initial discussions. Working with us would mean that any potential legal aid agency partner would have to take a chance in spending precious time training us at our convenience and changing the times of their activities. We were cautioned that agencies were often approached by groups of attorneys with great enthusiasm, only for the enthusiasm to fizzle out and leave them with an increased intake of clients for whom to find representation. With this in mind, we began two initial projects: powers of attorneys for property and health care with the Center of Disability and Elder Law (CDEL) and Lawyers in the Classroom with Constitutional Rights Foundation Chicago (CRFC). Quickly, more attorneys started to join, and, with this initial success, we confidently expanded our representation.

Five years later, our volunteer numbers speak for themselves. Two hundred attorneys have provided pro bono service through PBN. As we have grown, PBN has attracted volunteer attorneys from all over Chicago and its surrounding suburbs. Many of these volunteers do not fit our initial volunteer attorney profile, as PBN is now made up of solo practitioners, retired attorneys, a handful of full-time practitioners, those in between jobs, and, yes, plenty of men, some of whom are also at home raising children. Our experience has shown us that the PBN model has been a tremendous addition to the entire legal community.

Addressing Pro Bono Demand

Today, in partnership with 10 to 15 different legal aid agencies, PBN offers a large array of pro bono opportunities that involve critical human rights, such as safety from an abuser, family unification, or decent housing. Many of our projects involve short-term representation or brief advice—not headline-generating, high-profile legal cases. Our work, however, involves some of the most essential pro bono legal aid, shores up crisis situations for indigent clients, and often in legal areas in which volunteer attorneys are sorely lacking. In fact, for our projects, PBN volunteers now make up a large percentage of many agencies’ representation.

So, while our profession makes its constant callout for attorneys to give of their time, there is an untapped supply of experienced attorneys ready and willing to provide pro bono service, just not provisioned to do so. In fact, here in Illinois, in 2014, there were more than 11,000 attorneys on inactive status. Yet, only 26 of those practicing pro bono. A potential gold mine of inactive and at-home attorneys are ready to help address the justice gap. As pro bono service is an integral part of lawyers’ professionalism, it is time to marshal the resources of attorneys on the sidelines.

Keeping Talent in the Profession

Beyond the actual demand for pro bono assistance, there is a special importance in accommodating the legal talents of attorneys at home. First and foremost, our PBN model keeps skilled and valuable attorneys in the legal profession. Many of our volunteers initially believed that they had been “out of the law” too long to be employable. Yet, once they found their footing—making meaningful differences in people’s lives—many have reentered the paid legal workforce. Others come to us with the intention of reentering and use this time to build legal experience in a way that respects their current lifestyle choice. Of course, many come to us out of a simple sense of responsibility to give pro bono services or revisit why they became a lawyer in the first place.

A Professional Community

Additionally, when building this pro bono model, we found a vital collateral benefit to our work—a professional community of pro bono volunteer attorneys. Volunteering pro bono service provides a professional legal community that does not otherwise exist for attorneys at home. Such a community for networking, sharing experiences, solving problems, and recognizing achievements is important for attorneys while working and perhaps even more important for those who take extended leave. Time and time again, attorneys tell us how excited they are to have found us. There are heartstring-tugging stories of volunteers who, for the first time, feel like they are contributing at the level of their true value or whose children did not even know they were lawyers until they started volunteering.

An Empathetic Connection to Pro Bono Work

Since PBNs creation, we have impacted legal aid beyond our expectations and beyond simply providing a large number of volunteers. As it so happens, the life experiences of our volunteers who are mothers and parents has proved almost as valuable as their legal skills in working with vulnerable clients who are often mothers themselves. This is no surprise, since women comprise a large percentage of legal aid clients, many of whom are trying to keep their children safe. The shared parenting experience can facilitate candid communications with an incarcerated mother, an indigent senior making end-of-life plans, a debtor needing advice, or a victim of domestic violence.

That shared experience also makes it easier to walk in the client’s shoes and stay persistent in solving her problem. Recently, one of our teams visited an incarcerated mother who could not find out what was happening with her child. Unbeknownst to her, her name had been misspelled when she was arrested, resulting in the unthinkable result of child protection assuming that she had abandoned her child since they could not find her. Persistence in straightening out such issues between several agencies invokes a passionate determination when the attorney imagines losing his or her own child due to an administrative gaffe.

continued on page 88

Donna Alberts Peel is one of the founders of the Pro Bono Network, which is located near Chicago. Previously, she was an antitrust attorney at the U.S. Department of Justice for 11 years, which included positions in the White House Counsel’s Office, South Africa’s Competition Commission, and the U.S. Attorney’s Office. She is a graduate of Washington University School of Law and Michigan State University. She is the mother of two boys and the executive director of the Pro Bono Network, which she operates with a devoted board and two other founders, Heena Musabji and Sheila Pont. She would like to thank Laura Hardwick, a PBN volunteer, for her invaluable contributions to this article.
Buy-in From the Legal Profession
With such a win-win-win, it is time for those strategizing as to how to increase pro bono participation to start considering how to accommodate attorneys at home. The essential component of our success, and for any pro bono provider's success, is buy-in from legal aid agencies and the profession in general. PBN was fortunate that individuals from PLTL, the Chicago and Illinois Bar Foundations, and others in Chicago legal aid understood our idea at the early stages and helped introduce us to receptive agencies with the right projects. However, even with the benefit of such support, funding PBN for the long term is an effort that, perhaps, attorneys in other communities read about and do not want to take on. Ideally, local organizations and individuals committed to pro bono will consider initiating such a structured pro bono program catering to local specifics and particulars.

Action Plan: Bringing Pro Bono Into the 21st Century
The advent of virtual technology and communication means that there are simple actions that can be taken in all legal communities nationwide. First and foremost, any conversation about recruiting pro bono attorneys should include the possibility of accommodating the hundreds if not thousands of attorneys in that state who may not be practicing law. Keeping in mind the hurdles for these attorneys, trainings and meetings can be scheduled in the morning or taped or available online. Also, if your state requires CLE credits for an attorney to practice pro bono (Illinois allows inactive attorneys to practice pro bono), those offering CLEs (e.g., law firms) can invite attorneys who are not working to participate without charge, and preferably, virtually.

For a relatively small investment, communities can expand existing legal aid efforts while, at the same time, taking a needed step in accommodating attorneys' family-life choices. Five years of PBN pro bono later, 1,000 clients have been able to stay in their homes, sleep safely, and hug their children, or simply have been afforded access to our justice system that they would not have otherwise had. Concurrently, the PBN volunteer attorneys providing this pro bono service are building upon their legal skills and experience for the next step in their law careers. It is a symbiotic legal system that inures to the benefit of everyone involved: a win for the client, a win for the PBN attorney, and a win for the American legal system.

Endnotes
2Pro Bono Network's Chicago success is mirrored in the D.C. Volunteer Lawyers' Project, an organization formed for similar reasons in Washington, D.C. That model, also involving convenience and backup, is quite similar (and at first unbeknownst to us in Chicago) and focuses primarily on domestic violence. I am proud to share that today it is the largest provider of legal aid for domestic violence victims in the D.C. area.
3For example, a phone call from an attorney to a landlord to turn on the heat works rather quickly and prevents expensive litigation over something easily fixable (but which is not fixed unless an attorney places the call). “Big Law Already Had a Pro Bono Problem. Then the Budget Crisis Happened.” Crain's Chicago Bus., Sept. 12, 2015.
4Pursuant to Illinois licensing and registration rules, “retired” is a status that differs from “inactive” status. See 2014 IARDC Report at p. 7, Chart 2. In 2014, there were 11,485 Illinois attorneys who had an “inactive” registration status, and 92,756 who had an “active” registration status. Id. Further, of the “active” attorneys, approximately 33% (30,213) reported performing pro bono work. See id. at p. 9.
5Id. (In 2014, 26 practiced pro bono under Rule 756(j). Chart 2).
6The Justice Gap Study determined that there is, at most, one attorney for every 6,415 low-income persons (one for every 429 persons for the general population). “Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs for Low-Income Americans,” (Sept. 2009), at www.lsc.gov/about-lsc/who-we-are, paragraph captioned “Who is helped by LSC-funded programs?” Moreover, LSC does not provide services to incarcerated women, which are another group of women who desperately need access to such services and are currently underserved by pro bono organizations.