TOP TIPS FOR DEVELOPING A SUCCESSFUL PRO BONO PROJECT FOR NGOS AND OTHER NON-PROFITS

DESIGNING THE PROJECT

HAVE A CLEAR PROJECT PURPOSE AND DESIGN

- While the communities you work with may have diverse legal needs, you will not be able to address all of these through one project alone; choose a specific legal need and focus on that. A successful pro bono project needs to be limited in its scope with a clear task and a concrete outcome for the volunteer.

- When describing your project, be clear about your outcome expectations. If you are asking for research to inform a practical ‘Know Your Rights Document’ be clear about this. If you are not, you may end up with a 70 page research document that includes coverage of the history of immigration law in your country! If the outcome is not what you are after, this could be a waste of your time and the law firms and put both of you off engaging in further pro bono projects.

- Consider how you can involve refugee communities in the design and implementation of the pro bono project to ensure that the project meets their actual needs.

CONSIDER WHAT YOU CAN PRACTICALLY OUTSOURCE AND TO WHOM

- Look at the services you provide and/or need support with and carefully consider what areas are best able to be taken on by others. For example, international law firms may be able to support the drafting of documents for submission in countries where the United Nations High Commissioner for Refugees (UNHCR) undertakes Refugee Status Determination (RSD) as minimal knowledge of the local law in the host country is required. On other occasions, you will need a locally qualified lawyer to provide certain services, though they may not need to be a specialist in refugee law.

- International law firms often have significant resources to contribute towards a project, while local law firms will have locally qualified lawyers on staff and know the local legal framework. Explore whether a partnership between an international law firm and a local law firm could work in order to maximize the benefits of working with each.

- Think about the existing or potential limitations on person-to-person interaction, including client contact, brought on by COVID-19 related restrictions and more generally about how COVID-19 may impact on the design and delivery of your project.

- Consider also time zones and in which language(s) the work needs to be done. Think creatively about using technology to support your pro bono project (e.g. phone interpreters and interviews).
Consider the resources you will require to facilitate your project. Not all projects will require additional resources to set up or to implement, however, some will require substantial resources, including dedicated staff. Try to think this through as early as possible and consider where the staffing or funds will come from - you will either need to move funding/staffing around to make room for the project or you will need to raise additional funds, especially for supervisory positions for larger projects (e.g. to coordinate regular direct legal representation of asylum claims by private law firm/s).

There are many potential resource and funding sources out there, from law firm partners, to clinical legal education projects, CSR initiatives and private grants. Sometimes resource needs can be managed by making law firms official partners, with the understanding that every year they will contribute funding and pro bono hours to make the partnership sustainable.

Outline your funding needs as early as possible, and share it with the law firm partners to see if they are willing to assist with it. It is essential to be open and honest about your needs in order to avoid any conflict or misunderstanding during the partnership.

Pro bono programmes require an investment of time, including establishing connections, training/preparing the lawyers and supervising them. However, ultimately it can be well worth the investment if you manage to harness your partner’s skills, resources, and passion. For example, one NGO Refugee Legal Aid Provider invested 300,000 AUD (around 216,00 USD) at the project outset, but the project has now been in place for many years and has yielded over 10,000,000 AUD (around 7,215,000 USD) of pro bono legal assistance, with 4,000 people being provided with legal assistance each year.

Don’t assume the law firm you are partnering with has the same processes or understanding of protocols as those you may have worked with before. Try to clarify and standardize practical details like who will provide the interpreter/translator and where the interviews should take place to avoid confusion. Have these conversations as early on as possible and prepare procedure notes and briefings for those involved.

For written work, provide model documents if possible, so that the pro bono lawyers understand what you are expecting and in what format.
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PROVIDE SHORT, SHARP, AND TARGETED TRAINING

- Partnering with private law firms means you are partnering with professionals who already come with a range of useful skills, whether these be in research, analysis or document drafting. Your training should hone these existing general skills for the purpose of the project; focus on the areas of law, practice and procedures the lawyers may not know about, which are essential to delivery of your project.
- Sometimes, the law firm partners may not have adequate expertise or sufficient knowledge of the cultural context required for the project. In such a scenario, it might be better to communicate these aspects to the law firm in advance and assess the extent of training/supervision that may be required from your end. You can then make a decision on whether or not your organization has the capacity to provide this support.

PRIORITIZE LEGAL SUPERVISION, OPEN COMMUNICATION AND PROJECT COORDINATION

- Especially with direct representation projects, it’s important to invest in adequate legal supervision, both on-site and ongoing. Some firms will require quite a lot of handholding initially but it is generally a good investment of time.
- A good working relationship, built on open communication, trust, and professionalism is key to a successful pro bono project. Channels of communication and coordination should be clear and established as soon as possible.
- In some successful pro bono projects, the NGO has designated a central point of coordination and support for the project (e.g. through a volunteer coordinator), who manages the relationships with the firms, organizes logistics, and ensures that the lawyers and firms know what is required and when it’s required. In other successful projects, caseworkers are responsible for undertaking this coordination work for their own cases and will liaise directly with the law firms themselves.
- Remote working may pose challenges with respect to managing check-in(s) and supervision. It might be helpful to come up with ways to stay connected with the legal aid partner, for example by scheduling regular online calls, using online tools for giving/receiving feedback, etc.

BE MINDFUL OF SCHEDULING AND TIME CONSTRAINTS WHEN ASSIGNING WORK

- While some pro bono programmes second their lawyers, most pro bono lawyers typically have to balance their pro bono work with their regular paid casework. Therefore, consider assigning work with less pressing and/or more flexible deadlines and avoid assigning intakes to pro bono lawyers. If working with international firms, be mindful of the time difference.
For legal representation work and other projects that require law firms to work directly with asylum-seekers, refugees and other clients, it is important to first check with the client that they are comfortable with the involvement of the firm. Provide an opportunity to ask questions and see if you can answer as many as possible to make them more comfortable.

- Manage the clients expectations and ensure they understand what the lawyer can and cannot help them with as well as what the lawyer will expect of them (e.g. that they are on time to meetings/interviews and communicate honestly and openly).
- Some projects may also require to be dealt with particular sensitivity and understanding (such as those involving trauma survivors). It is crucial to convey the needs in those cases to the law firm partners in advance.

- Sometimes staff or clients may be concerned that involving lawyers who are inexperienced in refugee law means that they will require a lot of hand-holding or they will produce low-quality work. However, lawyers are ethically obligated to be as diligent in their pro bono work as their paid work, and clients should be assured of this. Generalized legal knowledge can be built on through training on refugee law.

If you have developed a pro bono model that you are replicating with new law firms or transitioning to new teams, consider having outgoing lawyers create training materials for the incoming lawyers. Encourage peer-to-peer recruiting by the pro bono lawyers - not just recruiting within their firms, but also recruiting lawyers from other firms.

- Try to think of creative ways to build on the partnership such as by organizing collaborative discussion forums/cross-info sessions with the law firms.

Remember that lawyers appreciate and are motivated by feedback; to the extent that you can show them how their work is benefiting people. To increase retention, keep them updated about how their cases are progressing, even after their work on the case has concluded.

In any partnership there is a potential for things to not go as planned. Law firms might struggle to meet deadlines or there might be other problems around communication. Or you might find yourself in a position where you no longer need pro bono legal advice or the scope of the assistance that you require has shifted. Either way, open communication and raising problems in a constructive way is key. When problems occur, do not be afraid to discuss them and come ready with some recommendations on how these problems can be fixed.