A successful pro bono project needs to be limited in its scope with agreement on the purpose and desired outcome of the project, as well as the specific tasks the volunteer lawyers will undertake.

In many cases, PILnet will have worked with the Non-Governmental Organization (NGO) or Refugee-Led Organization (RLO) to support them to scope their needs and propose relevant pro bono projects. However, the actual scope of the project and services required will often need to be further refined with the requesting NGO/RLO.

At other times, a NGO or RLO may come to you with a range of legal needs, and you will need to work together to co-design the project.

In either case, pro bono lawyers should seek to understand the needs, priorities, and solutions proposed by the displaced communities and/or the organizations working with them and be led by these when setting the project purpose.

In some cases, the requesting NGO may be looking for a short piece of research or help with the drafting of a single document, but if you are developing a more substantive project with an NGO/RLO, it is important to invest in building a long-term relationship. These relationships are more likely to yield better outcomes than those focused only on single project-based outputs.

Forming such relationships often requires an investment of time, energy, and resources. You may need to build rapport over multiple conversations, to allow you to understand the NGO/RLOs needs, vision, limitations, expectations, and ways of working. To do this, you may need to be flexible, especially around cultural norms, varying time zones, and resource limitations. While this may sometimes feel 'inefficient,' it should pay off in terms of long-term effectiveness.

As you build rapport with the NGO, seek to understand what value your involvement in their work can bring and work with them to agree on the legal services you will provide. It might help to share your areas of expertise with the NGOs/RLO and highlight the types of services you are already well-matched to undertake. The Menu of Pro-bono Options, which outlines different pro bono services, may be a useful guide during such conversations.

Identify the services to be provided.

InVEST IN RELATIONSHIP-BUILDING

Understand the needs and agree to a clear project purpose.
TOP TIPS FOR DEVELOPING A SUCCESSFUL PRO BONO PROJECT FOR LAW FIRMS

- Should the NGO/RLO require a legal service your volunteer lawyers do not have experience in, you will need to consider whether or not you are willing to invest time, and possibly financial resources, into training and/or supervision for them to take on the project.

SETTING UP & IMPLEMENTING THE PROJECT

UNDERSTAND THE RESOURCES REQUIRED AND BUILD ADEQUATE CAPACITY TO UNDERTAKE THE PROJECT

- Once you have scoped the needs and legal work required for the project, you will need to estimate the time, and other resources and potential costs involved in taking on the project. Some projects will simply require one volunteer lawyer undertaking research or providing legal services they are already subject-matter experts on. In this case, the firm's contribution to the project will generally just be the cost of the lawyer's time. For other projects, firms must also take into account additional resources needed for the implementation of the project (e.g. translation, administrative, or technological costs).

- Partnering with NGOs/RLOs and/or working directly with refugees means that lawyers working on the project may also require additional legal and non-legal skills. If they do not have adequate expertise or sufficient knowledge required for the project, please communicate this clearly to the NGO/RLO and consider what can be done to address these gaps. NGOs/RLOs are often able to provide sharp and targeted training that can help to hone existing general skills for the purpose of the project as well as build knowledge in new areas.

- The NGOs that you are working with will often be underfunded and overstretched. NGOs may not have additional resources to contribute towards the project or their capacity to coordinate, train pro bono volunteers and/or engage in the project may vary. Especially, if they are dealing with emergency or detention cases which may need to take precedence over other cases or work in the short-term.

- If the NGO/RLO does not have the capacity to provide necessary training, consider consulting a subject-matter expert to prepare your firm to take on the project.

- 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, law firms designate a central point of coordination and support for the project (e.g. through a pro bono lead and/or coordinator), who manages the relationships with the NGO/RLO and ensures that the lawyers working on the project know what is required and when it’s required. In other instances, firms may resource a staff member of the NGO/RLO to take on a supervising and/or coordinating role for the project.

When signing up for pro bono projects, please consider your availability and the capacity of lawyers to ensure that the project can be completed in a timely manner.

Consider also time zones and in which language(s) the work needs to be done. Think creatively about using technology to support the pro bono project (e.g. phone interpreters and interviews) and needs of NGO/RLO partners.

Many of the interpreters working with you will be refugees themselves working in insecure environments, perhaps with poor internet connection or challenges when traveling to appointments. You may need to factor in more time and be aware of their own specific needs.

Don’t assume the NGO/RLOs you are partnering with have the same processes or protocols as those you may have worked with before. If relevant, 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, consider asking the NGO/RLOS for model documents, if possible, so that you understand what is expected from you and in what format.

International law firms often have significant resources to contribute towards a project, while local law firms have locally qualified lawyers on staff that will be familiar with the local legal framework and other relevant local contextual factors, including relevant language skills. In-house counsel may also have their own skill sets and expertise to bring to a project.

Depending on who you are, explore whether you are open to a partnership with other firms or pro bono actors in order to maximize the benefits of working with each other. PILnet is happy to facilitate such collaborations.
TOP TIPS FOR DEVELOPING A SUCCESSFUL PRO BONO PROJECT FOR LAW FIRMS

ENSURING HIGH STANDARDS OF PROFESSIONALISM

- All lawyers are ethically obligated to be as diligent in their pro bono work as their paid work, and clients should be assured of this. Pro bono should be treated as paid work and handled in a timely manner.
- All pro bono work should be free of charge and information about this should be made available to the clients in a language they understand. If there are any out-of-pocket expenses incurred through the project (e.g. translation/interpretation fees, court fees, transportation etc.), then please discuss this with the NGO/RLO at the outset.
- When working directly with refugees and other affected populations, law firms should establish systems to ensure data protection (when individual case data is handled by the law firm) and provide information to the client on how the data collected will be used.
- A confidential complaints procedure should be put in place for the project and information about the procedure should be made available to the clients.
- The nature of the work that lawyers will undertake in the pro bono sector may be vastly different from their daily work, especially if the pro bono project involves engaging with refugees or other displacement affected communities or individuals. Lawyers should be mindful of the sensitive and confidential nature of such work and strive to be cognizant of the lived experiences of those they are working with, many of whom will be survivors of trauma.
- Lawyers must adopt a trauma-informed and holistic approach to their communication and interaction with such clients at all times, including to avoid re-traumatization. Lawyers must be able to identify legal and/or other needs of their client, that go beyond the direct legal services they are providing (e.g. health concerns), and take appropriate action. This could include—bringing the clients needs to the attention of the NGO partner, providing standardized information on where they can access relevant services or making a direct referral within or outside the NGO).
- The information that lawyers will be exposed to either during interviews or in written form, can involve incidents of extreme trauma or violence. Lawyers must be able to respond appropriately to such information when shared, while also minimizing the impact exposure such trauma and/or violence can have on their own mental well-being. Lawyers involved in such cases should be comfortable to reach out to their NGO partner and/or pro bono coordinator if they need psycho-social support of their own due to their involvement in the project.

HOLISTIC AND TRAUMA-INFORMED LAWYERING
TOP TIPS FOR DEVELOPING A SUCCESSFUL PRO BONO PROJECT FOR LAW FIRMS

SEEK OUT AND PROMOTE THE ENGAGEMENT OF REFUGEES AND OTHER AFFECTED POPULATIONS

- The delivery of training and resources to equip lawyers to support refugee, asylum-seeker or stateless clients, and to practice self-care, needs to be factored into the project design and implementation. This can either be provided by the requesting NGO or an independent expert as outlined above.

- Developments in the refugee response sector have taught us that where refugees and other affected populations are involved in the design and implementation of refugee rights projects, these projects are more effective. Likewise, when refugees are able to understand and make decisions about the use of the law or how their case should be presented, this will ensure a better outcome for them.

- Ask the NGO you are working with how they incorporate the meaningful participation and empowerment of refugees within their work and consider how you could do so within the pro bono project you are establishing. The extent to which this is possible will vary depending on each context and project, but could include hiring a refugee paralegal to support the project.

FINALIZING OR SUSTAINING A PROJECT

CLOSING THE PROJECT

- Some projects have a clear end date, while others will be more open-ended and may evolve as the partnership develops. If PILnet matched your project and you have completed it, please notify us. We are always looking to track the progress and impact of the projects we match and improve our work; we will follow-up with you on this to get your views.

- In any partnership there is a potential for things to not go as planned. You might struggle to meet deadlines or there might be other problems around communication. NGO/RLOs might find themselves in a position where they no longer need pro bono legal advice or the scope of the assistance that they 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.

- Be mindful of the power dynamics that may be at play and ensure transparency and respect in your approach to any dispute that may arise.
Top Tips for Developing a Successful Pro Bono Project for Law Firms

Keep Motivation and Interest Up

- Build in regular check-ins with the requesting NGO, to receive feedback on how the project is going. If the pro bono project involves direct assistance to asylum-seekers or other clients, seek out updates on cases your lawyers were involved in even after their work on the case has concluded so they are aware of the impact their work had.
- If you have developed a successful pro bono model with the NGO, ask whether or not they would like to continue or expand this model and how you and your lawyers can contribute to its sustainability. Perhaps outgoing lawyers can create training materials for incoming lawyers or be encouraged to recruit new pro bono lawyers - not just within your firm, but also other firms.
- When your lawyers have been involved in a ‘win’ for the client or NGO, capture that information and consider sharing it within and outside your firm to promote the value of the project and encourage other lawyers to come onboard.

Going Beyond Pro Bono

- Some pro bono projects require additional resources to set up or implement, including dedicated staff to coordinate with pro bono lawyers and to provide training and supervision. The initial investment and ongoing coordination and/or supervision needs often puts NGOs/RLOs off establishing a pro bono project.
- While you are offering your legal services for free, the pro bono lawyers involved in these projects will also benefit from the experience. Consider if your law firm can make a financial contribution to the NGO/RLO to make the partnership more sustainable.
- NGOs/RLOs have many needs including those that go beyond pro bono. Consider if your law firm has expertise and capacity to assist in other non-legal areas (e.g. PR, marketing, IT, translation etc). NGOs/RLOs may not be aware that your firm can provide these services and you may need to be proactive in offering these.

This document was developed by the following actors to support the implementation of the Global Refugee Forum Legal Community Pledge, a pledge made by more than 100 legal and community empowerment organizations, law-firms, bar associations and corporations at the Global Refugee Forum in 2019.

To learn more about the Pledge, how you can be matched with free legal help and PILnet’s work with these and other partners to improve access to justice for refugees and others forcibly displaced, see: https://www.pilnet.org/our-work/forced-displacement/