



Legal Services of Eastern Missouri's Pro Bono Program  
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Jim Guest, Director, Volunteer Attorneys Program



Legal Services of Eastern Missouri is an independent, non-profit organization that provides high quality civil legal assistance and equal access to justice for low-income people and the elderly in eastern Missouri. LSEM is a tax exempt 501 (c) (3) corporation.

Areas of practice include family law (serving survivors of domestic violence); guardianships and related tools; housing; immigration; public benefits; educational justice; health care and health insurance; consumer law; estate planning; community economic development; mental health law.

# Who Does the Legal Services Corporation Help?

- LSC-funded programs help people who live in households with annual incomes at or below 125% of the federal poverty guidelines –
- In 2018, that was \$15,175 (\$12,140) for an individual, \$31,375 (\$25,100) for a family of four.
- **More than 60 million Americans have family incomes at or below 125% of FPL, including:**
  - About 6.4 million seniors**
  - More than 11.1 million persons with disabilities**
  - More than 1.7 million veterans**
  - About 10 million rural residents**
- Data Source: LSC.gov citing U.S. Bureau of the Census, American Community Survey, 2015 1-year estimates

# What is Pro Bono?

- “Pro bono publico” is Latin, meaning literally for the public good. The phrase “pro bono” refers today to legal work undertaken voluntarily and without payment.

# The Volunteer Lawyers Program

- Focus
- How the VLP fits within LSEM
- Types of Cases
  - Family Law
  - Housing
  - Unemployment
  - Immigration
  - Expungement
  - Transactional – CED/NVI
- Our goal
  - Compliment internal work
  - Capitalize on outside resources
  - Meet the need

# Why Pro Bono?

- “Lawyers have a license to practice law, a monopoly on certain services. But for that privilege and status, lawyers have an obligation to provide legal services to those without the wherewithal to pay, to respond to needs outside themselves, to help repair tears in their communities.” – U.S. Supreme Court Associate Justice Ruth Bader Ginsberg
- We educated, privileged lawyers have a professional and moral duty to represent the underrepresented in our society, to ensure that justice exists for all, both legal and economic justice.” U.S. Supreme Court Associate Justice Sonia Sotomayor
- Bar Rules
- Only Lawyers

# Why Do Pro Bono?

- Meet a critical need
- Serve your own community
- Right thing to do
- Rewarding
- Training
- Client contact
- Trial experience
- Learn new areas of the law
- Drafting petitions
- Interviewing witnesses
- Manage a case

# Is Pro Bono An Ethical Obligation?

## **ABA Model Rules of Professional Conduct. Rule 6.1 Voluntary Pro Bono Publico Service:**

*Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire **to render at least (50) hours of pro bono publico legal services per year.***

## **State Rules of Professional Conduct: Voluntary Pro Bono Service:**

*U.S. jurisdictions vary in their adoption of the ABA Model Rule 6.1. Nearly half of all U.S. jurisdictions set a specific annual goal of 50 hours while most of the others set no specific goal. The handful of jurisdictions that do not fall into either of those two categories set a different specific annual goal, such as 20 hours, or use a formula to determine the goal, considering various factors.*

- ❑ Missouri Rules of Professional Conduct. Rule 4-6.1
  - No goal specified



# VLP CASE REFERRALS

- LASTING SOLUTIONS
- HOUSING
- UNEMPLOYMENT
- IMMIGRATION
- EXPUNGEMENT
- TRANSACTIONAL

# PARTNERSHIPS

- LSEM
- LAW FIRMS

# Limited Scope Representation

- Consent
  - Assessment of client
  - Client understanding of implications of limited scope representation
  - Written agreement
  
- Types of Projects
  - Advising clients on procedural and strategic aspects of a pending case
  - Assisting clients in completing forms
  - Preparing and drafting court documents
  - Coaching clients on how to present in court
  - Providing clients brief advice and counsel
  - Appearing in court for limited purposes

## **Missouri Rules of Professional Conduct. Rule 4-1.2 Scope Of Representation:**

*(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent in a writing signed by the client to the essential terms of the representation and the lawyer's limited role.*

# Sample Interactive Exercise

You have recently taken a legal aid/pro bono case. After an initial phone introduction, your new client, Lisa, agrees to come to your downtown office for an in-person meeting to talk about her case. You prepare for the meeting, move your other commitments around, and on the day of the meeting, Lisa neither calls nor keeps the appointment.

# Why might Lisa neither have kept her appointment nor called?

- Out of minutes on her phone
- Lost your contact information and does not have an iphone in which to store it
- Intimidated by the office building and surroundings
- No ID to enter building
- Reluctant to move forward with a legal proceeding especially in domestic violence situations
- Victim of a crime since you last spoke with her
- In jail
- Lack of child care
- Feared losing her job or facing discipline if she took off from work
- Got called into work unexpectedly
- Lack of transportation; her ride didn't show up, missed her bus or train, no funds for fare

# Benefits to Legal Services of Eastern MO Volunteers

- Legal Services provides primary malpractice insurance coverage to all of our volunteers, at no charge
- Legal Services handles client intake and performs a client eligibility assessment
- Legal Services identifies cases and clients that are appropriate for placement with volunteers
- Legal Services provides free training through accredited legal education seminars
- Volunteers have access to staff attorneys for answers to substantive questions
- Legal Services will step in if a volunteer attorney has to withdraw or otherwise cease representation

# How the Volunteer Lawyers Program Works

- Referral Model
  - LSEM screens
    - Priorities
    - Conflicts
    - Financial eligibility
- Volunteer Acceptance
- Support
  - Before – Trainings, Screening, case file development
  - During – Certificate of Inability to Pay, Pleadings, Questions, Difficult Clients, Eligibility
  - After – Feedback, Address concerns

# Additional Pro Bono Resources

- Illinois:
  - [Isba.org/probono](http://Isba.org/probono)
  - [Isba.org/committees/deliveryoflegalservices](http://Isba.org/committees/deliveryoflegalservices)
- Missouri:
  - [Mobarprobono.net](http://Mobarprobono.net)
  - [Mobar.org/community/accjustice.htm](http://Mobar.org/community/accjustice.htm)
  - [Bamsl.org](http://Bamsl.org)- Pro Bono CLE Series; Video Library; Pro Bono Challenge
  - Association of Corporate Counsel, St. Louis Chapter
- National:
  - [ProbonoInst.org](http://ProbonoInst.org)
  - Pro Bono Institute
  - PBI's current projects include:
    - [Law Firm Pro Bono Project](#) – provides a wide range of services to larger law firms, including administering the Law Firm Pro Bono Challenge, the Pro Bono Seminar, webinars and mini regional meetings, empirical research, surveys, and publications, a clearinghouse of materials and information, and confidential, individualized technical assistance.
    - [Corporate Pro Bono](#) – a joint initiative of PBI and the Association of Corporate Counsel (ACC), offers support to in-house lawyers and legal departments, providing technical assistance, online services, training, surveys, research materials, onsite pro bono clinics, and confidential consultation services.



# Questions?



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