

PRO BONO HOUSING STUDY GROUP START-UP KIT

By Jim McCormick & Adam Heintz

Table of Contents

A. Study Groups & The Start-Up Kit.....	2
B. Legal Services NYC.....	3
C. Core Elements of the Study Group Model.....	3
1. Client need & access.....	4
2. Suitability of legal work for volunteers.....	5
3. Law firm and corporate interest.....	6
4. The study group & training.....	7
5. Volunteer resources and office hours.....	8
6. Mentorship.....	10
7. Client screening.....	11
8. The Launch email.....	12
9. Court appearances.....	13
10. Technology – simple and client-centered.....	14
11. Troubleshooting problems.....	15
D. Digest of Checklists.....	18

A. Study Groups & The Start-Up Kit

This Start-Up Kit is designed to serve as a guide for legal services organizations and others aiming to emulate Legal Services NYC's (LSNYC) study group model for pro bono case placement and mentorship.

Study groups have several key components: (1) batch placement of full representation cases with a particular law firm and/or corporation; (2) teams assigned their cases several days in advance of a training; (3) training that includes a law school clinic-style discussion of all of the cases with volunteers; (4) a full suite of resources for volunteers, including sample petitions and motions available in Word format to make them easy to work off of; (5) teams begin the work within one week of the training; (6) virtual "office hours" held six-to-eight weeks after the training to offer guidance and check on case status; and (7) ongoing mentorship and case tracking on all cases.

LSNYC has applied this model to help meet the need for housing repair and anti-tenant harassment cases in New York City. Thousands of low-income New Yorkers live in apartments that are in a state of shocking disrepair: without functioning appliances, exposed to wind and water, insufficiently heated, or infested with mold and vermin. Landlords who refuse to fix these conditions, or who harass tenants, are in violation of the New York City Housing Maintenance Code. Yet virtually no tenants who attempt to enforce that code can afford an attorney. Our program aims to address this vital need.

The advantages of the study group approach are many. First, it is more efficient to place groups of cases at a time, instead of hunting and pecking for volunteers. Second, by focusing on a particular institution, LSNYC creates cohorts of volunteers who develop greater collective expertise and enthusiasm over time. Third, quality of work is often higher because volunteers work on their cases close-in-time to placement, and in partnership with a group of other colleagues. Finally, drop off between clients and attorneys is comparatively low because LSNYC is closely involved in mentorship and checking in on cases at regular office hours.

This Start-Up Kit summarizes many of the key lessons that Legal Services NYC learned over the course of two Pro Bono Innovation Fund grants from the Legal Services Corporation. That support permitted us to greatly refine and expand the study group model for conditions cases and to serve hundreds of tenants who would otherwise be turned away for lack of resources. To facilitate replication of similar projects by others, this document highlights our view on the key elements to emulate this project, check lists of tips and items to consider, and warnings about potential challenges.

B. Legal Services NYC

Legal Services NYC is the largest organization in the country devoted solely to providing free civil legal services to low-income people. We have approximately 750 staff across nearly 20 offices throughout New York City. The organization has 20 different practice areas, all of which focus on the essentials of life for low-income people: housing, benefits, safety, education, economic security, immigration status, and more. LSNYC also has several units focused on particular populations, including veterans, the elderly, and LGBTQ/HIV+ clients.

Our pro bono program works with thousands of volunteers from nearly 100 large law firms and corporations.

C. Core Elements of the Study Group Model

There are several core aspects to a successful study group model with law firms and corporations. Each of these elements is elaborated upon in separate sections, below. But in short, when starting a new study group model think through the following:

1. **Client need.** Examine need for the work and consider the best way to access clients.
2. **Suitability of legal work for volunteers.** Measure whether volunteers will be able to do the work effectively, and without too much hand-holding.
3. **Law firm and corporation interest.** Consider which law firms and corporations are interested in the work and build momentum for the work over time.
4. **The study group & training.** Study groups entail both a legal training and a workshop with volunteers about their cases.
5. **Volunteer resources & office hours.** Create electronic volunteer resources including templates, and consider proactive approaches like returning to law firms for “office hours.”
6. **Mentorship.** Expert and responsive mentorship is key to the success of the project.
7. **Client screening.** It is important to properly screen clients while still avoiding creating too burdensome a process.
8. **The launch email.** Creating a template launch email is easy to do and provides a multitude of benefits.

9. **Court appearances.** Plan an approach for guiding teams with any in-court work and address volunteer anxiety and ensure adequate support.
10. **Technology – simple and client-centered.** Teach volunteers to stay flexible and ask client the best way to communicate and work together. Use the simplest and most commonly accessible technology to for sharing guidance and training volunteers.
11. **Troubleshooting problems between volunteers and clients.** It is important to prepare for, and respond to, challenges that arise in the attorney-client relationship between clients and volunteers.

1. Client need & access

The core of a strong study group is identification of a specific important unmet civil legal need. The justice gap is, of course, severe across dozens of different legal areas. But there are many ways in which those needs play out across different geographic regions, and within particular communities. A related question is whether you have access to clients with that need — or whether you could gain access to them, if you do not have it already.

In New York City the need for representation on conditions cases is staggering. More than 400,000 tenants reside in New York City public housing – which remains in a state of profound disrepair. See, e.g., NYCHA homepage, available at: <https://www1.nyc.gov/site/nycha/about/about-nycha.page>; *City settles for more than \$2B over horrendous NYCHA living conditions*, New York Post, June 11, 2018, available at: <https://nypost.com/2018/06/11/city-settles-for-more-than-2b-with-nycha-over-horrendous-living-conditions/>

Millions more live in rent-regulated private apartments that are similarly neglected by landlords. See “Fact Brief: Rent Stabilization in New York City,” NYU Furman Center, available at: [http://furmancenter.org/files/HVS Rent Stabilization fact sheet FINAL 4.pdf](http://furmancenter.org/files/HVS_Rent_Stabilization_fact_sheet_FINAL_4.pdf) Chronic disrepair is a problem that has been documented by a number of government entities, by the NYU Law School Furman Center, and others. See, e.g., *How New York Lives: An Analysis of the City’s Housing Maintenance Conditions*, Office of the City of New York Comptroller, September 2014, available at: <https://comptroller.nyc.gov/wp-content/uploads/documents/How New York Lives.pdf>

In 2017 NYC passed the country’s first Right to Counsel law requiring that all low-income New Yorkers facing eviction are assigned an attorney to defend them in the proceeding. The housing units of legal services providers have grown exponentially to meet this mandate.

Because tenants now enjoy a right to counsel under NYC law in eviction proceedings, our housing pro bono efforts have focused on providing full representation for actions where tenants are not guaranteed an attorney.

Many jurisdictions empower tenants to bring code-enforcement actions in housing court. In New York City, tenants can bring summary proceedings against landlords in housing court to sue for repairs and protections against harassment. These “HP actions” require persistence and legal skills to effectively litigate. It is therefore important for tenants to obtain legal representation.

At LSNYC, we are regularly referred clients in need of help bringing conditions cases by our housing unit, whose staff attorneys often do not have the capacity to bring these affirmative cases themselves. In the rare instance that volunteer bandwidth outpaces clients in need of placement, outreach to community partners and fellow legal services organizations is sufficient to fill any open spots in our study groups.

A clear analysis of the need, the client population, and how to access them is essential for a successful project. To answer these questions, speak with experts within your organization and at sister organizations, and do at least a brief review of available data online.

Key Considerations:

- What is the specific legal need you plan to address?
- What other services currently exist, and how will your project bolster and/or differ from those services?
- What is the volume of potential clients?
- Do you have access to these clients, or a plan for how to gain access to them?

2. Suitability of legal work for volunteers

As with all pro bono work, it is essential to think through what types of cases are a good fit for volunteer support. What does it mean for a case to be a “good fit” for pro bono volunteers? Put differently, the inquiry is whether pro bono attorneys can actually do a good job on this kind of matter, with the right training and support.

Take for example, eviction cases in New York City. Tenant protection laws in the city are significant and complex. Volunteers could read every procedural rule about housing court, and still be no closer to being able to operate effectively there when they walk through its doors. It takes months of operating in housing court to learn its many unwritten rules, procedures, and pitfalls. By contrast, housing conditions cases are substantively and procedurally straightforward, take place in a specific courtroom, and are typically resolved more quickly than eviction matters.

A related question is whether it is worth it to have pro bono support on the cases: is it actually efficient for pro attorneys to do the legal work, or will the mentorship and support

required of the legal services organization outweigh the benefits of the volunteer service? Any pro bono effort will require mentorship and staff time. But if the nature of the work is that it requires constant input and intervention from legal services experts, it may simply not make sense to build a pro bono effort out of it.

There are no perfectly efficient pro bono cases – all require some screening and some oversight. But for pro bono cases to function properly, the legal knowledge required must be straightforward enough that it can be conveyed through a training, a supporting manual, or research the attorney can do on her own, and light mentorship. The pro bono support offered must be effective and create enough efficiency to make sense for the organization.

Without these essential ingredients in place, both volunteers and staff will be frustrated, and clients will not gain the quality legal service that they deserve.

Key Considerations:

- How much legal expertise is required to effectively do the work?
- If volunteers do not have this expertise, how will you impart it?
- Can training, supporting materials, and light mentorship convey the necessary knowledge?
- Is the staff time needed to screen, prepare, and mentor the cases justified based on the pro bono support obtained and the outcomes achieved for clients?
- Do the cases match up with volunteer interests and limitations?

3. Law firm and corporate interest

LSNYC's model is built on institutional relationships with law firms and corporations. Firm by firm and corporation by corporation, we have developed partnerships on study groups. The reason for this institutional focus is simple: pro bono works much better when it is done with entities that commit to the work, rather than individuals. A law firm can re-staff a case when one of their volunteers goes on leave, quits, or gets put on a busy billable matter. Firms can also put tremendous non-legal resources into play to make the representation successful, by providing space, technology, administrative support, and more.

Unlike in many other cities, housing pro bono work was not a common area of pro bono practice for New York City law firms. It took effort and ongoing education to team law firms and associates why housing is an important pro bono area, to help them to understand how their work can impact tenants, and to teach them how conditions proceedings take place. It is understandable that volunteers might be hesitant to take on a housing matter if no one else at the firm has ever handled one.

That is part of why LSNYC emphasized a study group model that builds cohorts that develop expertise and enthusiasm for the work. Now, we have momentum on our side when placing pro bono housing work at dozens of law firms in the city. Yet there are many more that are not yet participating, and who LSNYC continues to target for the work.

If you are building a project with law firms or corporations for the first time, think through your entry points with them. If the firm has a formal pro bono counsel, make sure to reach out to that person. If you have a board member at a firm, they are also a good resource. Absent either of these, think through other connections your organization may have — prior pro bono projects, people who may have gone to law school with your colleagues, etc. Set up in person meetings with those who will take them, and talk about your organization, your idea for the project, and any thoughts you have on utilizing corporations in partnership with the firm.

Key Considerations:

- What are the prospective law firms and corporations you might partner with?
- Do you have preexisting relationships at any of these targets?
- If not, come up with an outreach plan that includes pro bono counsel, board members, and other connections
- Offer clear expectations to institutional partners about their role and the time and resources involved

4. The study group & training

At study group launches, LSNYC offers a 90-minute training that includes: (1) an overview of poverty and our clients, the problem with housing in disrepair, and why conditions cases are so important; (2) discussion of the law and procedure for the work; (3) tips for working effectively with low-income clients; and (4) collective discussion of the cases that are being placed in the study groups. Each of these elements plays a key role in the success of the project. While the law and procedure for the case are required, volunteer enthusiasm and dedication to the issue are also important. Explaining why the work matters helps to deliver that. Similarly, preparing volunteers to troubleshoot common challenges with communications arising from poverty (e.g., limited cell phone minutes, intervening crises) helps avoid the most likely reason that cases fail to proceed. Finally, the group discussion of cases is designed to help the group feel more cohesive, to allow participants to learn from one another's questions, and to ease the mentorship burden by avoiding initial calls with each team.

The study group can be held either in-person or remote. There are pros and cons to each. An in-person meeting allows for the mentoring legal services attorney and the volunteer

participants to connect in a more meaningful way. A remote study group is less personal but likely easier to draw a wider array of volunteers and could make for a more appealing volunteer project.

Cases should be assigned to the volunteers ahead of the meeting so that they have the time to acquaint themselves with the materials and gain context for the legal training.

The legal training should focus on the relevant legal framework underpinning the proceeding and with a helping a team get their case off the ground. It need not cover the entirety of the pro bono work, at least not in excessive detail, because teams will have access to ample training materials as described below. Rather the focus should be on the immediate next steps of representation – engaging with the client, gathering information, then drafting, filing and serving the pleadings. Elements of the case that will occur several weeks later – e.g., the ins-and-outs of the court appearance – should be introduced but not covered in great detail.

In addition to working from a PowerPoint, it is often helpful to show sample pleadings, the court online filing system, and other pertinent materials.

After the legal training the group should transition to a workshop format where the previously-assigned teams can ask questions about their case and brain storm litigation strategy. They can even begin to complete some of the initial paperwork, time-permitting. The main goal of the workshop is for the mentor to answer the volunteer’s questions. Of course many of their questions will arise after they have established contact with their client, but by the time the study group meeting breaks each volunteer team should have a clear sense of next steps so that they can contact their client as soon as possible and begin the work.

Key Considerations:

- Prepare CLE training
- Deliver training right before study groups
- When trainings are pre-recorded, hold a Zoom “launch call” with participants for 30 minutes
- Include workshops with volunteers to talk through their cases

5. Volunteer resources and office hours

It is essential to offer volunteers templates and other resources, and to plan other approaches to give volunteers both the confidence and the tools that they need to obtain positive outcomes for tenants.

Developing an easily accessible, electronic bank of resources for volunteers saves time in the long run. The more a volunteer can find answers in these resources, the quicker they can help their client – and the less likely they are to take up their mentor’s time.

Roadmaps. In addition to a PowerPoint, LSNYC has developed a high-level roadmap for the work to help volunteers stay oriented in their work. The roadmap provides a step-by-step guide for litigating the case. It also includes an estimated timeline with each stage so that volunteers have a reasonable expectations about how long they should be dedicating to each task and they can communicate the general timeframe of the case to their clients. The roadmap also includes hyperlinks to relevant websites and documents.

Scripts. LSNYC also recommends creating a simple script document to help a volunteer get the most out of their initial calls with the client by suggesting questions and providing language for describing the court process. In addition to fact-gathering it can be an effective tool for getting volunteers to engage with their clients sooner, as they’ll be equipped with a loose agenda for their call and will have answers to their client’s questions about the proceeding. (Volunteers should use a script as a guidepost and not read it verbatim.)

Templates. Perhaps most important, LSNYC has created a series of bank of templates for every item that a pro bono team may need to prepare on the case. We make these available in Word format so that teams can easily work directly off of them. Petitions and even many contempt motions are similar across cases. There is no need for volunteers to reinvent the wheel. Easy-to-use sample documents can be quickly updated by pro bono teams with the particular details of their client’s case.

To the extent possible, these samples should feature highlighted sections directing the drafter’s attention to where they will need to add information. This might include, for instance, the case caption, the client’s name and background, and the individual claims that support the demand for relief, while the legal boilerplate might mostly remain untouched.

Sharing examples of completed pleadings and documents can also be instructive for volunteers. Doing so can help encourage creativity on the part of the volunteer attorneys. While they need not reinvent the wheel, each case is unique, and they should feel empowered to give their client’s story life, and to adapt the writing to their own voice.

Office hours. LSNYC returns 6 to 10 weeks after the study group launch to provide virtual “office hours.” Office hours are a helpful way both to provide proactive mentorship and to ensure that the cases are moving along. Problems on cases are more likely to be uncovered sooner, and while there is still time to resolve them. Volunteers also appreciate the high-touch check ins and opportunity to ask questions.

Key Considerations:

- Draft supporting materials for volunteers to use in their work

- Prepare a bank of templates
- Consider coming back for regularly-scheduled office hours

6. Mentorship

LSNYC also provides close mentorship and oversight on all cases, even beyond the study group launch and office hours. Thanks to PBIF, the organization has a Housing Pro Bono Coordinating Attorney who dedicates his time to this work. He stays in regular touch with pro bono teams, providing strategic guidance, prepping teams for hearings and filings, and answering a range of different questions about the work. All pro bono conditions cases are also opened in his name in our case management system, and he monitors them to ensure that they proceed properly. Based on his experience working with hundreds of volunteers on housing matters, here are several tips to keep in mind.

Be mindful of how law firm culture impacts how volunteers approach cases. Volunteers coming from a corporate background have often been trained in a legal culture that emphasizes perfection – sometimes to the detriment of making progress on the case. Look out for self-imposed delays (e.g., waiting months to file a simple pleading that they have created 10 levels of review for) and work to keep the case moving quickly.

One way that this frequently comes up on our conditions cases is teams wanting to send a demand letter prior to filing a case. In more complex litigation this makes sense, but these are summary proceedings and in all of our cases the landlords are already on notice due to the presence of open violations. Discourage teams from sending this demand letter. (There may be exceptions, of course - perhaps you want to lay the groundwork for a making a Reasonable Accommodation demand, which begins with a letter to the landlord. Maybe the client seeks some kind of relief that the proceeding will not deliver, but could be obtained through negotiation.) Even if they do file a demand letter or engage in pre-litigation advocacy teams should still file their case so that they have leverage – if everything has been resolved prior to the court date

Encourage teams to establish contact with the client as soon as possible. During the workshop part of the study group session, ask teams to decide a time that week when they can call the client. Follow up with teams to ensure they have made contact.

In one case, a team felt compelled to hold several internal calls and even attempted to prepare a draft of their papers before introducing themselves to the client. The client concluded that he was not going to be helped, and went to court himself to restore his prior pro se conditions case himself. While the team was able to file a supplemental affirmation and affidavit upon taking the case, they did not get the chance to file a contempt motion themselves which would have been more effective, and this procedural hiccup caused confusion for the Court.

Help teams get comfortable with more informal and spur of the moment communication. Teams working on these cases need to be comfortable picking up the phone or sending quick emails, whether to the client, opposing counsel, or other parties. Because of norms at law firms, teams often have an approach of needing to schedule every single call ahead of time or even prepare an agenda. For some important calls this can be helpful, but usually such a production is unnecessary and can lead to paralysis. Situations will arise during these cases where you either need a quick answer or quickly convey information.

Answer questions and provide strategic guidance. It is crucial that the mentor make themselves available to answer questions quickly. Fast mentor response time helps to keep cases moving along and helps with law firm lawyers' potentially paralyzing anxiety about perfection. The mentor should also try to be available to answer questions by email as teams have their first client call. Consider offering to be available for a follow up call afterwards; teams often want to talk through on strategy before jumping into drafting their pleadings. A 20-minute conference call with the mentor might clarify things faster than an afternoon's worth of email exchange.

Key Considerations:

- Identify a housing expert who is willing and able to provide guidance to volunteers
- Consider how law firm work culture can lead to delays on cases, and take a proactive approach to head this off
- Encourage teams to make contact with clients as soon as possible
- Timely responses to questions are important
- Consider whether calls set after key client meetings will be more efficient than emails

7. Client screening

Apart from meeting a legal services organization's internal eligibility requirements, there are additional factors to assess whether a client would work well with pro bono counsel.

First, it is important that clients assigned to a study group have realistic expectations about what can be obtained through the proceeding. A participant should enter into an engagement with pro bono counsel with clear and grounded goals. Further, the legal services organization should look at the client's ability to meet their obligations in representation. Are they able to stay in contact with the pro bono attorney, and to prepare for potential hearings or appear for court appearances? If the proceeding includes affirmative requirements (such as providing access to their landlord in a housing conditions case) do they understand and agree to these?

Legal services attorneys develop essential soft skills around communicating with low-income people in crisis that a volunteer might not initially have. While no client should be rejected for placement due to mental health conditions or just a challenging demeanor, it is important that a firm is aware of a client's needs so that they can properly staff the matter and make their own determination about whether their teams are equipped to meet these needs.

As important as this initial screening is, legal services organizations should also be wary of adding further administrative barriers or overwhelming a client with multiple points of contact prior their introducing with their pro bono attorney. The mentoring attorney placing these matters should get as much of this screening information from the available case notes or the referring advocate, whether that person is a frontline intake paralegal or a legal services attorney who represented them in a prior matter.

Potential clients should also be sent to the firm or corporation with a heads up about additional needs like interpretation and translation services.

Key Considerations:

- Make sure clients have realistic expectations about the proceeding
- Ensure that the client is able and willing to meet any obligation that they will have in the work
- Flag needs for interpretation or particular challenges with clients so that law firms can come prepared for them
- Be wary of setting up overly-complicated screening mechanisms that delay the work too much

8. The Launch email

Although it may seem simple, it is hugely helpful to create a template launch email that you send every time a team takes on a new case.

The launch email should include everything the volunteer needs to get their case off the ground, clearly outline expectations and instructions for engaging with the client, and serve as a lodestar for helping the team reorient themselves. Being as clear as possible can help reduce any additional lag or delay in the volunteer working with the client and filing their case. The mentor can always point to the launch email as the source of all necessary templates, training materials and other resources.

The mentor should use the email to introduce themselves to the volunteers and let them know that they are available to answer questions, discuss case strategy, review documents and troubleshoot problems that arise. It should also have a link to the portal to the project's training materials and a set of clear next steps (with suggested time frames) to keep the momentum going after the initial study group meeting.

LSNYC also recommends including the original pitch or case description that the firm accepted with the client's contact information. Any relevant documents or case file related to the client or proceeding should be attached. It can connect the volunteers to other legal services team members as well as important compliance considerations, such as what administrative documents the legal services organization might need the volunteers to obtain from the client. If your case management system is set up for it, be sure to CC the file. That will make it much easier to track the work over time.

Ideally this launch email should be sent prior to the study group meeting so that each team is connected to the materials and their client's case file before the substantive legal training.

Key Considerations:

- Prepare a template launch email that can be sent each time a case begins
- Include a link to relevant volunteer resources
- Share key next steps and suggested timeframes in the email
- CC the case file

9. Court appearances

Court appearances are both important to the cases and a frequent cause of anxiety for volunteer teams.

After the study group, it is helpful to set calendar reminders to check in with pro bono teams at different intervals. The first is to make sure that the team has connected with their client. A second might be a loose deadline of when the team can send over a draft of their pleadings. Once their draft pleadings have been reviewed and finalized, and the mentor has worked with the team to ensure that service was proper, the next calendar reminders should relate to the court date, and a time beforehand to meet with the team and discuss their court appearance.

For many volunteers, this might be the first time that they are appearing in court. Mentors should be patient in answering questions and listening to concerns to help them go into court

confidently. Preparation of a guide to court appearance can go a long way toward standardizing advice and saving time for all involved.

If possible, mentors should be “on call” during court appearances to answer questions as they arise. Further, mentors should consider appearing alongside teams in court for trials and other important hearings to second seat the volunteers.

Key Considerations:

- Plan calls with teams to prepare them for court appearances
- Consider creating a guide to court appearances to answer common questions
- When possible, be available to answer emergency questions during an appearance
- Consider appearing with teams for trials or other important hearings to second chair the volunteers

10. Technology – simple and client-centered

LSNYC recommends that law firms and legal services use the simplest and most regularly used technologies to facilitate the work. It is important to be client-centered and to remain flexible. Being client-centered means asking the client how they prefer to meet with their attorneys, send documents, or sign papers. Some clients prefer to meet over the phone. Others like Zoom. Some send photos of documents by text, while others need prepaid envelopes sent to them to share hard copies.

Do not assume that low-tech approaches are best for clients, because in many cases that is not true. LSNYC asked our clients for this project what they thought about working remotely with their attorneys. 74% reported that it was “very convenient” to work remotely with their attorney, and just 5% said it was “very difficult” to work with their attorney virtually. When asked what they would prefer, 74% said that they prefer to either work entirely remotely or to have a mix of some remote and some in person meetings and court appearances.

Solutions to common barriers do not need to be complicated. Conditions filings in New York require notarized client signatures. We teach pro bono attorneys to ask clients if they know of a nearby neighborhood notary that they are comfortable going to. If they do not, the volunteers google notaries near their homes and share the hours and directions. Finally, they give the client the option to come into an LSNYC office or the law firm to notarize documents if they prefer that approach.

However the client needs to interact, law firms have the resources to make it work. But teams may not realize that, or think to give the clients the power to tell them what is easiest, instead of just telling the client what to do. It is incumbent on legal services organizations, therefore, to teach volunteers how to do that – and to enforce that lesson in multiple places: trainings; roadmaps; mentorship calls; and launch emails. Focus on client convenience and shift burdens to pro bono attorneys when you can. Clients deserve flexibility and the power to choose the method that works best for them.

When it comes to communications between the LSO and law firm, it also pays to keep it simple. Fancy apps and even sharing tools like Dropbox are regularly blocked by law firms. Instead, we recommend putting volunteer resources up on your website. A simple and easy to navigate website accessible from the launch email can allow the volunteer teams to browse these materials and try to find answers to their questions themselves before consulting with the mentor. The website may have section for training materials and guides, templates, and sample documents for filing, relevant or useful websites, resources that can be shared with the clients, and additional materials like legal primers, law review articles.

The mentor can regularly update these materials without having to disseminate them to teams directly.

Key Considerations:

- Teach volunteers to ask clients about the most convenient technology and logistical way to work together, and then to accommodate that preference
- Think through low-tech solutions to challenges, like sending prepaid envelopes for documents
- Identify the simplest systems possible – fancy programs are usually less accessible
- Ask firms to provide the technology and leg work you need
- Stay flexible
- Share training materials in the simplest technological form possible, ideally a website

11. Troubleshooting problems between volunteers & clients

Finally, it is important to be ready to troubleshoot problems between volunteers and clients. Often, these challenges arise because clients are low-income and volunteers are not aware of how poverty impacts access to technology, or how it creates intervening crises that can interrupt the work. Below are some of the lessons that LSNYC has learned over the course of our work in this area.

Teach volunteers about poverty and how it can impact their attorney/client relationship. We cannot expect pro bono attorneys to know about the impacts of poverty if we do not attempt to teach them about it. Be sure to include discussion in your trainings and guidance materials explaining what poverty is, how it impacts technology and access to communication, and the ways that it can lead to instability and other challenges that may take precedence for a client over the case at hand. Explain that volunteers should be persistent, not take interruptions personally, and reach out to their mentor if they are unable to bridge the gap.

Set up expectations around communications. During the first meeting volunteers and clients should discuss how best they can keep in touch – what is the client’s preferred means of communication? The volunteer should ask for alternative phone numbers, emails, and even additional contacts that the volunteer might reach out to if they lose contact with the client. The volunteer should provide multiple means of being reached, particularly if the client loses access to their phone or runs out of minutes.

Volunteers should ask about the client’s plans for the weeks and months ahead – are they visiting family out of the country, or undergoing surgery that might make take them out of contact for an extended period of time?

There is nothing more deflating than drafting a dynamite petition only to have the client disappear – even more precarious is when the papers are filed and we have an upcoming court date but an unreachable client. The volunteer should clearly explain that the client will need to be accessible throughout the litigation of the case. They should also be advised to loop in their mentor for help re-engaging with a non-responsive client.

Managing challenges clients. Our clients are often under extreme stress due to the circumstances of their living conditions and may also have any other number of crises going on. Volunteers should meet their clients with patience and compassion. That said, volunteers should feel empowered to set boundaries, and should feel encouraged to bring in their legal services mentor when things feel like they’re going off the rails.

Proper client screening by the legal services organization is important here. While everyone deserves an attorney, not every client is a good fit for pro bono help. It does clients no good to pretend otherwise, or to set up a team to fail. Have a plan to use staff attorneys for cases like this.

Listening to clients. Teams are helping their clients make important decisions. Sometimes teams will have clients that will need to talk expansively about their situation. Listening to client’s stories is validating and builds trust, and it also helps a client understand the proceeding which can lead to greater satisfaction with the case’s outcome.

Whenever possible volunteers should give the client space to talk through different options and let them voice their thoughts. Many clients do not have a sounding board that they can

discuss these issues with – so volunteers should strive to be patient and give the client the time they need.

Key Considerations:

- Teach volunteers about poverty and common impacts on the attorney-client relationship
- Give volunteers the tools to identify and address challenges
- Encourage volunteers to identify multiples forms of communication and to prepare clients for upcoming time frames around the legal work
- Help volunteers with challenging client relationships
- Give clients space to talk through the case and how it may intersect with important life decisions.

D. Digest of Checklists

Below is a digest of the checklists embedded in Section C, on key considerations for developing a successful study group.

1. Client need. Examine need for the work and consider the best way to access clients.

- What is the specific legal need you plan to address?
- What other services currently exist, and how will your project bolster and/or differ from those services?
- What is the volume of potential clients?
- Do you have access to these clients, or a plan for how to gain access to them?

2. Suitability of legal work for volunteers. Measure whether volunteers will be able to do the work effectively, and without too much hand-holding.

- How much legal expertise is required to effectively do the work?
- If volunteers do not have this expertise, how will you impart it?
- Can training, supporting materials, and light mentorship convey the necessary knowledge?
- Is the staff time needed to screen, prepare, and mentor the cases justified based on the pro bono support obtained and the outcomes achieved for clients?
- Do the cases match up with volunteer interests and limitations?

3. Law firm and corporation interest. Consider which law firms and corporations are interested in the work and build momentum for the work over time.

- What are the prospective law firms and corporations you might partner with?
 - Do you have preexisting relationships at any of these targets?
 - If not, come up with an outreach plan that includes pro bono counsel, board members, and other connections
 - Offer clear expectations to institutional partners about their role and the time and resources involved
- 4. The study group & training.** Study groups entail both a legal training and a workshop with volunteers about their cases.
- Prepare CLE training
 - Deliver training right before study groups
 - When trainings are pre-recorded, hold a Zoom “launch call” with participants for 30 minutes
 - Include workshops with volunteers to talk through their cases
- 5. Volunteer resources & office hours.** Create electronic volunteer resources including templates, and consider proactive approaches like returning to law firms for “office hours.”
- Draft supporting materials for volunteers to use in their work
 - Prepare a bank of templates
 - Consider coming back for regularly-scheduled office hours
- 6. Mentorship.** Expert and responsive mentorship is key to the success of the project.
- Identify a housing expert who is willing and able to provide guidance to volunteers
 - Consider how law firm work culture can lead to delays on cases, and take a proactive approach to head this off
 - Encourage teams to make contact with clients as soon as possible
 - Timely responses to questions are important

- Consider whether calls set after key client meetings will be more efficient than emails

7. Client screening. It is important to properly screen clients while still avoiding creating too burdensome a process.

- Make sure clients have realistic expectations about the proceeding
- Ensure that the client is able and willing to meet any obligation that they will have in the work
- Flag needs for interpretation or particular challenges with clients so that law firms can come prepared for them
- Be wary of setting up overly-complicated screening mechanisms that delay the work too much

8. The launch email. Creating a template launch email is easy to do and provides a multitude of benefits.

- Prepare a template launch email that can be sent each time a case begins
- Include a link to relevant volunteer resources
- Share key next steps and suggested timeframes in the email
- CC the case file

9. Court appearances. Plan an approach for guiding teams with any in-court work and address volunteer anxiety and ensure adequate support.

- Plan calls with teams to prepare them for court appearances
- Consider creating a guide to court appearances to answer common questions
- When possible, be available to answer emergency questions during an appearance
- Consider appearing with teams for trials or other important hearings to second chair the volunteers

10. Technology – simple and client-centered. Teach volunteers to stay flexible and ask client the best way to communicate and work together. Use the simplest and most commonly accessible technology to for sharing guidance and training volunteers.

- Teach volunteers to ask clients about the most convenient technology and logistical way to work together, and then to accommodate that preference
- Think through low-tech solutions to challenges, like sending prepaid envelopes for documents
- Identify the simplest systems possible – fancy programs are usually less accessible
- Ask firms to provide the technology and leg work you need
- Stay flexible
- Share training materials in the simplest technological form possible, ideally a website

11. Troubleshooting problems between volunteers and clients. It is important to prepare for, and respond to, challenges that arise in the attorney-client relationship between clients and volunteers.

- Teach volunteers about poverty and common impacts on the attorney-client relationship
- Give volunteers the tools to identify and address challenges
- Encourage volunteers to identify multiples forms of communication and to prepare clients for upcoming time frames around the legal work
- Help volunteers with challenging client relationships
- Give clients space to talk through the case and how it may intersect with important life decisions.