

NYC BAR ASSOCIATION PRO BONO AND LEGAL SERVICE COMMITTEE
INTERNATIONAL PRO BONO REPRESENTATIONS: TIPS FOR ORGANIZATIONAL PRO BONO CLIENTS

A pro bono legal representation generally is one in which your lawyer will not charge you legal fees. These guidelines are designed to serve as a helpful overview of what you may expect from your pro bono relationship, but because laws, ethical codes that govern lawyers' conduct, and particular relationships vary, these are only general guidelines. It is very important to communicate your needs and concerns to your lawyer and ask questions whenever anything is unclear. The lawyer who is volunteering her time wants your organization to receive the assistance it seeks, and there are proactive steps you can take to make that easier for her.

What documentation or material should I give to my lawyer?

It will be helpful for your lawyer to have background information about your organization, especially if it is relevant to the matter on which he will be representing the organization. Examples of this information include your mission statement and website. You should also provide the lawyer with any documents pertaining in any way to the legal matter he is handling, including any court papers, correspondence to or from any other lawyer or court, and any other relevant background information.

Can I tell other people what I discuss with my lawyer?

If you are not sure what you should and should not share with others, ask your lawyer. You'll want to check with your lawyer before talking to anyone else about what he said. For example, he might tell you that it's fine to tell others that you won your case in court. But as a different example, sometimes it's very important not to tell anyone what advice your lawyer gave you.

What is a "retainer letter" or an "engagement letter"?

These are two different names for the same thing. When an lawyer represents any client, she generally will give the client a letter or document that summarizes the relationship. The letter may describe the legal matter your lawyer is handling for you and your arrangement with her about the payment of fees and expenses. It is important that you read the engagement letter and understand it before signing it. Once again, ask questions if you have them.

Do I have to pay the lawyer?

Generally, when a lawyer agrees to represent a client on a pro bono basis and it is permissible to do so in the applicable jurisdiction, it is because the client is not in a financial position to pay for legal services, and the client is not expected to pay lawyers' fees. You should take a moment to clarify your expectations with your lawyer. For example, if your lawyer wants to reserve the right to take back money from a favorable verdict or settlement in order to be reimbursed for expenses, this should be made clear so that you both have the same understanding.

Can I ask this lawyer to help us with other legal matters?

Probably not. Typically, your lawyer agrees to represent you in a particular matter that does not include a future appeal or a related matter. The "retainer letter" or "engagement letter" usually describes what legal problem or matter your lawyer will handle for you. The lawyer might not take on other matters for you.

How much do I need to explain to my lawyer?

It's important to communicate fully and accurately with your lawyer. With respect to updates or questions that are not urgent, consider setting up a regular time to consult. With significant

developments -- or if you're not sure whether something is time-sensitive -- be sure to pass the information along promptly to your lawyer.

What happens if my lawyer leaves the law firm or the company where he has been working?

It's helpful to discuss this possibility with your lawyer at the beginning of the relationship so you both understand each other's expectations. Often another lawyer at a law firm will be assigned to help you. Or sometimes a lawyer with a company will continue to represent you when the lawyer takes a new job somewhere else.

What if I have a problem with my lawyer and I don't want him to represent me anymore?

It's a good idea to talk with your lawyer about any concerns you have. Many law firms have someone called a "Pro Bono Attorney" or a "Pro Bono Coordinator" who can speak with you about a problem with your lawyer. If you were referred by a non-profit organization or clearinghouse, you also may want to reach out to them. They may be able to help clarify expectations or assist you in some other way. But you're always free to tell your lawyer that you don't want him to represent you anymore. If you decide to end your relationship with him, you should do so in writing (in a letter to him).