COVID-19 PRO BONO: PROMISE, PERIL, AND PROFESSIONAL DEVELOPMENT

ABA WEBINAR: PRO BONO SERVICES IN THE TIME OF COVID-19

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Overview – City Bar Justice Center COVID-19 Pro Bono

• We began by leveraging our existing pro bono model and disaster response experience.

• Programs were built in late March and launched beginning in early April.

• To date, we have recruited roughly as many volunteers for our initial three C19 programs as we typically match with a dozen legal services projects in an entire year:
  • **COVID-19 Small Business Remote Legal Clinic**
    • NYC/CBJC – first launch for national initiative of Kirkland & Ellis and Lawyers for Good Government
    • The CV-19 Clinic is an opportunity for New York City’s entrepreneurs and small businesses who have suffered adversely from the impact of the COVID-19 crisis to receive free, limited-scope legal advice. Topics include: loans & grants, contracts & force majeure clauses, employment law matters, real estate and commercial leasing issues, and insurance matters.
  • **Free Life-Planning Legal Assistance to NYC Frontline Healthcare Workers**
  • **Pro Bono Legal Hotline COVID-19 Expansion**
COVID-19 Pro Bono – Key Premise

• The Covid-19 pro bono response needs to be a marathon, not a sprint.
  (See Roger Juan Maldonado & Sheila S. Boston, The Legal Marathon Ahead, New York Law Journal, Apr. 24, 2020)

  “It shakes the conscience to see how existing structural inequities so quickly result in marginalized communities suffering more than privileged communities. A shaken conscience should yield to action. This crisis will require pro bono assistance for COVID-19 victims and their families for years to come as effects of the pandemic ripple out over time and through the legal system. We need pro bono partners prepared to run not just a sprint, but a marathon. Hundreds in our profession already have signed up to assist the three COVID-19-related Justice Center pro bono projects noted above, but others will need to be built over time.”

• Pro bono recruitment must focus on needs that will last for weeks, months – and, likely, years.
• Pro bono program development must be prospective, not just reactive – pro bono leaders must imagine how the pandemic and its effects will play out over time.
• Robust pro bono legal services delivery is even more important now because the pandemic has both highlighted and likely worsened existing structural social inequities, particularly for immigrant communities and communities of color.
COVID-19 Pro Bono – The Promise

• The massive C19 volunteer response confirms pro bono is alive and well.

• Technology allows work to happen – in terms of publicity, matching, and services delivery – that would not have been possible not all that long ago, and this augurs well for expanded pro bono work in the future.

• The unique nature of this disaster – which affects everyone – may permit a greater level of pro bono provider/recipient solidarity than is usually otherwise the case.
COVID-19 Pro Bono – The Peril

• Massive initial interest does not guarantee long-term needs will be met, and missteps out of the gate risk souring volunteers’ experience, limiting future interest and, accordingly, reducing pro bono services even as needs increase.

• Technology has its upsides, but because the careful matching and competent training and supervision at the heart of successful pro bono services delivery require more than a light tech-touch, expanding remote pro bono in a post-C19 will require devoting a lot of thought to designing and calibrating mechanisms that ensure quality control.

• Because C19 provider/recipient solidarity should not mask the massive inequities that the pandemic has both spotlighted and exacerbated, positive experiences with remote, “bite-sized” pro bono cannot be permitted to replace a commitment to work that addresses long-term needs and systemic problems.
COVID-19 Pro Bono – Professional Development

• The fact that this crisis has required attorneys to tackle new substantive topics – e.g., no one came to this with CARES Act expertise, because it didn’t exist two months ago – underscores another traditional value of pro bono, namely its utility as a professional development mechanism.

• Positive volunteer experiences with C19 projects should confirm for attorneys the value in stepping outside usual practice area comfort zones, helping to inform choices that grow professional capacities.

• The sheer breadth of the pandemic and its still-unfolding legal fallout is sure to create new practice areas, in both commercial and legal services practices, offering potential for cross-fertilization of talent and expertise.

• To the extent the profession steps up to the pro bono call of our new era and its well-managed, lawyers will grow in both competence and compassion.