This workshop was held at the 2018 Equal Justice Conference in San Diego, California.

Title:

Paralegal Pro Bono Roundtable (ETHICS)

Presenters:

Christine Flynn, Haggerty, Goldberg, Schleifer & Kupersmith, Philadelphia, PA
Teresa Scharf, Paralegal Association of Central Ohio (PACO), Columbus, OH

This session will provide attendees with background and overview of paralegal involvement and assistance in pro bono. Panelists will discuss how and why paralegals participate in pro bono, using the National Federation of Paralegal Associations (NFPA) Model Code of Ethics and Professional Responsibility guidelines and aspirations on pro bono and community service involvement for illustration. Topics will include recruiting and retaining local paralegals to provide assistance in your pro bono agency or organization; appropriate training and tasks; paralegal interaction with clients; potential barriers, including ethical issues, and how to overcome them. The session will close with an open discussion on how to best match the needs of pro bono agencies and organizations with local paralegals in order to increase access to justice.
“PARALEGAL PRO BONO ROUNDTABLE”

Equal Justice Conference- May 11, 2018

Christine Flynn, Paralegal

Teresa Scharf, OSBA Certified Paralegal
INTRODUCTIONS

- Christine Flynn, Litigation Paralegal - Philadelphia, PA

- Teresa Scharf, OSBA Certified Paralegal - Columbus, OH
Christine Flynn currently serves as the NFPA/ABA Pro Bono Liaison;

Pro Bono Committee Chair- The National Federation of Paralegal Associations;

Paralegal Member of the ABA Standing Committee on Pro Bono & Public Service;

NFPA is the *only* national paralegal association with a seat on this committee;

Quarterly meetings and hands on involvement at the ABA level;

Ability to work with the ABA and NFPA on partnering paralegals with local pro bono opportunities;

Promote the Celebration of Pro Bono Week; and

Fosters attorney/paralegal relationships and respect.
NFPA PRO BONO COMMITTEE
MEMBER - TERESA SCHARF

• Teresa Scharf currently serves on the NFPA Pro Bono Committee;
• Pro Bono Committee Chair - Paralegal Association of Central Ohio (PACO);
• President of PACO;
• Coordinates and manages monthly Brief-Advice walk in clinics in downtown Columbus under the leadership of the Legal Aid Society of Columbus;
• Initiated and developed the PACO/LASC Pro Bono Wills Clinic in collaboration with Legal Aid Society of Columbus;
• Conducts an annual 3 hour CLE “Drafting Simple Wills and Advanced Directives”;
• Has conducted 120 Wills Clinics and provided services to 1,044 senior citizens; and
• Has also served in collaboration with the Ohio State Bar Association to provide this service in other areas of the state of Ohio.
As defined by the National Federation of Paralegal Associations, a Paralegal is a person, qualified through education, training or work experience to perform substantive legal work that requires knowledge of legal concepts and is customarily, but not exclusively, performed by a lawyer. This person may be retained or employed by a lawyer, law office, governmental agency or other entity or may be authorized by administrative, statutory or court authority to perform this work. Substantive shall mean work requiring recognition, evaluation, organization, analysis, and communication of relevant facts and legal concepts.
Mission Statement:
- The National Federation of Paralegal Associations, Inc., promotes a global presence for the paralegal profession and leadership in the legal community

Core Purpose:
- To advance the paralegal profession

NFPA is comprised of 46 member associations which span across five regions throughout the United States. NFPA has approximately 8,000 members.
NFPA PRO BONO COMMITTEE

- Consists of approximately 10 paralegal members;
- Has representation from all five regions of NFPA;
- Christine Flynn serves as chair of the NFPA Pro Bono Committee;
- Quarterly conference calls;
- Fosters pro bono paralegal opportunities;
- National webinars on relevant pro bono topics;
- Articles for the *Paralegal Reporter*;
- Updating NFPA pro bono web page; and
- Planning annual paralegal pro bono conference.
AREAS AND DEFINITIONS

PRO BONO PUBLICO

- for the public good
  http://www.merriam-webster.com/dictionary/pro%20bono%20publico
  http://thelawdictionary.org/pro-bono-publico/
- involving or doing legal work for free
  http://www.learnersdictionary.com/definition/pro%20bono

COMMUNITY SERVICE

- voluntary work intended to help people in a particular area
  http://www.oxforddictionaries.com/us/definition/american_english/community-service
- work that is done without pay to help people in a community
  http://www.learnersdictionary.com/definition/community%20service

PUBLIC SERVICE

- work that someone does as part of a government : the work done by public servants
  http://www.merriam-webster.com/dictionary/public%20service
  http://www.learnersdictionary.com/definition/public%20service
Defining Pro Bono

- **Category 1** pro bono is defined as direct legal representation provided to persons of limited means or organizations that support the needs of persons of limited means for which no compensation was received or expected.

- **Category 2** pro bono is defined as any other law-related service provided for a reduced fee or no cost (without expectation of fee) to any type of client, not including activities performed to develop a paying client or anything that is part of paying job responsibilities.
D. Characteristics of Attorneys’ Most Recent Category 1 Pro Bono Service

9. What Tasks Were Performed and What Was the Scope of the Work?

The most frequently reported pro bono legal tasks consisted of providing advice, reviewing and drafting legal documents and interviewing/meeting with the client (Fig. 13).

B. Category 2 Pro Bono Service

3. What Category 2 Pro Bono Services Were Provided?

Speaker, teacher or trainer on legal issues; board member of pro bono organizations; member of bar committee related to pro bono or access to justice

V. Conclusion

It is incumbent on the leaders of the legal profession in all quarters to reflect on the roles they can play to be advocates for expanding pro bono. Institutional leadership needs to come from access to justice commissions, bar associations, law schools, corporate law departments, government attorney offices, national organizations, legal services programs, pro bono projects, law firms and other entities.
1.4  A PARALEGAL SHALL SERVE THE PUBLIC INTEREST BY CONTRIBUTING TO THE IMPROVEMENT OF THE LEGAL SYSTEM AND DELIVERY OF QUALITY LEGAL SERVICES, INCLUDING PRO BONO PUBLICO SERVICES AND COMMUNITY SERVICE.

EC-1.4 (Pro Bono Publico)
(a) A paralegal shall be sensitive to the legal needs of the public and shall promote the development and implementation of programs that address those needs.
(b) A paralegal shall support efforts to improve the legal system and access thereto and shall assist in making changes.
(c) A paralegal shall support and participate in the delivery of Pro Bono Publico services directed toward implementing and improving access to justice, the law, the legal system or the paralegal and legal professions.
(d) A paralegal should aspire annually to contribute twenty-four (24) hours of Pro Bono Publico services under the supervision of an attorney or as authorized by administrative, statutory or court authority to:

1. persons of limited means; or
2. charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the legal needs of persons with limited means; or
3. individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights.

The twenty-four (24) hours of Pro Bono Publico services contributed annually by a paralegal may consist of such services as detailed in this EC-1.4(d), and/or administrative matters designed to develop and implement the attainment of this aspiration as detailed above in EC-1.4(a)(b)(c), or any combination of the two.
EC-1.4 (Community Service)

(e) A paralegal should aspire to contribute twenty-four (24) hours of Community Service on an annual basis. For purposes of this EC, “Community Service” shall be defined as: volunteer activities that have the effect of providing a valuable service or benefit to a local community, as distinguished from those services which fall within the traditional definition of pro bono publico. By way of example and not limitation, several examples of Community Service may include: working with Habitat for Humanity, volunteering with local women’s shelters, volunteering for hurricane relief, serving meals at local soup kitchens or local homeless shelters.

THE ABA RECOMMENDS 50 HOURS OF PB SERVICE FOR ATTORNEYS; MANY STATE AND LOCAL BAR ASSOCIATIONS MIRROR THIS RECOMMENDATION

NFPA SUGGESTS 24 HOURS OF PB AND 24 SEPARATE HOURS OF CS FOR PARALEGALS.
NFPA PRO BONO AND COMMUNITY SERVICE-
VOLUNTARY REPORTING OF HOURS

- https://www.paralegals.org;
- Pro Bono Tab;
- Voluntary Reporting of Pro Bono Hours;
- Log In;
- Complete form- About You and About Pro Bono; check attestation and click “submit”;
- Members report for the following reasons: (1) information can be provided at the ABA meetings; (2) yearly recognition and (3) ability to track hours.
Linda A. Klein, Esquire, Past President of the American Bar Association, (ABA) previously stated:

“The pro bono work accomplished by lawyers across America is dependent, in part, on the invaluable support of trained paralegals and legal assistants. The ABA is appreciative of the National Federation of Paralegal Association’s leadership to promote pro bono by its member organizations and of the tremendous pro bono commitment of individual paralegals throughout the country.”
NFPA 2017 PRO BONO INITIATIVE

- In 2017, NFPA formally adopted the ABA Veterans Legal Services Initiative;
- Ensures veterans have access to justice and receive the legal support they, their families, and their caregivers deserve;
- Armed Forces Members to be appointed to Pro Bono Committee;
- Working with Jason Vail, Senior Attorney in the American Bar Association Division for Legal Services and Chief Counsel to the Standing Committee on Legal Assistance for Military Personnel;
- Collaborate on pro bono projects?
- Webinars = (1) mechanics of completing VA paperwork; the ABA’s volunteer income tax preparation for Veterans (continuing in 2018).
Paralegals complete ABA HYLN Pro Bono Survey. This short survey is for lawyers, law firms, pro bono programs, law schools, and other legal service providers who are interested in getting involved with the pro bono initiative. Responses to this survey will equip the ABA to begin collaborating with members to potentially match organizations with a local homeless youth shelter or drop-in center to assist in paralegal pro bono.

https://americanbar.qualtrics.com
• NFPA is currently partnering with the ABA on four (4) national projects:
  - ABA Free Legal Answers
  - Veterans Claims Assistance Network
  - Homeless Youth Legal Network
  - Operation Gratitude
NFPA PRO BONO

- Pro Bono and community service projects and events in all five (5) regions of NFPA, including, but not limited to, projects as follows:
  - CASA
  - Wills for Heroes
  - Domestic Violence
  - Innocence Project
  - Wills Clinics for Senior Citizens (and Veterans)
WHERE IS THE NEED?

The majority of paralegals who participate in pro bono activities assist in the area of family law, according to the National Federation of Paralegal Associations (NFPA). However there are many legal needs in housing, health, employment, community problems, and finance and consumer problems.
FINDING PARALEGAL PRO BONO OPPORTUNITIES

- Partner with local pro bono groups such as Legal Aid; monitor social media/web sites;
- Paralegals speak at local and/or state bar public interest committee meetings;;
- Partner with local bar association and the Young Lawyers Division;
- Work with law schools and paralegal programs;
- Partner with their firms or attorneys or other paralegals in the office
- Look to other counties;
- [http://www.probono.net/aba_oppsguide/](http://www.probono.net/aba_oppsguide/) - ABA National Pro Bono Opportunities Guide;
- [www.volunteermatch.org](http://www.volunteermatch.org) – bringing good people and causes together across the U.S; or
- Contact Christine Flynn for ABA opportunities
GETTING THE WORD OUT TO OUR MEMBERS

• Lead by example

The ABA first issued its Model Guidelines for the Utilization of Paralegals over 20 years ago. Although these guidelines state that “lawyers are the intended audience,” they are more relevant to paralegals. There are 10 total and it is this last one for which paralegals need to make sure lawyers are well aware:

Guideline #10: A lawyer who employs a paralegal should facilitate the paralegal’s participation in appropriate continuing education and pro bono publico activities.
Comment excerpt: The quantity and quality of pro bono work is enhanced when paralegals are included.

http://www.americanbar.org/content/dam/aba/administrative/paralegals/ls_prlgs_modelguidelines.authcheckdam.pdf
GETTING THE WORD OUT TO OUR MEMBERS

- Member Meetings - announcements;
- Newsletters;
- E-mail blasts;
- Colleges and Law Schools; and
- Pro Bono meetings.
GETTING THE WORD OUT TO STUDENTS

• Don’t Forget the students!
  • They are our future;
  • Great Experience;
  • High Enthusiasm;
  • Eager to Learn and happy to help; and
  • Paralegals often visit paralegal schools or serve as mentors.
PRO BONO: A TWO-WAY STREET

- Other than feeling good in helping others- many other “hidden” benefits to being involved in pro bono and community service
  - Expand paralegal skills;
  - Gain experience;
  - Network;
  - Foster Relationships;
  - Good for morale; and
  - May lead to writing articles/teaching opportunities.
PRO BONO: A TWO-WAY STREET

- Case Management;
- Problem solving/multi-tasking;
- Working with clients;
- Listening skills;
- Confidence;
- Foster leadership roles; and
- Recognition
HOW TO UTILIZE LEGAL ASSISTANTS IN PRO BONO PUBLICO PROGRAMS

- The American Bar Association established the Standing Committee on Legal Assistants to promote the utilization of legal assistants in the delivery of legal services- May, 1999

- https://www.americanbar.org/groups/paralegals/publications
PARALEGAL ROLE IN PRO BONO
WHAT CAN WE DO TO HELP?

- Organize/Coordinate Clinics;
- Intake/Interviews;
- Draft forms;
- Assist Attorney;
- Investigation;
- Administrative Work;
PARALEGAL ROLE IN PRO BONO
WHAT CAN WE DO TO HELP?

- Monitor dockets;
- Request records;
- Follow up on requests for records;
- Serve as translator;
- Serve as Notary Public;
PARALEGAL ROLE IN PRO BONO
WHAT CAN WE DO TO HELP?

- Return client telephone calls;
- Provide status updates;
- Legal Research; and
- Offer client support.
TRAINING

- Coordinate group trainings of paralegals after office hours;
- Lunch & learns;
- Shadow days at clinics;
- Partner paralegals with attorneys;
- Webinars; and
- Tool Box.
EXPECTATIONS

- Must keep appointments;
- Relationship builds trust;
- Listening skills;
- Timely completion of assignments;
- Updates;
- Know when to seek attorney assistance;
EXPECTATIONS

• Comply with internal policies;

• Communicate with internal staff;

• Calendar deadlines; and

• Maintain records.
POTENTIAL BARRIERS

- Language;
- Resources;
- Expertise;
- Insurance Issues; and
- Adequate staff to train.
OTHER ISSUES

- Availability of paralegal projects;
- No space to complete assignments;
- Lack of experience in area;
- Conflicts of Interest;
- Unable to work with client; and
- Unable to work with assigned attorney.
DEVELOPING RELATIONSHIPS

- Meet all staff and volunteers;
- Respect staff and attorneys;
- Arrange meetings or conference calls; and
- Ongoing Training.
ETHICAL CONSIDERATIONS

- Conflicts;
- UPL;
- Malpractice Insurance offered by organizations to attorneys; and
- Confidentiality.
OUR “WISH” LIST-2018

• Continue to develop and foster our ABA relationship;

• Increase visibility of paralegals in pro bono;

• Identify new partnerships; and

• Paralegals as members of local and state bar association pro bono committees.
OPEN DISCUSSION

-How to best match the needs of pro bono agencies and organizations with local paralegals in order to increase access to justice.
Thank You
for your time today!

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