



NYLPI NONPROFIT TOOLKIT



WORKING EFFECTIVELY WITH OUTSIDE COUNSEL

NYLPI
**JUSTICE THROUGH
COMMUNITY POWER**

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This document is not exhaustive or all-inclusive and is intended for general guidance only.
For more information, please consult qualified legal counsel.



SO YOU'RE ABOUT TO START WORKING WITH A PRO BONO ATTORNEY?

Until now, you have been working with the Pro Bono Clearinghouse at New York Lawyers for the Public Interest (NYLPI) on your legal issue. Now that we have found a law firm to assist you, you're ready to begin building a relationship with them.

This FAQ is intended to prepare you to work effectively with pro bono counsel. We answer the most common questions that nonprofits have about establishing and maintaining a relationship with the law firm and pro bono attorneys that you have been paired with.

WHAT IS THE COST OF THE REPRESENTATION?

All of the legal services are free of charge. The law firm is undertaking this work on a pro bono basis. The organization will not be charged for the legal services provided, but it is responsible for paying for any fees related to applications that are being filed (ex: certificate of incorporation and 1023 application for tax-exempt status). You may also be responsible for other costs in connection with your case.

It is important to clarify in our placement meeting what costs and other expenses your organization may be asked to pay. This is a reasonable question and no one will be offended if you ask this. This may also be outlined in an engagement letter with the firm (see more below).



HOW DO I KNOW THAT THE PRO BONO LEGAL TEAM I AM WORKING WITH IS QUALIFIED TO HELP MY ORGANIZATION?

The Pro Bono Clearinghouse has strong partnerships with an extensive network of New York's top private law firms and corporate legal departments and their highly skilled attorneys. After working closely with our nonprofit clients to assess their legal needs, we do the work of matching

nonprofits with law firms that have the expertise to ensure that groups have quality legal representation and that their legal questions are resolved.

WHAT IS THE SCOPE OF THE WORK?

The legal team and you enter into an engagement letter, which defines the scope of the work agreed to and clearly states that the law firm has agreed to represent the organization on a pro bono basis. You should expect the legal team to review this letter with you and answer any questions that you may have during the initial meeting or soon afterwards. Feel free to ask the firm or the Pro Bono Clearinghouse any questions you have about this letter.

While an organization may have multiple needs at any given time, the Pro Bono Clearinghouse works with nonprofits to prioritize their needs and fulfills requests for pro bono legal assistance on an issue-by-issue basis. That is to say that if a nonprofit has more than one legal need, the Pro Bono Clearinghouse seeks counsel to address one specific matter at any given time. The pro bono legal team assigned to your case does not take on the role of general counsel but instead will work on a single need at a time.



WHAT SHOULD I EXPECT DURING MY INITIAL MEETING WITH PRO BONO COUNSEL?

Initial meetings are a chance for the Pro Bono Clearinghouse to bring you and the law firm partner together for a formal introduction, an overview of the legal need at hand, and a discussion about timeline and next steps. Pro bono counsel also use this opportunity to spell out the scope of the engagement and address any questions or concerns that you may have. This may take place in person at the law firm or via conference call, depending on your preference and scheduling logistics.

It is the Pro Bono Clearinghouse's protocol for the nonprofit to have one representative liaise with the law

firm, as it is the most effective manner to relay information and make decisions. The liaison is usually the person who has been working with the Pro Bono Clearinghouse up until this point, most often a nonprofit's executive director, general counsel, or another member of senior management.

The main goals of the initial meeting are to meet pro bono counsel, define the scope of representation, and map out expectations by setting a timeline with clear yet reasonable deadlines. It is essential for you to be clear about your legal need and how a law firm can help to address the issue.

HOW DO I COMMUNICATE GOING FORWARD WITH PRO BONO COUNSEL REPRESENTING MY NONPROFIT?

Communication is key to ensuring a successful relationship with pro bono counsel. Expectations for your organization and the legal team are established from the start so that everyone understands their roles and responsibilities.

Most of the legal work will be done via email and phone calls. It is essential for nonprofit clients to provide their contact information and be clear about the best way to be reached. As stated above, your nonprofit should only have one person liaising with outside counsel.



This person will manage the relationship with the legal team and relay information back to the organization for decision making processes. The primary liaison should get into the habit of consistently checking and responding to emails and voicemails from the legal team assigned to your organization’s case. Additionally, it is the liaison’s responsibility to be in touch with pro bono counsel and nurture the relationship with the legal team by maintaining a constant flow of communication. In our experience, the most successful pro bono relationships are a result of intentional relationship-building.

Everything that is discussed with pro bono counsel is confidential, meaning that the firm will not disclose non-public information to anyone except as required by law. If you have a concern about anything related to your legal

matter, you should bring it up quickly with the legal team and not let it linger. It is critical for organizations to be open and honest about their circumstances so that the legal team can devise a sound strategy for addressing the issue.

If you have concerns during your engagement, if you do not hear back from pro bono attorneys in a timely way, or if you feel that your organization needs extra support, the Pro Bono Clearinghouse is here to serve as a resource. While we are not involved in the day-to-day of the matter once an organization has been placed, we are here to serve your organization and you should feel free to reach out to us by calling 212-244-4664.

WHAT DO I DO IF MY NONPROFIT HAS ANOTHER LEGAL NEED ARISE DURING THE LIFE OF THE CASE OR ONCE REPRESENTATION HAS ENDED?

If another legal question comes up during the course of your current matter or after representation has ended, your nonprofit should get back in touch with the Pro Bono

Clearinghouse at NYLPI by calling 212-244-4664. Our team will assess your new legal question and discuss next steps.

THANKS

For their invaluable contributions to the drafting and preparation of this guide, New York Lawyers for the Public Interest wishes to thank:

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