



P R O B O N O P R O G R A M

Formerly the Public Service Activities Corporation

Community Economic Development Pro Bono Project

Guidelines for Participating Law Firms

The Community Economic Development Pro Bono Project (the Project) refers cases out for community development legal assistance. Participating law firms provide transactional legal services and other business law advice to non-profit organizations that demonstrate the potential for planning and executing high impact development, social service and public service projects in low income and distressed communities.

Pro bono partnerships with non-profit client organizations through the Project should be approved at the law firm level. (Individual lawyers with firms and from other practice settings are encouraged to volunteer through the CED neighborhood clinics.) Building institutional commitments between law firms and client organizations is a priority for the Project. While a number of community based non-profit organizations have met with some success in obtaining free or reduced fee legal services for individual initiatives, very few of them have access to ongoing legal counsel. Accordingly, the outside general counsel model is a highly desirable way to deliver pro bono assistance through the Project. Law firms that enter agreements to serve in this manner are, of course, not restricted from referring a matter out to other firms or renegotiating the retainer, when it becomes necessary or appropriate to do so.

Ultimately, the scope of representation and duration of the engagement is a matter to be decided between the law firm and the client. Issues related to fees and costs should be explicitly addressed in the initial engagement letter.

Each year, the D.C. Bar Pro Bono Program provides volunteer attorneys to represent hundreds of tenant defendants in eviction actions in landlord and tenant court. Some of the clients referred through the CED Project are in fact non-profit housing sponsors, who on occasion have a need to sue for possession of real property for non-payment of rent or for other reasons. In order to avoid both actual and potential conflict of interests within the Pro Bono Program, we ask participating law firms to decline to assist non-profit clients with actions for possession of real property.

As with any pro bono matter, cases placed through the project are to be accepted without expectation of a fee. However, in transactional work, the costs of legal fees can frequently be financed through the project's budget. While firms are not precluded from accepting such fees, it is expected that any such arrangements would be negotiated in a way that preserves and promotes the charitable and public purpose objectives (i.e. affordable housing, reduced commercial rents, affordable child care etc.) of the client and this Project. Accordingly, where firms are designated to receive fees through a project budget, they are strongly encouraged to reduce or cap such fees or donate them back to the client organization or other appropriate projects.

Participating law firms will need to provide to the Project a copy of the signed pro bono engagement letter or retainer agreement, which indicates the scope of pro bono representation and any arrangements regarding fees and costs. Participating firms also agree to provide periodic updates to the Pro Bono Program on the progress of the representation.

The Project matches large law firms with neighborhood development organizations engaged in community improvement programs in lower income neighborhoods of the District. The Project also assigns individual lawyers to represent small non-profits as well as small disadvantaged local businesses through neighborhood clinics. By virtue of D.C. Bar member referenda, member dues cannot be used to support the Project's activities.

The DC Bar Pro Bono Program relies substantially on foundation funding in order to support the Project's activities. The cooperation of volunteer attorneys in providing progress reports is critical to our ability to attract and maintain philanthropic support. Surveys are sent to volunteers twice a year. Quick and complete responses are greatly appreciated and important in our quest to sustain this endeavor for the long term.