

## ***Pro Bono Corner***

By Patricia Beety, League of Minnesota Cities and Chair of the PLS *Pro Bono* Committee

The Public Law Section's *Pro Bono* Committee has been very busy of late. Committee members are in the final stages of updating a model policy for use by public law offices. The model policy builds off the *Model Pro Bono Policy for Government/Public Attorneys and Agencies* adopted by the MSBA Assembly in 2007. The committee also coordinated a lunch time CLE titled "*Pro Bono and the Public Lawyer*" that was held in Saint Paul in February. Finally, efforts are underway by the committee to identify statewide *pro bono* opportunities for interested public lawyers and public law offices. The committee also hopes to routinely provide resources and real life stories and examples of *pro bono* work by public lawyers -- to help make what is often an uncertain and confusing endeavor less daunting and to foster volunteerism among public lawyers who want to provide needed legal services to people of limited means in Minnesota.

### Model *Pro Bono* Policy

The 2007 *Model Pro Bono Policy for Government/Public Attorneys and Agencies* was the product of countless hours and thoughtful efforts by many notable public law leaders. The policy contains a comprehensive and practical approach to creating workable processes for the public law office. The model policy's effectiveness date has sunset, however, and the PLS executive council undertook review and revision, with a specific focus on addressing technology changes in public law offices over the past ten years.

As part of the review process, the PLS *Pro Bono* Committee first rolled out a survey for government lawyers who are also members of the MSBA. The purpose of the survey was to gauge the current level of interest by public lawyers in doing *pro bono* work; the obstacles, real or perceived, that may impact a public lawyer's ability to provide volunteer legal services; and the level of interest or desire for a policy template for public law offices. The interest level by public lawyers was significant – 61% of those responding to the survey said they would like to provide *pro bono* services. Strikingly, the level of obstacles identified was even more significant – 80% felt their options for *pro bono* work were negatively impacted by such issues as conflict of interest rules, lack of professional liability coverage, limitations on use of office resources, and public perception about use of official position and/or government paid time.

The revised model policy addresses all of these concerns and provides guidance for public lawyers' supervisors on practices and processes that can be adapted to their office's unique needs. Watch for updates regarding the release of the revised model policy in future PLS newsletters, as well as on PLS website and online communities.

### *Pro Bono* CLE – Panel Presentation

As part of the PLS monthly CLE series, a panel presentation on *pro bono* and the public lawyer was held on February 17, 2017, in Saint Paul. Two former recipients of the PLS's P. Kenneth Kohnstamm Public Law *Pro Bono* Attorney Award of Excellence, Nancy McLean and Jerry Hendrickson, told their personal stories of incorporating legal volunteer work into their very active public law practices.

Nancy, who began as an assistant city attorney in Saint Paul and who worked the majority of her distinguished public sector career at the Hennepin County Attorney's Office, also discussed her experiences along with Greg Brooker (Assistant U.S. Attorney) and Tom Kalitowski (Minnesota Court of Appeals) in chairing the initial *Pro Bono* Task Force which drafted the first model policy. Jerry, who recently retired from the Saint Paul City Attorney's Office after 40 years in public service, also shared Saint Paul's *pro bono* policy which he and former City Attorney John Choi were instrumental in adopting. Then both Nancy and Jerry answered questions by panel moderator Patricia Beety (League of Minnesota Cities) about how to address the obstacles identified by the PLS survey, including conflict of interest checks, use of office resources, and the need for careful planning of volunteer work, including identifying programs which provide the protection of professional liability coverage.

The panel also included Carol Bros, Volunteer Attorney Coordinator at Southern Minnesota Regional Legal Services (SMRLS). Prior to joining SMRLS, Carol worked in the 3M Office of General Counsel for 28 years. While at 3M, Carol was a volunteer attorney for SMRLS doing immigration and naturalization cases. During the February CLE, Carol shared examples of public lawyers actively engaged in volunteer services at SMRLS and she also identified resources and offered suggestions for those public lawyers interested but not yet engaged in *pro bono* work.

#### *Pro Bono Resources and Spotlight*

Watch the PLS website and online communities for the updated model *pro bono* policy, sample policies from public law offices, including the Office of Saint Paul City Attorney, and current links to relevant *pro bono* opportunities and resources.