

Large-scale legal mobilization: a model for effective pro bono collaboration

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When crisis strikes, pro bono professionals often receive an outpouring of interest in volunteering from the law firm community. If there are immediate legal needs for the community in crisis, an urgent pro bono response may be welcome and useful. In fact, in recent years, pro bono legal assistance, alongside other forms of support, has become a meaningful and expected resource for growing what is available to mitigate harm and provide remedies to affected communities.

This significant evolution in the legal sector mirrors developments in public-private partnerships in other spheres. The ability to provide an effective pro bono response across law firms has been greatly improved by the advancement of organizations like the Association of Pro Bono Counsel, the Law Firm Antiracism Alliance, the UK Collaborative Plan for Pro Bono, and the European Pro Bono Initiative, as well as other networks around the globe. The author's firm is a member of the Law Firm Antiracism Alliance, and the author represents the firm in those efforts.

Private sector involvement in crisis response has made an important positive impact and has the potential to do even more because of unparalleled resources and an ability to respond with immediacy.

This framework is offered as a resource to mobilize large-scale law firm pro bono resources effectively and collaboratively in response to a need for legal advice, legal representation and other resources in a time of crisis. It is focused primarily on the reactive response of the private bar in cooperation with legal services, civil society, and government; however, it is important as a legal community to continue thinking about how we can be proactive in our efforts to understand and positively impact the cause-and-effect chain of ripple effects that lead to and follow a crisis.

For example, what can the pro bono community do to support preventative or restorative work connected to climate events, poverty and other systems of inequality? And, how can we move toward a less siloed approach to our involvement and to enhance our connections with other sectors engaged in crisis response? As we work together to improve pro bono involvement in crisis response, we must work toward more effective engagement in mitigation, preparedness, and recovery — other critical phases of large-scale mobilization.

The type of crisis this model contemplates includes natural and climate disasters, effects of substantive changes to the law, threats

to democracy and democratic norms, widespread discrimination or harms against certain populations, military conflict, and other causes of required legal response. As such, the structure is necessarily broad with the understanding that each element will be developed in a manner that is specific to the context.

In recent years, pro bono legal assistance, alongside other forms of support, has become a meaningful and expected resource for growing what is available to mitigate harm and provide remedies to affected communities.

Importantly, this model was created with a global view in mind in that the structure aims to inform the pro bono community about process yet appreciates that flexibility is required to address specifics of any crisis. For example, the framework suggests a sequence of decision-making, the types of organizations that the law firm community should connect with, and the infrastructure that will need to be built or reinforced but does not attempt to direct pro bono leaders to a limited list of organizations or pre-determine training or technology that should be employed.

This offering is mindful that there is deep expertise in communities around the globe about how to respond to legal crises, and advocates for consultation with experts around the world to best launch any necessary response. Equally, while the intention of offering this model is to promote efficiency and buy-in to a coordinated response, there is an understanding that every instance of disaster or crisis requires thoughtful attention to the context, resources, and factors that cannot possibly be captured in a high-level overview plan.

The large-scale pro bono legal mobilization framework is designed to be maintained, activated, and evolved by a designated group of law firm pro bono professionals who are engaged in ongoing community and learning about crisis response, who have volunteered to be the first point of access to the global pro bono community, and who will leverage their networks to rapidly organize

leaders from appropriately situated law firms to coordinate new and emerging needs for pro bono legal mobilization.

Framework for mobilization

Understand the crisis

There is a myriad of similarities among crises that require legal responses that allow us to leverage learning from past action; the context, including immediate and systemic causes, political landscape, stakeholders, humanitarian needs and resources, must be examined at the outset.

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Recognition that an immediate disaster may lead to longer-term crises, as well as thoughtfulness about the fact that while a crisis may appear to be a natural disaster, its disparate impact on communities may be entirely dictated by man-made causes, will inform the response in significant ways. The pro bono community is served to provide impactful assistance by defining the crisis in terms of its causes and impact.

Timing

Frequently, humanitarian needs in a crisis are more pressing and need to be attended to before legal needs can be addressed. In these instances, the role of the pro bono professional is to help volunteers understand that shelter, food, and safety must be secured before it is possible for those impacted by the crisis to work with them on legal needs.

Maintaining the energy and commitment of volunteers until legal assistance can be received, particularly when some crises fall out of the headlines, becomes the responsibility of the pro bono community. This effort allows first responders from the humanitarian aid community and then the legal services community to order their work in a way where law firm volunteers add value rather than place burden on first responders to create opportunities for legal volunteers before it is beneficial.

Connect with legal services, civil society and government

The pro bono professional community is dedicated to being guided by experts from legal services, civil society and government that are engaged daily in the issue areas where pro bono resources are offered. In times of crisis, it becomes even more vital that those experts lead law firms. This framework was, in part, specifically designed in an effort to lift the burden from this first responder, under-resourced group of entities and professionals, so that we

can honor the need to connect and receive direction but can remove the onslaught of inquiries from individual law firms to these organizations that aim to find ways to help.

This model of collaboration is intended to designate a global coordinating network of pro bono professionals who will themselves, with consent from the pro bono community, serve as the first outreach to the expert community and will develop a pro bono leadership team to direct efforts related to management of the large-scale mobilization by seeking volunteers from the law firm community.

Timing revisited

As the scope of the crisis takes shape, the legal needs become clearer, including whether the legal response will be short and limited in duration, emerge and evolve over time, or both. The type of crisis often influences these timing considerations.

For example, in a natural disaster, there may be a short window where benefits will be provided if applied for, while in an ongoing military conflict, a situation that causes a refugee crisis, or where relevant laws are changed to address the crisis, the need for legal assistance and the form of that assistance may evolve over an extended period of time.

Pro bono leadership models

The framework offers some suggestions about how to structure the leadership team based on past learning from other crisis-related collaboration.

Place-based crisis

Determination that the elements of a crisis that require response are focused on a specific geographic location, for example, a hurricane or wildfire, often benefit from having an organizational co-leader who is in the affected place and a co-leader who is some distance from the area. This allows for on-the-ground perspective and connections from the co-leader located in the place of crisis, but also honors that the co-leader who is in the midst of the crisis themselves may be impacted personally and provides for support from a teammate who is not currently themselves in crisis.

Issue-based crisis

A crisis that extends beyond a single geographic area can be characterized as an issue or issues-based crisis. Examples of this type of crisis include a travel and immigration ban targeting a certain group of people, attacks on civil rights including reproductive justice, or a more systemic and long-term crisis like the structuralized racism found in our justice systems. Mobilization around these substantive issues benefits from a co-leader who is an expert in the area(s) of law that are implicated and a co-leader who is an expert in organizing pro bono responses more generally.

Hybrid

As the pro bono community has become more involved in a variety of types of crises, an understanding that many disasters do not fall neatly into issue- or place-based crises has emerged. A hybrid

leadership model that considers the nuances of complicated place- and issue-based crises is now understood to be beneficial. For example, a natural disaster occurring in one geographic area may implicate multiple substantive issues, including public benefits, housing, and trusts and estates, while a crisis that begins focused on a single issue, like a need to address immigration remedies, may spread from the place of origin, like a war zone, to a need for services around the globe.

Awareness that legal needs may evolve as a crisis evolves requires flexibility and ongoing discussion and evaluation.

In situations where leaders with expertise in subject matter, organizing and the geographic location are beneficial, a more expansive coordinating team may be necessary.

Collaborate with legal services, civil society and government

Once it has been determined that pro bono assistance will be beneficial in collaboration with legal services, civil society, government, and the client base, a series of considerations need to be addressed.

Communication plan

Mobilization across firms, organizations and geographies requires an intentional communication plan that is known by the stakeholders who will rely on the response plan. Any communication plan should aim to relieve burden from the organizations that will partner with law firms by fostering a situation where multiple law firms do not reach out individually to coordinating legal services and nonprofit organizations. Communication arrangements should maximize the use of technology and established pro bono networks among law firms.

Scope of pro bono legal services

Establishing a defined set of legal issues that can appropriately be handled through pro bono representation may require a critical look at the broad scope of needs and a categorization of needs that should be addressed by pro bono support, legal services support, or co-counseling across organizations. Awareness that legal needs may evolve as a crisis evolves requires flexibility and ongoing discussion and evaluation. For example, a crisis that begins with an immediate need for refugee resettlement assistance may shift to a later need for help with housing and public benefits.

Risk and compliance

As the scope of pro bono assistance is determined, it can be important for law firms to identify and address issues related to informed consent, engagement processes, unauthorized practice of law, and international rules, among other issues. Consultation with law firm general counsel can be beneficial.

Training

Often the legal work required related to a crisis extends beyond law firm lawyers' usual practice and requires training provided by legal services organizations. This is another area where law firm coordination can minimize the burden on legal services to provide ongoing or multiple trainings. In addition to substantive trainings, consideration should be given to requiring or offering cultural humility or trauma-informed training to volunteers and coordinators.

Technology and other resources

Communication, client engagement, access to resources, efficiency, training materials and other enablers of pro bono service are enhanced with focus on existing resources and outreach to additional stakeholders who may be able to adapt and build resources suited to any given crisis. Attention to an expansive network, inclusive of corporations and NGOs that have focused on this sort of enhancement to the delivery of legal services may yield strong results.

Connect with clients

While legal services, civil society and government may be the first point of contact with clients in a disaster situation, experience informs that attention to client need and client preference about points of entry for connection with pro bono service will greatly improve the success of service delivery. Additionally, ongoing consultation with client stakeholders about best means of communication and changing legal needs will advance the chances of successful engagement. Learnings from community-based and client-centered lawyering should inform any response to a crisis.

Assessment and evaluation

Crisis response, because of its immediacy and emergent nature, does not lend itself to rigorous or real-time reflection. However, to the extent possible, if clients and the organizations that lead and partner with law firms can be surveyed about the successes and challenges related to a given response, there may be opportunity for impactful direct response to feedback or learning for future responses. This assessment and evaluation can take a multitude of forms, from the formal survey to anecdotal reporting to co-leaders of the crisis response team sharing information about meaningful experiences.

Adapt and sustain

As previously noted, most crises tend to evolve in terms of substantive legal needs, affected geographies, or both. If the pro bono community hopes to be effective, after assessment and evaluation of the ongoing response to any crisis, reflection leading to adaptation should follow.

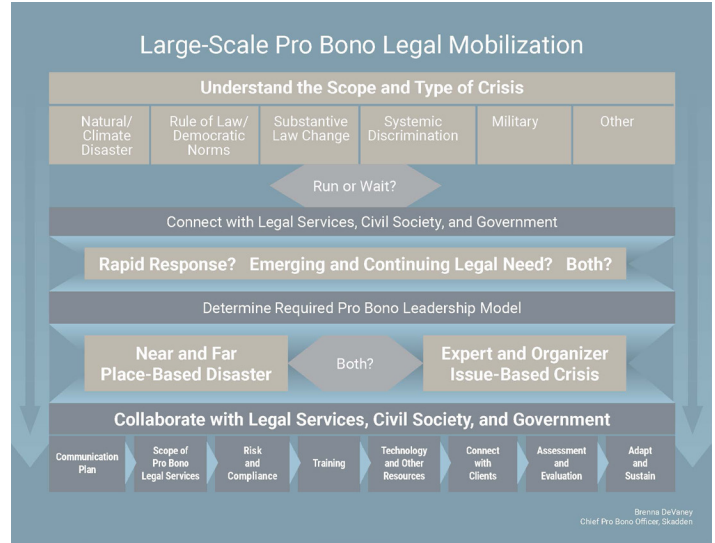
For systemic or long-term crises, there may be a need to sustain momentum from the law firm community around continued engagement in pro bono support. Leveraging the networks available and other communications resources to maintain

engagement is a critical role for leaders of a response team and the pro bono professional community more generally.

Preventative and systemic work

The effects of any crisis are disproportionately shouldered by communities that are disadvantaged in our justice, political, and socio-economic systems. After decades of involvement in large-scale mobilization, it is evident that we have a responsibility to respond when called upon in an efficient, coordinated way, but that is not enough.

As stewards of invaluable resources, we are also responsible for intentional direction of those resources outside of times of crisis to tackle systems of oppression so that when disaster strikes in the future, its effects are not primarily borne by those who have less access to remedies and justice. We do this by collaborating before the crisis with attention to networking, efficient systems, impact work, rule of law, funding for access to justice, advancement of technology, awareness building, and holding our law firms to the highest standard of collaborative pro bono.



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