



Give Back, Get More— The Importance of Transactional *Pro Bono*

by Nancy Eberhardt

Many lawyers look for actionable ways to demonstrate their commitment to making the world and their community a better place. There are lots of opportunities to donate time and money to causes one believes in. And, because of their particular skills, most lawyers believe they have a professional responsibility to provide legal assistance to those in need. But many lawyers, especially those who don't litigate, believe the opportunities to give back through *pro bono* work are extremely limited.

In fact, New Jersey lawyers have a growing number of available and easy-to-access transactional *pro bono* opportunities that will make a difference in their communities.

Resources for Accessing Transactional *Pro Bono* Opportunities

Pro Bono Partnership connects lawyers with nonprofit organizations that need legal assistance. Pro Bono Partnership is a 501(c)(3) organization that was founded in 1997 with the goal of making it easy and enjoyable for in-house and law firm

attorneys to provide valuable *pro bono* services to nonprofits in their communities.

Other transactional opportunities throughout the state involve helping veterans draft wills, helping small businesses establish their legal structures, and other work for nonprofit organizations. The website probononj.org provides links to other providers. The New Jersey State Bar Association, or your local bar association, also can provide information.

Some law firms are taking on this type of matter directly. Others choose to work through an organization that provides *Madden* credit for qualifying work. As most New Jersey-admitted lawyers know, assignment judges in New Jersey have the authority to assign *pro bono* cases to counsel who primarily practice in that county. The *Madden* decision is the source of New Jersey's 'mandatory' *pro bono* requirement.

When a New Jersey-licensed attorney provides 25 or more hours of volunteer service in New Jersey through one of the qualifying organizations in a single calendar year, the following year the attorney will be able to certify on his or her annual attorney registration statement form that he or she is exempt

from court-appointed mandatory *pro bono* assignments. For the current list of qualifying organizations, see <http://www.judiciary.state.nj.us/supreme/apps/pbos/probonoorganization/Chart>.

Nonprofit Clients

Pro Bono Partnership clients are charitable organizations that serve the disadvantaged and enhance the quality of life in communities by feeding the hungry, housing the homeless, promoting the arts, protecting the environment, and providing essential programs to children, the elderly, the disabled, and the unemployed. These nonprofits have the same business legal needs as for-profit entities. However, many choose to forego legal advice because they are unable to pay for legal services without significantly impacting resources for programs. Additionally, small nonprofits may not recognize the need for counsel. While nonprofits may have attorneys on their boards, those attorneys might not have the legal expertise required to address the full spectrum of business legal needs a nonprofit organization faces.

Pro Bono Partnership addresses the legal needs of its nonprofit clients by partnering with more than 1,300 volunteer attorneys every year to provide top-quality *pro bono* business legal services to these organizations. Its in-house legal staff has expertise in nonprofit law and recruits and supports attorneys from major corporations and law firms who donate their time to advise pre-screened clients on legal matters. Together, the Pro Bono Partnership and its pool of volunteers help area nonprofits increase their effectiveness and eliminate risks.

This work can have an enormous positive impact for the clients, their constituents, and communities. An after-school arts organization recently wrote, "The money we save through your *pro bono* services will go directly into programming. Your gift makes so much possible: 850 programs for 14,000 students."

Another client wrote, "Can't begin to explain what Pro Bono [Partnership] has done for our organization. We would not have bylaws, AOI, policies, and contracts without the dedicated volunteers you have generously provided. To a small nonprofit with a big heart, you are our heroes! Thank you!"

Small Business Clients

Many cities and states are developing *pro bono* networks to assist small business clients, especially focused on businesses in low-income communities. New Jersey does not yet have a coordinated program in this arena, but many firms are working to assist these clients through clinical settings or individually. Given national trends and the changing economic model, it can be expected that this type of work will become more widespread.

Keeping Transactional *Pro Bono* Meaningful and Manageable

Under Pro Bono Partnership's program, volunteer attorneys are not asked to handle all of a client's legal needs. Rather, a volunteer takes on an individual project that is typically within his or her existing area of expertise. Volunteers handle the same types of matters they deal with in their daily practice: contracts; corporate formation and ongoing governance; employment law; real estate; intellectual property; Health Insurance Portability and Accountability Act (HIPAA) and privacy; bankruptcy, merger, and dissolution; nonprofit/tax exempt issues; and other non-litigation-based projects.

The Pro Bono Partnership's program and its volunteer opportunities are uniquely structured to satisfy not only the volunteer's area of expertise but also the needs of busy in-house and law firm lawyers. In fact, many of the projects take a few hours or less to complete.

Following are key aspects of the Pro Bono Partnership's program:

- Clients and matters are thoroughly

screened.

- Because the Pro Bono Partnership does not handle litigation, most projects are discrete, manageable, and not time-sensitive.
- Projects usually can be completed remotely, from a lawyer's desk.
- Every project is coordinated and overseen by a Pro Bono Partnership staff attorney experienced in nonprofit law.
- Model documents, training, and other resources are available as needed.
- Where appropriate, counsel can work together as a team, with colleagues and/or with lawyers from outside firms.
- The Pro Bono Partnership provides liability insurance coverage for volunteer attorneys.
- New Jersey-based projects qualify for *Madden* exemptions.

The Impact of Volunteering

Pro Bono Partnership has been serving nonprofit clients for 20 years, and in 2016 alone the staff and volunteer attorneys resolved more than 1,600 legal matters for 775 nonprofit clients. The value of those services translates to more than \$9.4 million in *pro bono* legal services. Of course, clients aren't the only ones that benefit.

In the Pro Bono Partnership 2016 annual impact survey, more than 90 percent of nonprofit clients reported that access to legal counsel through the organization enabled them to better understand and comply with the law and strengthen their organization. Moreover, 100 percent of volunteers said their work with the Pro Bono Partnership provided a rewarding professional experience and the satisfaction of helping a good cause. ☺

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