

PUBLIC BENEFITS PRO BONO START-UP KIT

By Adam Heintz & Lizz Harrington

Table of Contents

A. The Start-Up Kit.....	3
B. Legal Services NYC.....	3
C. Pro Bono Public Benefits Clinics at LSNYC.....	3
D. Core Elements of a Successful Project.....	4
1. Clients — need & access.....	5
2. Casework — suitability of work for volunteers	6
3. Legal services staff — buy-in and staffing plan.....	7
4. Law firm and corporation partners.....	8
5. Virtual, in person, or a mix?	8
6. Technology and client-centered logistics for remote work.....	10
7. Training & volunteer resources.....	11
8. Mentorship.....	13
E. Digest of Checklists.....	14

A. The Start-Up Kit

This Start-Up Kit is designed to serve as a guide for legal services organizations and others aiming to create pro bono public benefits application clinics in partnership with law firms and corporations. The advantages of successful public benefits clinics with these institutions are significant: high case volume, effective utilization of volunteers from corporations, and deeper relationships with law firms. But creating a successful project requires thoughtful planning.

The Start-Up Kit summarizes many of the key lessons that Legal Services NYC (LSNYC) learned over the course of the first year of a Pro Bono Innovation Fund grant from the Legal Services Corporation, and a pilot stage for several years prior to that. LSC's support permitted LSNYC to greatly refine our public benefits clinical work with corporations and law firms.

To facilitate replication of similar projects by others, this document highlights our view on the key elements to a successful pro bono public benefits application clinics, check lists of tips and items to consider, and warnings about potential challenges.

B. Legal Services NYC

Legal Services NYC is the largest organization in the country devoted solely to providing free civil legal services to low-income people. We have approximately 750 staff across nearly 20 offices throughout New York City. The organization has 20 different practice areas. All of them focus on the essentials of life for low-income people: housing, benefits, safety, education, economic security, immigration status, and more. LSNYC also has several units focused on particular populations, including veterans, the elderly, and LGBTQ/HIV+ clients.

Our pro bono program works with thousands of volunteers from nearly 100 large law firms and corporations.

C. Pro Bono Public Benefits Clinics at LSNYC

When the COVID-19 pandemic hit, LSNYC was deluged by thousands of callers seeking public benefits, many for the first time in their lives. Historically, the organization turned away cases like this because of limited resources. Instead, thanks to infrastructure provided by an LSC Pro Bono Innovation Fund (PBIF) grant related to hybrid corporate/law

firm clinics, LSNYC was able to create and temporarily run recurring virtual pro bono clinics that have helped approximately 700 clients pursue these essential benefits. We are proud of what we accomplished during this particularly acute phase of the pandemic, but we also learned several lessons. First, a clinic to apply for a whole battery of public benefits made training and mentorship challenging, particularly for newer volunteers. Second, we needed additional resources to support both the client need and tremendous volunteer interest.

Applying these lessons, LSNYC has created clinics that are specific to particular types of public benefits. These include SNAP applications, a form of emergency housing benefit for tenants from New York City called “one-shot deals” (OSDs), and a housing subsidy for senior citizens and disabled tenants that prevents them from having to pay rent increases (SCRIE/DRIE). LSNYC also stood up a temporary, large-scale effort to help tenants obtain federal relief through the Emergency Rental Assistance Program (ERAP). Funds for the ERAP program in New York were wildly insufficient, however, and were exhausted several months after the program began.

By creating clinics that address a single type of public benefit, LSNYC has found that it is much easier to train and mentor volunteers, who are given a narrower area of practice to understand. LSNYC also secured additional funding from PBIF that allowed the organization to hire its first Public Benefits Pro Bono Coordinating Attorney. With these changes, the program has become even efficient, effective, and durable than before.

D. Core Elements of a Successful Project

There are several core aspects to a successful public benefits clinical effort with law firms and corporations. Each of these elements is elaborated upon in separate sections, below. But in short, when starting a similar project, consider the following questions:

1. **Clients.** Are public benefits applications a core legal need for your clients, and do you have access to these clients?
2. **Casework.** Can volunteers effectively and efficiently do the legal work?
3. **Staffing.** Do you have the necessary support from staff at your organization — including substantive experts to guide the project and mentor the cases?
4. **Law firm and corporation partners.** Are there law firm and corporate partners who are excited to partner on your idea, and with each other?
5. **Assess whether a virtual clinic makes sense.** What burdens will be placed on clients by doing an in-person clinic? What about for a virtual clinic? What

- efficiencies come from each model? What preferences do volunteers, staff, and clients have for doing this clinic remotely?
6. **Simple technology and client-centered logistics for remote work.** What technology will you need for a remote training? How can you make technology as simple, flexible, and responsive to client preferences as possible?
 7. **Training and volunteer resources.** What volunteer training and resources will be necessary to effectively do the work?
 8. **Mentorship.** How will your staff mentor and manage the pro bono teams?

1. Clients – need & access

Public benefits work is, of course, a core practice area for all legal services organizations. Government programs exist to provide help, but they are confusing and difficult for many eligible individuals to access. For example, New York created a website to apply for many of these benefits, including emergency rental assistance, Supplemental Nutrition Assistance Program (SNAP / food stamps), cash assistance, and more. But utilizing the online system requires access to technology – and comfort using it – that many do not have. As a result, people who are eligible often either give up or submit incomplete applications that are wrongly denied. Others are forced to go to a benefits center in person to apply, which frequently requires hours of waiting, missed work, challenges with childcare, and barriers for clients with disabilities.

Every day at legal services organizations, we help our clients to find food security, housing stability, health care, and some measure of financial stability. Too often, however, we turn away people seeking help with public benefits applications because of our own limited resources. While some who are denied benefits will find representation, many will not. And even those who do must suffer for weeks or months while the denial is challenged.

So, there is no question that public benefits are an area of pervasive client need. But before launching a pro bono public benefits application effort, consider your client volume for this form of relief. Do low-income people already seek you out for help with applications? If not, do they go to another provider for help? Inaccessibility of clients does not necessarily reflect the severity of the legal need – more often, it mirrors the discrimination and disappointment that particular communities have experienced when they have sought help in the past. Additional outreach is all the more valuable in these circumstances. Either way, it is crucial to identify a steady stream of clients who are seeking this assistance at the outset, before taking further steps to create a pro bono project around it.

Key Considerations:

- What is the specific public benefits legal need you plan to address?
- What other services currently exist in your area, and how will your project bolster and/or differ from those services?
- What is the volume of potential clients?
- Do you have access to these clients, or a plan for how to gain access to them?

2. Casework — suitability of work for volunteers

As with all pro bono work, it is essential to think through whether the work is suitable for volunteer support. What does it mean for a case to be a “good fit” for pro bono volunteers? Put differently, the inquiry is whether pro bono attorneys can actually do a good job on this kind of matter, with the right training and support.

A related question is whether it is worth it to have pro bono support on the cases: is it actually efficient for pro attorneys to do the legal work, or will the mentorship and support required of the legal services organization outweigh the benefits of the volunteer service? Any pro bono effort will require mentorship and staff time. But if the nature of the work is that it requires constant input and intervention from legal services experts, it may simply not make sense to build a pro bono effort out of it.

Here, LSNYC discovered that it was more effective to carve out particular kinds of public benefits applications for pro bono support, instead of bundling them together. Now, volunteers can participate in, for example, a SNAP application clinic in which they are only trained about this form of relief. Should they wish to expand to a different type of public benefit work, there are different clinics for other options.

LSNYC has yet to crack the code on creating an efficient project for certain kinds of public benefits. For example, we continue to explore whether a project helping clients with Medicaid or cash benefits can be structured in an efficient manner. Significant challenges include the technical nature of the work, the complexity of documents and other requirements, higher rates of denial, and a plan for handling ensuing appeals.

To properly measure the efficiency of the work, try mapping out the life of a case, and estimating how much time and resources will be needed from the legal services organization at each point. It is also important to have an approach to deal with cases that are denied. Will you ask the pro bono volunteer to handle the appeal? (And will they be well suited to do it?) If not, do you have staff bandwidth to take up any appeals?

Key Considerations:

- How much legal expertise is required to effectively do the work?
- If volunteers do not have this expertise, how will you impart it?
- Can training, supporting materials, and light mentorship convey the necessary knowledge?
- Is the staff time needed to screen, prepare, and mentor the cases justified based on the pro bono support obtained and the outcomes achieved for clients?
- What is your plan for denials and appeals?
- Do the cases match up with volunteer interests and limitations?

3. Legal services staff — buy-in and staffing plan

Whatever your project, it is going to take legal services staff to make it work. At a minimum, it will require substantive legal experts to prepare trainings and mentor cases, administrative support to open cases and follow up with clients, and leadership to organize, plan, and execute the project.

For a time, LSNYC was able to sustain public benefits work by relying on staff attorneys and directors who would mentor the teams and conduct the trainings. But eventually the burden of mentoring hundreds of teams became too much for already busy public benefits staff. In order to make public benefits clinics a staple of our pro bono work, the organization needed additional resources to hire a public benefits attorney that would focus on pro bono work. Thanks to PBIF, we were able to do so. In the alternative, an organization could formally devote a percentage of an advocate's time to the work in order to formalize the importance of the work while recognizing that it will take a substantial amount of time if the clinics are ultimately offered at scale.

Some individuals within legal services organizations are skeptical of pro bono volunteers doing public benefits work. This may be due to a belief that public benefits are too complicated or that private attorneys will not have interest or ability to work with this population. Combatting this belief will require careful outreach and a detailed plan to execute the project. This makes strategic consideration of the type of work and what firm/corporate partners to work with especially important.

Key Considerations:

- Identify the expert mentors at your organization with the capacity and interest in partnering on the project

- Canvass key players in your organization about the project
- Identify point people for managing pro bono relationships, structuring the project, and addressing any problems
- Map out a plan for administrative support necessary to make the project work
- Pursue additional resources when it is time to scale the project up

4. Law firm and corporation partners

LSNYC's model is built on institutional relationships with law firms and corporations. Our clinics are not open to all volunteers, but instead only to those from the hosting law firm and from the participating corporations. That means that we are able to generate ownership from each institution, and with a specific group from within those institutions. Law firms and corporations often want to repeat a particular clinic, and they staff those clinics with returning volunteers who are able to both generate enthusiasm from peers and provide some guidance to newer teams.

LSNYC has found tremendous law firm and corporation interest in the public benefits application clinics that we have created so far. Many firms have New York offices but are based elsewhere. These geographically diverse entities have reported that there are few food security pro bono legal projects available anywhere in the country. Housing benefits have also been easy to recruit for, partly because of the focus on the housing crisis during and after the pandemic.

This response suggests that there is appetite for other, similar projects throughout the country.

Key Considerations:

- What are the prospective law firms and corporations you might partner with?
- Consider the draw that public benefits projects may present as an unusual type of pro bono opportunity
- Offer clear expectations to institutional partners about their role and the time and resources involved

5. Virtual, in person, or a mix?

It is important to carefully assess whether a clinic will work in a remote setting. Be sure to weigh the mix of burdens on clients, volunteers, and staff that would result from virtual compared to in-person work. While technology is a barrier for some, it is a bridge for

many others. Prior to the pandemic, none of LSNYC's pro bono programs were remote.

The forced pivot to a remote model taught us that in fact most of our clients were willing and able to work with attorneys remotely. Obtaining legal representation without travel is particularly important for clients with disabilities, hourly jobs, young children, or other challenges. For clients who regularly face discrimination when travelling or interacting with building security and others – like many transgender clients, some people of color, and those with limited English proficiency – remote work may be particularly appealing.

LSNYC's public benefits clinics have been offered primarily remotely. Our experience has been positive, with 86% of clients reporting that they find virtual work to be either very easy or manageable to navigate, and 86% stating that they prefer to work either entirely virtually, or a mix of remote and in person work. More recently, LSNYC has offered some trainings in person, while teams then met with clients virtually. Our hope is to soon give clients the option to choose virtual or in person representation whenever possible.

Also be sure to consider the impact of remote work on volunteers and staff. Many clinics can become more efficient when held virtually. There is no need to secure meeting space, supplies, or refreshments. But the most important efficiency may come from the time saved by clients, volunteers, and staff. That in turn makes it possible to serve more clients and hold more clinics than in the past.

Another potential advantage of virtual work is that it can provide access to a broader pool of pro bono attorneys. Firms and corporations can staff volunteers from any of their offices across the country – or even beyond. LSNYC is lucky to have access to firms with large New York offices. But most have more attorneys outside of the city – sometimes substantially more. Talk to your target pro bono partners to assess whether you will be able to increase pro bono support with a virtual approach.

Key Considerations:

- Assess whether the work can be done remotely
 - ⇒ nature of legal work (online forms, drafting affidavits, etc.)
 - ⇒ any ink signatures required
 - ⇒ notarization requirements
 - ⇒ volume of paper documents

- Weigh the burdens of in-person work vs. virtual work on clients
 - ⇒ travel cost and burden
 - ⇒ access to technology
 - ⇒ finding private space for calls with lawyers
 - ⇒ childcare
 - ⇒ potential points of discrimination or micro-aggressions

- ⇒ client preference for in person or virtual
- Weigh impact on volunteers
 - ⇒ potential access to a larger pool for recruiting
 - ⇒ pro bono access to needed technology
 - ⇒ volunteers' preference for in person or virtual
- Weigh staffing concerns and logistical burdens
 - ⇒ technology and supplies for the work
 - ⇒ food and refreshments for clients and volunteers
 - ⇒ copying and scanning documents
 - ⇒ space considerations
 - ⇒ staff time

6. Technology and client-centered logistics for remote work

When it comes to technology and logistics: stay flexible and keep it simple. LSNYC asks volunteers to take a client-centered approach to arranging for technology and communication. We instruct teams to reach out to clients 48 hours in advance of each clinic, introduce themselves, and find out from the client the best way to interact – whether by Zoom, WebEx, phone call, etc. Similarly, teams are instructed to ask the client the best way to share documents. That could be photos offered by text, email, or an app. Or it could mean the law firm sending a pre-paid envelop to the client so that they can enclose hard copies.

Our approach is to try to instill a solution-oriented approach from volunteers that gives clients the say in what works best for them – while utilizing all the resources that law firms have to offer to make it easier for clients whenever possible. Pro bono support can help bridge the technology gap for clients along with the justice gap. But volunteers need prompting to make that happen.

Pro bono attorneys can use their own technology and resources to ensure that clients who have access to neither are able to secure the legal relief that they are entitled to. Often all clients need to participate in the work is the ability to talk on the phone. Pro bono attorneys can interview clients remotely, draft papers on their own, submit forms online, send pre-paid envelopes to clients to send back documents when they are unable to send electronic versions, and even create email addresses for clients for the applications that require them.

Clients deserve flexibility and convenience, and the power to choose the method that works best for them. Whatever clients have access to or prefer, LSNYC and our pro bono volunteers are ready to make the legal relationship work.

Key Considerations:

- Consider different technological platforms for training, client meetings, document sharing, etc.
- Think through low-tech solutions to challenges, like sending prepaid envelopes for documents
- Identify the simplest systems possible – fancy programs are usually less accessible
- Allow clients to call into meetings if they prefer
- Ask firms to provide the technology and leg work you need
- Consider client preferences
- Brainstorm approaches to overcoming likely barriers
- Stay flexible
- Teach pro bono attorneys to be flexible too

7. Training & volunteer resources

Training and other resources for volunteers are vital to the success of this work. As with our other pro bono work, LSNYC provides trainings, volunteer portals with a range of templates and other resources. We have also come up with an approach to launching clinics when participants do not partake in live-trainings, described below.

Zoom launches. LSNYC created pre-recorded trainings for each type of public benefits application clinic that it offers. Because of the frequency of these clinics, volunteers are asked to watch the pre-recorded training. But to retain some of the benefits of live trainings, we then hold “Zoom launches” for each clinic. These are a chance for all of the clinic volunteers to get on a video meeting with LSNYC, meet one another, get key reminders about the work, and ask any questions before they get started. Teams receive their client assignments in advance of the launch and have typically already made contact with the client to arrange their meeting. They are therefore likely to bring questions to the session that are particular to their cases. That creates a positive climate of interaction and eases the burden on mentoring teams going forward as questions are answered at the outset.

Volunteer Resources. LSNYC has also created training resources to supplement our oversight of public benefits cases. These include separate resources for pro bono

attorneys working on ERAP, SNAP, One-Shot Deals, and SCRIE/DRIE. Each training portal follows a similar format, with a high level “roadmap” to each case, a PowerPoint, and sample documents for attorneys to work off of. All resources are provided in electronic format to volunteers in advance of the clinic.

Template emails. In the weeks and months prior to clinics, we send standard emails to law firm point people with extremely detailed instructions for every aspect of the clinic. These include template emails for them to in turn send to their volunteer teams. Team launch emails include information about their client, instructions on how to make contact with their client, key steps for the work, an introduction to their mentor, and a cc to the client case file to assist with case tracking. These emails also include a link to the volunteer portal with electronic resources for their work.

Some replicable suggestions include:

- **Zoom launch meetings.** When virtual clinics involve pre-recorded trainings, set up a live launch meeting for 30 minutes to offer key reminders and tips, answer any questions, and allow mentors and volunteers to connect directly.
- **Volunteer portals.** Take the time to create volunteer resources that include roadmaps to the work and samples.
- **Electronic access.** Make resources available in electronic format that is easily accessible by pro bono volunteers.
- **Email templates.** Draft template emails launching the clinic with law firm point people, and separate emails to teams launching their cases.

Key Considerations:

- Prepare CLE training
- When trainings are pre-recorded, hold a Zoom “launch call” with participants for 30 minutes
- Draft supporting electronic materials for volunteers to use at clinics
- Draft templates

8. Mentorship and Volunteer Support

Ongoing mentorship is an important aspect of ensuring effective advocacy. No training can anticipate every issue or question that may arise for individual clients, so having

ongoing support is essential. It allows volunteers to feel more comfortable taking on public benefits work, even if they have no prior experience. Having a mentor also establishes a point person for all the administrative and logistical coordination of the clinic.

Mentorship. LSNYC provides close mentorship and oversight on all cases. Our Public Benefits Pro Bono attorney manages all clinics and supports the volunteers both with trainings and ongoing guidance. On the day of the clinic, LSNYC’s mentor is available, either virtually or in person, to “instantly” answer questions and troubleshoot issues as volunteers work with their clients. LSNYC encourages regular updates and communication from volunteers to their mentor to create a record of work and ensure volunteers feel comfortable asking for assistance when needed.

Oversight. It is very important that mentors stay organized when managing a high-volume public benefits project. Our LSNYC mentor maintains a spreadsheet that includes a list of clients, volunteers and their contact info, and relevant case updates for each case. This is important for monitoring progress of the cases and to ensure the mentor can check in with cases that have not had a recent update from volunteers. We also ask volunteers to cc our case management system on each email they send, so a record is created even if an email is missed.

Key Considerations:

- Provide experts to mentor teams immediately at clinics
- Provide ongoing mentorship through the life of case
- Encourage questions and communication from volunteers
- Create an organizational system to manage a high volume of cases and volunteers

E. Digest of Checklists

Below is a digest of the checklists embedded in Section D, on key considerations for a successful public benefits pro bono project.

- 1. Clients.** Are public benefits applications a core legal need for your clients, and do you have access to these clients?
 - What is the specific public benefits legal need you plan to address?
 - What other services currently exist in your area, and how will your project bolster and/or differ from those services?
 - What is the volume of potential clients?
 - Do you have access to these clients, or a plan for how to gain access to them?
- 2. Casework.** Can volunteers effectively and efficiently do the legal work?
 - How much legal expertise is required to effectively do the work?
 - If volunteers do not have this expertise, how will you impart it?
 - Can training, supporting materials, and light mentorship convey the necessary knowledge?
 - Is the staff time needed to screen, prepare, and mentor the cases justified based on the pro bono support obtained and the outcomes achieved for clients?
 - What is your plan for denials and appeals?
 - Do the cases match up with volunteer interests and limitations?
- 3. Staffing.** Do you have the necessary support from staff at your organization — including substantive experts to guide the project and mentor the cases?
 - Identify the expert mentors at your organization with the capacity and interest in partnering on the project
 - Canvass key players in your organization about the project
 - Identify point people for managing pro bono relationships, structuring the project, and addressing any problems
 - Map out a plan for administrative support necessary to make the project work

- Pursue additional resources when it is time to scale the project up
- 4. Law firm and corporation partners.** Are there law firm and corporate partners who are excited to partner on your idea, and with each other?
 - What are the prospective law firms and corporations you might partner with?
 - Consider the draw that public benefits projects may present as an unusual type of pro bono opportunity
 - Offer clear expectations to institutional partners about their role and the time and resources involved
- 5. Assess whether a virtual clinic makes sense.** What burdens will be placed on clients by doing an in-person clinic? What about for a virtual clinic? What efficiencies come from each model? What preferences do volunteers, staff, and clients have for doing this clinic remotely?
 - Assess whether the work can be done remotely
 - ⇒ nature of legal work (online forms, drafting affidavits, etc.)
 - ⇒ any ink signatures required
 - ⇒ notarization requirements
 - ⇒ volume of paper documents
 - Weigh the burdens of in-person work vs. virtual work on clients
 - ⇒ travel cost and burden
 - ⇒ access to technology
 - ⇒ finding private space for calls with lawyers
 - ⇒ childcare
 - ⇒ potential points of discrimination or micro-aggressions
 - ⇒ client preference for in person or virtual
 - Weigh impact on volunteers
 - ⇒ potential access to a larger pool for recruiting
 - ⇒ pro bono access to needed technology
 - ⇒ volunteers' preference for in person or virtual
 - Weigh staffing concerns and logistical burdens
 - ⇒ technology and supplies for the work
 - ⇒ food and refreshments for clients and volunteers
 - ⇒ copying and scanning documents
 - ⇒ space considerations
 - ⇒ staff time

6. Simple technology and client-centered logistics for remote work. What technology will you need for a remote training? How can you make technology as simple, flexible, and responsive to client preferences as possible?

- Consider different technological platforms for training, client meetings, document sharing, etc.
- Think through low-tech solutions to challenges, like sending prepaid envelopes for documents
- Identify the simplest systems possible – fancy programs are usually less accessible
- Allow clients to call into meetings if they prefer
- Ask firms to provide the technology and leg work you need
- Consider client preferences
- Brainstorm approaches to overcoming likely barriers
- Stay flexible & teach pro bono attorneys to be flexible too

7. Training and volunteer resources. What volunteer training will be necessary to effectively do the work, and what volunteer resources will be helpful to facilitate the work?

- Prepare CLE training
- When trainings are pre-recorded, hold a Zoom “launch call” with participants for 30 minutes
- Draft supporting electronic materials for volunteers to use at clinics
- Draft templates

8. Mentorship. How do you plan to have your staff mentor the pro bono teams?

- Provide experts to mentor teams immediately at clinics
- Provide ongoing mentorship through life of a case
- Encourage questions and communication from volunteers
- Create an organizational system to manage a high volume of cases and volunteers