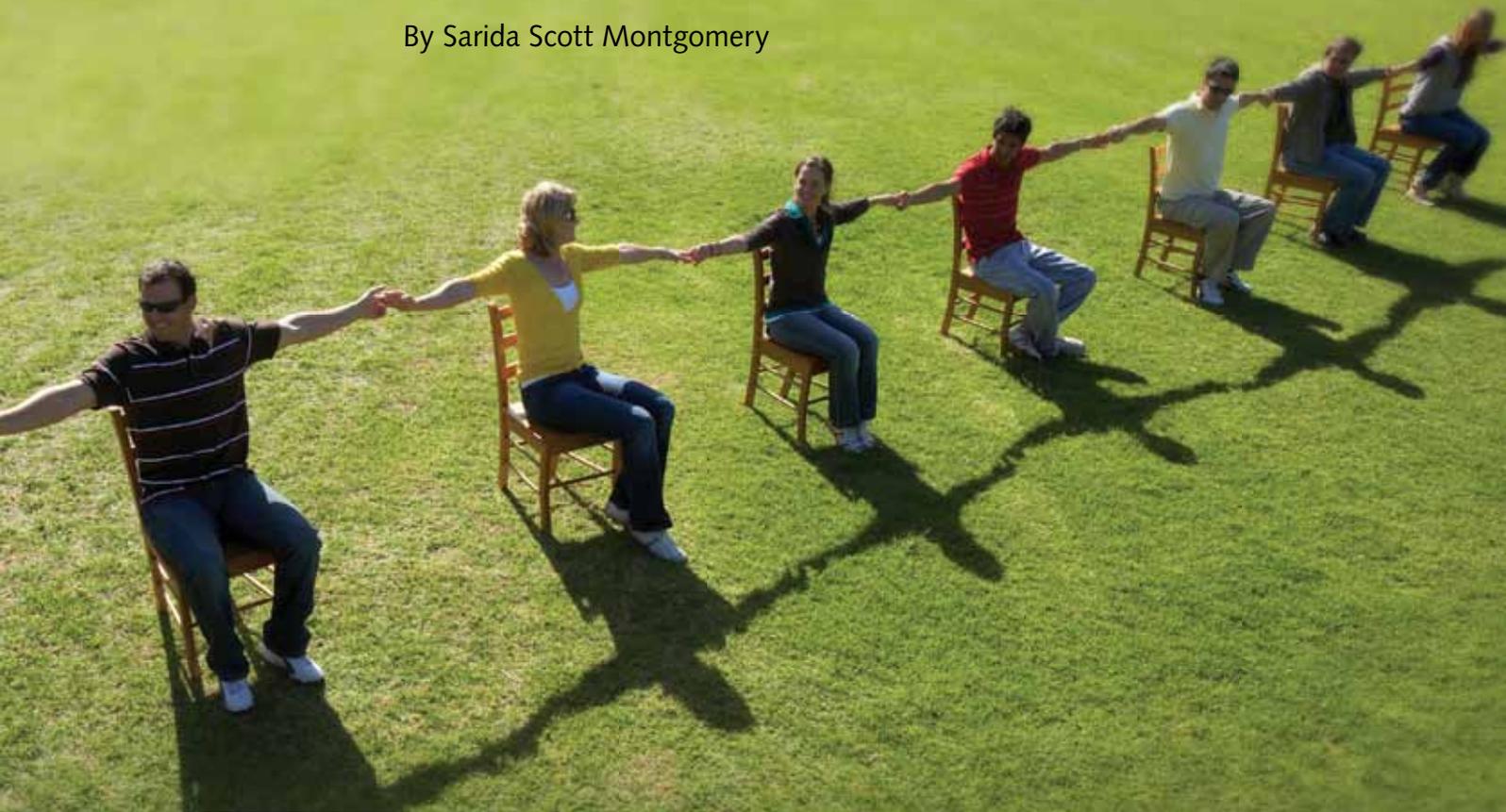


# Transactional Pro Bono Work

HELPING MICHIGAN NONPROFITS,  
IMPACTING LIVES

By Sarida Scott Montgomery



## FAST FACTS

- Pro bono legal assistance is critical to the ability to provide equal access to justice.
- Nonprofits employ approximately 10 percent of the state's workers and are Michigan's fourth-largest employer.
- While Michigan has struggled through the recent economic and foreclosure crises, the nonprofit employment sector has continued to grow and provide services to greater numbers.

“[P]ro bono work is not merely good, as its Latin name implies, but is necessary. . . . it defines the notion of what is expected of an attorney.”<sup>1</sup>

An attorney’s duty to provide pro bono assistance is an accepted fact of the profession. While free legal assistance has been provided since the establishment of the profession, more formal support began in the early 1980s.<sup>2</sup> Pro bono legal assistance is critical to the ability to provide equal access to justice.

Over the years, pro bono legal assistance has been provided through a variety of service activities. Common types of pro bono service include direct legal representation to individuals in criminal matters or civil cases, or participation in a clinic. Of equal impact and value, however, is providing transactional pro bono assistance to nonprofit organizations and community groups.

The importance of transactional pro bono work cannot be overstated. Pro bono assistance to nonprofits and community groups provides opportunities to effect change on a macro level. The client organization receives the direct benefit of the work, but the results are filtered indirectly to the many individuals who are served or impacted by the group.

In Michigan, the value of nonprofits cannot be overlooked; they are vital to Michigan’s economy. Nonprofits employ approximately 10 percent of the state’s workers and are Michigan’s fourth-largest employer.<sup>3</sup> Moreover, even as Michigan has struggled through the recent economic and foreclosure crises, the nonprofit employment sector has continued to grow and provide services to greater numbers. It is essential to ensure that nonprofits have access to the legal services necessary to maintain their work.

One example is Community Legal Resources (CLR), a nonprofit organization that assists attorneys in providing transactional pro bono assistance to other Michigan nonprofits. The pro bono work provided by volunteer attorneys through CLR has been crucial to the survival and growth of many local nonprofits.

Modeled after similar national organizations, CLR was created in 1998 with the dual purpose of providing transactional pro bono assistance to community development organizations and providing pro bono opportunities to members of the State Bar. Its current mission is to support and empower community organizations in Michigan that serve low-income individuals and communities, with an emphasis on community economic development, by providing pro bono legal services and technical assistance. Since its launch, CLR volunteers have assisted more than 900 nonprofits, providing an estimated \$9 million in legal services.<sup>4</sup>

Services provided by CLR volunteers include direct representation on discrete matters, legal team projects, preparation of publications on relevant nonprofit and community issues, and teaching at workshops or clinics. A client population of nonprofit organizations and community groups ensures that every pro bono activity provided through CLR will impact multiple individuals.

## Direct Representation

CLR legal services are available to nonprofit organizations that serve low-income communities or individuals and do not have resources to pay for legal assistance. A detailed intake and vetting process allows legal issues to be clearly determined. A referral is created for the legal matter and sent to CLR’s extensive list of volunteer attorneys. Attorneys then indicate their willingness to accept the particular legal matter. Direct representation involves a variety of legal issues from simple contract reviews to more complex development or property matters. CLR facilitates the initial meeting between the client and attorney, after which a traditional attorney-client relationship is established. At that point, CLR remains involved only to manage any issues that arise.

## Legal Team Projects

CLR legal team projects bring together a group of volunteer attorneys to address an issue or topic of broad concern. Recent legal team projects include the creation of an employment law manual, foreclosure prevention training materials for housing counselors, and a resource manual with strategies for effectively responding to vacant property in communities. Legal team projects capitalize on the collective resources of the group to create products that are beneficial to the nonprofit sector. They also provide opportunities for groups of attorneys to interact on issues of common interest or to work with others in similar practice areas. The impact of these projects is extensive.

## Publications

Volunteer attorneys also assist CLR clients with the creation of short articles, the subject matter of which is determined by current nonprofit issues, a request from client organizations, or by volunteer attorneys through their business experiences. A short, two- to three-page article can provide the clarity an organization may need regarding a particular legal issue. All CLR publications are available on the website and hard copies are provided for free upon request and at related workshops.

## Workshops, Clinics, and Webinars

In 2005, CLR created an education program to provide additional nonprofit services and pro bono opportunities. The program offers workshops, clinics, and webinars. Workshop topics in 2010 included:

- Nonprofit Survival—Helping Nonprofits Respond to the Current Economic Crisis
- Nonprofit Legal Compliance and Governance Basics
- Legal Issues Facing Youth-Serving Organizations
- Consultant Contracts—The Good, the Bad, and the Ugly

Volunteer attorneys present these programs, providing participants with access to years of legal practice and expertise on topics. These programs are offered at no cost to participants.

## Addressing Client Needs

CLR works to ensure that its services are responsive to clients' needs. In 2009, CLR created a set of services to respond to Michigan's economic and foreclosure crises. Services included articles, training for foreclosure prevention housing counselors, and clinics designed to assess the current health of organizations and identify methods for maintaining services. Workshops and roundtables were also held to provide opportunities for organizations to connect with attorneys on governance, employment, and cost-cutting issues.

CLR also engaged volunteer attorneys to create its nonprofit survival services. In 2010, CLR's nonprofit survival legal team met throughout the year to identify relevant issues and create responsive services. These services provided CLR clients with the benefit of the attorneys' expertise directly and indirectly through the effect of the team's collective planning. The value of this work is multiplied through services to foreclosure prevention housing counselors, nonprofit staff, and others who pass it on to additional organizations and individuals. Thus, pro bono legal assistance enables CLR clients to better serve their clients.

## Impacting Nonprofits and Communities

In 2010, CLR services assisted a variety of groups and individuals in a number of meaningful ways.

### FLOOR

The FLOOR (Foreclosure Limitation Owner-Occupant Recovery) legal team was created to further the work of CLR's Retaining Occupancy on Foreclosure (ROOF) legal team. The ROOF legal team created a legal agreement designed to facilitate an arrangement between property owners and residents that allowed for continuing occupancy by the resident after the foreclosure sale and expiration of the redemption period. FLOOR was created to design an agreement that supports continued occupancy of homes threatened with foreclosure by leaving title and right of occupancy with the homeowner for at least a provisional period. The result was the FLOOR document—another tool to assist residents hit by foreclosure.

### Eliza Howell Park

Eliza Howell Park is located in the Brightmoor community of Detroit. In 2010, a local real estate developer sued the city of Detroit in circuit court, claiming the city was violating a deed restriction that the land be maintained as a park. The developer alleged that the park had been abandoned, was unused, and, therefore, should revert to the developer.

Eliza Howell Park was one of the parks that the city of Detroit had ceased to maintain, but it held 250 acres of natural space with bike trails and playgrounds. With the help of a CLR volunteer attorney, the community fought back. In late 2010, the claims of abandonment were dismissed. This pro bono assistance not only saved a valuable community asset but spurred increased neighborhood activity and community engagement.

### New Detroit

CLR also collaborates with other local nonprofit capacity-building organizations to achieve greater impact through combined assistance and services. Last year marked the sixth and final year of CLR's partnership with New Detroit in its Compassion Capital Initiative (CCI). Through its work with CCI, CLR provided capacity-building services to more than 100 small- to mid-size faith- and community-based nonprofit organizations.

The dual purpose that served as the basis for CLR's creation was one of service to nonprofits and assistance to the bar. CLR continues to identify or create unique pro bono opportunities and is supported with pro bono legal assistance from most large law firms, many smaller firms, solo practitioners, and other attorneys in Michigan.

To summarize, CLR has increased the number of nonprofit organizations served each year. This would not have been possible without volunteer attorneys. Their pro bono services have increased the reach of the nonprofit sector. To maintain these valuable services for Michigan nonprofits, those committed to pro bono legal assistance must take advantage of the opportunity that organizations like CLR provide for transactional pro bono work. ■



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## FOOTNOTES

1. Attorney General Eric Holder, Address at the 18th Annual Joseph L. Rauh Jr. Lecture, Washington, DC (June 17, 2010), available at <<http://www.justice.gov/ag/speeches/2010/ag-speech-1006171.html>>. All websites cited in this article were accessed September 12, 2011.
2. Pro Bono Reference Manual, State Bar of Michigan Pro Bono Initiative, 2008, available at <<http://www.michbar.org/programs/ATJ/pdfs/ProBonoReferenceManual.pdf>>.
3. Bilzor, Institute for Policy Studies, *Despite jobs picture, Michigan nonprofit employment grows*, The JHU Gazette, Johns Hopkins Univ, October 18, 2010, available at <<http://gazette.jhu.edu/2010/10/18/despite-jobs-picture-michigan-nonprofit-employment-grows/>>.
4. Community Legal Resources <<http://www.clronline.org>>.