



## IT'S ALL ABOUT JUSTICE: GIDEON AND THE RIGHT TO COUNSEL IN CIVIL CASES

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Public Justice Center

For some, the fiftieth anniversary of *Gideon v. Wainwright* might seem to be a strange or even inappropriate time to talk about the right to counsel in



civil cases. However, many of us in the civil right to counsel movement, as well as some who work in indigent defense, feel such a view comes from perceiving the criminal and civil justice worlds as inherently distinct. Some of this is structural,

as James Neuhard observed in his National Legal Aid & Defender Association *Cornerstone* article “Gideon Redux: A Defender’s View,” “The United States is one of the only countries that separates civil and criminal legal services so completely.” Yet, it is not difficult to see how the fates of criminal and civil cases are significantly intertwined.

The deplorable state of indigent defense funding and consequent Gideon violations lead to needless and avoidable criminal convictions that have a tremendous impact on defendants’ civil interests, such as housing, employment, and public benefits. But in the same fashion, civil litigants who cannot effectively protect their housing or employment interests in court may wind up in the criminal justice system, worsening the indigent defense crisis. Some public defender systems have recognized this, choosing to take a holistic approach by having their attorneys handle both the criminal and civil issues of their clients. Another holistic approach would be providing a right to counsel in civil cases, which, as Neuhard put it, “offers the opportunity to look at common problems and combined solutions for the clients of both civil and defender programs.”

The rights to counsel in criminal and civil cases are mirrors of each other for more reasons than just the collateral consequences that each has on the other. They also share an identical reality as to what it means to be a litigant trying to protect basic needs on one’s

own. Gideon held that it was an “obvious truth” that providing counsel to those too poor to afford it is “fundamental and essential to a fair trial.” Gideon also recognized the fact that the government and wealthier defendants hire attorneys in criminal cases demonstrates a “strong” and “widespread” belief that lawyers are “necessities, not luxuries.” The Court concluded, “in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.” These statements are no less applicable to adversarial civil cases implicating basic human needs: most wealthy people would hire an attorney to avoid losing their home, their children, or, in cases that involve health or safety (such as domestic violence), potentially their very life. The typical indigent civil litigant cannot hope for a “fair trial” when facing off alone in an adversarial proceeding against a landlord’s attorney, or a bank, or a state’s social services agency, or an abuser that brings the full force of intimidation into the courtroom. Moreover, in the end, litigants do not care whether their proceeding is labeled “criminal” or “civil;” they care about what they stand to lose. And what they stand to lose in basic human needs civil cases is every bit as precious as that at stake in most criminal cases.

At this point in the conversation, the question that inevitably arises is, “How can we be talking about adding new rights to counsel when we’re not funding the ones we already have?” The answer to this is both practical and philosophical.

As a practical matter, the National Coalition for the Civil Right to Counsel and other civil right to counsel advocates are committed to ensuring that all new rights are accompanied by new funding streams. Sometimes criminal and civil cases already tap or can tap entirely separate sources of funding, meaning that the expansion of a right to counsel in civil cases does not necessarily compete with the needs of indigent defense. But more generally, future expansions will require

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careful coordination between civil and criminal attorneys to develop mutually responsive (and potentially collaborative) funding strategies and targets. Additionally, there is a significant effort afoot to develop research demonstrating that when the state refuses to pay for counsel in civil cases, it simply is paying that money in other ways. For instance, evicted tenants and victims of domestic violence wind up in government-funded shelters or hospitals. Parents who are errantly ordered to pay more child support than they can actually afford wind up in jails. The failure of courts to issue protective orders to victims of domestic violence can very well lead to hospitalization or increased police involvement. Those who lose their employment or are denied unemployment benefits may be forced to rely on public benefits, and those who lose public benefits that had been providing access to preventative health care or ongoing treatment for chronic illnesses may require substantially more expensive emergency medical care that all taxpayers ultimately bear. Convincing the states to direct some of the money spent on emergency programs back into civil counsel can be almost like the discovery of new funding. Much data already exists that providing counsel not only provides substantially more accurate outcomes, but also helps prevent these negative social/financial consequences. We continue to develop additional data of this nature.

The philosophical answer takes less time to explain but is no less important: something does not stop being a “right” when money gets tight. After the Supreme Court held that an examination of the “government’s interest” is one of the three prongs of the due process test for appointment of counsel, many courts equated this solely to be the government’s financial interest. But such a simplistic construction threatens to make the protection of constitutional rights subject to the whims of state budgets, and that could not have been the intent of the founders. In fact, it is not hard to think of other interests the government has in providing counsel in civil cases: it protects the interests of its citizens against wrongful deprivation, helps effectuate the purpose of many of the statutes governing such proceedings (for instance, providing counsel in custody proceedings can help expedite stability for the children), and increases public faith in the fairness of the judicial system.

There is one final aspect to the conversation that relates to understanding what the civil right to counsel movement is really seeking, an understanding that

helps explain why the movement prefers the term “civil right to counsel” over “civil Gideon.” Part of that nomenclature preference relates to the problems with the implementation of Gideon: It is our hope, and our mission, to ensure that new rights to counsel are accompanied by sufficient funding in order to avoid the nightmare caseload scenario that has plagued indigent defense. But also, the scope of the right we pursue is markedly different. For one, Gideon ensures a right to counsel for all indigent criminal defendants (provided they face jail time), whereas our movement focuses only on cases implicating basic human needs. Additionally, the American Bar Association (ABA) Model Access Act, which was designed to suggest a flexible implementation framework for civil new rights to counsel, contemplates a merit test to screen out cases where a lawyer could do little.

The gap between Gideon’s promise and the reality for criminal defendants is large, unsustainable, and unjust. So is the “justice gap” between civil legal needs and the actual provision of assistance (as large as eighty percent, according to the Legal Services Corporation). This justice gap existed even in better economic times, but the already-inadequate funding for legal aid became even more inadequate as the financial crisis worsened. By establishing a right to legal assistance, advocates can push back against the governmental inclination to treat the provision of civil legal assistance as more of a luxury for good times rather than an essential service for all times. We should therefore not be content with the U.S. Supreme Court’s refusal to provide any protection whatsoever to indigent civil litigants that are “haled into court” and left to fend for themselves in an adversarial civil proceeding (fortunately, state courts have done much under both state and federal constitutions, recognizing rights to counsel in abuse/neglect, civil contempt, paternity, and civil commitment cases, to name a few). The Gideon Court realized that “[t]he right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.” With respect to civil cases, however, the exact reverse is true: all countries in the European Union have had a right to counsel in civil cases for decades, and in the 2012 Rule of Law Index, the World Justice Project ranked the United States toward the bottom in access to civil justice when compared to countries similar to ours. If we really believe in the rule of law, we cannot afford to allow this to continue. The time has come for indigent litigants to receive the justice they deserve, for their

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criminal cases certainly, and for their critical civil ones as well.

- 1 John Pollock works for the Public Justice Center as the Coordinator of the National Coalition for the Civil Right to Counsel. He focuses entirely on working to establish the right to counsel for low-income individuals in civil cases involving fundamental rights and basic human needs such as child custody, housing, safety, health, and benefits. John may be reached at [jpollock@publicjustice.org](mailto:jpollock@publicjustice.org).
- 2 This article was originally published in *Human Rights*, Volume 39, Number 4, April 2013. © 2013 by the American Bar Association. Thanks to John Pollock and the ABA for their permission to reprint this article.



## MOBILE LEGAL AID

By Michael Raabe, Managing Attorney<sup>1</sup>  
 Neighborhood Legal Services

I started my legal services career over twenty-five years ago. Then, I had a skilled and experienced legal secretary and no desktop computer. I had little more than an IBM Selectric, a pen, a yellow pad, a stapler, tape, scissors, manila folders, file cabinets, a landline and a tabletop copy machine down the hall. With that, I produced what my secretary would type into our Wang word processor and deliver hard copies back to me to actually cut and tape the next draft for her to re-enter into the Wang. Everything got filed in the cabinets. Needless to say, those were *very* immobile times. My work was done from behind my desk or an overstuffed briefcase when I ventured out.



Since then, my secretary is long retired and not replaced. Administrative support has all but completely disappeared. I have a powerful networked computer on my desk with a large monitor and unlimited digital storage; a desktop scanner; online legal resources of every kind; Wifi; VOIP phones; a laptop; an iPhone; and a Wifi enabled iPad. I am now *very* mobile, almost entirely paperless and able to bring my entire office and more with me wherever I go. For me, this has been a revolution to my legal practice and my managerial duties at Neighborhood Legal Services. Though this mobile lawyering thing may not be for you, I think it is hard to argue that this is not some part of the future of legal services advocacy and management.

For the last couple of years I have been very committed to mobility. By that I mean I have been committed to going paperless in every way possible and

leveraging the power afforded by devices such as laptops, Wifi, iPhones, iPads and desktop scanners to free myself from having to be at “my” desk to get things done. For the most part I have been pretty fearless in this endeavor trusting the technology to not let me down. So far it has not. Now my desk is not just the desk I report to work at, it is everywhere I take my iPad.

Beyond simply being mobile, I have also wanted mobile technology to serve my personal tastes. For me, that means being able to *handwrite* (not type) when it makes sense to do so. I will also bring my laptop when I expect its added value to make a difference wherever I am going. I encourage anyone interested in getting more mobile to look for tools that serve their proclivities. Being shoehorned into doing things that do not feel right for you will probably not work out in the long run. Some trial and error is to be expected and I hope is part of the fun for you. At this point I feel like I am finally getting things more my way than their way.

Here are some of the ways being a mobile legal aid lawyer and manager are playing out for me.

- **Client meetings** are conducted with my iPad and nothing more. In the past, I used paper forms specifically designed to insure that I collected all the information a good initial interview should collect. I had paper forms related to domestic relations cases, bankruptcy cases, public benefits cases. Looking around your program, you will probably see reams of paper devoted to these yellowing forms standing by on shelves and in folders. Now, for me, those forms live in the cloud and I simply open them on my iPad in an “app.” With my stylus, I *handwrite* on the forms just like I used to do on paper.
- **iPads** are quite good for what I want. For one thing, they have the ability to be turned instantly on unlike a computer or laptop that makes you wait a long time to boot up. Just open the device and it is on. Just tap your note-taking app and you are a moment away from writing notes. Surely whipping out a yellow pad and pen is a little quicker, but that

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difference has not mattered to me.

- **Handwriting with a stylus** on tablet devices is good. For me, it is equal to, and in many ways superior to handwriting notes on paper. Once done with my interview and having created pages of notes in my note-taking app on my iPad, I simply send those notes as a PDF to that client's folder in the cloud. Once there, those notes are retrievable on any device, including my laptop. Because I use Dropbox to store my files, those notes are instantly available on all my devices and shareable with anyone I choose.
- **Taking notes** of any kind for any purpose is extremely easy to do on an iPad. As already mentioned, I want to write by hand when it makes sense to do so. Note taking is one of those times for me. My mind does not lend itself to listening to a presentation and translating it to a linear flow of information that a keyboard and text software requires. I am the kind of person who listens to something and wants to write text, circle it, draw arrows to other ideas on the page, draw charts, scribble in margins and doodle when needed. I use an iPad app called Notability. It is easy to use, intuitive, flexible and reasonably featured. The notes I take are then easily saved as a PDF to my cloud file storage service for easy retrieval on all my devices and sharing whenever and wherever I am. No taking yellow pad pages back to the office, which if you are like me, might never find their way to a file and are all too often irretrievable when I am wishing to find them.
- By committing to a **cloud file storage service** (I use Dropbox), I am able to have all of my files accessible on all of my devices (laptop, iPhone and iPad). Apps that allow you to work with your Dropbox files are nearly ubiquitous. What this means for a mobile legal services lawyer and manager is that you can be anywhere, call up a document for whatever your need is, and work with it. When you are at a meeting and someone asks you for a copy of something you have saved in your Dropbox, you can email it to them right then and there.
- My ability to collaborate with co-counsel and co-workers through the file and folder sharing capability of **Dropbox** on any device at any location has made me a much more responsive colleague. It has also dramatically improved my ability to supervise, monitor and review the work of others.
- I have used my iPhone and iPad like a **scanner**. Sometimes I need to go to a court to look at a court file. With my iPhone and a "scanner" app like GeniusScan I simply use my phone's or iPad's camera to take a picture of a document which is converted by the app into a PDF and saved directly to the matter's Dropbox folder where it is accessible on all of my devices and to anyone I have shared that Dropbox folder with. For example, let us say I am co-counseling or supervising a colleague on a family law case. I am over at the courthouse to check out what has been recently filed. I find a document my colleague needs to see, scan it with my iPhone, save it to the Dropbox folder related to the case that is shared with my colleague and call her to say "Check out what I just found at Court. It is in Dropbox." My colleague then simply goes to the shared Dropbox folder on her computer and there is a PDF of what I just scanned with my iPhone. If she is a mobile lawyer, she can see all this on any of her mobile devices. Scanning apps also offer the option to email the item you just scanned anywhere you choose.
- **Retainers and releases** used to live in my paper world. Now I simply open a retainer or release form in PDF format on my iPad. I fill in all the blanks and hand my iPad over to my client to review and sign right on the iPad's screen using my stylus or their finger. Once signed, I save the signed document to my cloud storage service and ask my client "Would you like me to print that out for you or can I just email it?" Naturally, I encourage all of my clients with private email to have me email it to them. More than half of the clients at my office have email and that figure is rising. If you have shopped at the Apple Store, you have undoubtedly had the experience of being asked if you would like them to print your receipt or have it emailed. That is the experience legal aid clients can have too.
- Though I have not had much use for **PDF form filler apps** for iPads, apps that allow you to type information into form fields do exist for use on iPads. As such, those forms can be completed anywhere and saved to the cloud. My preference has been to do that sort of work on my laptop.
- We are all familiar with **online legal research** from our desktop computers. Now legal research using a service like the WestlawNext app is a breeze on my mobile devices. Many other legal resource apps are also on the market that do helpful things like child support and alimony calculations. The menu of useful apps for the legal aid practitioner is only going to grow.

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- **Downloading research** to folders in Dropbox is usually easy. An app like GoodReader makes reading your research a pleasure. If you are like me and prefer marking up your research with handwritten notes and highlights, GoodReader allows you to do so by creating an annotated copy of the original document right in the app. The annotated copy will show all your handwritten markups while the original remains clean. Syncing Dropbox folders with GoodReader folders is also a very handy feature mobile lawyers generally love.
- Apps like the Kindle app or the iBooks app make **reading on a tablet device** easy and enjoyable. Law journals are moving toward tablet subscriptions. Reference books are under pressure to offer their content on Kindle and iBooks platforms. If there is a book, magazine or journal I want to read, I look for digital versions first.
- Being mobile also makes **time and expense record keeping** very easy. I use an app called TimeMaster to track my work time, time for attorney fee claims and business expenses. The business expense feature is nice because it allows me to shoot a picture of my receipts thereby allowing me to recycle the paper receipts right away. With it I can generate reports and store them in my cloud file storage system. When the time comes, I generate expense reports on my iPad, sign them on my iPad and email them to our bookkeeper using my iPad.
- I have used my **iPad at negotiation sessions** to great advantage. Each time I am matched up with an opposing counsel relegated to sifting through his/her paper files and me working from a case file synced into GoodReader, I have quicker access to documents and as such gain authority and influence over the direction and content of the meeting. I cannot tell you the number of times lawyers end their meetings with me asking about my iPad. There are many lawyers using their iPad in court. Domestic relations motion practices and administrative law practices such as SSA disability hearings can be effectively done from an iPad. More adventurous lawyers do whole trials using special trial practice apps. I cannot say I have gone that far but there is little doubt in my mind that we are heading there.
- Of course, we are all responsible to **maintain our client's confidences** and to manage the information we have about them and our programs responsibly and within the law. The loss of any mobile device containing confidential information that is inadequately configured to protect the data on it could be devastating. You should consider such things when deciding what mobile hardware and software to choose. Apple products offer security features to help you protect the data on your laptop, iPhone and iPad. Your laptop can be protected with a Passcode Lock and hard drive data encryption. iPhones and iPads can also be protected from unauthorized use through the use of a Passcode. In addition, if your Macbook Pro, iPhone or iPad are lost or stolen, Apple offers a free service that allows you to locate your lost or stolen device, lock it remotely and if necessary, wipe out all the data on it.
- If you are going to use apps on which there will be confidential client data **look for apps with their own security features** such as the ability to password protect the app itself. For example, on my iPad I have an email app. That app is password protected, so that even if someone were to get past my iPad's Passcode, the user could not run the email app with confidential information unless they also had that password. I enable this second level of security with all my apps containing confidential information.
- Related to security is **password management**. Being a mobile lawyer you will have to deal with lots of usernames and passwords. Keeping them all straight and periodically changing them can be a daunting challenge. Password management apps are now available to assist with this. For years, I have been using a service called SecretServer that does the trick. It makes it easy for me to record usernames and passwords for new accounts I set up and similarly, it allows me to easily retrieve them when needed. The only passwords I really must remember are the passwords that get me into SecretServer. SecretServer is accessible via the browser on my laptop and via apps on my iPhone and iPad.
- Our clients have internet access either through a desktop at their home, a smartphone or via public computers. **Sharing Dropbox folders with clients** is something we now do and it has changed the way my office works with clients. In my office some attorneys dedicate a certain folder in a client's case to be shared with a client. Clients with Dropbox accounts (the basic account with 5 Gig of storage is free) can then save documents they want us to

see to that shared folder. Clients no longer need to try and attach documents to emails, something experience tells me has been a challenge for many. Instead my clients just call or email me to say they have put something in the Dropbox for me to see. Shared Dropbox folders also allow my clients to know exactly what documents they have given to me because they are ALL visible in the shared Dropbox folder. If it is not there, I do not have it. For cases that include a large volume of documents, this is an excellent way to manage documents.

For those doubtful that legal services clients are users of this technology, I can tell you from my experience that that is less and less the case. Legal services clients are moving straight to mobile technology. Not only are cell phones (and often smartphones) our clients' only phone, their smartphones are their only "computer" providing them with their main source of software and access to all the internet offers. There is no reason to think this trend will not continue especially as the cost of smartphones drops. Our clients will be expecting us to be competent with mobile devices just as we can expect them to become power users in no time. I have clients today who use the camera on their smart phones to shoot pictures of documents they want me to see. No more waiting for them to come

to the office or find a fax machine. Of course we will always have clients who are not online. Clients without smartphones, home computers, internet access, literacy or basic computer literacy will make up a significant portion of our caseload. We must be vigilant to keep our services accessible and not raise technology barriers that favor more connected clients over others.

There seems little doubt that the mobile legal aid lawyer and the mobile legal aid manager will be the new normal in legal services offices in the not too distant future. They may not use the hardware, apps and services I have described here, but they will be looking to serve the same purposes and more. New lawyers fresh out of law school come to legal aid offices already acclimated to mobile devices, open to mobile lawyering and looking at some of the technology Luddites in legal services wondering what is all the fuss?

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## Young and Professional with Untapped Potential: Making the Case for Associates Boards in Legal Aid Programs

By Jaclyn Stacy, Associate Director of External Relations<sup>1</sup>  
LAF

*For almost forty years, LAF (formerly the Legal Assistance Foundation of Metropolitan Chicago) ran its fundraising program relying heavily on institutional and government funding resources. But when the Great Recession hit in 2008, it became clear that the Old Way of Doing Things was on its way out. The new economic reality and a change in organizational leadership gave LAF an opportunity to rewrite its fundraising playbook. The revisions resulted in the development of a substantially more diverse and robust fundraising program, which is tapping into new sources of funding for the agency and cultivating a new generation of supporters with the potential to be lifelong philanthropic partners. If your legal aid program has not invested in building an Associates Board yet, this is the story of why you should.*

### The LAF Young Professionals Board — A Case Study

It is no secret that the Recession of 2008 has had long-term impacts on traditional fundraising practices in legal aid. One of the most successful things



LAF has done in the midst of economic turmoil is to launch its Young Professionals Board, an initiative that has grown dramatically over the past four years, and has changed the way LAF approaches individual and corporate fundraising.

In 2008, LAF's founding Executive Director retired from the agency, creating an organic opportunity to assess the agency's long-term financial viability and vision. For the first time ever, LAF did real strategic planning, and — for the first time ever — fundraising was identified as a priority in organizational development. We wanted to expand our donor base, and broaden our reach beyond just the

legal community, to raise new individual and corporate funds. However, we knew that before we could raise significant money from new individual and corporate resources, people had to know we existed.

Our obstacles to accomplishing these initiatives were the restrictions on whom we could recruit to our Governing Board, and a limited budget for external marketing endeavors. One way we felt we could begin to overcome our relative anonymity was by reaching out to younger potential supporters of our work. We had explored the possibility of forming an Associates Group once before, but it never got off the ground because there were no resources — staff or financial — devoted to the initiative.

We embarked on this effort in 2008 with a renewed commitment to devoting the time and resources it would take to making this a sustained operation. The first step was to share this plan with our Board, and to recruit them in assisting with the launch. We then identified an ally in the corporate community, from Navigant Consulting, who met with us and agreed to help us broaden this campaign beyond just the law firms. With the combined help of these resources we identified a list of pro bono partners to contact, and invited them to participate in an initial discussion with us. After this initial meeting, we expanded the group to include associates in the represented firms as well as young professionals from a few corporations who were engaged with other Associate Board initiatives in Chicago. In a series of meetings, the group discussed what associates and coordinators felt was working or not working on the other boards where they served, and what a Young Professionals Board could do for LAF, and for the firms where they worked.

A handful of the people involved in these initial meetings volunteered to work with LAF's development staff to get the LAF Young Professionals Board

(YPB) off the ground. From the outset, it was clear to LAF staff that if this initiative was going to work there needed to be staff resources devoted to it, and a certain degree of autonomy and ownership granted to the Board members. They wanted to be involved in setting the expectations and driving the activities of the group, not merely responding to initiatives and objectives set for them by LAF staff.

The group hosted a kickoff meeting in January 2009. Governing Board members and participating pro bono partners were asked to find a couple of people from their firms to invite, and we found having them extend the invitations to guests very helpful in getting a respectable turnout. We also worked with our ally at Navigant to identify non-lawyer prospects to be involved. Over fifty people came to the kickoff meeting and thirty-eight participated in some capacity that year.

This initiative survived in that first year because LAF let the YPB establish their structure and identify their own priorities, and then worked closely with YPB leadership to meet the needs and desires of the people who were getting involved. The focus in that first year was on raising visibility for LAF with new constituents, an initiative that opened more doors for our agency than a fundraising pitch would have. The YPB established a quarterly meeting structure, and at each meeting they invited members of LAF staff to attend and give presentations on the work they did at LAF. This led, in turn, to some of the YPB participants to getting involved in a pro bono capacity for LAF, in addition to participating on the YPB. There was also a lot of work done to identify connections amongst the leaders who stepped forward, whether it was a business affiliation or a shared law school affiliation, to encourage members to reach into their own networks and their own contacts to get more people involved.

It quickly became clear that organizational structure was necessary to sustain the YPB and support its long-term growth. The group, while fairly ad hoc in nature at the beginning, established an Executive Committee (EC) comprised of a few key leaders, as well as three standing committees: a Social Committee to plan events, an Outreach Committee to raise visibility for LAF and the YPB, and a Membership Committee to recruit more people to join the YPB.

Even without a focus on fundraising in 2009, the group managed to raise money and contribute to broadening financial support for LAF. By December 31st the group had raised a little over \$23,000 for LAF. Fifteen thousand dollars (\$15,000) of the money raised was secured by members who got their firms to

purchase a table at LAF's Annual Luncheon for the very first time. The YPB also held one fundraising event in 2009 — a boat ride on Lake Michigan — and participated in an AIDS Walk that fall, on behalf of LAF's HIV/AIDS Project. These fundraising efforts were all successes because of the opportunities they afforded members of the YPB to engage with members of LAF's Governing Board and to be seen as leaders in their own firms. These were tremendous incentives that fueled their continued participation, and ensured this effort was more than just a flash in the pan effort for LAF.

The YPB started 2010 off with a meeting of the Executive Committee to establish priorities for the year, which included implementing a dues structure and outlining membership requirements. They also created roles on the EC to delegate tasks and build leadership. At the end of 2009 we had asked them what they wanted to get out of their experience on the YPB, and the thing we heard repeatedly was the ability to "network" with members of our Governing Board. To accommodate this we created Co-Liaisons to the Governing Board, who go to Board meetings and report back to the YPB; and Co-Liaisons to the Fundraising Committee of the Governing Board, who sit on the Committee on behalf of the YPB, and weigh in on agency-wide fundraising efforts. Thanks to pro bono graphic design services secured from one of the YPB-represented firms, the YPB also developed a logo and outreach materials, establishing a strong brand for their board.

2010 was a year of doing new things in fundraising at LAF, and growing traditional efforts. In addition to continuing to support LAF events, in the spring the YPB hosted a night out for college basketball and in the fall they had a wine tasting event. These events established a practice of hosting two YPB-specific fundraising events per year. One of the biggest revenue generators for the YPB in 2010 was the brand new golf outing LAF rolled out that year. YPB members were

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critical in helping us to sell sponsorships and get golfers on the course and this event has since become an annual joint fundraising effort with the Governing Board that both groups enjoy tremendously.

The YPB was very successful again in 2010 at bringing in revenue via LAF's Annual Luncheon, and since 2009 the YPB has brought fifteen new companies into LAF's fold by securing participation in this event. YPB members who were successful at getting their firms to invest in the Luncheon built a toolkit to assist new members with making requests at their firms and companies. This toolkit includes boilerplate letters and emails that members can easily personalize and send, and lists of past supporters of the Luncheon (something law firms especially like to see).

By the end of 2010 the YPB had raised \$43,150 for LAF, with forty-six dues-paying members. In order to celebrate their success and to give them all a chance to network with our Governing Board, we had a cocktail holiday reception before the December Board meeting and invited YPB members. We now try to do a reception like this once a year.

By 2011 the YPB was more comfortable with setting fundraising goals and organizing leadership to spearhead these efforts. Aside from fundraising, the YPB worked hard in 2011 to implement evaluative measures for its own projects, and a process for determining YPB leadership succession. The YPB wrote bylaws to take effect in 2012, and formalized the process for nominating people to the YPB Executive Committee. The YPB also worked on membership cultivation and stewardship, including participating in outreach fairs aimed at young professionals looking for board service opportunities and organizing a reception to recognize LAF law students and interns. These events continue to contribute each year to membership growth. At the end of 2011, the YPB had sixty-three dues-paying members and had raised \$65,322.

In 2011 LAF began formally recognizing the YPB at the Annual Luncheon for their efforts, both by inviting one of the Co-Chairs of the YPB Executive Committee to give brief remarks at the Luncheon and by asking all of the members of the YPB to stand for a round of applause. These are small, easy ways LAF can recognize the group for their hard work.

In 2012, YPB membership grew to seventy-six dues-paying members, and the YPB raised \$96,315 for LAF. One of the priorities the YPB began working on

in earnest was recruiting members from places other than the big law firms in Chicago. In 2012, the YPB saw a significant increase in members from mid-size firms and the corporate community. Most of the corporate community members come from "affinity companies" that have connections to law firms by virtue of the work they do — e.g., litigation support services, consulting and accounting. The members from these affinity companies have been some of the most engaged YPB members and have brought substantial corporate funding to LAF. For example, LAF received a grant from Thomson Reuters in 2012 to fund domestic violence work, thanks to the advocacy of the YPB member who works at the company. One of the consulting firms was a golf outing sponsor last year and hosted a special contest during play. And YPB-generated corporate giving to the Annual Luncheon hit an all-time high of \$48,200.

The YPB is not afraid to set ambitious goals. In 2012, they set a goal of \$100,000 and only fell about \$3,500 short. To plan for 2013 we did a fundraising survey of members to determine how they could increase their fundraising efforts. When asked what the obstacles were in raising money from their employers, an overwhelming number of YPB members told us that budgets in their firms/companies were established at the beginning of the year, making it hard to ask for funds at the mid-year point and later. The YPB therefore built a Sponsorship Package, which was circulated at the beginning of this year, and allowed firms and companies to pick from a variety of events and sponsorship options throughout the year. The result has been that the YPB generated \$21,000 in sponsorships for various events this year, money they otherwise might not have been successful at pulling out of their firms.

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The LAF Young Professionals Board (YPB) is not afraid to set ambitious goals. In 2012, they set a goal of \$100,000 and only fell about \$3,500 short. To plan for 2013 we did a fundraising survey of members to determine how they could increase their fundraising efforts.

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Another item identified in the evaluations was the desire to have a “marquee” YPB event. Traditionally, YPB fundraising events had been pretty low-key affairs with a low cover price. The events did as well as their constraints allowed, thanks to raffles and aggressive recruiting of guests by the Social Committee Co-Chairs, but evaluations at the end of 2012 revealed the YPB was tired of the spring format, especially, and less inclined to do the same thing in 2013.

This past spring the Social Committee planned its first marquee event for the YPB — a cocktail reception at a trendy downtown hotel, complete with live music, a silent auction, and a live action photo booth. The goal for the evening was conservative — the Committee was reluctant to set an ambitious goal the first year out — so it was set at \$10,000. However, the event — “Justice Is Served” — ended up netting \$21,213. Part of this event’s success was due to the efforts members of LAF’s Governing Board made to promote the event and participate in the festivities — LAF Board members took turns at the event serving appetizers to guests, giving members of our YPB and their guests a chance to meet and engage with them in a fun “tables turned” setting.

In addition to planning successful fundraising initiatives in 2013, the YPB has devoted substantial time and resources this year to providing training to its membership on fundraising skills and how to effectively communicate about LAF using the agency’s messaging and branding tools — another need communicated by YPB members in 2012 evaluations. Many of the people who join the YPB are just starting out in their professional careers, and their engagement with the YPB is their first philanthropic investment. It is only beneficial for LAF to equip them with tools to make effective asks. Over the past year leaders on the YPB have engaged in fundraising trainings being offered to the Governing Board, and have brought the skills they learned back to share with the broader YPB membership. These efforts have already paid off: by mid-September, the LAF Young Professionals Board has already surpassed its \$100,000 fundraising goal for 2013, raising over \$107,000 on behalf of LAF to date, with one major event still to come.

For all of the success it has had this year, the YPB has also seen a decrease in giving from some sources, because of attrition at firms where the YPB member was LAF’s only connection; and reluctance to invest in LAF unless the investment feeds the firms’ self-interest. These issues bring me to the crux of what makes associate boards work for legal aid and that is figuring what

young lawyers, business people, and their employers want, in order to stay involved with us, and then building a strategy that can meet both their needs and ours.

### **The Reality of Motivation**

Young lawyers, and the networks of professionals they engage with, who work in the “affinity” professions mentioned earlier, are an ideal constituency to cultivate as a base for an associates board. While some of these people truly care about social justice causes — and those are the true gems to find — all of them care about networking and attracting the notice of the big players in their professional circles, whether that is the managing partner at their firm who serves on your Governing Board, or in-house counsel at a large local corporation who co-chairs your annual fundraiser. Legal aid programs are the perfect vehicle for making these connections, and the ideal beneficiaries of the fruits such connections can bear. And sometimes these young professionals develop a real passion for the work you do. In the end, everybody wins.

LAF has made great strides over the past four years in determining what value its YPB members find in belonging to the Board, and then providing as many opportunities as possible to meet expectations. For some, serving on the YPB brings back happy memories of experiences they had as law students. For others, it is all about business development. They join the YPB to broaden their networks and build a client base. For many, it is an opportunity to catch the eye of members of LAF’s Governing Board, many of whom are important partners at big firms or prominent general counsel at big corporations. At last spring’s “Justice is Served” event, one of the hottest silent auction items was lunch with a former Governing Board President and General Counsel of a major Chicago corporation — it triggered a bidding war!

LAF has found unique ways to provide a return on YPB members’ investment, while also strengthening the agency’s connection with them — whether it is providing them with opportunities to do pro bono work at LAF, giving their companies sponsorship recognition at events that are marketed to their client bases, or hosting events where YPB members can engage with the Governing Board. Most of the time, LAF is doing two things with its YPB members: forging a connection with the member professionally, and with the company or firm they represent; and enlisting them personally as long-term supporters of our work.

In 2009, LAF raised \$447,120 on the “Corporate and Individual Support” line item in its budget. In

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2012, that number had increased to \$1,311,912. The YPB — and the lessons we have all learned along the way — is an important part of that growth.

### **Building Your Own Associates Board — Key Things to Keep in Mind**

For anyone embarking on this initiative, there are four key things that should guide the process:

#### *Know Your Community*

Work with resources in your existing community to launch your associates board — associates hand-picked by your Board members, pro bono coordinators at the law firms, even vendor contacts at affinity companies. Let them tell you about their experiences with philanthropy, or what their firms hope to get from being involved in this effort with you. Start from a position of understanding their self-interest and their motivations.

#### *Make the Investment and Mean It*

LAF attempted to build an associates board several years before 2008, but did not devote any resources — financial or human — to the initiative at the time. The group quickly lapsed into inactivity. “Doing it because everyone else is doing it” is not a good reason to build an associates board. LAF knew a renewed interest in this endeavor needed to be fully supported by agency resources, if it was going to succeed. Be prepared to devote substantial staff time to the effort — anywhere from 40% to 50% of one staff person’s time.

#### *Be Clear About What You’re Doing*

Define roles and establish goals for the Board — and do this early on. It is hard to back-pedal and create structure after the fact. It can lead to hurt feelings, disengagement, and — in the worst situations — poor referrals.

#### *Listen, Ask and Learn*

Use evaluation tools and regular dialogues with leaders on your associates board to gauge what is working or needs to be tweaked. Don’t fly blind, and don’t assume that the agency’s priorities are necessarily aligned with theirs. This group has tremendous potential to do great things for your organization,

but they need to be treated like valued members of a team. Listen, accept feedback, and make adjustments accordingly.

The next time an attorney in your office or a well-meaning board member brings you a new grant they think your agency qualifies for, ask them instead to give you a list of the law students working for them this semester, or a list of the associates working in their firm. In 2013, these documents are far more valuable to your agency’s long-term financial health. Good luck!

- 1 Jaclyn Stacy is the Associate Director of External Relations at LAF, the largest legal aid agency in Cook County. She has been with LAF since 2009, and specializes in Board Leadership Development and Individual Giving. Her work with LAF’s Young Professionals Board has grown the agency’s private giving efforts considerably, and continues to raise visibility for LAF with an increasingly diverse community of partners and funders. In her free time, Jaclyn skates with the Windy City Rollers, Chicago’s nationally-ranked roller derby team, and serves as the Chair of the Marketing & Promotional Events Committee for the League. Jaclyn may be reached at [jstacy@lafchicago.org](mailto:jstacy@lafchicago.org).

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