

# BACK STORY

BY NOAH MALGERI, ESQ.

## IN-HOUSE COUNSEL NEED NOT SHUT THE DOOR ON PRO BONO WORK

Attorneys who transition from firm practice to in-house roles often look forward to many of the changes they anticipate will accompany their new role. Many look forward to finally dispensing with the bane of their practice: detailed billing. However, some attorneys may reluctantly expect that they will also have to give up devoting time to a gratifying part of their law firm practices: pro bono work. Despite the fact that Rule 6.1 doesn't treat in-house practitioners differently from other Nevada counsel, an unfortunate misperception exists among many that pro bono practice is simply incompatible with an in-house practice. Listed below are a few of the most common misconceptions regarding obstacles to pro bono work identified by in-house counsel. Our hope is that by addressing these false beliefs, we will encourage those who are interested to engage, or re-engage, in pro bono work to support of some of Nevada's neediest clients.

### "I don't have time for pro bono."

For many, your industry is a 24/7 enterprise: you are expected to be available to provide your expertise or to put out fires, on-demand, around the clock. This climate has led some to conclude that concurrent pro bono work is simply impractical. However, Legal Aid Center of Southern Nevada sponsors periodic "Ask-A-Lawyer" programs during which volunteers can contribute expertise in predictable, discreet blocks without taking on a full engagement. During these sessions, volunteer attorneys provide attendees with consultations on simple issues, lasting approximately 15 to 30 minutes. Ask-A-Lawyer events are typically directed to particular practice disciplines and/or populations, e.g., federal, landlord-tenant, veterans or the homeless, allowing counsel to target areas in which they may have expertise, or to focus on assisting customers whom they feel a particular motivation to serve.

### "I don't have experience practicing in the areas of law in which pro bono work is available."

Many are surprised at the breadth of disciplines in which pro bono representation is needed. For example, Legal Aid Center places cases in areas as diverse as federal constitutional, 1983 civil rights, asylum, bankruptcy, intellectual property litigation, children's representation in abuse and neglect cases, gaming card denials, human trafficking and Nevada Supreme Court appeals. Thus, most attorneys are able to find a need corresponding to a particular background or interest. For those interested in doing work in an area in which they have limited experience, Legal Aid Center provides its volunteers with access to free CLEs in most practice areas for which pro bono cases are available. Legal Aid Center also maintains up-to-date practice manuals, sample pleadings, forms, complimentary support luncheons and other practice resources for volunteers. Additionally, Legal Aid Center assigns new volunteers experienced counsel to serve in mentorship roles. Legal Aid Center will work with you to ensure you have access to the tools that you need to be successful.

### "My company's malpractice insurance does not cover outside engagements."

Most legal aid programs, including Legal Aid Center, offer volunteers free primary malpractice coverage for pro bono engagements taken through their program.

### "I don't maintain an active Nevada bar license."

Some attorneys working as in-house counsel in Nevada do not maintain an active Nevada bar license. These practitioners may therefore assume that they do not possess the required qualifications to participate in pro bono. Fortunately, the State Bar of Nevada has you covered. The Nevada Supreme Court has implemented a Pro Bono Emeritus Program (Rule 49.2) to ensure that counsel inactive in Nevada can still participate in pro bono. Through this program, a lawyer who is in good standing in another state, or who is Nevada-licensed but no longer an active member of the bar, may obtain a limited-practice certification to provide pro bono representation through one of Nevada's recognized legal aid programs.

### "I don't have access to the court's electronic filing system."

Understandably, some in-house counsel are reluctant to get involved in any pro bono representation, as many do not have access to the applicable court electronic filing and docketing systems. Again, Legal Aid Center has you covered. Legal Aid Center offers its volunteers free, direct Odyssey access so that they may diligently monitor their case progress as well as make filings in a timely and reliable fashion. Further, Legal Aid Center can assist volunteers to a limited degree with obtaining relevant filings or docket status updates.

### "I don't have adequate meeting space available at my office to conduct confidential meetings."

Because of confidentiality or security issues that in-house attorneys often face, their office locations simply cannot accommodate hosting client meetings. In such cases, Legal Aid Center can accommodate by providing office space for client meetings at its 725 E. Charleston Boulevard facility.

Legal Aid Center is constantly working to facilitate the connection between worthy pro bono clients and talented and motivated practitioners. While in-house practitioners may face special challenges in fulfilling their pro bono obligations, Legal Aid Center has made efforts to ensure that any such challenges need not be prohibitive. If you are an in-house attorney interested in getting involved with pro bono, please do not hesitate to reach out to discuss the possibilities and opportunities available to you. **NL**

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