

Doing Well by Doing Good

A practical guide to CBA
Pro Bono Mentorship



THE CANADIAN BAR ASSOCIATION
L'ASSOCIATION DU BARREAU CANADIEN

www.cba.org

Many of us have experience being a mentor or a mentee in an informal or casual way. We talk to a colleague to gain perspective on a file, or to ask for guidance. A colleague shows us ways to use technology to simplify routine tasks. We all learn from each other, every day.

The CBA mentorship program is a more formal type of mentoring relationship designed to support *pro bono* legal work.

This handbook gives mentors and mentees basic information about the CBA's *pro bono* mentorship program.

To join the program, please fill in the *Pro Bono* Mentorship Program application in this handbook and send it to the CBA or visit www.cba.org/cba/groups/probono to fill the online application form.

A heartfelt **thank you** to you:

mentors who are giving your time and sharing your knowledge to help lawyers with their *pro bono* efforts

mentees who are giving your time and sharing your knowledge to help clients who would not otherwise benefit from legal advice

Your contribution is greatly appreciated by everyone.

The Canadian Bar Association is here to do what it can to support *pro bono* legal work. We hope this handbook answers your most pressing questions about our *pro bono* mentorship program. We would be pleased to answer any other questions you may have.

Please contact:

Pro Bono Mentorship Program Coordinator
1-800-267-8860 or (613) 237-2925 or info@cba.org

CANADIAN BAR ASSOCIATION STANDING COMMITTEE ON PRO BONO

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The top 10

What everyone wants to know about *pro bono* mentoring

1. How much time is this going to take?

That's up to you. The CBA program connects a mentee with a mentor for a one-year mentoring relationship. It is up to mentors and mentees to decide how often they will speak on the phone, or communicate by e-mail, or meet. Most mentors/mentees will probably want to connect at least once a month, to keep in touch and to make the most of the mentoring opportunity.

2. How can a mentor help?

Pro bono mentees are lawyers, notaries, or articling students who may work in a family or poverty law clinic once a month, provide occasional legal services to tenants or recent immigrants, help a not-for-profit group with corporate matters, or take on one key case. They are often young lawyers, retired legal professionals, professors, or lawyers whose day job is in a different area of law. They do *pro bono* legal work for the chance to give back to the community in a new way, helping clients who are in desperate need of legal services, and who do not qualify for legal aid.

Pro bono mentees are looking for mentors who can give them insights and ideas to support their *pro bono* work. This may mean describing how to set up files for a *pro bono* client, how to find sources to pay disbursements on a case, how to manage clients with multiple needs, or how to handle a particular legal situation.

Mentors are practicing or retired members of a provincial or territorial law society or the *Chambre des notaires*. You do not need to have experience doing *pro bono* work to be a mentor. Mentors help by sharing their knowledge and experience so that mentees can take on *pro bono* legal work.

3. Who can use the CBA's *pro bono* mentorship program?

The CBA defines *pro bono* legal work as work being done without remuneration or at substantially reduced rates, to establish or preserve the rights of disadvantaged individuals, to provide legal services to assist organizations working on behalf of those with limited means, or other public interest organizations or for improvements in the law or legal system.

Any CBA member, who is a lawyer, notary or articling student and who wants to do, or is doing, *pro bono* work can ask for a mentor through the program. Any CBA member who is a practicing or retired lawyer or notary can be a mentor.

If you are a retired member of a provincial or territorial law society and would like to be a mentor, contact your law society to get some guidance about permissible mentorship activities while being retired from the practice of law in your jurisdiction. We will find the best way to use the expertise you are able to offer.

4. Will I be matched with someone from my community or jurisdiction?

A mentoring relationship can thrive over the telephone, by e-mail, or using other communications methods, so mentors don't usually have to live in the same city or province or territory as their mentees. It depends on the mentee's situation. If the mentee needs information on case management issues, or about serving *pro bono* clients with special needs, for example, the mentor can be someone with relevant experience anywhere in the country. If a mentee needs specific information about a provincial or territorial law or administrative practice, a local mentor would probably be best.

You can let the CBA know if you would prefer to be matched with someone within your community.

5. How does a *pro bono* mentoring relationship begin?

The CBA will match the request from someone who wants to do, or is doing, *pro bono* work with a mentor who has the relevant knowledge and experience. Then it is up to the mentor and mentee to get in touch and discuss their expectations, and decide how they want to proceed.

It is helpful when, early on, mentors and mentees spend time clarifying their expectations and the boundaries of the mentoring relationship. They could agree, for instance, that the focus of their time will be on case management concerns, not on legal issues.

6. How do we avoid a conflict of interest?

From the start, discuss concerns and talk about where the potential problems might be. For example, a mentor might not want to talk about Workers' Compensation benefits cases if the Workers' Compensation Board is a client of the mentor's firm.

Potential problems can be averted through good communication and common sense.

7. Can we talk about specific clients?

In most situations, mentees will be able to get the support and insights that they need from a mentor without giving the mentor case-specific details and without referring to a client by name.

If you wish to talk about specific cases, the best practice is for the mentee to obtain the client's permission to disclose their name and details about their case, and provide the name to the mentor in advance of the meeting. This will permit the mentor to perform a conflicts check to ensure that he or she is able to speak freely about the case.

8. Do mentors give legal advice to mentees or to their clients?

Mentors are not co-counsel, case researchers, or paid advisors. Their role is not to provide legal advice to mentees or their clients, but to share their knowledge and experience to help their mentee colleague do *pro bono* work. The mentor's relationship with a mentee is one step removed from the mentee's relationship with the *pro bono* client.

Mentees are responsible for the *pro bono* work that they take on. They make their own decisions about their files, using their best judgment.

Mentors should not have contact with a mentee's client, and should not do anything that gives rise to a solicitor / client relationship with either the mentee's client or with the mentee.

9. Do I need extra liability insurance?

Mentors

Mentors should not give legal advice, and, therefore, are not likely to be doing anything that requires insurance coverage. In any case, practicing lawyers and notaries have professional liability insurance that covers the actions they take in their professional capacity.

Mentees

Mentees are responsible for having adequate professional liability insurance to cover their *pro bono* work. They sign a waiver of liability at the beginning of the mentoring relationship. They are expected at all times to rely upon their own research and judgment in their work.

Mentors/Mentees

If you do not otherwise carry professional liability insurance (for instance, you are retired or are employed by government), you may be entitled to coverage or a waiver of deductible for approved *pro bono* activities. You should check with the professional insurance provider in your jurisdiction if you have any questions about insurance coverage in relation to being a mentor or doing *pro bono* work.

The Pro Bono Committee is looking at the issue of insurance coverage for *pro bono* work. Although we cannot solve individual insurance matters, we would like to know about coverage problems to see if there are global solutions that can be put in place. Please contact the CBA *Pro Bono* Mentorship Program Coordinator at 1-800-267-8860.

10. Are mentor / mentee communications confidential?

Yes. Respect for the confidentiality of written and oral communications between mentors and mentees is essential for a strong and respectful relationship. The only exception is if your professional association’s code of conduct, or provincial, territorial, or federal law requires disclosure.

Thank you.

By engaging in *pro bono* mentorship, you are helping to develop a stronger “*pro bono* culture” in Canada, and are contributing to the accomplishment of more, and more effective, *pro bono* work.

Thank you for taking action to improve access to justice in Canada.

An Overview: The CBA Pro Bono Mentorship Program

Qualified mentees	Any lawyer or notary, or articling student who is a CBA member and is planning to or is providing <i>pro bono</i> legal services to a client.
Qualified mentors	A practicing or retired member of a provincial or territorial law society or the Chambre des notaires, who is a CBA member.
Role of mentor	The role of the mentor is to support the mentee's <i>pro bono</i> work. This may mean providing insights on case management, on how to respond to clients with certain legal problems, or on legal issues that come into play. This does not mean becoming co-counsel on the case or developing a solicitor/client relationship with the mentee or the mentee's client. Mentors do not give legal advice.
Role of mentee	Mentees learn from the knowledge and experience of their mentors, and then make their own decisions about the legal advice to give clients.
Lawyers - Typical <i>pro bono</i> needs:	<i>Pro bono</i> lawyers may need help with: <ul style="list-style-type: none">• managing a <i>pro bono</i> file• assisting clients with special needs (language barriers, disabilities, etc.)• understanding a specific legal issue or law• finding funding for disbursements

Clients - Typical *pro bono* needs: *Pro bono* clients often need help with legal issues relating to:

- family law matters for which legal aid is not available
- poverty law
- landlord / tenant law
- social assistance, pensions, workers' compensation
- some criminal cases for which legal aid is not available
- wills and estates
- immigration and refugee matters
- being a charitable organization
- *Charter* or human rights cases

To apply Fill in and return an application form available in this handbook, on line at www.cba.org/cba/groups/probono or by calling 1-800-267-8860 and asking for the *Pro Bono* Mentorship Program Coordinator.

Matching

- A mentee will be matched with one mentor as quickly as possible.
- A mentor may, if interested, have more than one mentee.
- The mentor and mentee do not need to live in the same area or jurisdiction.

Length of mentorship It is expected that a *pro bono* mentoring relationship will not last longer than a year. Mentors and mentees may set their own terms for the mentoring relationship, and can extend the mentorship for more than a year by contacting the CBA Mentorship Program Coordinator.

Mentorship expectations Once matched, a mentor and mentee will discuss (by e-mail, on the phone, or in person) their expectations of the mentoring relationship, the scope of the relationship

(what topics are OK and which ones are off limits), and decide when and how they will communicate with each other.

Client confidentiality / Conflict of interest

In almost all situations, mentees can get the support they need from his/her mentors without mentioning clients by name or referencing a particular situation. If specific cases will be discussed within the mentoring relationship, the mentee should obtain the consent of the client to disclose his/her name and case specifics, and then forward the name to the mentor to permit a conflicts check. This will protect both of their clients.

Confidentiality of a mentoring relationship

Discussions between mentors and mentees should be kept confidential, unless a party gives specific permission to release information, or the law or professional code of ethics requires disclosure.

CBA *Pro Bono* Committee's role

The CBA *Pro Bono* Committee's role is to:

- support *pro bono* work through the mentorship program
- maintain a list of available mentors
- match a mentee with a mentor as quickly as possible
- contact mentors and mentees after a year, if not before, to discuss how the mentorship relationship is working out and to find out how the CBA can continue to improve the mentorship program.