

Stanford SOCIAL INNOVATION REVIEW

The Power of Many By Layli Miller-Muro

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The Power of Many

The Tahirih Justice Center multiplies its impact by creatively using pro bono attorneys **BY LAYLI MILLER-MURO**

WE WERE IN THE COURTROOM and I caught my client's eyes. They filled with tears, and then she looked forward toward the judge and jury. She was a very small Ukrainian woman and very scared. She had been severely abused by an American man whom she met through a so-called mail-order bride agency with a "satisfaction guaranteed" policy. This meant that in an effort to "satisfy" him, the agency paired him with several foreign women in succession, even when they were well aware of his predatory and violent disposition.

We were suing them. It was the first lawsuit in the United States against an international marriage broker and our show of legal strength was impressive. The Tahirih Justice Center, which I head, co-counseled with the blue-chip law firm Arnold & Porter, which built a formidable legal team and paid out of pocket for expert witnesses, private investigators, translators, and travel expenses. The 2004 trial lasted two weeks, the preparation for trial lasted two years, and the total cost of the litigation and other advocacy efforts on this issue was well over \$1 million. The result was a high-profile legal victory and a clear message to the international marriage broker industry that it will be held accountable for facilitating abusive marriages. In addition, critical attention was drawn to the issue, which resulted in the passage of a new law to regulate the industry.

I asked my client why she was crying in the courtroom, and if there was anything I could do to help her. She smiled and said that hers were tears of joy from having so many advocates, after feeling powerless for so long. More than the legal victory we won, her feeling of empowerment was an important measure of success. Her husband was a wealthy man and now she, too, had resources—the experience gave her strength, in addition to justice.

Similar resources are ready and waiting throughout the United States to help those in need. Well-meaning attorneys and publicly minded law firms are eager to take on pro bono cases and help others access justice. Regretfully, too few nonprofit organizations maximize their engagement.

Tahirih is a growing nonprofit organization that provides local holistic legal services and national public policy advocacy on behalf of women and girls fleeing violence. Tahirih's clients have fled such human rights abuses as forced marriage, human trafficking, female genital mutilation, domestic violence, rape, and honor crimes. After 13 years of serving the Washington, D.C., area, Tahirih has refined an innovative model for providing

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high-quality services that is efficient, effective, and replicable. We are in the process of replicating our services model, and within the last year we have opened offices in Houston and Baltimore.

Our partnerships with almost 800 pro bono attorneys from 130 law firms, who donate their time and expertise to protect our clients, quintuple the impact we are able to have on our clients and turn every dollar donated into five. In 2009, we leveraged more than \$7.7 million in donated legal and other services on behalf of our clients, while our budget remained under \$2 million. Our model for service delivery effectively protects the lives of the women and girls we serve—and despite the challenging and complex cases we litigate, we maintain a 99 percent success rate. Tahirih has received several awards for its pro bono program and management practices, including the 2007 Washington Post Award for Excellence in Nonprofit Management. But most important, our model has allowed us to maximize the number of women and girls we serve, resulting in more than 11,000 women and children receiving help.

PRO BONO RESOURCES

Although there are certainly many organizations that leverage pro bono attorneys, Tahirih is distinguished among organizations providing direct in-house legal representation in the way it leverages donated services. Members of Tahirih's Pro Bono Attorney Network co-counsel with Tahirih attorneys on 75 percent of all incoming cases. In contrast, an in-depth survey that Tahirih conducted in 2006 of other immigration legal services organizations in the Washington, D.C., area revealed that most use pro bono attorneys in only up to 10 percent of their caseloads.

Underutilization of pro bono resources is common among legal services organizations, often because of the additional resources required to ramp up an effective volunteer management program. The unfortunate reality, however, is that the failure to develop an effective pro bono program ultimately diminishes efficiency. Tahirih found that, after reaching an economy of scale, pro bono partnerships led to a new dimension of performance, allowing

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Tahirih to serve more women and girls while at the same time progressively reducing the cost of representation. Before Tahirih's pro bono network was formalized, an in-house attorney represented an average of 40 cases, involving 85 unique legal matters. By contrast, through pro bono partnerships today, an in-house attorney represents an average of 50 to 55 cases, involving more than 105 unique matters. The cost per matter litigated has also decreased.

Some important qualities of a successful pro bono legal program include:

Adequate training, mentorship, and support: Many corporate attorneys are intimidated by taking on a case involving an area of the law and a client base with which they are unfamiliar. To support attorneys in taking on Tahirih clients' cases, we provide an assigned in-house attorney mentor who is an expert in the relevant area of law and works closely with the pro bono attorney in the course of her legal representation; training manuals; training seminars on relevant law, cultural sensitivity, post-traumatic stress disorder, and boundary issues; an e-forum where attorneys can access model briefs and applications, country condition reports, and other supporting documents; and a monthly e-newsletter.

Customer service orientation: Pro bono attorneys contribute a valuable resource and are most likely to continue their involvement with timely, professional, and responsive interactions.

Manage ongoing nonlegal issues of clients: Tahirih has social services staff who manage the nonlegal needs of our clients, which include emergency housing, English classes, child care, job skills training, psychological counseling, and medical care. This is often a welcome relief for our pro bono as well as in-house attorneys, who recognize that public benefits and social services are complex and difficult to navigate.

Comprehensive prescreening of cases: Once a law firm has

accepted a case from a referring nonprofit organization, its attorneys want to proceed with confidence that the client has been screened for credibility and that their case is winnable. This means that a qualified attorney will need to be involved in the screening process, to make the legal judgments necessary for effective referral.

Active co-counsel agreements: Ethics rules governing client-attorney privilege do not generally permit attorneys to discuss the facts of a case or its ongoing status without a formal co-counsel agreement that "protects the privilege." In addition, co-counsel agreements help to outline expected roles and responsibilities for those working on the case.

Provide meaningful opportunities for feedback and improvement: Even the best-designed pro bono program will need continual improvement. To this end, Tahirih receives feedback from pro bono attorneys through satisfaction surveys. In addition, feedback from pro bono attorneys working with in-house staff attorneys is often solicited in the course of a staff attorney's annual evaluation process. Finally, Tahirih's legal services team annually engages in a process-mapping exercise and a strategic planning process designed to assess and improve metrics, goals, and efficiencies.

Recognition of commitment: Each year a pro bono firm and individual attorney are recognized at our annual benefit. We also send thank-you notes to our pro bono attorneys at the successful completion of cases.

FEEDING THE SOUL

Despite popular belief, many attorneys are motivated by altruistic notions of justice. Although some law firms engage in pro bono representation as a way to train young attorneys, retain staff, and enhance their reputations, many more will do it simply to feed their souls. A 2005 study conducted by the American Bar Association found that the prime motivator for 70 percent of attorneys doing pro bono work is the "combined sense of professional duty and personal satisfaction derived from the work."

Justin Stein, one of our pro bono attorneys who formerly worked at Latham & Watkins, reflected: "As junior associates in a large law firm, working on Farida's case gave us all invaluable trial court experience. ... When the judge finally granted Farida asylum, her face blossomed as the anxiety faded in favor of sheer joy. At that moment, I realized that ... I had truly helped another human being, and that is a feeling worth repeating."

Ross Goldstein, another Tahirih pro bono attorney who previously worked at Arnold & Porter, remembered, "When I walked up to [my client], she looked at me with real fear and trepidation in her eyes, and I told her, 'You win.' It took a second for it to register, but then she leapt to her feet, hugged me, and wept for several minutes. I looked down and saw her 9-year-old daughter, who had been facing the prospect of having to testify on her mother's behalf, latch on to Sahar's legs and smile—a genuine smile. ... There is simply no greater feeling as a human being, let alone as an attorney."

The nonprofit sector has a valuable opportunity to leverage the willingness of corporate attorneys to engage in pro bono work. We simply have to harness it ■