



## **LOOKING BACK AND AHEAD**

**Evaluation of the pilot phase of Pro Bono Connect**

**&**

**Vision for the future**

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\*A draft version of this report was presented to and discussed with Pro Bono Connect's participating law firms, Advisory Committee and Project Board during its Round Table on 14 June 2018. These stakeholders had the opportunity to comment on the draft until 1 July 2018, after which the report was finalised.

## *Executive Summary*

After 2.5 years of Pro Bono Connect, it is time to look back and ahead. What went well and what could be improved? What has been achieved in the pilot phase and what are the key lessons learned? And, perhaps most importantly: is there a future for a clearinghouse like Pro Bono Connect?

In this evaluation report you will find answers to these questions. We look back on the first 2.5 years of Pro Bono Connect, the first Dutch clearinghouse, and present our vision for the future of the project.

Through the establishment of Pro Bono Connect, the Dutch Section of the International Commission of Jurists (*Nederlands Juristen Comité voor de Mensenrechten*), with the support of 13 leading law firms in the Netherlands, aimed to improve access to justice for non-governmental organisations (NGOs) that promote the public interest and stimulate a pro bono culture in the Dutch legal landscape. The 3-year pilot phase of Pro Bono Connect started with the official launch in January 2016 and runs until December 2018.

One thing has become quite clear during this evaluation process: NGOs have voiced a great need for a clearinghouse in the Netherlands, a need that is well satisfied by Pro Bono Connect. In the first 2.5 years of its existence, Pro Bono Connect has accomplished 116 matches between requests from NGOs and participating law firms. In this relatively short period, 96 different organisations have found their way to Pro Bono Connect. Lawyers, for their part, have demonstrated great enthusiasm about their participation in Pro Bono Connect and in providing legal services in the public interest. Pro Bono Connect bridges the gap between the different worlds of law firms and NGOs.

The results achieved in the pilot phase encourage us to keep up the good work after 2018 and to become more ambitious. We aim to solidify the basis laid for a clearinghouse that is here to stay. We want to put Pro Bono Connect on the map of the Dutch legal landscape, and to further stimulate the Dutch pro bono culture. Accordingly, we aim to expand the network of participating law firms, provided that the number of requests for legal assistance equally increases and the high-quality standard is maintained.

To further develop as a clearinghouse, Pro Bono Connect will need to expand in terms of staff. Apart from this, the governance model could stay the same. At this stage, it is best for Pro Bono Connect to remain a project of the NJCM. Having an Advisory Committee consisting of representatives of NGOs and participating law firms, all well as independent members, has turned out to be very valuable. The different experiences and backgrounds of its members make the Advisory Committee a balanced sounding board for the Project Coordinator and Project Board.

The profile and main principles of Pro Bono Connect will not change in the coming years. Pro Bono Connect will stay focused on access to justice and legal assistance and will not extend its services to requests without a legal dimension (e.g. marketing or consultancy advice) for now. The providers of pro bono services remain the participating law firms and their lawyers. University law clinics may assist if a request is more suitably handled within an academic context, possibly in cooperation with lawyers from participating firms. Pro bono recipients remain NGOs and other organisations that serve the public interest and that fulfil the criteria for acceptance of requests. Pro Bono Connect is financed by contributions from the participating law firms (fixed annual fee). Though it might obtain third-party funding, it should not depend upon it. Importantly, pro bono recipients are not charged a fee for using the services of Pro Bono Connect.

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## 1 INTRODUCTION

In January 2016, Pro Bono Connect was officially launched: the first Dutch clearinghouse, initiated by the Dutch Section of the International Commission of Jurists (*Nederlands Juristen Comité voor de Mensenrechten*) and supported by 13 leading law firms in the Netherlands.

Now the pilot is running for 2.5 years, it is time to look back. What has been achieved in this period? What have been key lessons learned during the pilot phase? What are success stories and which are the key challenges?

In this report we present facts and figures relating to the requests for legal assistance received in the past years. Probably even more important is that we reflect on the basis of input received from our stakeholders. Their feedback has enabled us to critically look at the first years of Pro Bono Connect and make plans for the future.

*“The sheer number of requests and the enthusiastic responses from NGOs (even when they have not yet submitted a request), law firms and others have demonstrated that there is a need for Pro Bono Connect.”*

Mid Pilot Report

One thing has become very clear during the evaluation process: there is a great need for a clearinghouse in the Netherlands, a need that is well satisfied by Pro Bono Connect. Both NGOs and the participating law firms have demonstrated great enthusiasm about their participation in Pro Bono Connect, with Pro Bono Connect filling a gap in their needs.

The success of Pro Bono Connect stands or falls with the participation of the law firms and lawyers involved. The enthusiasm to take on pro bono requests is vital to a clearinghouse and Pro Bono Connect could not operate without their contribution.

The impressive results of Pro Bono Connect would not have been achieved without the commitment of the 13 law firms that have been involved since the start. These 13 Founding Members are: AKD, Baker McKenzie, Clifford Chance, CMS, De Brauw Blackstone Westbroek, DLA Piper, Houthoff, HVG Law, Linklaters, Loyens & Loeff, Nauta Dutilh, Simmons & Simmons and Stibbe. With Van Benthem & Keulen and Dentons Boekel joining in 2018, an increased interest for pro bono work in the Netherlands has been demonstrated. We are confident that together we can boost the phenomenon of serving the public interest through offering pro bono legal services.

The results would not have been achieved either without the many NGOs that have submitted requests to Pro Bono Connect. Their supply of legal questions demonstrates the need for a clearinghouse in the Netherlands and trust in Pro Bono Connect. We are definitely committed to keep up the good work.

Annemarie van den Heuvel

Project Coordinator Pro Bono Connect

## 2 STARTING POINTS

### 2.1 Background

Pro Bono Connect was initiated by the Dutch Section of the International Commission of Jurists (*Nederlands Juristen Comité voor de Mensenrechten, NJCM*) to meet the need among NGOs for assistance with legal questions. The Netherlands lacked a clearinghouse that could connect NGOs and legal professionals for pro bono legal advice.

With the help of several law firms, the possibilities for establishing a clearinghouse in the Netherlands were investigated by Floris van Hees (NJCM member and former Senior Associate Clifford Chance) and Sophie van Dijken (seconded from De Brauw Blackstone Westbroek) in 2015. Their research among NGOs, law firms and foreign clearinghouses resulted in a project plan for the first clearinghouse in the Netherlands, Pro Bono Connect, which outlines a blueprint for the 3-year pilot phase (**Project Plan**)<sup>1</sup>.

The pilot phase of Pro Bono Connect runs from January 2016 until December 2018. In June 2017, the report '*Building a Pro Bono Clearinghouse in the Netherlands - Report on the first 1.5 years of Pro Bono Connect*' was published (**Mid-Pilot Report**)<sup>2</sup>. In this document, written by Project Coordinator Lara Talsma, Pro Bono Connect has reported on its activities as intermediary (number of requests received, type of requests/areas of expertise, requests denied, etc.) and other activities carried out. The report also includes the financial state and some plans for the future.

### 2.2 Goals and activities

The goal of Pro Bono Connect is improving access to justice for NGOs that promote the public interest and aim to improve human rights in the broad sense. As a clearinghouse can only fulfill its potential and goal with the help of passionate and dedicated advocates, as set out in the Project Plan, one of the primary goals of Pro Bono Connect is to inspire lawyers to advance the public interest and equip them with the necessary knowledge, skills and opportunities to do so.

Based on this twofold goal, the activities of Pro Bono Connect can be divided in two categories:

- (i) activities relating to matching legal requests from NGOs with participating law firms for pro bono legal assistance (advice, litigation, drafting legal documents etc.); and
- (ii) activities relating to encouraging and assisting participating law firms to (further) develop their internal pro bono culture, as well as promotion of pro bono culture in a broader sense.

#### Broker Activities

The first category of activities includes those directly related to requests for legal assistance:

(i) screening and vetting of the NGOs requesting legal assistance (background search), (ii) assisting NGOs in formulating requests (clarifying the legal question, summarising facts), (iii) distribution of requests by selecting and contacting the most suitable law firms to offer the request, and (iv) requesting feedback and dealing with complaints (if any). Other activities falling in this category are establishing and maintaining contacts with NGOs and their branch organisations. A wide network and

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<sup>1</sup> See: <https://probonoconnect.nl/wp-content/uploads/2017/03/Pro-Bono-Connect-Project-Plan.pdf>

<sup>2</sup> See: <https://probonoconnect.nl/wp-content/uploads/2017/03/20170607-Report-1.5-yrs-Pro-Bono-Connect-FINAL-for-publication.pdf>



good reputation among NGOs is important to encourage organisations to submit interesting requests.

#### Activities relating to development of pro bono culture

The second category may include a wide range of activities. In principle, any activity that might contribute to development of pro bono culture within the participating law firms qualifies. It depends on the needs and wishes of the individual firms which activities could be carried out. Pro Bono Connect has a role in identifying these in consultation with our contact persons at the participating firms. Examples of activities are giving presentations at partner meetings or lectures for and/or with lawyers, see Chapter 4 of this report.

### 2.3 Key Performance Indicators

The success of Pro Bono Connect should be assessed on the basis of performance on the two pillars of the project: pro bono legal assistance and development of pro bono culture. At the start of the pilot, it was decided that the type of requests that NGOs may submit should not be limited to human rights, but rather extend to all sorts of legal questions. This approach seems in the interest of both NGOs and the participating law firms: NGOs sometimes may primarily need advice on matters relating to contracts, governance, intellectual property or employment law and the participating law firms often have expertise in these legal areas.

In the Project Plan it has been pointed out that although requests may extend to all sorts of legal questions, Pro Bono Connect should focus on requests which are in the public interest, e.g. because these requests contribute to the strategic goals of the NGO submitting the request or have substantial impact, either on society in general or on a group of people.

In the assessment of the results related to requests, two categories are therefore distinguished:

- (i) Requests for legal assistance in conjunction with an organisation's policy and campaign work, for example, advice on legislative proposals, strategic litigation or legal clarification for a national campaign (**strategic requests**); and
- (ii) Requests for legal assistance relating to organisational issues, such as a governance "health-check", a data protection policy, employment law or property issues (**organisational requests**).

As Key Performance Indicators for pro bono legal assistance may serve:

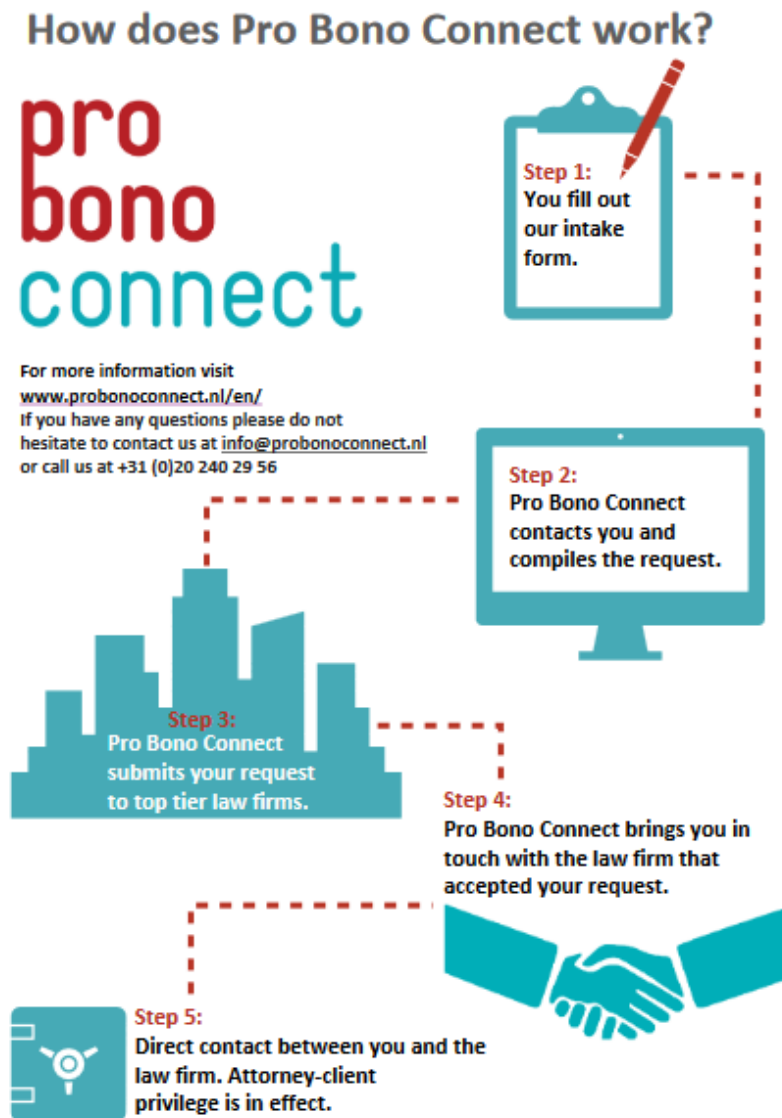
- the number of requests received and matched and the increase thereof during the pilot phase (see paragraph 3.3);
- the number of requests accepted by the first firm the request was submitted to (**First Time Right**) (see paragraph 3.4);
- the percentage of strategic requests (received and matched) (see paragraph 3.5); and
- multiple requests by NGOs (see paragraph 3.8).

Pro bono culture and development of it are by nature more difficult to measure. Some factors, as set out in Chapter 4, may indicate to which extent a pro bono culture is developed.

### 3 FACTS AND FIGURES REQUESTS

The statistics and other information in this Chapter 3 are based on the requests for (legal) assistance that Pro Bono Connect processed since the end of 2015 (its informal start) until 1 May 2018<sup>3</sup>.

#### 3.1 How we work



Pro Bono Connect has an active role in matching requests. It takes care of the screening and vetting process to assess if the request and/or the organisation qualifies for reference through Pro Bono Connect. Subsequently, it reviews the request in terms of content and often assists organisations in (re)formulating the request. Pro Bono Connect uses a personalised approach in offering the requests to the participating law firms. We contact the law firms on an individual basis, taking into account the firm's pre-expressed preferences (for particular types of requests or organisations or a specific theme) and expertise, as well as a fair distribution of the number of requests. If the contacted firm accepts the request, Pro Bono Connect brings the NGO into contact with the lawyer who will work on the matter. From then on, the NGO and the firm have a lawyer-client relationship and the role of Pro

<sup>3</sup> Requests definitively matched or not matched on 1 May 2018.

Bono Connect is limited to asking feedback from both parties. Pro Bono Connect may act as intermediary if problems arise.

### 3.2 Scope and criteria for acceptance of requests

The criteria for acceptance of requests were established after careful deliberation with the Advisory Committee and the Project Board and made public on [our website](#). These criteria are:

- Is the request or organisation focused on improving human rights?
- If not, does the NGO/organisation have a public benefit mission?
- If not either, does the request serve a public purpose, or is it a specific request with strategic relevance for the NGO/organisation?

The criteria serve as guidelines to facilitate assessment of requests and leave room for evaluation on a case-by-case basis. If none of these criteria are applicable, Pro Bono Connect may decide to take the request into consideration anyway. All these requests however will need to be approved by the Project Board.

A recurring question is whether Pro Bono Connect should accept requests from organisations that are not 'classical' NGOs, for instance social enterprises. This topic has been discussed in various meetings of the Advisory Committee and in meetings with participating law firms. In consultation with the Advisory Committee it was decided to assess all requests individually on their merits. A request that is submitted by a limited liability company (*BV*) may still serve a public interest. Pro Bono Connect should not deny requests simply because of the legal form of the organisation that submits the request. It should not make a too strict pre-selection but leave it up to the participating firms to decide if they accept a request or not. On the other hand, law firms may indicate that they only accept requests from non-profit organisations.

One of the principles of the project is that Pro Bono Connect and pro bono advice rendered by the participating law firms do not become a substitute for state-funded or subsidised legal aid. Therefore, Pro Bono Connect in principle only assists organisations (and not individuals) in finding pro bono legal aid.



NGOs and other organisations that serve a public interest mission are not eligible for subsidized legal aid. We however realise that the opportunity to receive pro bono advice may withhold organisations from engaging a paid lawyer. When assessing whether a request is eligible for submission to a participating firm, Pro Bono Connect therefore always takes into consideration the risk of disadvantaging other lawyers, which we aim to avoid. We are careful not to cause unfair competition.

For more information on the criteria and a clarification on the requests accepted and denied we refer to Chapter 4 of the Mid-Pilot Report. No significant changes have taken place with regard to this subject since May 2016.

3.3 Number of requests

As Pro Bono Connect aims to improve access to justice for NGOs, the number of requests received is an indication of the need for free legal assistance among NGOs. Chart 1 below demonstrates the growth in the number of requests that were matched during the pilot phase.

Chart 1

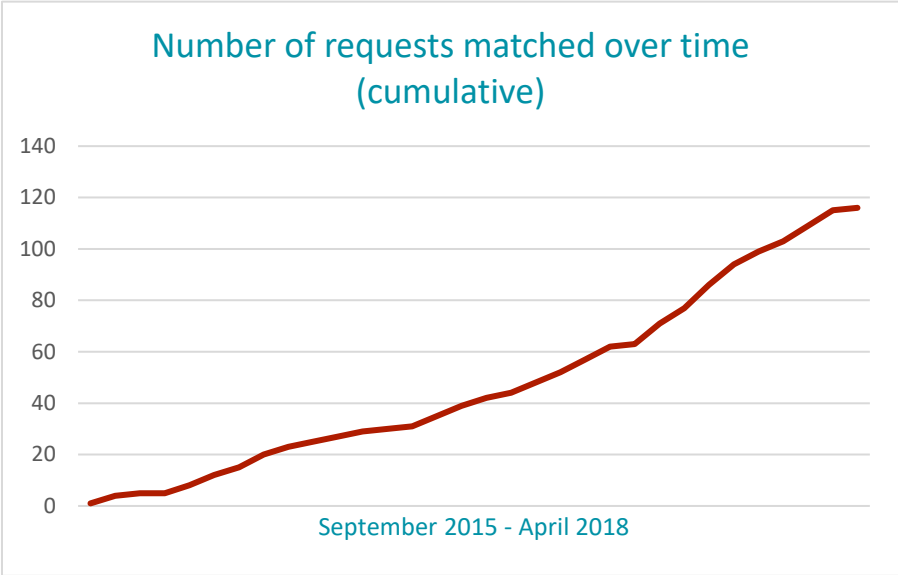
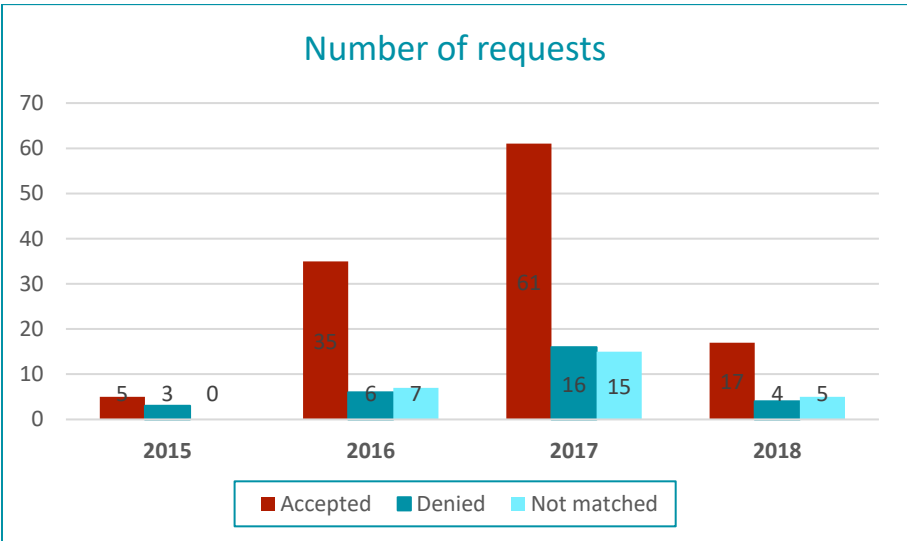


Chart 2 provides insight in the number of requests received per year and the number of requests that have been accepted, denied and (accepted but) not matched. The requests received in 2015 date from before the official start of Pro Bono Connect but are nonetheless taken into account. In the aggregate, Pro Bono Connect has received 174 requests, of which over 83% has been accepted. Of the 145 accepted requests, 116 have resulted in a match with one of the participating law firms. More detailed information on acceptance and matching ratios is included in paragraph 3.5.

Chart 2



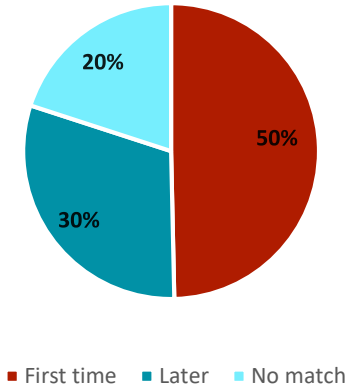
3.4 First Time Right

As set out under 3.1, requests are communicated with the participating law firms on an individual basis, based on the nature of the request, a fair distribution of the requests, pre-expressed preferences and expertise of the law firms. Only if a firm does not accept a request, another firm is contacted, until the request is matched.

A First Time Right is a performance indicator for multiple reasons. First, it could be seen as a proof of correctness of Pro Bono Connect’s estimate on the most suitable law firm for the request. This presupposes that Pro Bono Connect is well informed on the preferences, capacity and process of the participating firm. Efficiency is another reason why a First Time Right is a success. The time between submission and matching of a request is usually limited with First Time Rights, which ensures that organisations quickly know where they stand. Finally, with a First Time Right, law firms do not have to spend time to assess a request they ultimately cannot do (although many firms indicate that they prefer to assess and decline requests rather than receiving fewer requests).

Diagram 1 below shows the number of First Time Rights compared to the total number of accepted requests (matched and not matched).

Diagram 1



3.5 Strategic requests

One of the initial goals of Pro Bono Connect is to encourage NGOs to submit strategic requests (see paragraph 2.3). Some of the participating law firms have expressed a preference for strategic cases, while other prefer requests that are more in line with their regular work. It has sometimes been assumed that strategic requests are more difficult to match, due to perceived conflict of (business) interests or because these cases are generally larger and therefore involve more time.

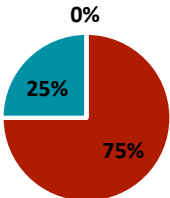
For this evaluation, we have examined if organisational requests are indeed easier to match than strategic requests by analyzing the First Time Right ratio for both types of requests, as well as the numbers of requests that were matched later or did not result in a match. The diagrams on the next pages reflect the outcome hereof. As requests are either qualified as strategic or as organisational, while some requests have elements of both, the numbers are a bit arbitrary but nonetheless provide important insight.

Furthermore, it should be noted that the category ‘No match’ includes all requests that were not matched with any of the participating law firms, including two requests that were withdrawn by the

submitting NGO and requests that were ultimately referred to other law firms or a university law clinic. The number of requests with which Pro Bono Connect has been able to assist NGOs is therefore higher than it seems at first sight.

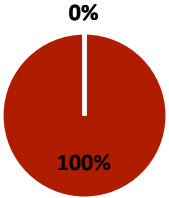
Diagrams 2

**Strategic requests 2015**



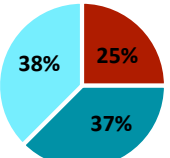
■ First time ■ Later ■ No match

**Organisational requests 2015**



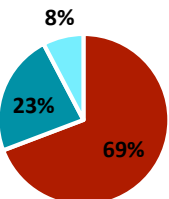
■ First time ■ Later ■ No match

**Strategic requests 2016**



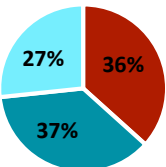
■ First time ■ Later ■ No match

**Organisational requests 2016**



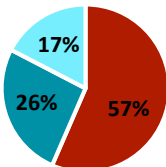
■ First time ■ Later ■ No match

**Strategic requests 2017**



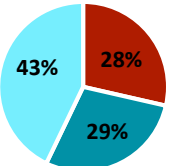
■ First time ■ Later ■ No match

**Organisational requests 2017**



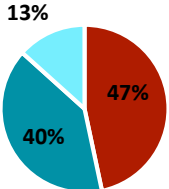
■ First time ■ Later ■ No match

**Strategic requests 2018**



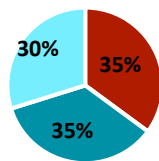
■ First time ■ Later ■ No match

**Organisational requests 2018**



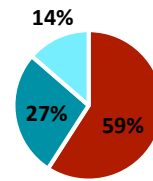
■ First time ■ Later ■ No match

### Total strategic requests



■ First time ■ Later ■ No match

### Total organisational requests

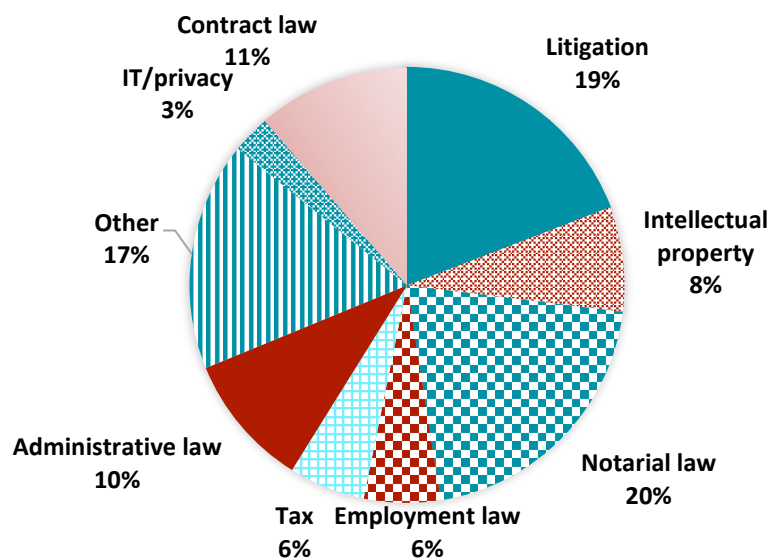


■ First time ■ Later ■ No match

### 3.6 Legal areas requested

To gather insight into the legal needs of NGOs, we have made an inventory of the legal areas to which the requests accepted during the pilot phase relate. This is also important to see if these needs match the preferences and expertise of the participating law firms. The inventory shows a diverse legal landscape, with litigation and notarial law (set up of legal entities, governance etc.) as the most common areas. We note that human rights are not separately referred to. This is because human rights may be reflected in several areas of law. Most of the litigation and administrative law requests have a human rights dimension.

Diagram 3



### 3.7 Cold feet

A frequent reason why requests are not accepted is because the contacted law firm has a direct conflict of interest, for instance where the firm advises the counterparty in a conflict. Sometimes, requests are declined due to (possible) business conflicts or because the request or the organisation is considered not to correspond with the firm's regular business. Some of the participating law firms only want to do high-profile cases, while others do not want to take on requests that are more controversial or political or that may be more media-sensitive.

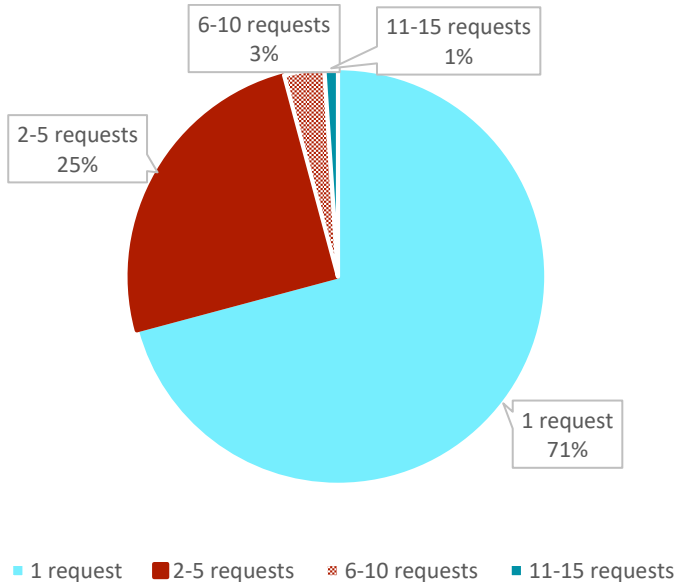
It goes without saying that conflicts of interest are sometimes inevitable and Pro Bono Connect does not expect law firms to subordinate their corporate clients. We do however want to encourage the

participating firms to overcome their cold feet for strategic requests, if any. It is our experience that lawyers who work on high-profile or strategic requests are often very enthusiastic about the interesting legal questions and learning opportunities. It would be a missed opportunity to decline requests because of hypothetical conflicts. Law firms always have the possibility to take on cases on a no name basis and are not obliged to disclose their involvement. NGOs may only publicize that they are being assisted by a participating law firm with the express permission of the law firm involved.

3.8 Multiple requests submitted by NGOs

Pro Bono Connect has received requests from 96 different organisations, like Free a Girl, Digital Freedom Fund, Fairwork and PILP, the public interest litigation project of the NJCM. Multiple requests submitted by the same NGO indicates a need for legal assistance, but also satisfaction with the work performed by Pro Bono Connect and the law firm involved in the request (which has been confirmed by the responses to the survey and in interviews). Diagram 4 below provides insight in this matter.

Diagram 4



3.9 Multiple requests accepted by the participating law firms

At the time of the Mid-Pilot Report, in which data of the requests in the period up to 1 May 2017 are included, all firms had already accepted and dealt with multiple requests, varying from 2 to 9 requests per firm. Still, some firms have taken on more requests than others and Pro Bono Connect has submitted more requests to some firms.

Several factors influence the number of submitted and accepted requests. These factors partly explain the differences between the firms. As set out under 3.1, when contacting the law firms for requests, Pro Bono Connect takes into account the firm’s pre-expressed preferences (regarding type of request or organisations or a specific theme) and expertise, as well as a fair distribution of the number of requests.

The preferences are the main guideline to assess to which firm a request is submitted. If the request seems to fit with more than one firm, the number of requests dealt with by the firms is considered, as well as whether another request is pending with a firm at that time. In the evaluation, we received



feedback from a few firms that we should not hesitate to submit requests, even if another request is awaiting acceptance or if we doubt if the firm is in the position to accept the request. The fear of overloading the participating firms with requests is in most cases unjustified: they prefer receiving more requests and decide on acceptance on a case-by-case basis.

As set out in the Mid-Pilot Report, some firms are only interested in requests relating to certain themes or specific legal areas. Other firms have small departments in some areas of law and therefore no or limited capacity to deal with certain requests. Furthermore, while some of the firms expressly ask for high-profile litigation requests, other firms prefer generally smaller and less controversial requests.

The more Pro Bono Connect knows the preferences and expertise of the firms, the better it can select the most suitable firm for a request. On the other hand, Pro Bono Connect should not stick too strictly to preferences, as these may change over time and entail the risk of overlooking less obvious but possibly successful matches. Like development of pro bono culture, matching requests is an evolutionary process.

The opposite table provides an overview of the requests submitted to and accepted by the participating law firms. It should be noted that the table only shows the numbers and no information about the size or scope of the requests that have been accepted. Dentons Boekel joined Pro Bono Connect in April 2018 and has not taken on requests prior thereto. This firm is therefore not included in the table.

Law firm	Requests submitted	Requests accepted
AKD	[This information is available upon request and at the discretion of Pro Bono Connect]	
Baker McKenzie		
Clifford Chance		
CMS		
De Brauw Blackstone Westbroek		
DLA Piper		
HVG Law		
Houthoff		
Linklaters		
Loyens & Loeff		
Nauta Dutilh		
Simmons & Simmons		
Stibbe		
Van Benthem & Keulen*		
<b>Total</b>		

\* including requests dating from before they joined Pro Bono Connect

## 4 DEVELOPMENT OF PRO BONO CULTURE

As set out in paragraph 2.2, one of the primary goals of Pro Bono Connect is to inspire lawyers to advance the public interest. To engage lawyers in providing pro bono services, law firms should accommodate and preferably stimulate pro bono work. The degree to which pro bono services are institutionalised within a firm is an indication of pro bono culture.

Pro Bono Connect aims to encourage and assist participating law firms to (further) develop their internal pro bono culture and to promote pro bono culture in a broader sense.

For the Mid-Pilot Report as well as for this evaluation, Pro Bono Connect shared thoughts with representatives of the participating law firms on the state of the pro bono culture within their firms and in the Dutch legal landscape in general. Different ways in which pro bono work is institutionalised are set out in more detail in paragraph 5.3.

The main driver of pro bono culture is a deeply felt belief that it is the responsibility of lawyers to provide legal services that are in the public interest. A strong pro bono policy within law firms and a widely supported recognition of the importance of pro bono work contribute significantly.

Especially for younger lawyers, it matters if the firms they work for encourage them to work on pro bono cases. Many of them are interested in providing legal assistance in the public interest, but they already have to meet many requirements in their regular work. If pro bono hours count as billable or are otherwise reflected in appraisal systems, dedicating time to pro bono work becomes more attractive.

To stimulate pro bono culture, Pro Bono Connect has given presentations at lunch meetings at participating firms. Furthermore, it was one of the partners of the Know Your Rights Project organised in the fall of 2017<sup>4</sup>, a 12-week program that aimed to legally empower 20-25 young asylum seekers up by teaching them about various legal topics and training them in legal skills. Pro Bono Connect has been the driving factor in connecting the different partners: all teachers and coaches came from participating law firms or the wider network. This project has proven to be a powerful way of marketing Pro Bono Connect. Projects like this bridge the gap between very different worlds and facilitate involvement of lawyers in pro bono work. Lawyers were enthusiastic to participate, the project received a lot of attention, and the project coordinator got positive feedback on this project from several law firms involved.

Since then, Pro Bono Connect has organised some other activities, including a theme night for migrant and refugee organisations and an event on the new Intelligence and Security Services Act, in cooperation with Trustlaw and De Brauw Blackstone Westbroek. Recently CMS and Pro Bono Connect organised a meeting for NGOs on the new GDPR. In this informal meeting, NGOs were informed about the implications of the GDPR for their organisation and which steps they should take in order to comply. Meetings of this kind meet the legal needs of NGOs and give lawyers the opportunity to share their knowledge.

***“To really anchor a pro bono culture within a law firm, the stimulus must be top-down. I believe that acknowledging that employees dedicate time to pro bono work is the first and most important step. People should be rewarded positively, and pro bono work should be part of bonus systems of law firms.”***

Jan Andringa (HVG Law) in  
Mid-Pilot Report

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<sup>4</sup> <http://www.advocatie.nl/know-your-rights-project-helpt-vluchtelingen-hun-juridische-positie-te-versterken>

Still, the best incentive for pro bono culture is when lawyers are enthusiastic about cases they work on and share their enthusiasm with others. We hear from some firms that associates explicitly ask for interesting pro bono cases. This becoming common practice is something we could only hope for at this stage, but success stories are an important accelerator of pro bono culture.

Pro Bono Connect has a responsibility to encourage NGOs to keep submitting interesting requests. As a clearinghouse, it should seek for optimal connections between the needs of NGOs and the services of the participating law firms, both in terms of matching requests and in other activities. This requires a continuous dialogue with all stakeholders.

## 5 EVALUATION OF THE PILOT PHASE OF PRO BONO CONNECT

### 5.1 Evaluation subjects

The Project Plan recognizes the need for evaluation. As to evaluation of the requests, it was proposed that feedback is obtained informally during the pilot period (e.g. by phone calls or in-person meetings with NGOs or law firms, depending on the nature of the NGOs and projects) and that at a later stage, a standard form or survey may be used. Besides obtaining feedback informally, Pro Bono Connect has developed a feedback form for requesting feedback from NGOs.

According to the Project Plan, the following organisational aspects of Pro Bono Connect must be evaluated at the end of the pilot phase: general functioning, strategy, funding structure and legal structure (governance).

### 5.2 Evaluation method

For the evaluation of the pilot phase, Pro Bono Connect has sought input from both the participating law firms and the NGOs that submitted requests during the pilot phase, as well as from other stakeholders. The evaluation was carried out internally (as opposed to research carried out by an external consultant), largely by the Project Coordinator. Interaction with NGOs and lawyers, both in terms of content and process, allowed for input that prevents the evaluation from being a subjective exercise.

Because Pro Bono Connect had to take shape during the pilot phase, no specific targets were set at the start. This is one of the reasons why individual meetings with the various representatives were being held instead of circulating a standard questionnaire. We have inventoried their experiences and ideas for the future in semi-structured interviews, in order to be able to focus on the most relevant topics that arose. Given the number of NGOs that submitted requests, representatives of these NGOs have been asked to complete an online survey (see 5.5).

The factual information and statistics are based on records that have been kept from the start of the project. Even though a standard feedback form has been developed, no structural feedback process is in place yet. We have therefore not separately assessed the few feedback forms on file in the evaluation.

### 5.3 Meetings and interviews participating law firms

In the period from March 2018 to the end of May 2018, we spoke with representatives of almost all participating law firms to gather their experiences with Pro Bono Connect in the pilot phase and ideas and suggestions for the future. These conversations were conducted on the basis of a couple of questions, with room to discuss other pro bono-related topics.

The questions pertained to:

- requests received and accepted, as well as reasons to decline requests;
- preferences for type of requests (for example organisational or strategic, area of expertise);
- procedure for handling incoming requests and processing time (conflict check etc.);
- the attitude towards pro bono work within the firm (does the firm have a pro bono committee or responsible partner, is pro bono work included in guidelines for hours and does it count as chargeable work for associates);

- pro bono work outside of Pro Bono Connect and partnerships with civil society organisations;
- expectations at the start of Pro Bono Connect and if the project meets these expectations;
- services and activities by Pro Bono Connect beyond matching requests; and
- key successes and key challenges for Pro Bono Connect, as well as its (financial) future.

Overall, the participating law firms are enthusiastic about their participation in Pro Bono Connect. They mentioned Pro Bono Connect's selection of and value-added services to the requests as successes, as well as the pleasant communication. Most requests are interesting and the contact with the NGOs is usually good, with a few exceptions.

It was very interesting to hear how the firms have organised pro bono services. All firms have been doing pro bono work for a long time, before the start of Pro Bono Connect, and still do pro bono work via other channels. The way in which pro bono work is structured considerably varies. Some of the firms have a pro bono committee that regularly meets to discuss pro bono policy and cases. The composition of these committees is usually diverse: they consist of members from different practice groups and with different roles (junior/senior/partner; fee/non-fee). This contributes to pro bono work being a known phenomenon among employees. Others emphasized that pro bono work could become more instituted within their firms. Pro Bono Connect could assist in shaping this practice. The overall feeling is that Pro Bono Connect should generate more publicity among lawyers and law firms and should do this in cooperation with the participating law firms. Many offered their help, which is much appreciated.

Quite a few of the people we spoke to have expressed their appreciation that Pro Bono Connect has achieved resounding results despite its limited capacity and resources. They acknowledged that the stability of the organisation could be improved. Pro Bono Connect should expand in terms of staff and finances to further develop as a clearinghouse. The most logical way to do this is by cooperating with more law firms. In general, the firms were not against the idea to grow to some twenty participating law firms. However, more participants should not lead to fewer requests per firm, so the number of requests should grow simultaneously.

Most firms are of the opinion that matching requests should remain the main activity of Pro Bono Connect. Opinions are divided about to what extent Pro Bono Connect should undertake other activities. The activities should be focused on stimulating pro bono culture at law firms and among lawyers and on promoting Pro Bono Connect and what it may offer NGOs. There must be a good balance between the time involved in the organisation of an event and what it brings. In general, activities bringing lawyers in contact with NGOs generate enthusiasm for pro bono work. By enabling them to dedicate their skills and expertise as a lawyer and to provide them with new skills and knowledge, lawyers become committed to help represent the public interest.

#### 5.4 Meetings and interviews NGO representatives and other stakeholders

In addition to representatives of the participating law firms, Pro Bono Connect has spoken with representatives of NGOs and other stakeholders, including members of the Advisory Committee. It was very useful to have their thoughts on the strengths and weaknesses of Pro Bono Connect.

The overall impression is positive, and the interviewees recognised the successes of Pro Bono Connect. Those whose organisations have submitted requests are satisfied with the legal assistance received, with only a few exceptions. Most NGOs are very happy with the legal services and the

contacts with lawyers. They indicate that the assistance or advice obtained via Pro Bono Connect is very helpful and important for their projects or organisation.

PILP should be mentioned separately. As public interest litigation project, PILP is above average involved itself in the legal aspects and content of the requests it submits. The Litigation Director and Project Officer of PILP are very enthusiastic about the cooperation with the participating law firms and cases that have been worked on successfully. They have positive experiences with working in a co-counsel system, in which lawyers from a participating law firm join forces with PILP and, in some cases, specialised human rights lawyers. In this system, lawyers with different backgrounds contribute to a case from their own expertise, which leads to better results and mutual inspiration.

***“By getting advice from law firms through Pro Bono Connect, we have been able to set up projects that otherwise could not have been set up in this way”.***

Jelle Klaas – Litigation Director PILP

As key challenges for Pro Bono Connect and pro bono work in general, interviewees mention that requests are relatively often declined due to (business) conflict of interest. They of course understand that the firms cannot take on requests in case of a direct conflict but believe that sometimes requests are rather declined because of possible adverse consequences for the firm’s regular business. Some felt that NGOs are not always treated in the same way as regular clients would be.

Another often-mentioned challenge for Pro Bono Connect is its fragile financial situation and organisation. Many emphasized that Pro Bono Connect should grow stronger in the coming years. The thoughts about the possibility to attract external funding vary, some are optimistic while others do not think that funds are likely to finance the project because of its financially strong partners. Regardless of their opinion on the feasibility, all mention that fund applications take a lot of time. Moreover, dependence on third party funding also brings uncertainty, as grants are generally provided for a limited time.

To make the most of its capabilities, Pro Bono Connect should invest more in its relationships with NGOs and their branch organisations. Branch organisations are knowledge hubs for NGO related matters and know which legal issues are relevant to NGOs or which issues they encounter. By cooperating with these organisations, for example organising events together, Pro Bono could effectively bring its added value to the attention of NGOs. Pro Bono Connect should also invest in its existing contacts and keep monitoring their needs for legal assistance.

## 5.5 Survey NGOs

Pro Bono Connect has asked representatives of NGOs that submitted one or more requests via e-mail to complete an online survey. This survey consisted of 10 questions (9 multiple choice and 1 open).

The survey was completed by 20 respondents. As the survey has been taken out on an anonymous basis, it is not exactly known which organisations the respondents represent. Among the respondents are representatives of the NJCM and PILP. These organisations have submitted requests and therefore need to be involved in the evaluation. However, they are much more aware of the ins and outs of Pro Bono Connect than other NGOs. The answers to the survey therefore might not be completely representative.

The multiple choice survey questions and results can be found in Appendix 1. The questions relate to the legal needs among NGOs, as well as their experiences with and expectations from Pro Bono Connect.

The responses show that NGOs need assistance both with strategic requests and organisational requests. They are almost unanimously satisfied with the way in which Pro Bono Connect handles requests (quality and timing). The views diverged more widely on the questions to activities other than matching requests for legal assistance. Only a small majority (60%) of the respondents believed Pro Bono Connect should organise seminars, informative meetings and other events to connect NGOs with law firms (25% were neutral or had no opinion, while 15% were opposed to this concept). The question whether Pro Bono Connect should extend its clearinghouse activities to other than legal services (for example consultancy, accountancy) was affirmatively answered by only 40%, while 55% were neutral or had no opinion. Only 25% of the respondents confirmed that their organisation has individual partnerships with law firms for pro bono legal advice.

Clearly, these responses demonstrate the need for a clearinghouse in the Netherlands and that Pro Bono Connect satisfies that need in a good way.

Remarkably, only slightly more than half of the respondents answered that payment of a nominal fee would not prevent their organisation from submitting requests. On the other hand, 25% answered that any obligation to pay for the use of the services of Pro Bono Connect (either a nominal fee per request or a nominal subscription fee) would prevent their organisation from submitting requests. This outcome seems to confirm the statement in the Project Plan that a fee for submitting requests would deter small NGOs from using the services of Pro Bono Connect. As mentioned there, this would be contrary to the goal and purpose of Pro Bono Connect.

The last question of the survey was: *“What would be your key recommendation for the next phase of Pro Bono Connect?”* The responses were very supportive, from *“Keep up the good work! We are very happy with your help!”* to *“Expanding to the EU level”*. Other constructive feedback included that Pro Bono Connect should aim to become more known among NGOs and activists. Furthermore, a respondent suggested that it would be important for Pro Bono Connect to assist the enthusiasts for pro bono work within the participating firms to achieve a broader support base. Pro bono work should be delivered with the same professional standard as paid work and Pro Bono Connect should stimulate this being the mindset at the participating law firms, in all ranks: from junior lawyers to senior partners.

**“Invest in reaching more NGOs. [Receiving] more requests means helping more NGOs, but it is also the best way to motivate law firms to cooperate.”**

- Key recommendation in survey among NGOs -

## 6 GOVERNANCE

### 6.1 Staff

Pro Bono Connect is led by the Project Coordinator, who is in charge of the of the day-to-day business. Floris van Hees, who performed the research on the establishment of a clearinghouse and (co-)wrote the Project Plan, has been the first Project Coordinator. When he left ‘to sail the world in search of sustainable solutions for humanity and our planet’<sup>5</sup>, he was succeeded by Alexandra Vader-de Rooy. Lara Talsma initially temporarily replaced Alexandra as per November 2016 and then stayed as Project Coordinator. She has worked the longest in this role. Many of the participating law firms and others praise her contribution to the success of Pro Bono Connect and her commitment and efforts to further develop the project.

As per the end of February 2018, Annemarie van den Heuvel is (interim) Project Coordinator. Her main task in the past few months has been the evaluation of the pilot phase and making plans for the future. Sarai Mock has been working as Project Officer since mid-December 2017. She is the first contact for requests and is of great value for the organisation of Pro Bono Connect. Since 2017, Pro Bono Connect has regularly had interns who assisted the Project Coordinator and Project Officer with their work.

Pro Bono Connect furthermore receives administrative and other support from NJCM staff and board members, which the NJCM does not charge Pro Bono Connect for.

### 6.2 Project Board

The Project Board of Pro Bono Connect provides the Project Coordinator with guidance or assistance, informally and not always in a structured way, depending on the needs and circumstances. The Project Board currently consists of two members of the Board of the NJCM: Ton van den Brandt (chair NJCM) and Herman Veerbeek (vice-chair NJCM).

### 6.3 Advisory Committee

The Advisory Committee of Pro Bono Connect acts as a sounding board for the Project Coordinator and the Project Board. Both the participating law firms and NGOs are represented in the Advisory Committee, as well as some independent members. The current members are:

#### *NGO representatives*

R.C.E. (Ruth) Kronenburg BBA, Free Press Unlimited  
A. (Anna) Timmerman MA, Fini bono  
E.E. (Eef) Verkade LLM, Greenpeace International

#### *Law firm representatives*

L. (Lamin) Brima Ray Khadar LLB, LLM, Pro Bono Associate Europe DLA Piper  
F.P. (Freeke) Heijne LLM MA, Houthoff  
E.C. (Lisa) van der Maden LLM, Stibbe  
H.P. (Harald) Wiersema LLM, NautaDutilh

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<sup>5</sup> <http://sailorsforsustainability.nl/>



### *Independent members*

B. (Brienne) McGonigle Leyh PhD, Studie- en Informatiecentrum Mensenrechten (Netherlands Institute of Human Rights – SIM)

M. (Munish) Ramlal LL.M PhD, Haagse Beek organisatieadvies

T.J.M. (Dirk) Steen MA, Steen Consultancy

During the pilot phase, the Advisory Committee has had an important role in, among other things, shaping the strategy of Pro Bono Connect. One of the recurring themes is the policy on accepting requests: should Pro Bono Connect focus on specific types of requests or NGOs or assist any civil society organisation or enterprise with legitimate legal requests (relating to the good cause and/or their internal organisation)? Even though strict criteria make it easier for Pro Bono Connect to assess whether to accept a request or not and to develop a publicity strategy, it was decided not to limit the clearinghouse services to ‘classical’ NGOs. Instead, all requests are assessed on a case-by-case basis. In case of doubt, the Project Coordinator may consult the Advisory Committee.

Other themes discussed in Advisory Committee meetings are inter alia: conflicts of interest that prevent the acceptance of requests, whether Pro Bono Connect should focus on strategic requests and how Pro Bono Connect could increase its brand recognition among NGOs and lawyers. Advisory Committee meetings were held on 13 September 2016, 15 December 2016, 3 October 2017 and 14 May 2018, as well as a strategic session on 30 January 2017.

The different backgrounds of the members of the Advisory Committee allow for a balanced discussion. Their involvement and willingness to share their experience has significantly contributed to the success of Pro Bono Connect.

The Project Plan limited the membership of the NGO and law firm representatives to two years, as only a few can be represented in the Advisory Committee. Independent members should be appointed for three years to ensure continuity and to avoid frequently having to search for suitable candidates. During the Round Table of 24 May 2017, the issue of rotation was raised. The conclusion of the Round Table was that this rotation system would be inefficient (too soon and too many people at once). It was decided that rotation should take place in phases and the terms should be longer, and that phased rotation will start only after the end of the pilot phase. In the meeting in October 2017, the Advisory Committee decided to invite one extra law firm representative to join the committee.

#### 6.4 Round Table

On 24 May 2017, Pro Bono Connect organised its first Round Table, a meeting with representatives of all participating law firms and the Advisory Committee. In the interviews held for this evaluation, both NGO-representatives and contact persons at the participating firms expressed their enthusiasm about the Round Table. In their view, it was a good opportunity to really connect the NGO-world and the world of the commercial law firms and get to know each other.

#### 6.5 Legal structure and role of the NJCM

For the pilot phase, it was decided to establish Pro Bono Connect as a project of the NJCM and not as a separate legal entity for reasons of flexibility. In the evaluation, none of the participating law firms or NGOs have expressed objections to this project status. The conclusion can be drawn that the fact that Pro Bono Connect is not a separate legal entity has virtually no negative external implications.

For the publicity of Pro Bono Connect among NGOs, their branch organisations and government institutions, the connection with the NJCM and its project PILP are an asset. The NJCM has years of experience, many contacts and a solid reputation. PILP is a well-known name in the field of strategic litigation. Many NGOs have found their way to Pro Bono Connect via the NJCM or PILP and PILP has submitted quite a few interesting requests to Pro Bono Connect itself, also in its role as coordinator of coalitions with other organisations.

To perform its role as a clearinghouse, in the long term Pro Bono Connect does not necessary have to be part of the NJCM. However, Pro Bono Connect would not have been as successful as it is without the involvement of the NJCM. In terms of organisation (staff, funding, position in the 'market') it is in the best interest of Pro Bono Connect to remain a project of the NJCM for the coming years. Looking back and ahead, the NJCM umbrella is important for Pro Bono Connect and should remain for now.

## 7 FUNDING / FINANCIAL SUSTAINABILITY

The law firms that participated in the research that resulted in the Project Plan overwhelmingly indicated that the participating law firms should collectively cover the costs of Pro Bono Connect. At the start of the project, the Founding Members committed themselves for a period of 3 years to pay an annual contribution of EUR 5,000 each. It was agreed that the funding structure should be evaluated before the end of the pilot phase.

In the preliminary research, different financing models used by foreign clearinghouses have been considered. The models include sponsorship packages, where access to requests and services varies according to the financial contribution and models in which the amount of the contribution depends on the size of the firm. The law firms rejected the proposition that Pro Bono Connect should charge fees for referring specific cases, meaning that it would charge each law firm depending on the services supplied to that law firm. In terms of size, all Founding Members qualify as large firms, either in the Netherlands or globally. Therefore, it has been decided to charge a fixed fee.

For the entire pilot phase, Pro Bono Connect had a budget of EUR 205,000 (13 x EUR 5,000 from the Founding Members in 2016, 2017 and 2018 and additionally EUR 10,000 thanks to Van Benthem & Keulen and Dentons Boekel who joined in 2018). The annual budget in both 2016 and 2017 was EUR 65,000, and EUR 75,000 in 2018.

As envisaged in the draft budget, staff expenses are the most substantial category of expenses for Pro Bono Connect. These expenses varied from almost EUR 55,000 in 2016 to some EUR 58,500 in 2017 and are expected to be around EUR 60,000 in 2018 (gross salary and social security charges). In the first two years of the pilot phase, the staff of Pro Bono Connect consisted of one Project Coordinator on a contract of initially 24 and later 32 hours per week. Currently, the Project Coordinator has a contract for 24 hours and the Project Officer for 14 hours per week. With this staffing, Pro Bono Connect can keep the current activities running, but has little ability to further develop as a clearinghouse.

The second category of expenses in terms of size are office costs, mainly rent. Pro Bono Connect shares an office with PILP and offices expenses are shared (2/3 for PILP and 1/3 for Pro Bono Connect). The office expenses therefore are lower than envisaged in the project plan. Other expenses are for instance travel expenses, expenses for a digital infrastructure and promotion materials. The current budget, including the extra income in 2018, is just sufficient to cover the expenses until the end of the pilot phase.

## **8 BLUEPRINT FOR THE FUTURE OF PRO BONO CONNECT (2019-2022)**

### **8.1 Success stories and key lessons learned**

In the previous chapters the results and experiences in the pilot phase are described. Now it is time to look ahead.

Although no specific targets were set at the start, Pro Bono Connect has received and matched a substantial number of requests. For the next phase (2019-2022), we aim to increase the incoming request flow. To that end, we plan to build and intensify contacts with NGOs and public interest branch organisations and increase our marketing efforts.

In the pilot phase and in this evaluation, we have seen that NGOs need assistance with both strategic and organisational requests. Although one of the initial goals of Pro Bono Connect was to encourage NGOs to submit strategic requests, only 40% of the accepted requests are strategic. Moreover, as set out in paragraph 3.5, 30% of the strategic requests does not result in a match. The percentage of non-matches is significantly higher than we aim for. Pro Bono Connect will encourage NGOs to keep submitting requests that assist them in achieving their strategic goals. On the side of pro bono providers, we aim to increase enthusiasm among the participating firms for strategic requests, for example by sharing success stories and creating opportunities to interact with NGOs. Nevertheless, Pro Bono Connect is guided by the needs for legal assistance among NGOs and will keep assisting with all types of requests, whether strategic or organisational.

The value adding services of Pro Bono Connect to requests and the personalised approach in offering the requests are much appreciated by both NGOs and the participating law firms. These services and approach are essential for Pro Bono Connect as a clearinghouse and must be continued in the same way.

In respect of other activities than those related to matching requests, a lesson learned in the pilot phase is that a good balance is needed between the time involved in the organisation of an event and what it brings. For the next phase, Pro Bono Connect aims to focus on activities that bring together the needs for legal information of NGOs and the expertise of the participating law firms.

The experiences in the pilot phase and the results of the evaluation confirm the profile and main principles of Pro Bono Connect as set out in the Project Plan. These should not change in the coming years. Pro Bono Connect should stay focused on access to justice and legal assistance and not extend its services to requests without a legal dimension (e.g. marketing or consultancy advice) for now. The providers of pro bono services remain the participating law firms and their lawyers. University law clinics may assist if a request is more suitably handled within an academic context, possibly in cooperation with lawyers from participating firms. Pro bono recipients remain NGOs and other organisations that serve the public interest and that fulfil the criteria for acceptance of requests.

As regards the legal structure and governance, the conclusion can be drawn that the Advisory Committee and the NJCM umbrella (including the connection with PILP) have importantly contributed to the success of Pro Bono Connect. The current structure should be maintained in the coming years. In terms of staff, a lesson learned is that the project should not depend too much on one Project Coordinator. To expand its services and solidify its internal organisation, Pro Bono Connect would rather have 1 to 1.2 FTE of staff, divided over two persons.

## 8.2 Goals for the next phase

It is the mission of Pro Bono Connect to improve access to justice for NGOs that promote the public interest and aim to improve human rights in the broad sense and, in relation thereto, to stimulate a stronger pro bono culture in the Dutch legal landscape. We propose to continue this mission after the pilot phase.

The ambition is to solidify the basis laid for a clearinghouse that is here to stay. We want to put Pro Bono Connect on the map of the Dutch legal landscape and to further stimulate the Dutch pro bono culture. The results achieved in the pilot phase clearly demonstrate that there is a need for Pro Bono Connect. But we are not there yet....

So far, 96 different NGOs have found their way to Pro Bono Connect and submitted one or more requests. There are many more NGOs with unmet legal request that could benefit from our services and many more lawyers willing to take on requests. To put Pro Bono Connect on the map and stimulate pro bono culture, we will have to increase our marketing efforts and seek opportunities to connect with other projects and initiatives targeted at NGOs. We should also increase our efforts to reach lawyers and try to ensure that Pro Bono Connect becomes known among all employees of the participating firms.

More specific, we aim:

- to increase, in three years time, the annual budget to EUR 90,000 by attracting additional participating law firms up to a number of 18 or more;
- to successfully match at least 200 requests in the next three years;
- to ensure that all participating law firms take on at least three requests per year;
- to encourage 50 'new' organisations to submit one or more requests in the next three years;
- to build and intensify contacts with public interest branch organisations;
- to build and intensify contacts with universities and law clinics;
- to increase our marketing efforts (newsletters, social media, other publicity);
- to keep a continuous dialogue with the participating firms and to stay up to date on what is going on and what pro bono cases and activities they are interested in; and
- to ensure that Pro Bono Connect is widely known among lawyers from the participating law firms in three years.

## 8.3 Principles of Pro Bono Connect for the coming years

In Appendix 2 to this report, we have set out basic principles of Pro Bono Connect for the coming years, based on the initial blueprint for the project (included in the Project Plan) and the lessons learned in the pilot phase. These principles are not a revision of the Project Plan, but rather an update for the next phase.

These principles are not set in stone, but function as guidelines for the functioning of Pro Bono Connect. The principles are kept under review and discussed regularly with the stakeholders, especially if new developments require adaption thereof.

#### 8.4 Monitoring and Evaluation (M&E)

Pro Bono Connect will keep monitoring the results on a regular basis. It systematically records the submitted requests in terms of content (area of legal expertise, strategic or operational request), acceptance rate and acceptance process.

Monitoring pro bono culture is by nature more difficult. As indicators of pro bono culture, we will look at the acceptance rates for requests and feedback obtained from both the participating firms and NGOs. We strive to implement feedback in a more structured manner in the request matching process.

#### 8.5 Funding

To be able to realize its ambitions and to meet the demands of the participating firms and NGOs, Pro Bono Connect requires more staff. In the pilot phase has been found that dependence on one person makes the organisation vulnerable. To expand its services and solidify its internal organisation, Pro Bono Connect would ideally have 1 to 1.2 FTE of staff (40 to 48 hours per week), divided over two persons (for example one 0.8 FTE position and one 0.4). Based on a gross salary of EUR 4000 per month (40 hours per week including holiday allowance and social security charges) staff expenses would amount to approximately EUR 62,200 to EUR 74,600. With a budget of around EUR 15,000 for other expenses, a total annual budget of around EUR 77,200 to EUR 90,000 is needed.

The aim should therefore be to obtain additional funding. In the evaluation, we have discussed different funding structures with various stakeholders. The majority view is that differentiating in fees to participate in Pro Bono Connect would be too complicated. Pro Bono Connect wants to encourage the participating firms to stimulate lawyers to dedicate their time and effort to pro bono and to take on strategic requests. We therefore believe that a higher contribution for access to more or high-profile cases is not an effective model for now. Besides, accepting more or larger requests means more hours dedicated to pro bono work. The other way around, a higher financial contribution if a firm takes on fewer requests than average would not be a right incentive for accepting requests. A financial contribution related to size is similarly complicated: it can be either related to turnover or to the number of associates, either in the Netherlands or worldwide. Even through the size of the firms vary, in the Dutch legal landscape all participating law firms qualify as large firms. The numbers of requests accepted so far (see paragraph 3.9) demonstrate that size does not really matter. We believe that most firms are very willing to accept requests and Pro Bono Connect aims to bring about the best matches between legal needs of NGOs and the firm's preferences or pro bono policy. A fixed annual fee therefore remains the most appropriate financial model.

There are different ways to obtain additional funding. Even though some NGOs indicated that payment of a nominal fee would not prevent their organisation from submitting requests, charging a fee would deter small NGOs from using the services of Pro Bono Connect. As Pro Bono Connect especially aims to improve access to justice for NGOs with limited financial resources, we should not charge any fee to NGOs. Moreover, nominal fees are not of substantial influence on the budget.

Another possibility is trying to obtain third-party funding. Especially for specific projects, applying for support from public interest funds might be an interesting opportunity. On the other hand, one can argue that it goes against the idea of 'pro bono' to request public interest funds to pay for a project that aims to save costs (for legal assistance) of NGOs. If it receives third-party funding, Pro Bono Connect takes budget that would otherwise go to NGOs. Questions may arise why the participating

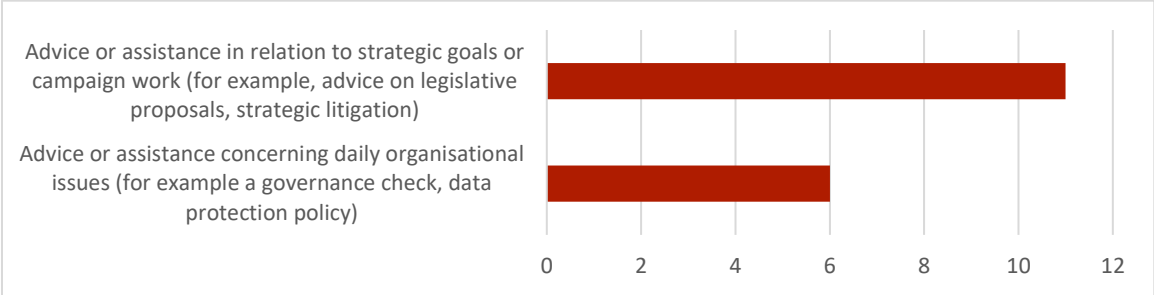
firms make a public interest fund pay contribute financially instead of covering the expenses themselves. This should be carefully considered.

As regards core funding, dependence on third-party grants is too uncertain anyway, both because it is not sure whether obtaining third party funding is feasible and because most grants are awarded for a limited time. Last but not least, applying for grants requires a serious time investment, which time comes at the expense of regular work unless investments are made in more staff or hours.

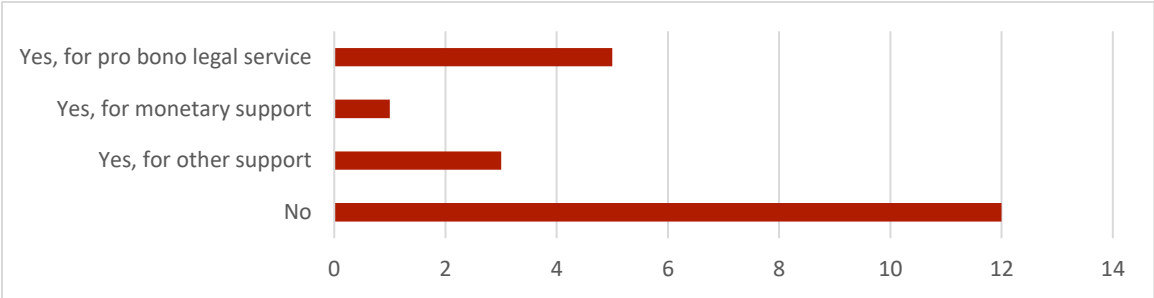
If it is decided that Pro Bono Connect should remain financed solely or almost entirely through annual contributions, additional funding must either come from higher annual contributions or through more participating law firms. To go beyond keeping the business running, Pro Bono Connect should therefore focus on more partnerships and cooperation with other parties (for instance branch organisations and universities) and look for creative alternatives.

**APPENDIX 1: MULTIPLE CHOICE QUESTIONS AND RESULTS SURVEY NGOS**

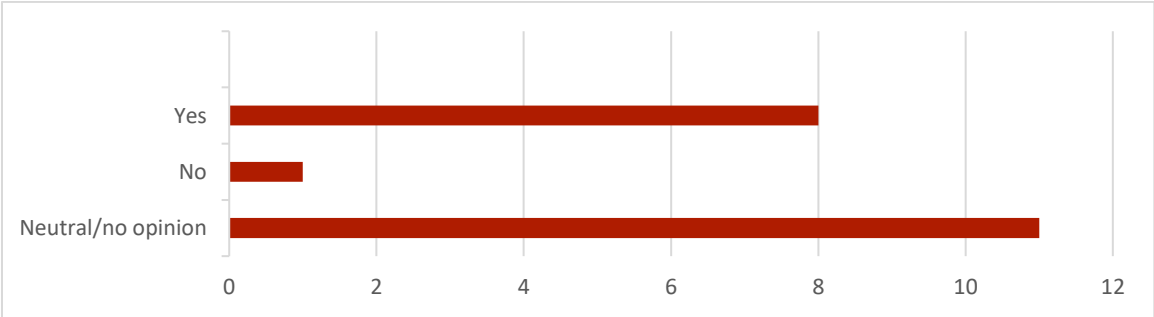
**1. What kind of legal advice or assistance is most relevant for your organisation?**



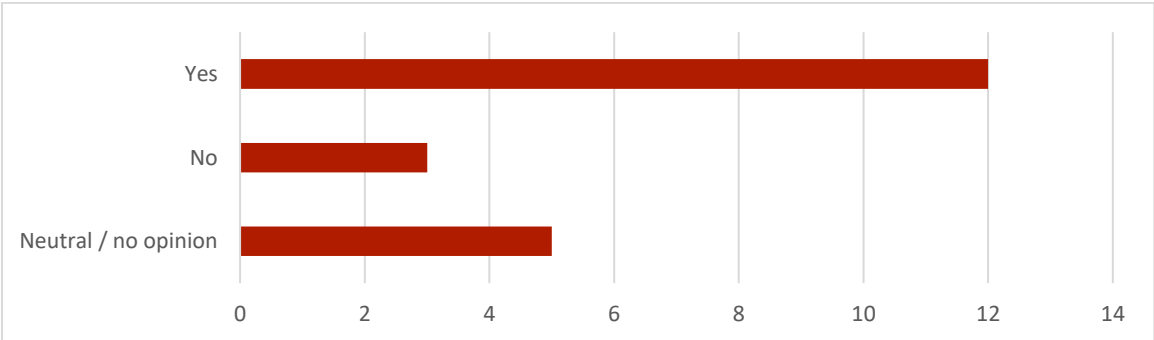
**2. My organisation has individual partnerships with law firms**



**3. Pro Bono Connect should extend its clearinghouse activities to other than legal services (for example consultancy, accountancy)**

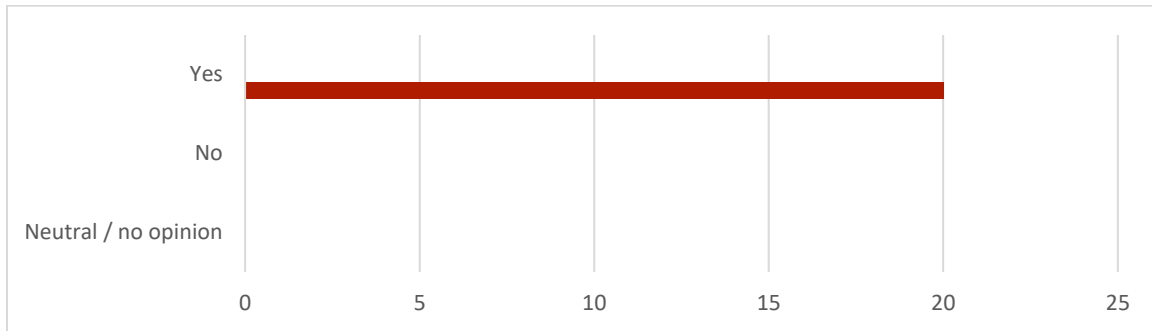


**4. Pro Bono Connect should organise seminars, informative meetings and other events to connect NGOs with law firms**

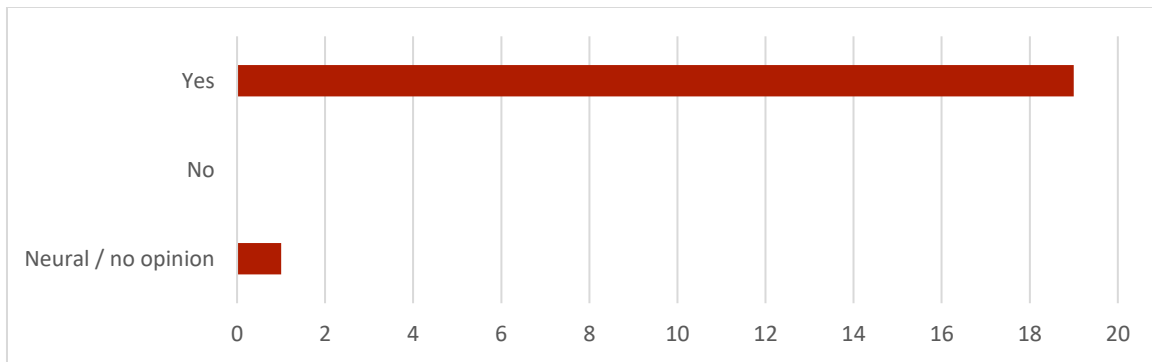




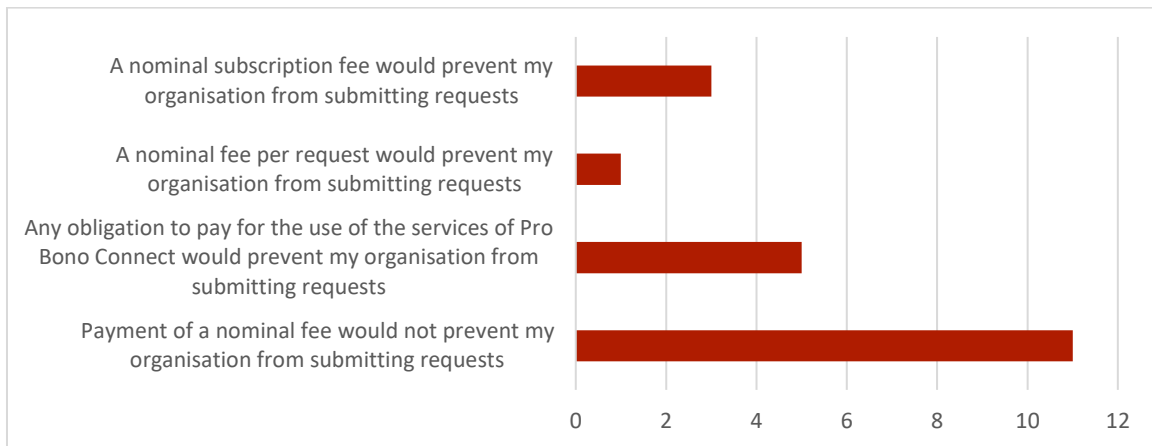
**5. Pro Bono Connect handles requests in a good way (contact, communication, assistance in drafting requests)**



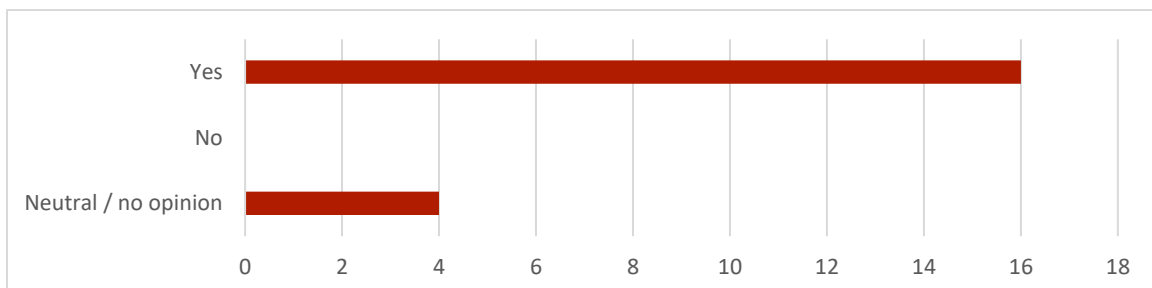
**6. Pro Bono Connect handles requests timely**



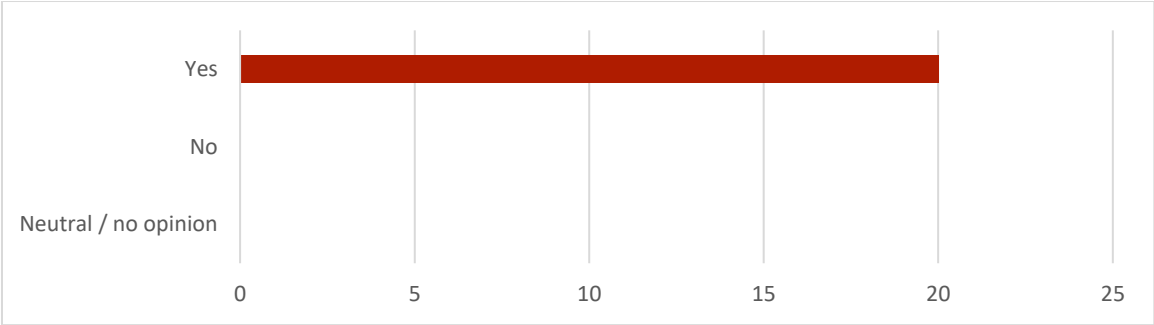
**7. The obligation to pay a certain amount to submit a request (to cover administrative costs), either per request or an annual subscription fee, would prevent my organisation from submitting requests in the future**



**8. My organisation is planning to keep submitting requests to Pro Bono Connect**



**9. My organisation would recommend Pro Bono Connect to other NGOs**



## **APPENDIX 2: BASIC PRINCIPLES OF PRO BONO CONNECT FOR THE COMING YEARS**

### **I. Principles and Goals**

- a. Pro Bono Connect acts as intermediary between non-governmental organisations (NGOs) and other organisations that serve the public interest in need of legal advice and lawyers who wish to dedicate their expertise and time to provide pro bono legal services.
- b. Pro Bono Connect and its participants are committed to safeguarding the confidentiality of the requests and cases Pro Bono Connect receives.

### **II. Governance**

- a. For now, Pro Bono Connect is run as a project under the NJCM umbrella.
- b. Pro Bono Connect is led by a Project Coordinator responsible for the day-to-day management.
- c. Pro Bono Connect has a Project Board consisting of a minimum of two (current or former) members of the NJCM Board. The Project Board functions as a sounding board for the Project Coordinator. Together with the Project Coordinator, the Project Board acts as management of the clearinghouse. In the performance of their duties, the members of the Project Board act in the interest of Pro Bono Connect and the organisation connected with it.
- d. Pro Bono Connect has an Advisory Committee consisting of a minimum of nine members: three members from law firms (on a rotating basis), three members from NGOs (on a rotating basis) and three independent members. The Advisory Committee functions as a sounding board for strategic or complex matters.
- e. The participating law firms will be invited to a yearly roundtable to discuss the achievements, strategy and development of Pro Bono Connect.

### **III. Pro Bono Providers**

- a. Pro bono providers are lawyers and law firms participating in Pro Bono Connect. In-house legal departments of companies will not be invited to participate in Pro Bono Connect for now.
- b. If a request is accepted by none of the participating law firms, Pro Bono Connect may submit the request to lawyers and law firms that do not (yet) participate.
- c. Pro bono providers may be university law clinics, if a request is more suitable to be handled in an academic context, possibly in cooperation with lawyers from participating firms.
- d. Participation in Pro Bono Connect is reserved for law firms with a good reputation regarding the quality of their work products and expertise (as assessed by the Project Board).
- e. No formal commitment with respect to an annual number of accepted requests is expected from participating law firms, although Pro Bono Connect encourages law firms to accept at least three requests per year. Law firms will be encouraged to actively participate and promote Pro Bono Connect to the lawyers it employs.
- f. To accommodate the interests of law firms and match NGOs' requests with law firms' expertise, Pro Bono Connect has made an inventory of the expertise and preferences of law firms, which may be updated from time to time.
- g. Law firms may be excluded from participation in Pro Bono Connect if they deliver poor quality work or fail to respond to requests over a longer period.

#### **IV. Pro Bono Recipients**

- a. Recipients of pro bono legal advice are NGOs and other organisations that serve the public interest that fulfil the criteria for acceptance of requests.
- b. Accessibility to the services is not limited to non-profit organisations. A public interest mission will serve as a broad overarching eligibility criterion. Participating law firms are allowed to only accept requests submitted by organisations that serve the public interest on a not-for-profit basis.
- c. Individuals do not qualify as pro bono recipients of Pro Bono Connect. If they have an unmet legal need and a request with merit, they should engage an NGO to use the services of Pro Bono Connect.
- d. Those eligible for state-funded legal aid will in no case be eligible to use the services of Pro Bono Connect.
- e. Pro Bono Connect has a standard screening process for applicant NGOs and conducts background checks.
- f. Pro Bono Connect will actively engage with NGOs to understand their needs and establish how pro bono legal services may assist them in achieving their goals.

#### **V. Types of Requests**

- a. Pro Bono Connect facilitates a broad range of legal assistance for NGOs, both concerning daily organisational issues and in relation to its strategic goals or campaign work. Pro Bono Connect will encourage NGOs to submit requests that assist them in achieving their strategic goals.
- b. Pro Bono Connect assesses requests in terms of eligibility based on criteria established in consultation with the Advisory Committee. These criteria leave room for assessment on a case-by-case basis. Pro Bono Connect can reject a request for justified reasons.

#### **VI. Profile of Pro Bono Connect**

##### *Client-lawyer relationship*

- a. Legal services rendered through Pro Bono Connect by lawyers will be pro bono, meaning free of charge (except court fees) and delivered with the same professional standard as paid work.
- b. Once a request is accepted by a law firm, the NGO and the lawyer handling the case will have a client-lawyer relationship. Law firms and NGOs may formalize this relationship through an agreement to describe and define the terms and conditions of the pro bono service between them.
- c. After a request is matched, Pro Bono Connect brings the NGO and the law firm in contact. From then on communication about the matter exclusively takes place between the NGO/client and the law firm.

##### *Allocation of requests*

- a. Pro Bono Connect will determine the best match between the request and law firms' preferences and expertise. It will distribute requests by selecting and contacting the most suitable law firms on an individual basis to offer the request.
- b. Pro Bono Connect has a with the pre-expressed preferences, interests and expertise of the law firms, as well as a record of requests handled per law firm (including requests that have been matched and declined).
- c. Pro Bono Connect is committed to distributing cases fairly between law firms.

- d. The method of allocating request is kept under review and discussed regularly with the participating law firms.

#### *Quality control*

- a. Pro Bono Connect assists NGOs in formulating their requests and will ensure that requests are complete and clear. Requests will be made on a standard intake form.
- b. Pro Bono Connect will encourage NGOs to liaise directly with lawyers regarding the progress of a case.
- c. In view of the client-lawyer relationship between NGOs and lawyers involved, Pro Bono Connect will only review work products on request of an NGO.
- d. In case of disagreement, the law firm and pro bono recipient can turn to Pro Bono Connect to act as an intermediary and clarify or resolve misunderstandings amicably in the best interests of both parties.
- e. Pro Bono Connect will seek feedback from NGOs and law firms after completion of the pro bono legal service to evaluate its work and services as a clearinghouse.

#### *Confidentiality and publicity*

- a. If they wish, participating pro bono providers and recipients may be identified on Pro Bono Connect 's website.
- b. Participating law firms may publicize their participation in Pro Bono Connect.
- c. Participating law firms may only disclose their work on specific matters with the express permission of the NGO, taking into account their professional confidentiality.
- d. NGOs may only publicize that they are being assisted by a participating law firm with the express permission of the law firm involved. Law firms have the right to provide services on a no-name basis.

#### **VII. Funding**

- a. Participating law firms finance Pro Bono Connect through fixed annual contributions. NGOs are not expected to financially contribute to use the services of Pro Bono Connect.
- b. Pro Bono Connect undertakes to use reasonable effort to obtain additional third-party funding.
- c. The budget and funding structure will be assessed regularly at the annual Round Table.