


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Op-Ed: To Bridge Justice Gap, Recruit Retiring Lawyers

Eve Runyon and Reena N. Glazer, The American Lawyer

September 2, 2016 | [0 Comments](#)

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Illustration by Michael Witte

As the headline to a special report in The American Lawyer this week observes, ["Baby Boomers are Retiring and Law Firms Aren't Ready."](#) When we combine the vast numbers of law firm attorneys who are approaching career transition with the enormous systemic unmet legal needs of the poor and disadvantaged, we are in a unique position to leverage these experienced lawyers.

If even a small fraction of the retired, semi-retired, and transitioning baby-boom lawyers would engage in some form of meaningful pro bono work, they could have a sizeable impact on economic and social justice. Creating the infrastructure to support and sustain these new roles, however, is a significant and sensitive undertaking.

The Pro Bono Institute (PBI) saw this demographic transition coming and, in 2005, launched [Second Acts](#), which has focused on research and technical assistance to create replicable models that can be scaled. Since then, experimentation has taken place around the country but has been limited. Jurisdictions have adopted senior or "emeritus" programs, which grant to attorneys otherwise retired limited licenses to practice law so they can conduct pro bono work. Rules and conditions vary by jurisdiction. Some waive dues and CLE requirements, some include a length of practice requirement, and some require that the pro bono work be performed under the auspices of a qualified legal services provider.

Elsewhere, leaders have designed local efforts to engage transitioning lawyers, including in [Massachusetts](#), the [District of Columbia](#), and [New York](#), creating fellowship programs, targeted pro bono opportunities, and other on-ramps to service.

Law firms are particularly appropriate structural allies for facilitating their senior lawyers' participation as they step down from full-time firm responsibilities to expanded pro bono activities, either as continuing members of the firm or as firm-supported alumni working primarily with legal services organizations. Helping firms to create transition pathways and policies that fit within their institutional culture can have a variety of benefits. These include improving the firm's overall pro bono program; enhancing loyalty and firm reputation both internally and externally; offering increased mentoring, supervision and training for junior attorneys; and providing a mechanism for balancing staffing levels and minimizing disruptions.

Experience tells us that there is no "one size fits all" approach that would work for all firms. Factors to consider in connection with the design and implementation of a law firm pro bono program for senior and transitioning attorneys include:

- What would be the expected responsibilities of the lawyer in this new role?
- To what extent, if any, would the firm provide financial support for the lawyer's new role (and what would be the impact on any pension/retirement payments)?
- Would office space, IT, secretarial, and associate support be available? Malpractice coverage? Health or other benefits?
- Who decides what pro bono matters to accept?
- How would potential conflicts be handled?
- To whom does the lawyer report? Are there any accountability mechanisms?
- Who within the firm would be eligible or encouraged to participate?
- Would the firm support, and to what extent, a lawyer who prefers to be based at a public interest organization rather than at the firm?
- Is the program time-limited? Would there be a time frame after which the participating lawyer would be expected to retire fully from the firm?

As with all other aspects of law firm pro bono practice and administration, PBI's Law Firm Pro Bono Project is available to provide assistance to firms in addressing these and other questions. With adequate training and support, transitioning lawyers would bring not only a major increase in pro bono capacity, but also expertise, leadership, moral support, and new perspectives that would be of great benefit.

Engaging transitioning attorneys in pro bono work will require re-envisioning the role of senior attorneys in the legal community while offering meaning, purpose and dignity to those lawyers and exponentially increase legal services for those most in need.

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Eve Runyon is the president and chief executive officer of the Pro Bono Institute and Reena N. Glazer is the assistant director of its Law Firm Pro Bono Project.

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