



PRO BONO LEGAL SERVICES PROGRAM

Why did Disability Rights NC select Restoration to Competency and Medicaid Appeals as the areas in which it is seeking pro bono attorneys?

Disability Rights NC receives more than 4,000 calls a year from people with disabilities seeking assistance in protecting their legal rights. With only 17 lawyers on staff, we cannot directly serve everyone who calls.

How does Disability Rights NC identify pro bono cases?

All people with disabilities seeking our help initially speak with one of our intake specialists. Cases are then referred to program staff where we determine if the case meets our current areas of focus and, if so, whether we have the capacity to take the case. Cases that we cannot take will be referred to our pro bono program. Our pro bono coordinator will identify attorneys available and willing to take the cases, and will make the case assignments.

What is the typical time commitment?

Every case is unique, but many cases are resolved within two to six months and a reasonable estimate is that a case will take 10-35 hours. While it is not always possible to evaluate the complexity of a case during the screening process, we make every effort to let pro bono attorneys know of circumstances that may make a case particularly complex.

What skills are expected? Will I go to trial?

All of our cases involve oral and written advocacy and strong client skills. Some cases are more likely to go to trial or an evidentiary hearing than others. For example, Medicaid appeals are heard by an Administrative Law Judge, unless resolved in mediation; and Petitions for Restoration to Competency are heard by the county Clerk of Court. We are happy to speak with you about the types of cases that are most likely to match your skills and interests.

What training and mentoring does Disability Rights NC offer for pro bono attorneys?

Attorneys with Disability Rights NC created trainings on the basics of Medicaid appeals and restoration of competency. These trainings are conducted at locations around the State. The training includes an ethics component, with a focus on the ethical implications of working with clients with disabilities. At the training, attorneys receive a comprehensive reference manual covering the particular subject. In most circumstances, attorneys are encouraged to attend a relevant training before taking a pro bono case.

Our experienced attorneys also serve as mentors for pro bono attorneys. We do not co-counsel with or supervise pro bono attorneys, but we are available to discuss strategy, legal issues, and administrative law practice. We also can help you identify model pleadings.

In a few cases, Disability Rights NC will have a conflict and will not be able to provide mentoring. Whenever possible, we let pro bono attorneys know in advance when a conflict exists.

Can I pair up with another pro bono attorney to handle a case?

Yes. We encourage attorneys to partner with another attorney in their office. For example, an experienced lawyer might partner with a less experienced lawyer, or a litigator might partner with a transactional attorney. In some cases, attorneys practicing in-house at corporate legal departments pair up with an attorney at a law firm.

Do I have to be licensed to practice law in North Carolina?

No. If you are not currently a member in good standing with the NC State Bar, there are two other instances where you may be able to provide pro bono legal services. If you are an inactive NC State Bar member, or, an out of state lawyer, you may be granted pro bono practice status through the NC State Bar. Please visit <http://ncequalaccesstojustice.org/pro-bono/> to learn more about the process and how to apply.

Do I have to be affiliated with a law firm, government, or corporate law department?

No. While attorneys affiliated with a law firm, the federal government, or a corporate law department typically have the resources necessary to take pro bono cases, we refer cases to any licensed attorney, including solo practitioners, who have the resources to handle a pro bono case.

Do I have to carry my own malpractice insurance?

No. Disability Rights NC will provide malpractice insurance coverage if you do not already have employer-sponsored coverage.

I am not a lawyer -- can I still get involved?

Absolutely! Legal assistants or other staff can serve a critical role as an investigator or translator on a pro bono matter being handled by an attorney in your office. This may involve attending meetings, locating witnesses, and obtaining documents.

I want to do pro bono work with Disability Rights NC. What are the next steps?

The best way to get involved is to contact Elaine Whitford at elaine.whitford@disabilityrightsncc.org or 919-856-2195.

**Disability Rights North Carolina
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Disability Rights North Carolina is a federally mandated protection and advocacy system with funding from the U.S. Department of Health and Human Services, the U.S. Department of Education, the Social Security Administration, and NC IOLTA. It is a 501(c)(3) nonprofit corporation.