

North
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Federal
Pro Bono
Program
Volunteer
Guide

This guide answers Frequently Asked Questions regarding Federal Pro Bono Work and provides pre-approved suggestions for Pro Bono Organizations in the North Texas area.



U.S. Department of Justice
Office for Access to Justice

*950 Pennsylvania Avenue, NW
Washington, D.C. 20530*

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Dear Colleagues,

Welcome to the North Texas Federal Government *Pro Bono* Program! Thank you for your interest in *pro bono* work and in using your legal skills to better your community. We hope we can help you to find an opportunity to get involved.

This *Pro Bono* Volunteer Guide will provide easy access to information about the rules governing federal employees' engagement in *pro bono* activity as well as descriptions of organizations and *pro bono* opportunities. These organizations and opportunities have been determined to be appropriate for federal government attorneys and legal staff because they are generally free of conflicts of interest and offer substantial resources that will help you to succeed. Because each federal agency has its own regulations and procedures, it is important that you discuss any *pro bono* project with your agency's ethics office before starting to volunteer. Many agencies have a *pro bono* coordinator and a specific *Pro Bono* Policy that can guide you through these rules and any approval procedures that may be required.

Our Program seeks to offer activities to assist you in your *pro bono* endeavors. We hope to organize trainings to prepare you to volunteer, opportunities where federal attorneys can volunteer together, and information sessions on various topics relevant to *pro bono* practice. If you would like to get involved in the development of these ideas or have questions about *pro bono* activities generally, please contact me at Laura.F.Klein@usdoj.gov.

Thank you again for your interest in using your legal skills to help those who cannot afford an attorney. We look forward to working with you to help those in need.

Sincerely,

Laura F. Klein
Pro Bono Program Manager
Office for Access to Justice
U.S. Department of Justice
Chair, Federal Government *Pro Bono* Program

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I. Frequently Asked Questions

A. Definitions and Limitations

1. What types of services may I provide?

We generally define *pro bono* legal work and volunteer services as many different types of activities performed for no compensation. Examples include services to disadvantaged persons, assistance to charitable, religious, civic, community, governmental, health, and educational organizations, services seeking to protect civil rights, civil liberties or public rights, and activities seeking to improve the law or legal system. Your agency's *pro bono* policy will have a specific definition for you.

2. What types of *pro bono* and volunteer services are prohibited?

The Federal Government prohibits any service that would conflict with your official duties. *See* 5 C.F.R. § 2635.802. For example, federal employees, in most cases, are prohibited from representing parties before the federal government. *See* 18 U.S.C. § 205. Also, each agency has its own regulatory standards of conduct that its employees must follow. For example, Department of Justice attorneys may not provide services that involve criminal or habeas corpus matters, whether federal, state, or local, for example. *See* 5 C.F.R. § 3801.106.

3. May I provide services to political organizations?

Yes, within the limitations set by the Hatch Act (*see* 5 U.S.C. § 7234) and those set by your agency's policy concerning political activities by high-level and political appointees. Note that the Office of Personnel Management has stated that it would be inappropriate to grant administrative leave to employees engaged in partisan political activities. Also, because partisan political activity is subject to more restrictive rules than other non-official activity, no partisan political activity may take place on government time or by using government property. *See* 5 C.F.R. Part 734.

4. May I represent someone in an action against the United States?

It bears repeating this point—no! Specifically, 18 U.S.C. § 205 prohibits you from representing another person before any court or agency of the United States, in a matter in which the United States is a party or has a direct and substantial interest. There are limited exceptions for representing your immediate family (spouse, child, and parents), fellow employees in personnel administration proceedings, and certain employee organizations in limited circumstances.

5. May I assist persons seeking government benefits?

Yes, albeit in limited ways. You may provide non-representational assistance, such as filling out forms for a person seeking government benefits. However, you should be mindful that you may not contact a federal agency, with the intent to influence on behalf of another person except those

persons permitted by 18 U.S.C. § 205(e). You may not represent a third party before any government agency.

6. May I prepare income tax returns?

Yes. However, you are prohibited from representing a person before the IRS in connection with a tax return.

7. May I assist family and friends?

Yes, provided the services you provide fall within the definition of *pro bono* or volunteer services and you don't receive compensation. There are some limited exceptions to this rule that may permit employees to represent family and friends in non-*pro bono* matters as long as the United States is not a party and the matter is not criminal in nature. You should contact your Deputy Designated Agency Ethics Official (DDAEO) if you would like to represent a family member or friend and the representation does not fall within the definition of *pro bono* or volunteer services.

B. Use of Position and Agency Resources

1. May I use my official position in connection with my *pro bono* and volunteer services?

No. You may not indicate or represent in any way that you are acting on behalf of your agency, or in your official capacity, when providing *pro bono* or volunteer services.

2. May I use office letterhead or my business cards?

No. You may not use office letterhead, business cards, fax cover sheets, or otherwise identify yourself as a federal government employee in any communication, correspondence, or pleading.

3. May I use agency resources such as phone, e-mail, internet, or other government property in connection with my *pro bono* services?

Each agency has its own policy on the use of its resources and property. Some agencies will allow for the personal use of government equipment and facilities, provided there is only a negligible cost to the government (such as in the use of electricity, ink, small amounts of paper, and ordinary wear and tear). Contact your agency *pro bono* coordinator or ethics officer to find out about your agency's policy.

4. May I ask support staff to assist me?

No. *Pro bono* and volunteer services are not official duties and may not be assigned to or required of support staff. However, the Federal Government Pro Bono Program has a Support Staff Resource Pool where support staff can volunteer. The Program can then match support staff volunteers with attorneys who request assistance. To join the Support Staff Resource Pool, contact the DOJ Pro Bono Program Manager, Laura Klein, at Laura.F.Klein@usdoj.gov.

5. May I use Westlaw and other electronic computer databases?

Each agency has its own policy on this issue. Contact your supervisor or agency ethics officer to find out about your agency's policy.

6. May I participate in *pro bono* and/or volunteer services on government time?

You should seek *pro bono* and volunteer opportunities that can be done outside working hours. However, sometimes activities may occur during the work day. You may be granted annual leave, leave without pay, or may be permitted to make up any time you are away from the office. Certain agencies allow use of a limited amount of administrative leave (see below). Contact your *pro bono* coordinator or agency ethics officer to find out about your agency's policy.

7. May I be given administrative leave?

Some agencies have policies that allow for administrative leave or excused absence for *pro bono* activity, such as the Department of Justice, Department of Labor, the Department of Energy, the Department of Housing and Urban Development, the Department of Homeland Security, the Small Business Administration, the National Labor Relations Board, and a many more. Additionally, OPM has issued a regulation providing guidance on the availability of administrative leave for volunteer activities. In limited circumstances, it may be appropriate to excuse an employee from duty for brief periods of time without pay or leave loss. Excused absences should be limited to those situations in which employees' services meet one or more of the following criteria: direct relation to the agency's mission; official sponsorship or sanction by the agency; enhancing the professional development or skills of employees in their current positions. *See* 5 C.F.R. § 630.1403.

C. Conflicts of Interest

1. With whom should I speak about any possible conflicts of interest?

Speak with your Deputy Designated Agency Ethics Official (DDAEO).

2. What constitutes a conflict of interest?

Conflicts of interest include activities that:

1. Violate any federal statute, rule, or regulation, including for example, 18 U.S.C. § 201 *et seq.* and the Standards of Conduct at 5 C.F.R. § 2635;
2. Interfere with the proper and effective performance of your official duties, including time availability;
3. Cause a reasonable person to question the integrity of your agency's programs or operations;
4. Require your recusal from significant aspects of your official duties;

5. Create an appearance that your official duties are being performed in a biased or less than impartial manner; or

6. Create an appearance of official sanction or endorsement.

3. Must I get approval to provide *pro bono* or volunteer services?

Each agency has its own policy regarding its employees' outside activities. Employees seeking to engage in any *pro bono* legal work or volunteer services must follow their agencies' procedures for outside activities. You should consult with your *pro bono* coordinator or ethics officer regarding approval requirements.

D. Miscellaneous

1. What about malpractice coverage?

The federal government does not provide you malpractice coverage. Generally, volunteer programs organized by the local bar or more established referral programs provide malpractice coverage. All the organizations publicized by the Federal Government *Pro Bono* Program provide coverage for their volunteers. If you find an opportunity not listed in this Guide, make sure you ask the organization through which you will be providing *pro bono* services whether it will provide malpractice coverage for you.

2. May I participate if I am not a member of the Texas Bar?

Yes! The Texas Supreme Court Amended to Article XIII of the State Bar Rules in May 2018 to create the New Opportunities Volunteer Attorney (NOVA) Pro Bono Program (Misc. Docket No. 17-9161). The program allows attorneys who are licensed in other states to practice *pro bono* work with an approved organization. Attorneys must be in good standing and have completed at least three hours of CLE each year. Approved organizations include the Dallas Volunteer Attorney Program and Legal Aid of Northwest Texas, both organizations listed in this *Guide*. For more information about the Nova Program and a Volunteer Application, see details [here](#). Additionally, ask each *pro bono* organization whether there are opportunities available that do not require you to be Barred in Texas.

3. Are there activities I can do that do not involve client representation?

Absolutely! Federal government attorneys regularly staff clinics. At these clinics, attorneys provide brief advice and refer walk-in clients but do not take on the cases. You can also do law-related education in schools, present know-your-rights seminars, and more.

4. What if I have never done any *pro bono* work before?

It's never too late to start doing *pro bono* work. You can start by attending a training. Many legal services organizations host training throughout the year on substantive areas of law that are designed for *pro bono* attorneys and legal staff who are new to the subject area. At times, these

organizations assign mentors to help with your work. Many attorneys start by co-counseling their first *pro bono* case. And, you don't have to start by taking a case—you can work at a clinic, volunteer at an intake site, or do a range of other activities.

5. Is there a committee that helps government agencies develop *pro bono* policies and programs?

Yes. The Federal Government *Pro Bono* Program assists federal agencies in developing *pro bono* policies and programs. The Program organizes events to encourage more government attorneys to participate in *pro bono* work. It is chaired by the Department of Justice *Pro Bono* Program Manager and includes representatives from over 60 agencies, including large agencies, like the Department of Labor, and smaller agencies, like the Office of Government Ethics.

6. How can I get my agency involved?

Each agency has its own committee representative. To find out who your representative is, contact the Department of Justice's *Pro Bono* Program Manager, Laura Klein, at Laura.F.Klein@usdoj.gov, the DOJ Pro Bono Program Counsel, Lara Eilhardt, at Lara.Eilhardt@usdoj.gov, or the DOJ Pro Bono Program Attorney-Advisor, Raksha Ravikumar, at Raksha.Ravikumar@usdoj.gov.

II. Pro Bono Organizations in North Texas

A. Dallas Volunteer Attorney Program

1515 Main Street, Dallas, Texas 75201

<http://dallasvolunteerattorneyprogram.org/>

Contact Mariséla Martin, Community Engagement Coordinator, at
martinm@lanwt.org or 214-243-2243

The Dallas Volunteer Attorney Program (DVAP) is an organization dedicated to increasing and enhancing pro bono legal services to the poor in Dallas through the recruitment, training, and support of volunteer attorneys. DVAP is a joint program of the Dallas Bar Association and Legal Aid of NorthWest Texas created in 1997 when both organizations merged their previously separate pro bono programs to create one cohesive effort.

Opportunities Offered: DVAP volunteers provide advice and full representation in a variety of cases, including family, housing, landlord-tenant, real property, consumer, wills, expunctions and non-disclosures, probate, and more. Attorney volunteers are needed to do the following: Provide legal advice to people in need; Accept legal cases for full representation; Mentor other attorneys on their pro bono cases; Volunteer at the DVAP office; Make juvenile law presentations to at-risk youth and their parents; Assist applicants with completing paperwork at clinics, and more.

DVAP also has opportunities for paralegals at the in-person legal clinics. Paralegals often assist with income screening of applicants, translation services, and other general tasks as assigned at each in-person location.

In addition, DVAP offers weekly, bi-weekly, and monthly clinics in several Dallas neighborhoods. Almost every day of the week, there's a new clinic at which you may volunteer. What's more, the clinics start at 5 p.m. to allow for work outside normal business hours. The schedule and addresses can be found here: <http://dallasvolunteerattorneyprogram.org/get-help/>

Malpractice insurance: Yes, DVAP provides malpractice insurance.

Training: Training is available for all opportunities in a variety of forms.

Supervision/Mentoring: New volunteer attorneys are provided support and mentoring at all levels. DVAP has two on-staff mentor attorneys whose role is to assist pro bono attorneys. DVAP also host monthly trainings via Zoom for all volunteers.

B. Legal Aid of Northwest Texas

600 East Weatherford Street Fort Worth, Texas 76102

Offices Throughout North Texas—Find Locations at www.legalaidtx.org

Contact Sam Prince, Director of Development at princes@lanwt.org or 817.339.5334

Legal Aid of NorthWest Texas (LANWT) offers free civil legal assistance to low-income Texans who wouldn't otherwise be able to secure such legal representation. Originally incorporated in 1951 as Fort Worth Legal Foundation, LANWT is a nonprofit legal aid organization based in Fort Worth, Texas. One of three LSC-funded legal aid programs in Texas (along with Texas RioGrande Legal Aid and Lone Star Legal Aid), LANWT is the fifth-largest legal aid program in the United States. LANWT serve low-income residents in 114 counties in North and West Texas with 15 branch offices located in Abilene, Amarillo, Brownwood, Dallas, Denton, Fort Worth, Lubbock, McKinney, Midland, Odessa, Plainview, San Angelo, Waxahachie, Weatherford, and Wichita Falls.

Opportunities Offered: LANWT is able to represent clients in any type of civil matter with a focus on: Support for Families; Preserving the Home; Maintaining Economic Stability; Safety, Stability, and Health; Individuals with Special Needs, and; Problems Affecting Groups of Individuals. You can help by volunteering at one of LANWT's many legal clinics by interviewing prospective clients, taking cases for representation, or providing legal advice and counsel. LANWT provides opportunities in offices all over the North Texas area.

LANWT asks that attorneys interested in offering legal services sign up through their website here: https://give.legalaidtx.org/web_forms/802-volunteer-sign-up. Volunteers will contact you and provide you with information on opportunities available that fit your schedule.

Malpractice insurance: Yes, LANWT provides malpractice insurance.

Training: LANWT offers training in all areas.

Supervision/Mentoring: New volunteer attorneys are provided support and mentoring at all levels.

C. Texas Lawyers for Texas Veterans

https://www.texasbar.com/Content/NavigationMenu/AboutUs/StateBarPresident/TexasLawyersforTexasVeterans/Resources_for_Local_.htm

For many veterans, just getting a chance to talk one on one with a lawyer can relieve a huge burden. Too often, veterans don't have the resources, financial or otherwise, to seek and retain legal counsel. Through the Texas Lawyers for Texas Veterans initiative, the State Bar of Texas works with veterans legal clinics to provide legal assistance to the military veterans in your area who cannot afford or do not have access to the legal services they need.

Veterans legal clinics are the primary component of Texas Lawyers for Texas Veterans, and they offer local bar associations and legal aid organizations the opportunity to provide veterans in their communities with the basic civil legal assistance they need. Veterans' legal needs vary, but many common issues which are appropriate for federal government volunteers include Child Support, Consumer/Contracts, Divorce or Custody/Guardianship/Probate, Landlord/Tenant, Wills/Estate Planning, Employment, and Housing.

Opportunities Offered: TLTV provides consultation and legal counseling in family law, consumer/finance law, probate law, estate planning, landlord/tenant law, and other legal matters.

Special Note: Federal volunteers may not provide assistance regarding veterans' benefits. Such activities pose a direct conflict of interest and would place federal attorneys at odds with the federal government. Volunteers should be careful to avoid assisting clients at these clinics who have questions about those issues.

Malpractice insurance: Many of the clinics connected with TLTV offer malpractice insurance because they are organized through established legal services organizations. Be sure to verify that the clinic you select offers malpractice insurance.

Training: TLTV offers training in all areas.

Supervision/Mentoring: New volunteer attorneys are provided support and mentoring at all levels.