

THE BARBARA MCDOWELL
AND GERALD S. HARTMAN
FOUNDATION

SOCIAL JUSTICE THROUGH LEGAL ACTION

Pro Bono High Impact Litigation Project
Foundation Fellows
Position Description

The Barbara McDowell Foundation is recruiting attorneys to serve as volunteer *Foundation Fellows* for the Foundation's [Pro Bono High Impact Litigation Project](#). The Project and the role of Foundation Fellows are described below.

Pro Bono High Impact Litigation Project

The Foundation's Pro Bono High Impact Litigation Project, national in scope, brings together law firms, social justice organizations and volunteer attorneys to undertake by a joint effort significant litigation to protect the civil liberties and enhance the economic, health and social conditions of the poor and vulnerable.

Through the Project the Foundation coordinates the litigation of systemic, high-impact cases across a broad range of social justice matters having an impact on a specific area of the law or a legal issue through the establishment of a legal precedent.

Project Partners

Nonprofit Social Justice Organizations

Once a case is selected, the social justice organization assigns its own attorneys to the litigation efforts and works in conjunction with the attorneys from the pro bono law firm partnering on the case and the *Foundation Fellow* assigned to the case.

The social justice organization performs normal litigation tasks such as identifying witnesses, preparing pleadings, engaging in discovery, preparing the case for trial, and participating in trial.

Pro Bono Law Firms

To achieve the goals of the High Impact Litigation Project, the Foundation has created a roster of national law firms willing to undertake such litigation on a pro bono basis. Law firms that

volunteer for this work are offered cases selected by the Foundation from ones suggested by the network of hundreds of social justice organizations that the Foundation maintains.

Partnering law firms assign lawyers to High Impact Cases on a pro bono basis and provide funding for certain expenses agreed upon with the nonprofit organization bringing the case.

Foundation Fellows – Overview

Working on some of these cases with the pro bono law firm and the social justice organization are volunteer *Foundation Fellows*, individual attorneys associated with the Foundation who bring to the case additional expertise in complex litigation. *Foundation Fellows* can be retired law firm or government attorneys, or individual attorneys looking to expand their pro bono work.

Serving as a volunteer *Foundation Fellow* allows attorneys to improve the lives of vulnerable and disadvantaged persons and have a significant impact on social justice issues by using their legal expertise and experience.

Foundation Fellows – Matching Process

Through the High Impact Litigation Project, the Barbara McDowell Foundation works to connect *Foundation Fellows* with cases that suit their interests and experience, coordinating their relationship with the Project's law firm and nonprofit partners to ensure a good team effort.

Foundation Fellows are asked to complete a brief volunteer profile to be used by the Foundation in the matching process. The profile gives the *Fellow's* biographical data and outlines his/her litigation experience. A *Fellow's* litigation experience does not have to be in the specific civil rights area of the case being litigated.

Attorneys interested in joining the Foundation's efforts as a *Foundation Fellow* are encouraged to submit the volunteer profile [here](#).

Once a case from a nonprofit partner has been selected by a Project law firm partner, the Foundation will ask a *Foundation Fellow* if he/she is interested on working on that case. If the *Foundation Fellow* agrees, then the Foundation will send his/her volunteer profile to the partnering law firm and social justice organization for approval of the *Fellow* to join the litigation team

Foundation Fellows – Scope of Work

Foundation Fellows' volunteer work varies with each case. The scope of work for *Fellows* includes:

- Participating with the litigation team as a vital member in developing the case from the outset of the filing of the case through trial.
- Drafting of pleadings, involvement in discovery efforts, trial preparation, settlement negotiations, and trial.
- *Foundation Fellows* do not in general serve as lead attorneys on the cases which they participate, and prospective *Fellows* should expect to work cooperatively as a member of a team.
 - If, in a specific situation, the law firm and social justice organization desire that the *Fellow* take a broader role, that must be spelled out in detail in the joint representation agreement.
- *Foundation Fellows* are free to limit the extent of their involvement in terms of time spent and work performed based on agreements made between the *Foundation Fellow* and the litigation team.
- In each case, a joint representation agreement is developed setting forth the relationship of all the parties working together on the case.
- Not all cases would necessarily have a *Fellow* as a member of the litigation team

Foundation Fellows – Attorney’s Fees

Should the case allow for the award of attorney’s fees, *Foundation Fellows* are entitled to share in those fees based on their lodestar amount subject to the negotiation of those fees in the litigation. Further, *Foundation Fellows* agree to return fifty percent of their awarded fees as a charitable donation to the social justice organization(s) participating in the litigation.

For more information on serving as a *Foundation Fellow* contact Jerry Hartman, Foundation President at (703) 919-0423 or jerry.hartman@mcdowellfoundation.org.