



Pro Bono MOU 2023

## Memorandum of Understanding between Safe Passage Project and Pro Bono Attorney

**Please read this memorandum in its entirety, sign if you are in agreement,  
and return it to your Safe Passage Project mentor attorney.**

Thank you for volunteering to represent a child under the mentorship of Safe Passage Project (hereinafter “Safe Passage Project” or “the organization”). We are grateful that you have accepted a *pro bono* assignment on behalf of an immigrant child in need, and we look forward to supporting you throughout the case. In order to accept a case, we require that you review and sign this Memorandum of Understanding, which outlines your responsibilities and reflects our shared commitments.

### **PRO BONO ATTORNEY COMMITMENT**

As a Safe Passage *pro bono* attorney, you commit to:

- Treat your client with professionalism and respect;
- Abide by the New York Rules of Professional Conduct (Joint Rules of the Appellate Division (22NYCRR Part 1200)) and all relevant court-specific professional standards;
- Sign a retainer agreement or engagement letter with your client that memorializes the scope of your representation and lays out the parameters of your work for the client. The agreement should include a provision explicitly permitting the *pro bono* attorney to share information about the case with Safe Passage Project, but noting that Safe Passage Project will keep the information confidential at all times;
- Share the retainer agreement or engagement letter with Safe Passage Project for our files;
- Keep your client informed of all important developments in their case, and communicate with your client regularly even if there are no legal updates to report;
- Send all draft documents to Safe Passage Project for review and comment before filing them in court or with a government agency;
  - **You must give your mentor attorney at least 72 hours to review and remit edits;**
- Regularly communicate with Safe Passage Project to ensure that the organization is aware of the current case status and any/all important developments. This includes but is not limited to:
  - Sending Safe Passage Project as-filed copies of applications, petitions, and/or motions;
  - Alerting Safe Passage Project of scheduled hearings before immigration and family court, and interviews before the asylum office and USCIS;



Pro Bono MOU 2022

- Sharing final court orders, administrative decisions, and other substantive correspondence;
- **Represent your client from commencement to completion of the client's case, as defined in the retainer agreement or engagement letter;**
  - Please note that withdrawal from representation is only permitted in certain exceptional circumstances, such as the emergence of a conflict of interest or client misconduct. If you are unable to continue to represent your client for any reason, you **MUST** alert Safe Passage Project immediately;
  - **Withdrawal from representation before the Immigration Court can only be accomplished with the Immigration Court's consent.** Moreover, withdrawal from representation is governed by New York Lawyer's Code of Professional Responsibility and by the New York Rules of Professional Conduct.
  - In the event that you leave your firm during the course of representing a minor placed by Safe Passage project, you must advise Safe Passage Project as soon as possible to discuss the transfer of representation to another attorney in your firm or the possibility of continuing with the representation at your new place of employment;
- Attend all court dates or interviews.
  - **Failure to attend a court date can result in a client being ordered removed (deported) from the United States. It is your responsibility to secure alternate coverage if you learn you cannot attend a hearing or interview. Safe Passage Project can only cover hearings in the event of a true emergency.** If a scheduling conflict or emergency arises, contact Safe Passage Project as soon as possible;
- Provide appropriate, confidential space to meet with your client. If you need assistance, contact Safe Passage Project;
- Arrange for interpretation/translation services if necessary. Safe Passage Project has a limited number of volunteer interpreters available if your firm cannot provide a translator;
- Contact Safe Passage Project immediately if your client is arrested, detained, or if they are planning to travel abroad or has left the United States;
- Contact Safe Passage Project if your client seeks assistance regarding other legal matters. Safe Passage Project's involvement in the case is limited to mentoring and support with regard to the matter(s) specified in your retainer agreement. Safe Passage Project is unable to provide technical assistance on legal matters beyond the scope of the retainer. If, however, your client becomes concurrently eligible for another form of relief, Safe Passage Project may recommend the execution of a supplementary retainer to assist in seeking that benefit if you agree to such additional representation, or we may refer the client to another legal services provider for assistance in seeking that benefit;
- Contact Safe Passage Project before speaking with the media, members of government, or public officials about your client's case.



Pro Bono MOU 2022

**SAFE PASSAGE PROJECT'S COMMITMENT TO *PRO BONO* ATTORNEYS**

Attorneys who accept a case for *pro bono* representation through Safe Passage Project can expect that the organization will provide the support and assistance necessary to competently represent their clients. In addition, Safe Passage Project agrees to:

- Provide *pro bono* attorneys with relevant trainings, and resources and technical assistance in the fields of family and immigration law;
- Mentor *pro bono* attorneys regarding immigration and family law, practice and procedure; provide sample applications, motions and pleadings, documentation, and other case resources; review draft documents; and provide consultations with experienced legal practitioners regarding case-related questions, theories, and strategies.

I, \_\_\_\_\_ [*Pro Bono* Attorney], affirm that I have not been the subject of any legal malpractice or disciplinary complaints. I agree to the terms of this Memorandum of Understanding.

\_\_\_\_\_  
*Pro bono* Attorney Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
*Pro bono* Attorney Law Firm  
(if any)

\_\_\_\_\_  
Date of Admission to Bar

\_\_\_\_\_  
State of Admission

\_\_\_\_\_  
Client #1 Name (Print)

\_\_\_\_\_  
Client #2 Name (if any) (Print)

\_\_\_\_\_  
Safe Passage Project Attorney Signature

\_\_\_\_\_  
Date