

TIPS for Working with a Pro Bono Client



#1 - Treat your pro bono client with dignity and respect.

It is important to treat pro bono clients with the same level of dignity and respect as you would any other client. Consistency in your approach to pro bono client representation demonstrates a commitment to justice for all. Your pro bono client may not be familiar with the patent system or the legal system as a whole, but their passion for their invention and keen interest in the outcome of the proceeding is not diminished by their lack of financial resources.

#2 - Make sure that your pro bono client understands your engagement letter.

Provide your pro bono client with an engagement letter at the beginning of the representation. This letter will outline the scope of the representation—be detailed as to what services you plan to provide. Use plain language and ask whether the pro bono client has any questions. A frank discussion at the beginning of the representation can help to avoid misunderstandings later, for example, about what the representation does and does not cover. Be clear about any and all costs and/or fees (e.g., USPTO fees) you expect the pro bono client to pay. Make sure that your client understands the extent of those costs and is prepared to pay them when required.

#3 - Understand your pro bono client's goals.

Make sure you understand your pro bono client's needs, goals, and priorities. Also, make sure that you have a clear understanding of the particular features of their invention and how it works. After being matched with a pro bono client, discuss their objectives for the proceeding and identify any hurdles, limitations, or perceptions about the process that the pro bono client may have experienced so far. To effectively represent your client, you must have this awareness. Setting the right tone from the outset of the representation will enable you to have open dialogue that will be needed throughout the representation and help you to create a trusted relationship with your client.

#4 - Help your pro bono client understand the patent system.

Ensure your pro bono client has a solid understanding of the patent system. The USPTO provides resources to help the public understand the patent system and the various proceedings before the USPTO. Direct your client to these resources and answer questions that they may have regarding the process. An informed pro bono client is an asset to you in the representation.

#5 - Be an effective communicator with your pro bono client.

Communicate effectively with your pro bono client. Explain complex legal concepts in a clear and accessible manner. Avoid "legalese," use plain language whenever possible, and be mindful of any language barriers. It is important to listen carefully to your client's questions and answer those questions as completely as possible. As much as you reasonably can, anticipate questions your client should ask (but may not know enough to ask), and provide answers to such questions, whether asked or not.



#6 – Set expectations regarding communications with your pro bono client.

Be clear about what is expected from your pro bono client and any deadlines that must be met. They may be difficult to reach at times, so it is a good practice to ask them about the best times they can be reached. Establish the best ways to reach the client at the outset of representation (e.g., email, text, or phone) and make sure that you have their most up-to-date contact information. Once you make an appointment with a pro bono client, stress that if they cannot make that time, then they should contact you as soon as possible to let you know. Set realistic expectations as to when they may expect to hear from you and follow through on those commitments to avoid the impression that you are not taking the matter seriously. If the pro bono client cannot speak with you when you contact them, set up a specific time that is convenient for both of you when you can call back. Give plenty of advance notice for appointments, and if possible, you may want to remind them a day or two ahead of time. If you need documents from a pro bono client, give advance notice so they will have sufficient time to find and provide the documents. Be mindful of potential issues they may encounter when sending you documents (e.g., size limitation on email or costs associated with delivery of hard copies).

#7 – Build trust with your pro bono client.

Show up for your pro bono commitments. Reliability builds trust and ensures that pro bono clients receive the assistance they need. Your client may have had many difficulties getting to this point and that may make them initially distrustful of the legal profession. Any such distrust will only be worsened if you fail to follow through on commitments made to them. It is important to be clear about when the pro bono client can expect to hear from you. Be careful not to overpromise. Hold yourself to the highest standard of professionalism and create an atmosphere where the client can trust your word. Your pro bono client is counting on you to help them navigate the patent system.

#8 – Have patience and empathy for your pro bono client.

Approach each pro bono client with patience and empathy. They may have limitations on their schedule due to work and/or family commitments. Additionally, your client may have challenges related to language barriers, access to technology, and transportation. Take the time to find out about any such challenges and find creative ways to work around these issues. Ask about what modes of communication they are most comfortable with and establish expectations regarding communication, such as how often email is checked and what time frames to expect a reply to an email. For example, you may be accustomed to checking and responding to email throughout the day, however, your client may not prioritize email and may not routinely communicate through email. Do not assume that the lack of an email response from the pro bono client means that they are not being responsive.

Helpful United States Patent and Trademark Office (USPTO) Resources

- Free resources available from the USPTO (www.uspto.gov/FreeServices) include patent application assistance, education and training, help appealing or fixing an issue, and other services.
- Patent Pro Bono (www.uspto.gov/ProBonoPatents) provides resources for inventors and small businesses seeking free legal assistance preparing and filing patent applications.
- PTAB Pro Bono (www.uspto.gov/PTABProBono) provides resources for inventors and small businesses seeking free legal assistance with ex parte appeals to the Patent Trial and Appeal Board (PTAB).

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