



Guide to the COLT Pro Bono Legal Service Program

1. What is the COLT Pro Bono Legal Service Program?

The pro bono legal service program provides no cost legal services to member land trusts for the purpose of creating and enforcing conservation easements and other property interests that achieve the goals of conserving natural, scenic, and open space values, as well agriculture, forest and recreation resources throughout Oregon. COLT maintains a referral list of attorneys willing and able to provide these legal services, which are available to all COLT member land trusts. COLT also provides malpractice insurance coverage for volunteer attorneys serving member land trusts. The COLT pro bono program was created and is managed by Program Coordinator Nancy Duhnkrack and law fellow Chris Fryefield. Nancy and Chris recruit attorneys with expertise in areas of the law relevant to land trusts, review requests for legal help from our members, and find a volunteer attorney who is available to help with that issue. Time donated by a volunteer attorney through the program is counted annually as pro bono service to COLT, rather than to the member land trust. If the land trusts contract with pro bono attorneys outside COLT's program the donated services would be given to the land trust. The pro bono program also works to provide training and education for land trust staff, attorneys, and other related professionals on land trusts and conservation easements.

More information about the pro bono program can be found on COLT's website at <http://oregonlandtrusts.org/pro-bono/>.

2. What sort of legal questions can we answer?

The pro bono program currently has volunteer attorneys with expertise in real estate and land use law, environmental law and water law, state and federal tax law, and nonprofit corporate management. The most common services provided by our pro bono attorneys include:

- Review of conservation easements and similar property transfer documents
- Review of title reports and encumbrances (outstanding mineral rights, mortgages, rights-of-way)
- Review of nonprofit documents (articles of incorporation, bylaws, conflict of interest policies)
- Analysis of potential easement violation, liability, or lawsuit
- Analysis of state and federal legislation or regulation that may affect land trusts

These legal services could range from a one-hour consultation on an enforcement issue to the drafting of an entire easement. It should be understood that the volunteer attorneys may need to limit the scope or duration of the pro bono legal advice they provide. We will work with your organization and any existing legal advisors to coordinate the scope of the pro bono work that will be provided. Sometimes it

may be helpful just to discuss a potential issue with an attorney and get our advice. Please note that all conversations between an attorney and a client, including a potential client, will be kept confidential in accordance with the Oregon Rules of Professional Conduct.

Our attorneys are primarily members of the Oregon State Bar Association, but we do have some who are licensed in Washington State. If you have a legal problem located outside of Oregon we can help you find an attorney in another state.

If your organization is facing an issue or has a question that is not listed above you should still contact the pro bono program. We can discuss whether or not one of our current volunteers could handle the issue or recruit additional volunteers to help from our legal network.

3. How should I request legal help?

A member land trust seeking pro bono assistance should use the [Pro Bono Legal Services Request Form](#) available on our [website](#). We would like to have a designated contact at your organization who will be able to discuss the request with us and a volunteer attorney. We will ask you to briefly describe the issue and the associated property (if applicable). This online form is sent to the attorneys managing the pro bono program – currently Nancy and Chris – and helps us keep track of our projects. When we receive the form with your request we will respond by phone or email and discuss the issue so we can determine what kind of legal help you need.

It is fine to have multiple requests for legal services at the same time. For example a land trust's Executive Director could request a review of a change to the bylaws, and the Conservation Program Manager could request editing a new conservation easement. In this case it would be preferable for the land trust to have two separate requests with a different point-person for each issue.

If you are not sure whether or not an issue is suitable for the pro bono program, please contact us and ask about our availability. We may be able to help answer a quick question or find other resources to assist you. However we may still ask you fill out the request form for our records.

4. What other resources are available?

The pro bono program has several other resources besides our volunteer attorneys. Based on our past pro bono work we have identified some common issues that Oregon land trusts routinely encounter. COLT's law fellow and several other pro bono attorneys have drafted guidance documents on topics like water rights, property appraisals, and merger. New guidance documents will be added as they are completed, and many will also be presented at COLT's Conservation Law Forums. These documents are available on COLT's website at <http://oregonlandtrusts.org/legal-resources-library/>.

The Land Trust Alliance also maintains physical and electronic libraries of materials, including tax guidance and draft documents. Their legal services section can be found at <https://www.landtrustalliance.org/topics/attorneys>. Some resources may not be accessible if you are not members of the Land Trust Alliance. This information may not be specific to Oregon and likely will not include Oregon state law and regulations.

COLT's pro bono program is also available for trainings and consultations, either in-person or over the phone. Dates of trainings will be sent to members by email and will be posted on COLT's website. COLT also offers a Conservation Law Forum three times a year at Portland law firms on various legal topics.