

# Pro Bono Report 2016

JUSTICE FOR ALL  
A TENNESSEE SUPREME COURT INITIATIVE

# Executive Summary

What you see in the pages of this report is the heart and soul of the Tennessee legal community. The work of a lawyer doing pro bono legal service is rarely a glamorous one. However, it is work filled with purpose and compassion, restoring the vision of why many choose to become lawyers in the first place. It is work that is vital; as lawyers fill an essential, unique position in communities that is irreplaceable.

## ***IN 20 MINUTES, A LAWYER CAN CHANGE THE TRAJECTORY OF A LIFE.***

This year, Tennessee should be proud. The numbers speak for themselves — an increase in the number of attorneys volunteering, the number of total hours donated, and, most importantly, the number of lives served. This report began five years ago and the Supreme Court of Tennessee deemed access to justice a strategic initiative in 2008. What you are witnessing in this report is the beginning of a culture shift. Attorneys today know that providing pro bono services is expected of them and, whether they are driven by faith, service, or a desire to lead, they are eager to do their part. Just over a year ago, the Justice Index ranked Tennessee as one of the top states in the nation for providing access to its courts and the efforts of our pro bono attorneys play a significant role in this honor.

## ***TENNESSEE TRULY IS THE VOLUNTEER STATE.***

In 2016, 49.54 percent of Tennessee attorneys who completed their Annual Registration Statement for the year reported that they provided 591,064 hours of pro bono service in 2015. Using a standard hourly rate of \$200, the value of these services is estimated to be more than one hundred million dollars (\$118,212,800 to be exact) in free legal services to Tennesseans in need.

***THIS MEANS 8,122 TENNESSEE ATTORNEYS ROLLED UP THEIR SLEEVES AND GOT TO WORK, DOING PRO BONO SERVICES AN AVERAGE OF 72.77 HOURS EACH OVER THE YEAR. THAT WOULD BE A TWO-WEEK VACATION IF A HOLIDAY WERE INVOLVED.***

These numbers reflect an increase of approximately 8 percent of Tennessee attorneys who reported pro bono from the prior year, and an increase of approximately 4 percent of hours performed from the prior year. In addition, a greater amount of those hours were spent providing direct pro bono legal services to people in need. 2016 marks the highest number of hours provided to persons of limited means without a fee since the annual reporting 2012. 2016 also marks the highest number of hours ever provided to nonprofit organizations serving persons of limited means since 2012.

According to a 2016 American Bar Association report, when asked about the types of clients represented, responding attorneys were most likely to report that they provided pro bono services to a single parent, an ethnic minority, or an elderly person.

The Help4TN helpline handled 4,139 calls in 2016, representing a 7 percent increase from 2015. The helpline reached callers in 91 of Tennessee's 95 counties. The most common questions received on the Help4TN helpline were landlord/tenant, divorce, and child custody questions, which collectively accounted for 33 percent of the total questions asked. Child support, debt collection, criminal, employment, probate, fee generating, and contract dispute questions collectively accounted for 24 percent of the total questions asked.

In addition to providing pro bono services, 23.63 percent, or 3,875, of Tennessee attorneys reported voluntary contributions of financial support to organizations providing legal services to persons of limited means.

In addition to providing one-on-one legal advice, pro bono attorneys also provided free or reduced fee mediations, donated time to the profession, and staffed dozens of legal clinics from Memphis to Mountain City.

The numbers are impressive; the impact of the work even more so.

# \$118,212,800

*in free legal services provided to Tennesseans in need*

**49.54%**  
of Tennessee Attorneys provided pro bono legal services

**23.63%**  
of Tennessee Attorneys made a monetary donation to an organization that provides legal services to persons of limited means

**72.77**  
average number of hours donated per year, per attorney

**101**  
Tennessee law firms employing more than 1,000 attorneys reported that 71.01% of their attorneys participated in pro bono activities

**591,064**  
hours of pro bono legal services provided

**4,139**  
calls made to the HELP4TN helpline, representing a 7% increase from 2015. The helpline reached callers in 91 of Tennessee's 95 counties.

**100%**  
of law schools report pro bono work done by students and faculty.

**66%**  
of bar associations report that at least a quarter of members participated in pro bono in 2016.

“ It is not hard to convince Tennessee attorneys to volunteer in our initiatives once they are reminded of the obvious. **The people who need our help are those most at risk and most underserved** in our society: children, victims of domestic violence, the elderly, the physically or mentally challenged, veterans, those who do not speak or understand our language, and others who have no place else to turn when they are facing critical legal problems. The problems faced by these persons affect the most critical aspects of their lives — income, employment, adequate housing, personal safety, access to health care, custody of children, sometimes even life itself — the most basic guarantees in a land of plenty. **If we do not help them, no one else can.** We are part of a profession which imposes on us the responsibility to help others as a condition of enjoying the privilege of our right to practice law. Giving back can change the life of another person or family. How can we not want to help?

—Justice Cornelia Clark ”

# Find Your Inspiration

“ I strongly encourage every new lawyer to do pro bono work through an appointment or by participating in a free legal clinic. I assure the lawyer that he or she will get more out of the service than the client. **To see the relief on a client's face, or to hear that restored voice of hope on the phone when you successfully help a pro bono client, is something that stays with you forever.**

— Chief Justice Jeff Bivins ”

“ Representing a pro bono client will provide a sense of satisfaction that no other representation will provide. **It is the occasion when lawyers can feel that they have accomplished something for someone that neither the client, nor anyone else who is not a lawyer, could accomplish for that person.** If the first timer is concerned about the time commitment, try participating in a free legal advice clinic first.

— Bill Coley, Access to Justice Commission ”

“ I was at an expungement clinic this weekend and watched as a lady cried tears of relief over getting her record cleaned up, explaining that she was applying for schools and this had been holding her back. An expungement is simple legal paperwork, but **it meant so much more than just the papers to this person. It meant a new story and a changed future.**

— Kimi deMent,  
Pro Bono Coordinator ”

“ I was always amazed at how appreciative the clients were. We all have to bill clients to make a living, but **I expect that someone who regularly takes pro bono cases will be rewarded many times over by the tremendous gratification of helping others less fortunate than themselves.** ”

— Justice Roger Page

“ The greatest fear about pro bono work is whether or not we will know enough to assist the potential clients. I have learned that the support groups always supply us with the needed information and are there as backup. **As professionals we do have a responsibility to “pay forward” our good fortune in our chosen profession.** To help those who have not been as fortunate does reap benefits for those who are assisted as well as those who assist. I highly recommend it. ”

— Mary Jo Middlebrooks, Access to Justice Commission

“ At a Saturday Legal Clinic, I assisted a woman whose elderly mother was being financially exploited by her son, my client’s brother. My client had little education but was passionate about protecting her mother. At my urging, she contacted Adult Protective Services, with little success. After my client described to me her frustrating conversation with APS, I called them on my client’s behalf, and my client’s mother was soon safe. From that experience, I learned how hard it is for those without education or financial resources to get the help they deserve. **One call from a lawyer changed two lives forever.** ”

— Justice Holly Kirby

“ A few years ago, I was at the grocery store and the cashier said “I want to thank you.” I asked “for what?” She said “about 15 years ago you helped me get custody of my grandchild and now she is graduating from high school You made a difference in our lives.” I did not recall the case or the client. Very likely it was pro bono. I was gratified that I was able to help these people just in the normal day-to-day practice of law. **Lawyers are incredibly blessed with an extraordinary education and ability to help others.** In the process of providing your time to help others, you are also helping yourself. ”

— Justice Sharon Lee

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# Prepared by Justice For All, a Tennessee Supreme Court Initiative

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## Introduction

2016 marks the five year anniversary of the Tennessee Pro Bono Report, a publication of the Tennessee Access to Justice Commission (the “ATJ Commission”). The annual report compiles and analyzes data which is collected annually by the ATJ Commission and others. The 2016 Tennessee Pro Bono Report incorporates new sources of pro bono data as well as compares and contrasts data trends from prior reporting years.

The ATJ Commission is an initiative of the Tennessee Supreme Court and is responsible for developing strategic planning focused on educating the public about legal needs, identifying priorities for improving access to justice, and recommending projects and programs which are intended to close the gap in access to justice. One focus of the ATJ Commission is pro bono work that aids disadvantaged Tennesseans. The annual pro bono report is intended to highlight existing pro bono work happening in Tennessee, and inspire future initiatives.

The 2016 Tennessee Pro Bono Report covers pro bono initiatives and data including but not limited to the following:

- Information and statistics on pro bono work that was completed by individual attorneys in 2015 and reported in 2016, as voluntarily submitted on the Tennessee Board of Professional Responsibility’s Annual Registration Statement required by active attorneys on or before the first day of the attorney’s birth month.
- Information and statistics on a small sample of pro bono work that was completed by individual attorneys in 2016 and reported in 2017, as voluntarily submitted through a National Pro Bono Survey conducted in 24 states including Tennessee by the American Bar Association Standing Committee on Pro Bono and Public Service.
- Information about and statistics on pro bono activities of legal aid providers, bar associations, law schools, mediation centers, and other organizations regarding work performed in 2016.

Questions regarding this report may be addressed to:

Anne-Louise Wirthlin  
Access to Justice Coordinator  
Administrative Office of the Courts  
511 Union Street, Suite 600  
Nashville, TN 37219  
[anne.louise.wirthlin@tncourts.gov](mailto:anne.louise.wirthlin@tncourts.gov)

Kimi deMent  
Pro Bono Coordinator  
Administrative Office of the Courts  
511 Union Street, Suite 600  
Nashville, TN 37219  
[kimi.dement@tncourts.gov](mailto:kimi.dement@tncourts.gov)



## **Attorney Voluntary Pro Bono Reporting – TN Board of Professional Responsibility**

In Tennessee, Supreme Court Rule 8, Section 6.1 defines pro bono service and provides the aspirational goal that every attorney provide 50 hours of pro bono service per year. The voluntary pro bono reporting form surveys pro bono service in the following four categories:

- Legal services without a fee or at a substantially reduced fee to persons of limited means;
- Legal services without a fee to non-profit organizations serving persons of limited means;
- Legal services to groups and organizations at a reduced fee when payment of standard fees would create a financial hardship; and
- Legal services to improve the law, the legal system, or the legal profession.

Tennessee Supreme Court Rule 9, Section 10 states every attorney who is required to file an Annual Registration Statement with the Board of Professional Responsibility (“BPR”) is requested to voluntarily file a statement reporting the attorney’s pro bono service and activity during the last calendar year. The BPR provides this voluntary pro bono reporting data to the ATJ Commission for the purposes of this report.

Data regarding the self-reported pro bono work of attorneys is separated into two major categories: attorneys whose primary address is located in Tennessee, and attorneys whose primary address is located outside of Tennessee. The rationale for analyzing the two sets of data separately is that attorneys whose primary address is located outside of Tennessee are more likely to have also completed their pro bono hours outside of Tennessee. As the ATJ Commission is most interested in reviewing and measuring the pro bono work for which positive impact is recognized *inside* the state of Tennessee, this report first reviews the pro bono hours reported by Tennessee Attorneys, and then considers pro bono hours reported by All Attorneys, both Tennessee Attorneys and Out-Of-State Attorneys. Further definitions are provided below.

- “All Attorneys” – all attorneys licensed to practice law in Tennessee regardless of the location of their primary address.
- “All Government Attorneys” - all attorneys licensed to practice law in Tennessee and employed by a government agency regardless of the location of their primary address.
- “All In-House Counsel” - all attorneys licensed to practice law in Tennessee and employed as in-house counsel regardless of the location of their primary address.
- “Out-of-State Attorneys” - all attorneys licensed to practice law in Tennessee whose primary address is outside of Tennessee.

- “Out-of-State Government Attorneys” - all government attorneys licensed to practice law in Tennessee whose primary address is outside of Tennessee.
- “Out-of-State In-House Counsel” - all attorneys licensed to practice law in Tennessee, employed as in-house counsel, and whose primary address is outside of Tennessee.
- “Tennessee Attorneys” - all attorneys licensed to practice law in Tennessee whose primary address is located in Tennessee.
- “Tennessee Government Attorneys” - all attorneys licensed to practice law in Tennessee who are also employed by a government agency and whose primary address is located in Tennessee.
- “Tennessee In-House Counsel” - all attorneys licensed to practice law in Tennessee who are also employed as in-house counsel and whose primary address is located in Tennessee.

Due to the annual registration reporting timeline for individual attorney hours submitted to the BPR, data is collected for the prior year over the course of any given year, and made available at the end of the year. This means that pro bono work performed in 2015 is reported to the BPR in 2016. Accordingly, for the purposes of this report, the data is labeled to correspond with the year the pro bono work was reported (“Reporting Year”), not the year the pro bono work was performed. Therefore, the 2016 Pro Bono Report considers pro bono work performed by attorneys in 2015 and reported to the BPR during the 2016 annual registration period.<sup>1</sup>

### **Tennessee Attorneys**

In 2016, 49.54% of Tennessee Attorneys who completed their Annual Registration Statement for the year reported that they provided 591,064 hours of pro bono service in 2015.<sup>2</sup> This meant that 8,122 Tennessee Attorneys averaged 72.77 hours per reporting attorney. Assuming an average billing rate of \$200 per hour, this amounts to more than one hundred million dollars of pro bono services provided by Tennessee Attorneys in 2016.

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<sup>1</sup> In 2012, the Tennessee Supreme Court approved a change in BPR Registration procedures to require renewals on the first day of each attorney’s birth month. Under this new procedure, pro bono reporting data for the previous calendar year is not available until all reporting for that calendar year has been received. The ATJ Commission has acquired pro bono reporting data for pro bono work reported in seven calendar years, 2010 to 2016. However, due to the changes in reporting requirements in 2012, this report focuses only on making comparisons for the reporting years where attorneys renewed with the BPR based on their birth month, 2012 to 2016.

<sup>2</sup> This report only considers Tennessee Attorneys who completed their Annual Registration Statement by or before December 31st, 2016. It does not consider Tennessee Attorneys who failed to complete their Annual Registration Statement by or before December 31st, 2016. Accordingly, there may be additional Tennessee Attorneys who did not file their Annual Registration Statement by or before December 31st, 2016, whose information is not included in this report.

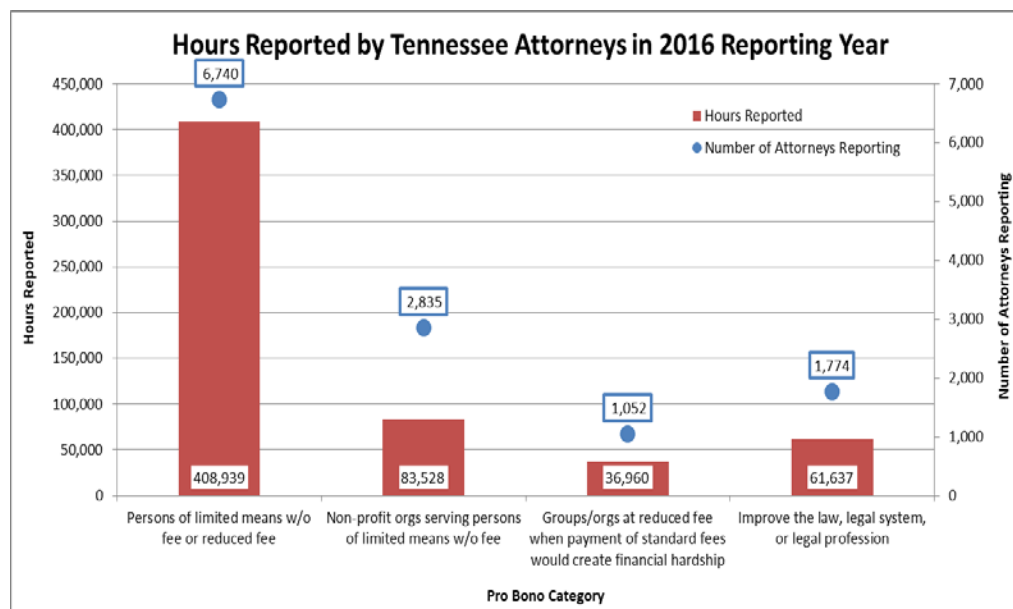
In addition to providing pro bono services, 23.63%, or 3,875, of Tennessee Attorneys reported voluntary contributions of financial support to organizations providing legal services to persons of limited means.

Highlights from Tennessee Attorneys include:

- Nearly half of Tennessee Attorneys reported pro bono hours and half of attorneys did not report pro bono hours. The number and percentage of active Tennessee attorneys who reported and declined to report pro bono hours is set out in the chart below.

Active TN Attorneys who did Report	8,122
	49.54%
Active TN Attorneys who did not Report	8,273
	51.46%
Total TN Active Attorneys	16,395
	100.00%

- 2016 reflects an increase of approximately 8% of Tennessee Attorneys who reported pro bono from the prior year, and an increase of approximately 4% of hours performed from the prior year.
- The vast majority of pro bono hours provided were provided to persons of limited means without a fee or at a reduced fee. Specifically, in 2016, 6,740 attorneys provided 408,939 hours of pro bono services to persons of limited means which, assuming an average billing rate of \$200 per hour, would amount to approximately \$81,787,800.00 of free or reduced fee legal services provided to disadvantaged Tennesseans by Tennessee Attorneys. The table below shows the breakdown of pro bono hours by type reported by Tennessee Attorneys during the 2016 Reporting Year.



- Of Tennessee Attorneys who reported providing legal services to persons of limited means without a fee or at a reduced fee, the average number of hours reported per attorney was 60 hours. The average number of hours provided for each of the other major pro bono categories was around 30 hours of pro bono for each category. The table below shows a breakdown of the number of Tennessee Attorneys reporting per pro bono category for the 2016 Reporting Year:

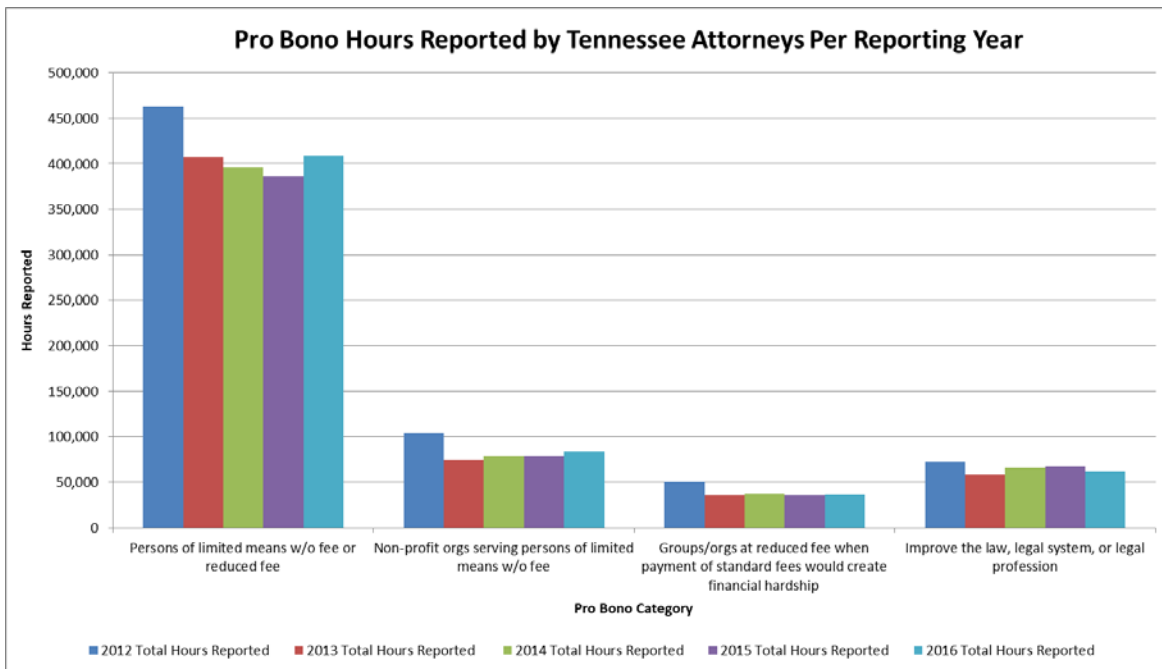
Pro Bono Category	Number of Attorneys Reporting*	Total Number of Reported Hours	Average Hours per Reporting Attorney	Percent of Total Hours Reported
Legal services to persons of limited means without a fee or at a substantially reduced fee	6,740	408,939	60	69.18%
Legal services to non-profit organizations serving persons of limited means without a fee	2,853	83,528	29	14.13%
Legal services to groups and organizations at a reduced fee when payment of standard fees would create a financial hardship	1,052	36,960	35	6.25%
Legal services to improve the law, the legal system, or the legal profession	1,774	61,637	34	10.42%

\*The total of this column will be greater than the total number of attorneys reporting pro bono work because attorneys can report pro bono service in multiple categories.

- The 2016 data marks the highest number of hours provided to persons of limited means without a fee or at a reduced fee since 2012, and reverses a declining trend from the three subsequent years. The total hours reported in 2016 by Tennessee Attorneys reflects an increase from the prior year of 22,930 hours provided to persons of limited means without a fee or at a reduced fee.
- Likewise, the total hours reported in 2016 by Tennessee Attorneys reflects an increase from the prior year of 4,414 hours provided to non-profit organizations serving persons of limited means without a fee. Here also, the 2016 data marks the highest number of hours provided to non-profit organizations serving persons of limited means without a fee since 2012.
- Finally, the total hours reported in 2016 by Tennessee Attorneys reflects a decrease from the prior year of 5,527 hours provided to improve the law, legal system, or legal profession.
- The table below shows a comparison of Tennessee Attorneys reporting and hours reported from 2012 through 2016 Reporting Years:

Hours Reported by TN Attorneys Per Reporting Year	Persons of limited means w/o fee or reduced fee	Non-profit orgs serving persons of limited means w/o fee	Groups/orgs at reduced fee when payment of standard fees would create financial hardship	Improve the law, legal system, or legal profession	Total for All Categories
2012 Total Hours Reported	462,939	103,970	50,787	72,149	689,845
2013 Total Hours Reported	407,486	74,478	35,521	58,275	575,760
2014 Total Hours Reported	396,239	78,619	37,717	66,069	578,644
2015 Total Hours Reported	386,009	79,114	35,883	67,164	568,170
2016 Total Hours Reported	408,939	83,528	36,960	61,637	591,064

- The chart below shows a comparison of hours reported by Tennessee Attorneys for each pro bono category for 2012-2016 Reporting Years.



- Of the total pro bono hours reported by Tennessee Attorneys in 2016, attorneys reported an increase in percentage of hours attributed to providing legal services to persons of limited means without a fee or at a reduced fee or to non-profit organizations serving persons of limited means without a fee. Tennessee Attorneys reported a reduction in percentage of hours attributed to groups or organizations at a reduced fee when payment of standard fees would create a financial hardship or to improving the law, legal system, or legal profession. The table below shows a comparison of the percentage of hours reported by Tennessee Attorneys for each pro bono category for 2012 through 2016 Reporting Years.

Percentage of Hours Reported by TN Attorneys Per Reporting Year	Persons of limited means w/o fee or reduced fee	Non-profit orgs serving persons of limited means w/o fee	Groups/orgs at reduced fee when payment of standard fees would create financial hardship	Improve the law, legal system, or legal profession
2012 Total Hours Reported	67.11%	15.07%	7.36%	10.46%
2013 Total Hours Reported	70.77%	12.94%	6.17%	10.12%
2014 Total Hours Reported	68.48%	13.59%	6.52%	11.42%
2015 Total Hours Reported	67.94%	13.92%	6.32%	11.82%
2016 Total Hours Reported	69.18%	14.13%	6.25%	10.42%

## Pro Bono Hours Reported by Tennessee Government Attorneys

Beginning with the 2012 Reporting Year, the ATJ Commission began to break down the data reported by Government Attorneys. Notably, 2016 reflects a reduction in both the number of Tennessee Government Attorneys reporting pro bono hours as well as a reduction in the average number of hours per Tennessee Government Attorney.

Highlights from Tennessee Government Attorneys include:

- A comparison of the number of hours reported by Tennessee Government Attorneys from 2012 to 2016 Reporting Years is shown below:

Reporting Year	Total number of Tennessee Government Attorneys Reporting Pro Bono Hours	Total Number of Hours Reported by Tennessee Government Attorneys	Average Number of Hours per Tennessee Government Attorney
2012	269	12,446	46.27
2013	241	9,557	39.66
2014	236	11,896	50.41
2015	237	12,284	51.83
2016	210	9,571	45.57

- The vast majority of the reduction in pro bono hours by Tennessee Government Attorneys was realized in hours provided to persons of limited means without a fee or at a reduced fee. However, unlike the statewide trends, Tennessee Government Attorneys significantly increased hours provided to improve the law, legal system, or legal profession. A comparison chart reveals the following:

Reporting Year	Persons of limited means w/o fee or reduced fee	Non-profit orgs serving persons of limited means w/o fee	Groups/orgs at reduced fee when payment of standard fees would create financial hardship	Improve the law, legal system, or legal profession
2013	3045	2254	175	3723
2014	5038	1447	805	4606
2015	6406	1816	156	3906
2016	3452	1347	181	4591

## Pro Bono Hours Reported by All Attorneys and Out-of-State Attorneys

In 2016, 47.11% of All Attorneys who completed their Annual Registration Statement for the year reported that they provided 687,872 hours of pro bono service in 2015. This calculation is determined by compiling the data for both Tennessee Attorneys and Out-of-State Attorneys who completed their Annual Registration Statement for the year.<sup>3</sup>

<sup>3</sup> As the data for Tennessee Attorneys is the major focus of this report, this segment will address only notable trends by Out-of-State Attorneys and All Attorneys, as additional analysis is beyond the scope of this report.

- The vast majority of pro bono hours reported were provided to persons of limited means without a fee or at a reduced fee. Specifically, in 2016, 7,845 of All Attorneys provided 460,641 hours of pro bono services to persons of limited means which, assuming an average billing rate of \$200 per hour, would amount to approximately \$92,128,200.00 of free or reduced fee legal services provided to disadvantaged Tennesseans by All Attorneys. The table below shows a breakdown of the number of All Attorneys reporting per pro bono category for the 2016 Reporting Year:

Pro Bono Category	Number of Attorneys Reporting*	Total Number of Reported Hours	Average Hours per Reporting Attorney	Percent of Total Hours Reported
Legal services to persons of limited means without a fee or at a substantially reduced fee	7,845	460,641	58	66.96%
Legal services to non-profit organizations serving persons of limited means without a fee	3,429	108,276	31	15.74%
Legal services to groups and organizations at a reduced fee when payment of standard fees would create a financial hardship	1,231	45,035	36	6.54%
Legal services to improve the law, the legal system, or the legal profession	2,114	73,911	34	10.74%

\*The total of this column will be greater than the total number of attorneys reporting pro bono work because attorneys can report pro bono service in multiple categories.

- Of All Attorneys who reported providing legal services to persons of limited means without a fee or at a reduced fee, the average number of hours reported per attorney was 58 hours. The average number of hours provided for each of the other major pro bono categories was around 30 hours of pro bono for each category.
- 37.08% of Out-of-State Attorneys for the year reported that they provided 96,748 hours of Pro Bono. This means 1,476 Out-of-State Attorneys averaged 65.98 per reporting attorney. The table below shows a breakdown of the number of Out-of-State Attorneys reporting per pro bono category for the 2016 Reporting Year:

Pro Bono Category	Number of Attorneys Reporting*	Total Number of Reported Hours	Average Hours per Reporting Attorney	Percent of Total Hours Reported
Legal services to persons of limited means without a fee or at a substantially reduced fee	1,105	51,702	46	53.41%
Legal services to non-profit organizations serving persons of limited means without a fee	576	24,748	42	25.56%
Legal services to groups and organizations at a reduced fee when payment of standard fees would create a financial hardship	179	8,075	45	8.34%
Legal services to improve the law, the legal system, or the legal profession	340	12,274	36	12.67%

\*The total of this column will be greater than the total number of attorneys reporting pro bono work because attorneys can report pro bono service in multiple categories.

- In addition to providing pro bono services, 735 (18.57%) of Out-of-State Attorneys reported voluntary contributions of financial support to organizations providing legal services to persons of limited means.

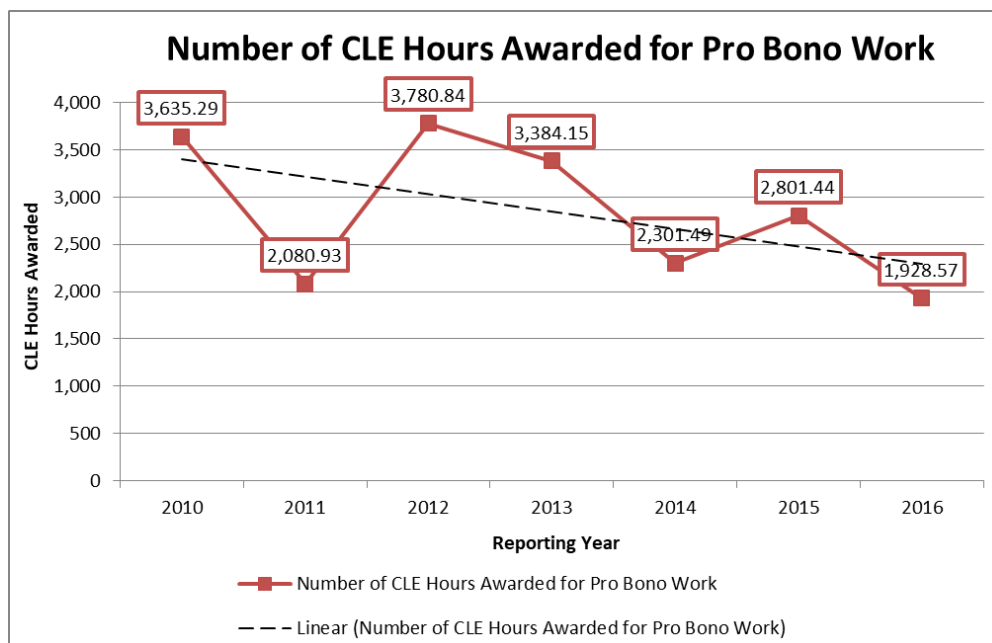
## Continuing Legal Education (“CLE”) Credit Received by Attorneys for Pro Bono Work in 2016

Supreme Court Rule 21, Section 4.07(c) permits the Commission on Continuing Legal Education (“CLE Commission”) to give Ethics & Professionalism credit at the rate of one hour of CLE credit for every five billable hours of pro bono legal representation provided through court appointment or an organized bar association program or legal services organization, or of pro bono mediation services as required by Supreme Court Rule 31 or the Federal Court Mediation Programs.

The CLE Commission awarded 1,928.57 hours of CLE credit to 1,928 attorneys for pro bono work in the 2016 Reporting Year. It is important to note that as opposed to the BPR reporting data, the CLE data is for pro bono work both performed and reported in 2016.

Highlights of CLE Hours awarded include:

- The 2016 data reflects that an equal number of attorneys received CLE Credit for pro bono work as the number of hours of CLE credit actually awarded for pro bono work. This would suggest that, regardless of the amount of pro bono work actually performed, the majority of attorneys did not receive more than one hour of CLE for the pro bono work they performed in 2016.
- The 2016 data continues a trend for a declining number of CLE hours awarded for pro bono work. Specifically, in 2016, nearly 900 fewer CLE hours were awarded for pro bono work than in the prior year. The table below shows the breakdown of CLE hours awarded for pro bono work in the prior years:





## Attorney Voluntary Pro Bono Reporting – American Bar Association

In 2017, the American Bar Association Standing Committee on Pro Bono and Public Service conducted a web-based survey of national pro bono participation in 2016. 24 states participated in this survey, including Tennessee. The sample of surveys from Tennessee amounted to 240 attorneys, with 238 of the responses being from attorneys with active licenses.<sup>4</sup>

Highlights from the American Bar Association Survey report include:

- 70.2% of responding attorneys indicated they provided pro bono service in 2016. The table below shows the breakdown of percentage of respondents reporting pro bono hours completed in excess of one hour for four different ranges. The sum total of these percentages yields 66% of the total, meaning that 4.2% percent of attorneys reported having completed some pro bono work that equaled less than one hour.

Number of Pro Bono Hours in 2016	Percentage of Respondents
1 to 19	16%
20 to 49	23.80%
50 to 79	7%
80 or more	19.50%

- Overall, the responding attorneys provided an average of 53.1 hours of pro bono service in 2016. Among those who had provided pro bono in 2016 (excluding those attorneys who reported having completed no pro bono in 2016), the average was 75.5 hours.
- Among the attorneys who provided pro bono in 2016, 91.6% reported providing services to individuals, and 39.3% reported providing services to organizations.
- 39% reported providing only limited scope representation, 21.4% reported providing only full scope representation, and 39% provided both full and limited scope representation.
- The most frequently reported pro bono legal tasks consisted of providing advice (73.3%), interviewing/meeting with the client (67.3%), and reviewing and drafting legal documents (56.1%).

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<sup>4</sup> As Tennessee does not have a mandatory pro bono reporting requirement, the most reliable data regarding the pro bono completed by individual attorneys in Tennessee any given year comes from the BPR Annual Reporting data collected through the annual licensing renewal process, a process required of all active attorneys. The American Bar Association Survey data presents a smaller sample of pro bono work completed in 2016. This sample size of 240 is notably smaller than the BPR sample size of more than more than 16,000; however, the data collected remains valuable for considering potential and projected trends for the following reporting year, for the purposes of national comparison, and for analyzing self-reported data trends on a smaller scale.

- When asked about the types of clients represented, responding attorneys were most likely to report that they provided pro bono services to a single parent, an ethnic minority, or an elderly person.
- 30.7% indicated that their most recent client came directly to them. Among the respondents whose clients came directly to them, 46.2% reported having no personal relationship with the person, while 30.3% said the client was an acquaintance and 9.1% said the client was an organization with whom the attorney was involved.
- 69.3% were referred from some specific source such as a legal services organization.
- Most (73.6%) of the attorneys indicated that their most recent pro bono experience was consistent with their expectations. Approximately 21.8%, however, indicated that the case took more time than they had expected.
- According to respondents, in order to engage more attorneys, pro bono programs should: 1. Engage judges in soliciting participation; 2. Provide limited scope representation opportunities; and 3. Provide CLE credit for doing pro bono. As indicated above, the Tennessee Supreme Court has provided attorneys the opportunity to receive CLE credit for pro bono work.
- According to respondents, the top three discouraging factors were: 1. Lack of time; 2. Commitment to family or other personal obligations; and 3. Lack of skills or experience in the practice areas needed by pro bono clients. Notably, there are opportunities in Tennessee for attorneys to provide pro bono service remotely on their own time. The ATJ Commission and its stakeholders provide multiple no or low-cost trainings to equip attorneys with skills to provide effective pro bono service.
- Of the 58.6% of respondents that indicated they had provided pro bono legal services as a law student, over half (50.9%) said that doing so made them “more” or “far more” likely to provide pro bono after law school. Around 44.9% said it had no impact on their likelihood of providing pro bono after law school. Only 4.2% said it made them less likely to provide pro bono after law school.

## Survey Responses

Using [www.surveymonkey.com](http://www.surveymonkey.com), the Access to Justice and Pro Bono Coordinators surveyed the following about their pro bono initiatives and efforts done in the 2016 calendar year: Bar Associations, LSC-Funded Legal Service Providers, Non-LSC Funded Legal Service Providers, Pro Bono Legal Clinics, Law Schools, Law Firms, Tennessee Faith and Justice Alliance members, and Mediation Providers.

### Bar Associations

Most counties, metro areas, and many communities across Tennessee have bar organizations who serve as a resource for their attorneys, courts, and the general public. Many bar associations offer volunteer opportunities for attorneys to provide pro bono and/or reduced fee services. Bar associations are particularly valuable resources to pro bono initiatives statewide as each bar association has a unique perspective on the needs of the community and the ability to mobilize the local bar for initiatives such as legal advice clinics, attorney of the day projects, and larger statewide initiatives.

To date, twenty-seven bar associations across the state have responded.

Of those responses, eight were from bar associations in counties with populations greater than 75,000, and nineteen were from bar associations from counties with populations less than 75,000.<sup>5</sup> Four bar associations reported having 100 or more members, five bar associations reported having 50-99 members, ten bar associations reported having 20-49 members, five bar associations reported having less than 20 members, and three bar associations declined to report membership numbers.

Highlights from Bar Associations include:

- Ten bar associations reported that their membership participated in or supported at least one pro bono legal clinic in 2016, and fourteen bar associations reported that their membership participated in organized pro bono projects in 2016, including but not limited to pro bono legal clinics.
- Six bar associations indicated either current participation or intended future participation in a Wills for Heroes or other Wills Pro Bono Project. Four bar associations indicated either current participation or intended future participation in an Expungement Clinic or other Reentry Pro Bono Project. Three bar associations indicated either current participation or intended future participation in a Veterans Clinic or other Veterans Pro Bono Project.

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<sup>5</sup> Counties with populations greater than 75,000 are determined by the counties identified as subject to the Tennessee Uniform Residential Landlord Tenant Act by the 2010 census, as set forth here: <https://www.tn.gov/assets/entities/commerce/attachments/Consumer-LANDLORDANDTENANTFAQs.pdf>

- Eighteen bar associations reported that at least 25% of their membership participated in pro bono activities. The table below shows the breakdown of bar associations reporting that their membership participates in pro bono activities in four major categories. The data displayed on this chart is divided into two counts, a reporting data count and an inclusive calculation count.<sup>6</sup>

Number of Bar Associations (Reporting Data)	Total Number of Bar Associations (Inclusive)	Percentage of Members Participating in Pro Bono Activities
4	18	25% or more
5	14	50% or more
4	9	75% or more
5	5	99-100%

- When asked about specific pro bono legal needs, ten bar associations noted pro bono legal needs for domestic relations for indigent families in their county.
- Seven bar associations indicated that they learned about pro bono needs in their community through community involvement. Five bar associations indicated that they learned about pro bono needs in their community through the courts. Five bar associations indicated that they learned about pro bono needs in their community through an LSC-Funded organization or other non-profit agency that works with low income individuals.

Several Bar Associations reported specific initiatives:

- Anderson County Bar Association reported that its local legal aid office has a pro bono night each month where local attorneys provide general civil legal advice. The bar association is planning a CLE on reentry issues as a future project which it notes could develop into a clinic or pro bono project.
- Carter County Bar Association reported participating in Recovery Appalachia, a free legal advice clinic, and drug court in response to an identified legal need for pro bono support for community members struggling with opioid abuse and mental health issues, and partnering with attorneys in Johnson and Unicoi County for free legal clinics.

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<sup>6</sup> Because a bar association who reports that a greater number of its membership participates in pro bono activities naturally encompasses the metric for a smaller percentage as well, data for this chart is divided into two groups: (1) the actual number of bar associations who reported in a certain category, and (2) the inclusive number of bar associations who reported in a certain category. For example, if a bar association reported that 75% of its membership participated in pro bono activities, the bar association would be counted in the category for 75%, 50%, and 25% of membership under the inclusive metric for the purposes of this chart.

- Coffee County Bar Association reported holding monthly pro bono general civil legal advice clinics in 2016, noting that participation by attorneys became difficult during the course of the clinics, although participation by the community increased during the course of the clinics. The bar association is planning Wills Clinics as future projects.
- Greene County Bar Association reported hosting free legal advice clinics quarterly, and expungement clinics with approximately 20 to 30 clients at each. The bar association also indicated it is planning a Wills Clinic as a future project.
- Hamblen County Bar Association reported that it hosts legal clinics that serve approximately 30-50 clients annually and is planning additional clinics for the future. The bar association noted a need in their community for pro bono resources for family law matters and specific needs within the Hispanic community in their county.
- Knoxville Bar Association reported that, in partnership with Legal Aid of East TN, it has been holding monthly Veterans Legal Clinics, and held two faith-based legal advice clinics. The bar association noted future projects including additional faith-based legal advice clinics, expungement, and immigration clinics. The bar association also reported additional clinics sponsored by the law schools in their county.
- Marshall County Bar Association reported supplying a “Help Button” kiosk to allow for access to forms for indigent individuals needing legal assistance, noting that the Help Button won awards from the Tennessee Bar Association and American Bar Association, and received strong support from the bar association members. The bar association also reported hosting Wills for Heroes clinics, and has additional clinics planned for the future.
- Nashville Bar Association reported that it hosted a Truancy Training CLE and a Leadership Forum online clinic. The bar association intends to continue the Truancy Training CLE and develop a CLE program involving assistance to veterans as future projects. The bar association reports that it provides grant funds to the Legal Aid Society of Middle Tennessee and the Cumberland and its Pro Bono Program.
- Putnam County Bar Association reported hosting free legal advice clinics with Legal Aid Society of Middle TN and the Cumberland quarterly, serving approximately 15-30 people at each clinic. The bar association intends to continue these clinics.
- Rutherford/Cannon County Bar Association reported hosting a weekly free legal clinic for the public which has become so successful that judges, clerks, and other offices regularly send people to the clinic for help. The bar association estimates that approximately 600-900 people are served each year by these clinics which are planned to continue in the future.

- Tipton County Bar Association reported sponsoring a free legal clinic every other month in partnership with Memphis Area Legal Services, as well as a Wills for Heroes project. The bar association reported using social media, flyers, and word of mouth to advertise the clinic, and estimates that 200 people are served annually by these clinics which are planned to continue in the future. Additional planned future projects include an expungement clinic and an event at the local Boys and Girls Club.
- Williamson County Bar Association reported hosting local pro bono clinics and Wills for Heroes projects, and notes intended Legal Aid Society of Middle TN and the Cumberland's participation as future projects.

### **Legal Service Providers – Legal Services Corporation (“LSC”)-Funded**

In Tennessee, there are four legal aid providers that receive federal funding from the Legal Services Corporation (“LSC”): Legal Aid of East Tennessee, Legal Aid Society of Middle Tennessee and the Cumberland's, Memphis Area Legal Services, and West Tennessee Legal Services. There is one additional LSC-Funded Provider, Southern Migrant Legal Services, which serves Tennessee as well as other states in the South. Legal Service Providers play an integral role in providing access to justice in the state and in matching pro bono clients with attorneys through their staff and pro bono networks.

All LSC-Funded Providers in Tennessee have responded to the survey.

Highlights from Tennessee LSC-Funded Providers include:

- Legal Aid of East Tennessee (LAET): LAET employs 60 staff members and reported 594 pro bono volunteer attorneys for 2016. Together, LAET employees and pro bono volunteer attorneys served 5221 clients in 2016. 875 of those clients were served through pro bono programs. Services were provided with a focus on legal issues that included housing, health and benefits, family and children, consumer protection, civil rights, education, and income.
  - LAET reports that its pro bono program was extremely successful at recruiting volunteer lawyers to take part in a variety of volunteer and clinic-based opportunities throughout 2016. LAET also focused on expanding its network of attorneys willing to accept cases for traditional full representation.
  - Certain efforts targeted specific issues in the community such as the 2016 wildfires in Sevier County. Additional opportunities came in the form of monthly, quarterly, or annual clinics including specialized topics such as debt-collection, Veteran's issues, health, child support,

estate planning, or other specific areas of law, as well as general civil legal clinics.

- Future and ongoing projects include increasing the efficiency of pro bono efforts through the use of technology, establishing new regularly occurring clinics as needed, and deepening partnerships with specialty bars and corporate counsel.
- Legal Aid Society of Middle Tennessee and the Cumberland (LASMTC): LASMTC employs 90 staff members and reported 1500 pro bono volunteer attorneys in 2016. Together, LASMTC employees and pro bono volunteer attorneys served 6625 clients in 2016. 2271 of those clients were served through pro bono programs. Services were provided with a focus on legal issues that included consumer protection, domestic violence, family law, employment, health and benefits, housing, elder care, education, and income.
  - LASMTC reports that its pro bono program worked with LASMTC staff and partner organizations to identify the most pressing needs of clients across 48 counties throughout 2016. LASMTC provided individual referrals for extended representation, worked with Pillar Law Firms, linked Nashville resources to rural areas, and provided free legal help clinics.
  - In 2016, LASMTC held 86 clinics which were attended by 1535 individuals, and provided representation in 2271 cases. Among other projects, LASMTC kicked off an urban-rural partnership with Butler Snow to staff a weekly clinic in Fairview, Williamson County, with lawyers using Vidyo technology to meet with clients remotely from their offices in Nashville.
  - Future and ongoing projects include identifying more resources in rural counties to provide help in areas of bankruptcy, Power of Attorney and Wills, and termination of SSI/SSDI.
- Memphis Area Legal Services (MALS): MALS employs 42 staff members and reported 171 pro bono volunteer attorneys in 2016. Together, MALS employees and pro bono volunteer attorneys served 4014 clients in 2016. 776 of those clients were served through pro bono programs. Services were provided with a focus on legal issues that included family and children, consumer protection, housing, health and benefits, consumer, civil rights, and income.
  - MALS reports that its pro bono program included legal clinics, case referrals, Pillar Law Firms, law student and law school clinics focusing on juvenile and elder law, and a partnership with Methodist Le Bonheur Hospital in 2016. MALS enjoyed high attendance at monthly legal clinics.

- In addition to its recurring legal clinics, MALS participated in a new project in partnership with Idlewild Presbyterian Church providing an additional Midtown Legal Clinic held twice per year.
- Future and ongoing projects include continuing to expand Pillar Law Firm partnerships and developing its partnership with Methodist Le Bonheur.
- West Tennessee Legal Services (WTLS): WTLS employs 36 staff members and reported 149 pro bono volunteer attorneys in 2016. Together, WTLS employees and pro bono volunteer attorneys served 2093 clients in 2016. 61 of those clients were served through pro bono programs. Services were provided with a focus on legal issues that included housing, benefits, and family law.
  - WTLS reports that its pro bono program relied on the private bar to assist clients through specific referrals and at legal advice clinics in 2016.
  - WTLS is involved in a recurring free legal clinic that primarily serves the homeless population. However, WTLS notes that their clients most need volunteer attorneys to provide legal representation from start-to-finish, as most clients are not able to navigate the legal system on their own.
  - Future and ongoing projects include expanding legal partnerships and clinics and continuing to recruit pro bono attorneys who will take cases.
- Southern Migrant Legal Services (SMLS): SMLS employs 6 attorneys, and reported one additional volunteer in 2016. SMLS' staff attorneys served 294 clients in 2016. SMLS is a project of Texas RioGrande Legal Aid, and the Nashville office serves the following states: Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. SMLS provides free legal services to migrant and seasonal farm workers on employment-related matters.
  - SMLS notes that its practice model which focuses on lengthy federal litigation does not lend itself readily to pro bono efforts. It does not charge any clients for services. SMLS reports that no pro bono projects were completed in 2016 and no pro bono projects are planned for the future.

When asked what additional resources are needed by LSC-Funded Legal Service Providers, the most common answers are increased financial support, additional attorney volunteers who will provide extended representation, and the support of the judiciary at the local level.



## Legal Service Providers – Non-LSC-Funded

In Tennessee, there are many legal service providers that do not receive funding from the Legal Services Corporation. These Non-LSC-Funded Providers serve a valuable role in Tennessee access to justice efforts, especially because they can often serve segments of the population and handle legal matters that LSC-Funded Providers cannot. Non-LSC-Funded Providers do not have to follow federal income guidelines to determine if a person is eligible to receive legal services, and are not subject to the same restrictions that an LSC-Funded Provider must observe in case selection. Like LSC-Funded Providers, Non-LSC-Funded Providers play an integral role in providing access to justice in the state and in matching pro bono clients with attorneys through their staff and pro bono networks.

To date, five responses have been received from Non-LSC-Funded Providers across the state.

Highlights from Non-LSC-Funded Providers include:

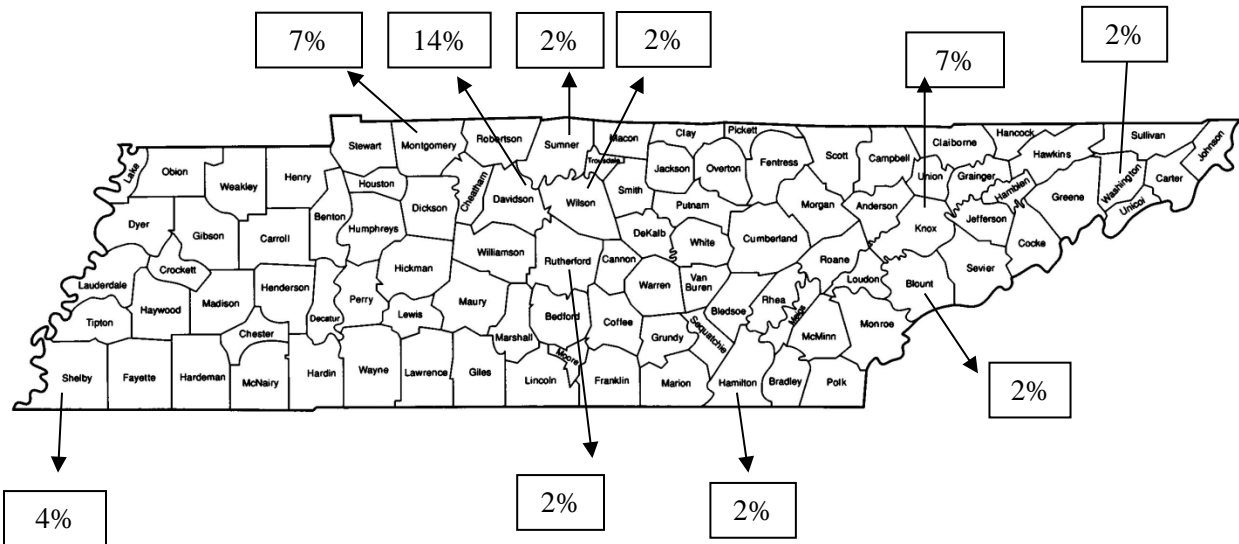
- Community Legal Center (CLC): CLC employs 11 staff members and reported 107 pro bono volunteers in 2016. Together, CLC employees and pro bono volunteers served 2313 clients in 2016. Approximately 485 of those clients were served through pro bono programs. Services were provided with a focus on legal issues that included family, housing, probate, immigration, elder care, and consumer law in Shelby County.
  - During 2016, CLC placed both general civil and immigration cases with pro bono attorneys. CLC held frequent Deferred Action for Childhood Arrivals (DACA)<sup>7</sup> clinics at which volunteer lawyers assisted, working with immigrant youth and their parents. CLC created an Immigration Pro Bono Coordinator position, working with Latino Memphis and Mid-South Immigration Advocates as grant partners. The CLC Immigration Pro Bono Coordinator serves all 3 organizations, placing pro bono lawyers to do immigration work.
  - CLC provided University of Memphis Cecil C. Humphreys School of Law students with pro bono experiences including the Alternative Spring Break program, leading the immigration section and supporting the elder law and family law sections.
  - Future and ongoing projects include a daily Pro Se Divorce Clinic at the courthouse working with self-represented litigants with children.

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<sup>7</sup> On June 15, 2012, the Secretary of Homeland Security announced that certain people who came to the United States as children and meet several guidelines may request consideration of deferred action for a period of two years, subject to renewal. They are also eligible for work authorization. Deferred action is a use of prosecutorial discretion to defer removal action against an individual for a certain period of time. Deferred action does not provide lawful status. <https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca>.

- Tennessee Coalition to End Domestic and Sexual Violence (the “Coalition”): The Coalition employs 20 staff members and reported 20 pro bono volunteers in 2016. Together, the Coalition employees and volunteers served 100 clients in 2016. Services were provided with a focus on legal issues for immigrant victims of domestic violence, sexual assault, stalking, and trafficking and non-immigrant victims of sexual assault in all 95 counties. The Coalition does not charge its clients for services.
- Tennessee Justice Center (TJC): TJC employs 22 staff members and reported 4-10 pro bono volunteers in 2016. Together, TJC employees and pro bono volunteers served 903 clients in 2016. Services were provided with a focus on assisting low-income Tennesseans gain access to health coverage, medical services, and food assistance in all 95 counties. TJC does not charge its clients for services.
- Tennessee Justice for Our Neighbors (TJFON): TJFON employs 4 staff members and reported 116 pro bono volunteers in 2016. Together, TJFON employees and pro bono volunteers served 451 clients in 2016. 271 of those clients were served through pro bono programs. Services were provided with a focus on providing immigration legal services including DACA, U-Visas and related needs, and Special Immigrant Juvenile Status to low-income and vulnerable immigrants in all 95 counties.
  - TJFON held DACA workshops with pro bono attorneys and law student volunteers and worked with individual pro bono attorneys on Special Immigrant Juvenile and U-Visa cases.
  - In 2016, TJFON offered training on Special Immigrant Juvenile Status, with the goal of recruiting more pro bono attorneys to assist on those cases.
  - Future and ongoing projects include a naturalization workshop with pro bono attorneys and continuing to work with previously-trained pro bono attorneys on individual U-Visa cases.
- Tennessee Alliance for Legal Services (TALS): TALS manages three legal civil legal services resources, <https://TNFreeLegalAnswers.org>, 1-844-Help4TN, and [www.Help4TN.org](http://www.Help4TN.org). TALS employs 6 staff members and reported 583 pro bono volunteers in 2016. Together, TALS employees and pro bono volunteers served 6700 clients in 2016 through all three programs.
  - TN Free Legal Answers is a virtual legal advice clinic that provides free civil legal advice for qualifying clients. The majority of TALS pro bono volunteers perform their pro bono work on TN Free Legal Answers. Pro Bono attorneys served 1,572 people online. The 12,000<sup>th</sup> question was answered in the Spring of 2016.

- 1-844-Help4TN is a toll free civil legal advice hotline, open Monday through Friday. TALS staff and one volunteer assist callers with the helpline. The Help4TN helpline handled 4,139 calls in 2016, representing a 7% increase from 2015. The helpline reached callers in 91 of Tennessee's 95 counties. Help4TN.org is the corresponding website which directs users to the appropriate legal resource.
- The most common questions received on the Help4TN helpline were landlord/tenant, divorce, and child custody questions, which collectively accounted for 33% of the total questions asked. Child support, debt collection, criminal, employment, probate, fee generating, and contract dispute questions collectively accounted for 24% of the total questions asked. Other questions accounted for 43% of the total questions asked. The top ten counties (by percentage of helpline questions asked) are identified below for a total of 56%. All other counties made up 34% of questions.



- The county breakdown for TN Free Legal Answers closely tracks the breakdown above. The only exception is that Madison County replaced Wilson County in the top ten counties using the service. The top ten counties accounted for 58% of the usage of TN Free Legal Answers in 2016.
- Future and ongoing projects include an Online Legal Wellness Checkup to identify users' top legal risk areas and connect them with local resources to help address their particular issues, developing online, automated divorce forms for uncontested divorces with no children and few assets, and adding bot technology to [www.HELP4TN.org](http://www.HELP4TN.org) to make search/navigation process and forms completion conversational and much more user friendly

## Pro Bono Legal Advice Clinics

Pro Bono Legal Advice Clinics provide clients an opportunity to sit with an attorney to receive legal advice and information and to discuss their legal needs, remedies, and next steps. A Pro Bono Legal Advice Clinic is also an excellent opportunity for attorneys with limited time or experience to provide pro bono services and to network with other attorneys.

The ATJ Commission maintains a list of clinics across the state which is available online on the access to justice website, [www.justiceforalltn.com](http://www.justiceforalltn.com). Some of the Clinic Providers also fall into other report categories such as Bar Associations, Law Schools, and LSC-Funded Providers.

To date, twenty-three responses have been received from Clinic Providers across the state.

Of those Clinic Provider responses, seven responses were clinics affiliated with a university or law school; six responses were clinics affiliated with an LSC-Funded Provider; three responses were clinics affiliated with a Bar Association; and four responses were clinics affiliated with a non-profit not previously identified.

Further, the clinic responses were from both general civil legal clinics and specialized clinics. Specialized clinic responses included two immigration clinics, two family law clinics, two business /tax clinics, one arts clinic, two mediation clinics, and one elder care clinic.

Highlights from Clinic Providers include:

- 23 Clinic Providers report mobilizing over 600 volunteer attorneys and over 150 non-attorney volunteers to collectively serve over 3,500 clients.
- Legal Aid of East TN: reports it is currently working on an elder abuse shelter network in conjunction with the local Family Justice Center and a private law firm that has agreed to collaborate on a large scale pro bono project whereby they will accept 1-2 litigation cases a month and other cases where legal advice or limited assistance is needed.
- Volunteer Lawyers and Professionals for the Arts and the Nashville Entertainment Law Center: report they assist with arts-related matters for low income artists and nonprofits related to the arts, primarily in the areas of entertainment law and intellectual property, and in 2016 partnered on a faith-based project with the Church of the Redeemer in Green Hills.
- The University of Tennessee College of Law Legal Clinical Program: reports it hired a new faculty member in 2016 to focus on Community and Economic Development, with a focus on creating a future clinic that will serve non-profit organizations.

- Coparenting Solutions: reports it offers a family legal clinic which focuses on parenting plans, custody matters, divorce, relocation, domestic abuse, teenage parents, and cases involving veterans. They report several partnerships including operating out of a church-owned property and working with several other charities and the VA. CLE credit and continuing mediation education (“CME”) credit are programs planned for the future.
- The Legal Aid Society of Middle TN and the Cumberlands: reports it hosts a third Saturday general civil advice clinic at Higher Ground Worship Center in Rutherford County. The clinic is looking to expand its service to include answering questions for TN Free Legal Answers as a future project.
- TN Justice for Our Neighbors: reports it provides immigration legal services to low-income immigrants at a Methodist Church and holds a monthly clinic, with a second monthly clinic and naturalization workshop under development.
- University of Memphis Cecil C. Humphreys School of Law Clinical Program: reports it directs an elder law clinic that provides full representation to low-income clients aged 55 and over in a wide range of civil cases including but not limited to wills, powers of attorney, conservatorships, real property, title issues, consumer issues, financial exploitation, adoption, insurance problems, Social Security/SSI, and TennCare CHOICES. The clinic program partners with Memphis Area Legal Services and occasionally with the Community Legal Center.
- Kingsport Bar Association: reports it holds a monthly general civil legal advice clinic in the downtown area with malpractice insurance provided through the bar association and in partnership with Legal Aid of East Tennessee and the TBA Young Lawyers Division.
- Catholic Charities of TN, Inc.: reports it hosts a monthly Immigration Legal Services clinic providing free immigration legal consultation.

### **Law School Pro Bono**

In its 2012 Strategic Plan, the ATJ Commission acknowledged the importance of introducing pro bono services to future attorneys while they are still in law school. As noted previously, the majority of attorneys who performed pro bono work in law school reported that it made them more likely or far more likely to participate in pro bono once they were licensed. Further, attorneys from our clinic programs report that law student participation in their clinics brings valuable energy and enthusiasm to their programs.

There are six Law Schools in Tennessee, and each Law School reported some level of pro bono participation from their students. They also reported participating in pro bono projects with multiple partner agencies across the state. All Law Schools report that their Dean participates in pro bono activities.

All six Law Schools provided information for this report.

Highlights from Law Schools include:

- Belmont University College of Law (Belmont): reports 50% of students and 75% of faculty participated in pro bono in 2016. Belmont reports that it informally encourages pro bono to its students through promotional materials.
  - Current partners for pro bono engagement include: Advocates for Women's And Kids' Equality; Compassionate Counsel; TN Justice For Our Neighbors; Legal Aid Society of Middle TN and the Cumberland; TN Immigrant and Refugee Rights Coalition; and TN Justice Center.
  - Future Program Plans: Continuing current projects and expanding on opportunities for students to be involved with TennCare appeals in connection with the TN Justice Center.
- Lincoln Memorial University Duncan School of Law (LMU): reports 92% of students and 100% of faculty participated in pro bono in 2016. LMU reports that it requires students complete at least thirty hours of pro bono work prior to graduation.
  - Current partners for pro bono engagement include: Pro Bono partnerships with Legal Aid of East TN, Juvenile Court of Knox County, Department of Veterans Affairs, Sevier County Public Defender's office.
- Nashville School of Law (NSL): reports that it does not track the percentage of students or faculty who participate in pro bono. NSL reports that it informally encourages pro bono to its students through promotional materials.
  - Current partners for pro bono engagement include: Wills Clinic (Habitat for Humanity); Wills for Heroes; Juvenile Court Custody Clinic; Mock Trial Competitions; TN Free Legal Answers; Music City Community Court Expungement Clinic; and Public Defenders Office internship.
  - Future Program Plans: A more structured program of opportunities for students and a pro bono recognition program for students. Clinics will be offered for credit.

- The University of Memphis Cecil C. Humphreys School of Law (Memphis): reports that 90-95% of students and 100% of faculty participated in pro bono in 2016. Memphis reports that it requires students complete at least forty hours of pro bono work prior to graduation.
  - Current partners for pro bono engagement include: clinics with Memphis Area Legal Services (veterans' clinics, Wills for Heroes, and others); clinics with the Community Legal Center; Street Law clinics; VITA tax clinics; MEMimmigration clinics; unpaid internships with the Shelby County Public Defender and Shelby County District Attorney's Offices; Access to Justice clinics; clinics with Latino Memphis; clinics sponsored by Mid-South Immigration Advocates; clinics sponsored by the Memphis Bar Association; virtual clinics sponsored by Tennessee Area Legal Services; and DACA clinics; Le Bonheur, St. Jude, and Baptist Memorial Hospital.
  - Future Program Plans: Memphis hopes to expand its community outreach with regard to adverse childhood experiences, having our students teach classes to community members. Memphis is working towards strengthening partnerships with local healthcare facilities. Memphis wants to continue to grow its alternative spring break program, which includes the goal of inviting more students from around the country to attend. Every year Memphis invites government and nonprofit organizations to attend its public interest fair. Memphis hopes to grow this event in the coming year, so that it can connect its students to more potential employers who work in the area of public interest.
- University of Tennessee College of Law (UT): reports 43% of students and 90% of faculty participated in pro bono during 2016. UT reports that it encourages but does not require students to complete at least fifty hours of pro bono work prior to graduation and recognizes students who log a minimum number of pro bono hours.
  - Current partners for pro bono engagement include: Partnerships between UT Pro Bono and outside organizations such as Legal Aid of East TN, the Knoxville Bar Association, and others. Examples of specific pro bono projects are: Veterans Legal Advice Clinic, Faith and Justice Legal Advice Clinic, Saturday Bar (Knox County, Blount County, and Oak Ridge), Virtual Legal Advice Clinic, Homeless Project, Operation Stand-Down, and Alternative Spring Break.
  - Future Program Plans: Planning to partner with its Student Expungement Clinic to provide pro bono opportunities to help clients with expungements and voter rights restoration.

- Vanderbilt Law School (Vanderbilt): reports that 10% of students participated in pro bono in 2016 and reports that Vanderbilt does not track the percentage of faculty who participate in pro bono. Vanderbilt reports that it encourages but does not require students to take a pro bono pledge prior to graduation and recognizes students who log a minimum number of pro bono hours.
  - Current partners for pro bono engagement include: Street Law; Shade Tree Medical Legal Partnership; Re-entry Entrepreneurship Project; veterans' legal claims pro bono work with Seth Ogden; pro bono work for the Disability Law Society; and pro bono family readiness workshops with TN Immigrant and Refugee Rights Coalition.
  - Future Program Plans: Vanderbilt is in the process of developing plans for next year's projects, though many of the ones that have been offered this past year will be offered again.

### **Law Firms with Pro Bono Policies, Pillar Law Firms, and *Attorney for Justice* Law Offices**

From enacting pro bono policies to allow and encourage firm members to participate in pro bono to accepting a role in Tennessee's Pillar Law Firm program, law firms play a special role in supporting pro bono programs in Tennessee. For example, Tennessee's Pillar Law Firm program formalizes a more efficient way for law firms to accept referrals for pro bono services by training specific law firms to accept pro bono assignments within particular high-demand areas of law. The ATJ Commission is interested in understanding the particular needs and resources of law firms in order to continue to maximize the impact that firms provide in equal access to justice efforts in the state.

The Access to Justice and Pro Bono Coordinators surveyed law offices including those with pro bono policies, Pillar Law Firms, and offices with attorneys who were recognized as 2016 *Attorneys for Justice* on their pro bono efforts.

To date, over a hundred responses have been received from Law Firms across the state.

Highlights from Law Firms include:

- 101 law firms responded to the survey with offices in the following locations in Tennessee: Brentwood, Chattanooga, Clarksville, Collierville, Cordova, Dresden, Fayetteville, Franklin, Gallatin, Goodlettsville, Greeneville, Hendersonville, Huntington, Jackson, Johnson City, Kingsport, Knoxville, Lebanon, Madison, Memphis, Mountain City, Murfreesboro, Nashville, Oak Ridge, Ooltewah, Pleasant View, Pulaski, Sevierville, Sparta, and St. Lewis.



- The 101 responding law firms reported employing more than 1,000 attorneys in the state, and reported that 71.01% of their attorneys participated in pro bono activities, serving more than three thousand clients and nearly forty-five thousand hours of pro bono. The table below shows the breakdown of attorneys participating in pro bono by responding law firms and pro bono provided.<sup>8</sup>

Number of Attorneys Employed by Responding Law Firms	1283
Number of Attorneys Participating in Pro Bono Activities	911
Approximate Number of Pro Bono Clients Served	>3,016
Approximate Number of Hours Given to Pro Bono Efforts	44,464

- Of the 101 law firms who responded, 15 firms indicated that their firm is a Pillar Law Firm, 40 firms indicated that their firm has a pro bono policy in place, 59 firms indicated that their firm has been recognized for its pro bono work by the Tennessee Supreme Court, and 53 firms reported partnering with a legal services organization during their pro bono efforts.

The Access to Justice Commission has particular interest in collecting data from law firms with pro bono policies, as it is believed that there is a correlation between a firm having a pro bono policy in place and attorneys participating in pro bono. Accordingly, the 2016 Pro Bono Report specifically inquired about law firms that have pro bono policies, and analyzed that data separately for trend analysis.

Highlights from Law Firms with pro bono policies include:

- Firm size: 19 firms reported having five or fewer attorneys, 10 firms reported having six to twenty attorneys, 7 firms reported having 20 to 100 attorneys, and 4 firms reported having 100 or more attorneys.
- 24 law firms reported that their firm has a pro bono policy *and* has been recognized for pro bono work by the TN Supreme Court, 10 law firms reported that their firm has a pro bono policy *and* is a Pillar Law Firm, and 7 firms reported that their firm has a pro bono policy, has been recognized for pro bono by the TN Supreme Court, *and* is a Pillar Law Firm.
- 6 firms provided a copy of their written pro bono policy and 8 firms reported requiring or providing credit for a certain number of pro bono hours annually.

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<sup>8</sup> Responding firms who did not provide an estimated number or reported that the estimated number was “unknown” are recorded as 0 for the purposes of this calculation. Responding firms who responded with “hundreds” or “over 100” are recorded as 100 for the purposes of this calculation. For responding firms who provided an estimated range, the highest number of the range is recorded. For responding firms who provided a response with a number “+” or “greater than, more than, etc.” the number provided is recorded without consideration of the “greater than.”

- Other policy provisions described included limited pro bono cases to three cases per attorney at one time, providing full billable hours for all approved pro bono casework, accepting all pro bono referrals from the local legal aid office for specialized types of cases, encouraging regular clinic attendance and allowing paid time off for legal clinics or comp time for weekend clinics, sponsoring or staffing a specific clinic as a firm, dedicating 10% of each attorney's time to pro bono matters, and treating pro bono cases like any other case.

### **Tennessee Faith and Justice Alliance Providers**

The Tennessee Faith and Justice Alliance ("TFJA") is an alliance of faith-based groups in Tennessee who commit to providing legal resources to their congregations and communities. The ATJ Commission created the TFJA on the premise that many individuals with legal issues will first seek assistance at their local houses of worship. The TFJA connects religious communities with legal communities in various forms across the state on a case by case basis; developing and planting clinic projects, assisting with pro bono referral projects, connecting resources, conducting trainings for pastoral leadership and CLE opportunities, conducting interpreter and mediator trainings, and more. The TFJA not only expands and complements the existing network of pro bono services provided in the state, in some cases, the TFJA can be effective in providing pro bono resources to communities in new ways that might not be effective otherwise.

To date, seven responses have been received from TFJA Providers over the state.

Highlights from TFJA Providers include:

- Colonial Heights United Methodist Church, LAET, & Knoxville Bar Association Partnership: the KBA and LAET have partnered with the TFJA to host partnership clinics in the Knoxville, TN, area. 38 clients were served and 13 attorneys participated in one such clinic. The clinic addressed legal issues including child custody, domestic relations, wills and estates, landlord tenant, debtor/creditor, and drivers' license.
- Cross Point Legal Clinic: The Cross Point Dream Center hosts a free walk-in legal clinic on the first Tuesday of every month in Nashville, TN. Five attorneys partner to provide legal advice, and, in 2016, 113 clients were served. The clinic addressed legal issues including drivers' license reinstatement, unemployment benefits questions, expungement, divorce and child support, and housing. The Dream Center offers a comprehensive set of services to the community beyond the legal clinic. Dream Center staff is responsible for this outreach and these programs. Dream Center services include a dental clinic, food pantry, AA meetings, church services, community programs, and mothers' programs.

- Loaves and Fishes & LASMTC (Clarksville Office): The Loaves and Fishes clinic provides free legal services for victims of domestic abuse, divorce, consumer law, housing, and benefits. The clinics meet once per month and served approximately 800 people in 2016. Other partnerships have included the Presbyterian Church, the Ministers' Organization, and Methodist Women's Organizations.
- Lipscomb's Fred D. Gray Institute for Law, Justice, and Society: Lipscomb's Fred D. Gray Institute for Law, Justice, and Society hosts a monthly legal clinic in partnership with the TFJA at St. James Missionary Baptist Church and Schrader Lane Church of Christ in Nashville, TN. The clinic typically sees between ten and twenty volunteers, and served 64 clients in 2016. The most commonly occurring legal issues are in the areas of wills and estates, domestic cases, and personal injury. Outreach is conducted by the partner churches.
- Rutherford/Cannon County Bar Association Legal Clinic: The Rutherford/Cannon County Bar Association hosts a weekly free legal clinic at Greenhouse Ministries, where it serves approximately 10-20 clients per week. The most commonly occurring legal issues are in the areas of divorce and child support/custody.
- El Shaddai Christian Church: El Shaddai Christian Church hosts a quarterly legal clinic at El Shaddai Church in Brentwood, TN, with clinics serving approximately 18 individuals. The most commonly occurring legal issues are immigration, divorce, bankruptcy, collection, and property issues. Additional partnership development has been conducted with Carpenter's Square.
- Karnes Legal Services: Karnes Legal Services hosts a legal clinic serving all of Tennessee. In 2016, approximately 3 attorneys served approximately 400 individuals. Karnes Legal Services reports that it represents indigent clients, abused children, and works to build happy, healthy families.

### **Pro Bono and Reduced Fee Mediation**

Mediation can serve as an appealing way to resolve legal disputes for those who may be unable to afford extended representation. There are many options for free and reduced fee mediations in Tennessee, an important pro bono resource.

In Tennessee, there are non-profit community mediation centers that provide pro bono mediation services to low-income residents across the state, Mediation Providers, as well as individuals who serve as Supreme Court Rule 31 Mediators who provide individual pro bono services.

## Mediation Providers

Mediation Providers partner with local courts to provide a range of free or reduced fee (sliding scale) mediations to those who are most vulnerable in the court system - namely, self-represented litigants. The AOC supports these centers through limited grant funding designed to increase disadvantaged Tennesseans' access to mediation services.<sup>9</sup>

To date, nine responses have been received from Mediation Providers across the state.

Highlights from Mediation Providers include:

- VORP and PEMF supported Mediation Providers reported serving approximately 6,400 clients through mediation in 2016.
- Seven Mediation Providers note specific focus on mediations for juvenile offenders and juvenile needs, with specific mention of disputes or referrals from the local school system and referrals from the Juvenile Court.
- Future projects include: public housing mediation (pre-eviction), expansion of truancy mediation, implementation of a peer mediation program with local schools, development of a pro-se docket day that will partner with the mediator of the day program, and elder mediation.
- Community Mediation Center (CMC): CMC employs 3 staff members and reported more than 50 volunteers. Together, CMC employees and volunteers served approximately 1400 clients in 2016. Approximately 1400 of those clients were served through pro bono mediation programs.
- Community Mediation Services (CMS): CMS employs 3 staff members and reported 25 volunteers. Together, CMS employees and volunteers served 147 clients in 2016. Approximately 103 of those clients were served through pro bono programs.
- Community Reconciliation, Inc. (CR): CR employs 2 staff members and reported 31 volunteers. Together, CR employees and volunteers served 147 clients in 2016. Approximately 60 of those clients were served through pro bono programs.

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<sup>9</sup> Specifically, the AOC administers two state-funded grants related to mediation. The first is the Victim Offender Mediation Program (VORP). The Tennessee General Assembly established VORP in 1993 to provide funding support for the state's earliest non-profit mediation centers. The second is the Parent Education and Mediation Fund (PEMF) established pursuant to Supreme Court Rule 38 and T.C.A. §6-6-413. The AOC distributes these funds to grantees to provide education and mediation for indigent parents involved in absolute divorce, legal separation, annulment, or separate maintenance proceedings, and any other custody matters.

- First Judicial District Court Clinic (Court Clinic): Court Clinic employs 3 staff members and reported 5 volunteers. Together, the Court Clinic employees and volunteers served 60 clients in 2016. Approximately 60 of those clients were served through pro bono programs.
- Mid-South Mediation Services (Mid-South): Mid-South employs 10 staff members and reported 14 volunteers. Together, Mid-South employees and volunteers served 378 clients in 2016. Approximately 378 of those clients were served through pro bono programs.
- Nashville Conflict Resolution Center (NCRC): NCRC employs 4 staff members and reported 40 volunteers. Together, NCRC employees and volunteers served 1600 clients in 2016. Approximately 1200 of those clients were served through pro bono programs.
- The Mediation Center (MC): MC employs 2 staff members and reported 40 volunteers. Together, MC employees and volunteers served 1600 clients in 2016. Approximately 60 of those clients were served through pro bono programs.
- VORP/Community Mediation Center, Inc. (V/CMC): employs 2 staff members and reported 8 volunteers. Together, V/CMC employees and volunteers served 2500 clients in 2016. Approximately 2500 of those clients were served through pro bono programs.

### **Tennessee Supreme Court Rule 31 Mediator Pro Bono and Reduced Fee Mediation**

In addition to Mediation Providers, the Tennessee Supreme Court sponsors a court-sanctioned mediation program through Supreme Court Rule 31 where litigants, courts, and attorneys can locate qualified mediators and other neutrals and enlist their assistance in resolving matters pending before courts of record. Many of these Rule 31 Mediators provide a substantial amount of free or reduced fee mediations. Rule 31 provides required credentials and training for mediators who wish to be listed as a Supreme Court Rule 31 Mediator. Rule 31 Mediators are required to file a report after each mediation. The information below comes from the reports filed by Rule 31 Mediators.

For purposes of this portion of the report, Court-Ordered Pro Bono, Pro Bono, Reduced Fee, and Supreme Court Rule 38 Fee Types will be considered “Pro Bono”.<sup>10</sup>

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<sup>10</sup> Supreme Court Rule 38 sets forth the qualifications and processes for the appointment, compensation, and payment of the reasonable expenses of alternative dispute resolution neutrals and education providers serving indigent parents involved in absolute divorce, legal separation, annulment, or separate maintenance proceedings, and any other custody matters. It provides for

Highlights from Supreme Court Rule 31 Mediator reporting include:

- The number and percentage of mediations by Fee Type for the 2016 reporting year are as follows:

Fee Type	%	No. of
Court Costs	0.4%	26
Court-Ordered Pro Bono	0.4%	23
<b>Pro Bono</b>	<b>6.1%</b>	<b>361</b>
<b>Reduced</b>	<b>4.1%</b>	<b>244</b>
SCR	1.2%	69
Standard	87.8%	5,196
<b>Total</b>		<b>5,919</b>

- Some type of Pro Bono Mediation is reported from 46 counties in Tennessee, with Davidson County and Shelby County reporting the largest numbers of pro bono mediations.
- Mediators reported conducting Pro Bono Mediations in six categories of courts in 2016. The most commonly occurring court for Pro Bono Mediations to be conducted was Juvenile Court, followed by General Sessions Court, Circuit Court, and Chancery Court. The table below shows the breakdown of number of Pro Bono Mediations and the respective court where the case would have been docketed:

Number of Pro Bono Mediations	Court Where Case Docketed
75	Chancery Court
92	Circuit Court
2	Federal Court
173	General Sessions Court
352	Juvenile Court
2	Probate Court

- Of the types of pro bono mediations, the vast majority were domestic relations matters involving children including child custody and visitation, child support, and divorces with children, followed closely by landlord tenant matters and domestic relations matters without children including divorces without children and post-divorce issues. Other common subject matters were contracts/debts/specific performance and damages/torts other than personal injury.

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the distribution of moneys in the Divorcing Parent Education and Mediation Fund established and funded under Title 36, Chapter 6, Part 4 of the Tennessee Code Annotated.

## Tennessee Supreme Court Pro Bono Recognition

In an effort to increase the number of attorneys and law offices providing pro bono services to those who cannot afford legal costs, the Tennessee Supreme Court has an extensive pro bono recognition program. The Supreme Court honors all attorneys meeting the aspirational goal of 50 pro bono hours annually as *Attorneys for Justice*, with a goal of increasing statewide pro bono work to 50 percent participation. The program is entirely voluntary and based on self-reporting. The Supreme Court further recognizes law offices that perform an average of at least 50 hours of pro bono service per attorney.

The Supreme Court also recognizes Law Students for Justice upon graduation for those students who perform at least 50 hours of pro bono service during their law school career. The Supreme Court honors both *Law Students for Justice* and *Attorneys for Justice* at regional recognition events. Honorees are given certificates signed by all five Tennessee Supreme Court Justices and are able to affix the recognition seal on their professional websites, stationary, and other materials.

Thanks to the generosity of so many, Access to Justice has become a reality for many disadvantaged Tennesseans and the following have received recognition.

- In 2016, the Supreme Court recognized 495 attorneys as *Attorneys for Justice*. Each attorney provided 50 or more hours of pro bono service in the 2015 calendar year.
  - The attorneys who were recognized reported a total of over 88,820 hours of pro bono service provided during 2015.
  - Sixty-four attorneys each reported providing 300 hours or more hours of pro bono service in the 2015 calendar year.
- Four law firms submitted an application for recognition directly to the AOC and were recognized as *Attorneys for Justice* for pro bono work done by their attorneys. These offices provided an average of 50 or more hours per attorney during the 2015 calendar year.
- In 2016, 130 *Law Students for Justice* were recognized for performing 50 or more hours of pro bono legal work over the course of their law school careers.

## **Conclusion**

Tennessee attorneys reported 591,064 hours of pro bono legal services in Reporting Year 2016. Using a standard hourly rate of \$200.00, the value of these services is estimated to be more than one hundred million dollars (\$118,212,800) in free legal services to Tennesseans in need.

This pro bono report demonstrates the variety of pro bono initiatives and documents the great work of our access to justice partners. The Commission urges attorneys to continue to track and report the many activities in which they have provided pro bono representation or services per Supreme Court Rule 8, Section 6.1.

The Tennessee Supreme Court ATJ Commission is proud to highlight the extensive pro bono efforts of organizations, attorneys, and law students in this annual report.