

Model Pro Bono Policy For Law Firms:

The Tennessee Bar Association Model Firm Pro Bono Policy Project has recommended the following purpose:

To increase and promote pro bono participation in firms, both large and small, by encouraging firms to make a written commitment to pro bono.

In furtherance of this purpose, the Tennessee Bar Association offers the following sample language for adoption by Tennessee law firms:

STATEMENT OF A LAW FIRM'S COMMITMENT TO PRO BONO:

The law firm of _____ believes that pro bono service is an essential element of every attorney's professional responsibility and that lawyers possess unique skills and abilities to serve the disadvantaged and to promote the public interest in ways that no other profession can. The firm, therefore, encourages its lawyers to render public interest legal service. The lawyers in the firm are currently engaged in a variety of such endeavors, including [list current efforts].

The firm supports public interest legal service because, first and foremost, lawyers have a duty, as professionals, to contribute to the welfare of the community; to assist in the development of the legal profession; and to broaden the overall commitment to access to justice for all people. Furthermore, in a society governed under the rule of law, lawyers have an obligation to make sure the legal system works, especially for the disadvantaged. The firm encourages its lawyers to meet or exceed the goal of 50 hours of pro bono legal service per year, primarily by providing direct representation to low income individuals.

The firm also supports public interest legal service because it provides valuable experience for lawyers in the firm and because it gets lawyers actively involved in the community. An associate's involvement in pro bono activities is an important factor in this firm's ongoing evaluation of the associate, and a willingness to serve, and become involved with, the community evidences a level of maturity and professionalism which is highly prized by the firm.

PRO BONO DEFINITION:

As found in Tennessee Supreme Court Rule 8, Tennessee Rules of Professional Conduct 6.1, each attorney in the firm is free to determine how to fulfill his or her pro bono responsibilities. Pro bono service includes activities such as providing professional legal services for no fee to persons of limited means; public interest or charitable organizations; or other groups or activities whose purpose is improving the law or the legal profession. Pro bono service does not include non-legal volunteer activities; fee-generating matters which have become uncollectible; or unsuccessful contingency matters.

PRO BONO STANDARDS & PROCEDURES:

STANDARDS: STAFFING & SUPERVISION OF PRO BONO PROJECTS:

The firm provides the same quality of representation to all clients regardless of their ability to pay. Pro bono projects will be given the same staffing, attention, and resources as any other project. Pro bono matters are to be supervised by partners with the full resources of the firm available in support.

Attorneys should possess the knowledge and experience required for success on any project. Pro bono matters are no exception. Attorneys working on pro bono matters outside their area of expertise are expected to seek advice, training, and if necessary, supervision from attorneys in that specialty.

CREDIT OR EVALUATION SYSTEMS:

The firm encourages pro bono work subject to supervision of the pro bono liaison, coordinator or other firm designee, and no lawyer will be penalized or criticized for time reasonably spent on pro bono matters.

- 1: For evaluation purposes, each lawyer in the firm is given billable hour credit [but not work credit or dollar credit] for time spent on pro bono matters up to 50 hours per year; and/or
- 2: All time spent on pro bono matters is treated in the same manner as billable hours for purposes of evaluating lawyers; and/or
- 3: The firm encourages each of its lawyers to have one pro bono matter as part of his or her active case load at all times; and/or
- 4: Although there is no strict formula by which a lawyer is given credit for pro bono work, the firm recognizes that participation in pro bono activities decreases a lawyer's time on billable matters; and/or
- 5: For evaluation purposes, each lawyer in the firm is given billable hour credit [but not work credit or dollar credit] for time spent on pro bono matters that involve providing legal services directly to low income individuals for up to 50 hours per year.

PROCEDURES:

- 1: The firm utilizes a single intake or contact point, a pro bono liaison, coordinator, or other firm designee to handle the assignment of cases from a given pro bono program to lawyers within the firm and/or the approval of pro bono cases; and/or
- 2: The firm employs a rotation policy to assign lawyers within the firm to pro bono cases the firm has been assigned; and/or
- 3: The firm accepts assignments of individual, and especially large or complex, pro bono cases as firm projects upon which many lawyers in the firm may contribute in some measure; and/or
- 4: Lawyers within the firm accept individual assignments of pro bono cases from a given pro bono program or perform other qualified pro bono service; lawyers then notify the pro bono liaison, coordinator, or other firm designee to facilitate tracking the work and the time spent on pro bono matters; and/or
- 5: The firm sponsors at least one limited representation legal advice hotline, limited service clinic, and/or pro se counseling program periodically in conjunction with [one or more pro bono organizations]. Lawyers within the firm are encouraged to participate in such hotline, clinic, and/or

program consistent with the provisions of Rule 6 of the Tennessee Rules of Professional Conduct.

MORE PROCEDURES

As indicated above, lawyers' pro bono contributions are considered by the Firm as part of the evaluation process. Therefore, each lawyer must keep track of time spent on pro bono work with the same care used to keep track of billable hours. The firm has established codes for use as client/matter numbers to identify work performed on a pro bono basis:

- [#####] services without expectation of fee to persons of limited means
- [#####] services without expectation of fee to non-profit organizations in matters designed primarily to address the needs of persons of limited means
- [#####] services provided at no fee or substantially reduced fee to individuals, groups or organizations, civil rights, civil liberties, or public rights
- [#####] services provided at no fee or substantially reduced fee to non-profit organizations in matters in furtherance of such organizations' purpose where payment of the standard fee would significantly deplete the organizations financial resources or otherwise be inappropriate
- [#####] services provided at substantially reduced fee to persons of limited means
- [#####] participation in activities for improving the law, the legal system, or the legal profession

Lawyers must use these codes in keeping track of pro bono work in each of the foregoing categories. Additionally, lawyers shall use these codes to facilitate reporting of this work to the state bar association and/or the Board of Professional Responsibility each year.