

ABA/ NLADA 2007 Equal Justice Conference

Growing and Facilitating a Pro Bono Culture

Honorable Dan Taubman
Appellate Court Judge
Colorado Court of Appeals
Denver, CO 80203
(303) 837-3788
daniel.taubman@judicial.state.co.us

Lillian O. Johnson
Executive Director
Community Legal Services
602 258-3434 ext. 2300/2280
LJohnson@clsaz.org

Maureen Alger
Pro Bono Counsel
Cooley Godward Kronish, LLP
California—Palo Alto Campus, PA Square Bldg.
650 843-5210
malger@cooley.com

Brief Description:

This workshop will examine a variety of ways in which the pro bono culture of a legal community can be strengthened. Methods discussed will include judicial leadership, policy initiatives, relationship building and creating opportunities that fit the skills and needs of volunteers.

Objectives include learning about: 1) Judicial efforts through district committees to increase pro bono participation and collaboration; 2) Policies states have implemented to encourage pro bono – e.g. mandatory reporting, CLE credit for pro bono; 3) How to strengthen relationships between legal services providers and volunteers to increase the quality and breadth of pro bono service delivery.

Topical Outline:

I. Court Support for Pro Bono

- a. Colorado Supreme Court Pro Bono Recognition Program - (pledge)
 - i. 34 law firms recognized in March 2007 for meeting 2006 commitment
 - ii. 42 law firms have made pledge for 2007
 - iii. Pledge requires average of 50 hours of pro bono service per year, mostly for indigent
 - iv. Pledge also requires firms count at least first 50 hours of pro bono same as compensated hours
 - v. Pledge is pursuant to model pro bono policy, added as a comment to Rule 6.1, Colorado Rules of Professional Conduct
 - vi. Colorado Access to Justice Commission developed model pro bono policies for small and large firms
- b. Colorado Chief Justice Directive 98-01
 - i. Allows legal services, pro bono lawyers to submit affidavit instead of in forma pauperis motion
 - ii. Streamlines procedures for pro bono cases

II. State Policies in Support of Pro Bono

- a. Colorado Supreme Court Rule Allowing CLE Credit for Pro Bono Service
 - i. Rule 260.8 allows lawyers to obtain up to 9 CLE credits out of 45 required in 3-year period for pro bono service
 - ii. One CLE credit provided for five hours of pro bono service
 - iii. Credit given for pro bono work through recognized pro bono program
- b. Colorado Access to Justice Commission – Judicial District Committees
 - i. 12 of 22 judicial districts have active committees
 - ii. All committees have active participation of judges and magistrates
 - iii. Committees promote access to justice in varied ways, including increased pro bono service, evenings for pro bono lawyers to take cases, posting pro bono cases on listserv

III. State Rules of Judicial Conduct Supporting Pro Bono

- a. Colorado Code of Judicial Conduct
 - i. Canon 4 comment amended to state expressly that judges may support pro bono legal services
 - ii. Comment notes that judges may recognize pro bono lawyers, make scheduling accommodations for them, and act in advisory capacity for pro bono programs

IV. Invigorating the Private Bar to Be Involved in Pro Bono

- a. Local Pro Bono Networks

i. Case Study: Bay Area Pro Bono Roundtable

- Mission
- History
- Successes
- Challenges
- Current Goals

ii. Other Examples

- New York
- DC
- Boston
- Minneapolis

b. Local Bar Associations

- i. Pro Bono Subcommittees
- ii. Challenges
- iii. Goals

c. Tapping Into the National Pro Bono Community

- i. Association of Pro Bono Counsel
- ii. Probono.net

d. Other Ideas

- i. Joint development of projects with providers
- ii. Collaborating with the judiciary

V. Legal Aid Programs and Private Attorneys – Why Should They Work Together to Provide Legal Services?

a. ABA Standard for Provision of Legal Aid Providers encourages Standard 2.7

b. Legal Services Corporation Performance Criteria
Performance Area Three, Criterion 2.

c. The Justice Gap in America: the Current Unmet Civil Legal Needs of Low Income Americans

VI. Collaboration and Support for Integrated Pro Bono Programs

a. Inclusion in program strategic planning

b. Participation in establishing case priorities and intake criteria and case management decisions

c. Participation in program evaluation and professional development

d. Maintain support at the board level

VII. Collaboration and Support for Free-Standing or Bar Sponsored Pro Bono Programs

- a. Establish a meaningful advisory relationship
- b. Develop goals and objectives
- c. Monitor and support changes as necessary to increase access to more lawyers for more clients

VIII. Role of the Director and Other Program Leaders in Support for Pro Bono Programs

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5. Pro Bono and the Courts:
<http://www.abanet.org/legalservices/probono/judiciary.html>
6. Pro Bono Policies and Rules:
<http://www.abanet.org/legalservices/probono/policies-rules.html>
7. Standards for the Provision of Civil Legal Aid (2006), American Bar Association
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