

JUDICIAL INVOLVMENT IN PRO BONO THOROUGH DIRECT SERVICE  
JUDGE CYNTHIA DIANE STEPHENS  
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- 1) Judges, like all lawyers, are subject to both the ABA Standard and Local Ethical standards for pro bono service.
  - a) These standards offer a monetary contribution option for those lawyers who cannot or do not offer direct service.
  - b) Judicial units, such as geographical trial units, often cooperate to create a "leadership gift".
    - i) Such gifts are often significant because they represent a 100% participation level.
    - ii) In some instances the amount of gift has some significance
- 2) Judges, in most instances do not have the same range of opportunities as other lawyers to meet our pro bono obligations.
  - a) In the case of part-time judicial officers they may offer direct services within the confines of their jurisdiction's practice rules.
  - b) Even retired judicial officers, who serve occasionally as "visiting judges", are constrained from any other form of "practice".
- 3) The Model Code of Judicial Responsibility and most local codes encourage judges to participate in educational efforts.
  - a) Judges can be participants in the public education efforts associated with pro bono programs.
  - b) Judges are often the face or the voice of public service advertisements connected with pro bono work.
  - c) Judicial associations can and should sponsor such advertisements and/or contribute as monetarily to the dissemination of public educational materials.
- 4) Judges provide continuing legal educational services directly connected to Pro Bono programs.
  - a) Traditionally judges have acted as faculty for pro bono lawyer and para-legal training programs
  - b) These programs are directly related to the areas of pro bono service.
  - c) The area of pro bono service is frequently unrelated to the attorney's primary area of practice.
  - d) The acquisition of proficiency in that unrelated field of work may have little economic currency.
- 5) A modest proposal that judges can serve in a leadership capacity by providing tailored CLE for Pro Bono attorneys.
  - a) This is consistent with current fundraising strategy
    - i) In traditional charity work there are recognized "giving clubs".
    - ii) Often there are different levels of both recognition and benefit to the giving clubs.

- iii) For example, public television provides different incentive gifts to the donor levels.
- b) Creation of "service clubs" requires standardized tracking of service hours.
- c) Tracking could be done by the programs for which the service is provided.
- d) The tracking would be reliant on the integrity of counsel and the consistency of the program.
- e) Attorneys who exceed the minimum presumptive service level would receive not only additional recognition but also additional CLE opportunity.
  - i) This CLE would act as an additional incentive for service.
    - (1) In mandatory CLE states the training would count toward the requirement.
    - (2) Even in non mandatory CLE jurisdictions, the gratis training has an economic benefit.
    - (3) In either case this service could allow attorneys at the lower end of the earnings curve to incorporate more pro bono into their practice.
  - ii) This CLE should focus on the areas of interest of the service club members.
    - (1) The service club would have to be surveyed at the end of the service year.
    - (2) If the service club is heavily populated with newer lawyers they may desire seminars and workshops on litigation skills such as taking depositions.
    - (3) If the service club is heavily populated with senior lawyers they may desire workshops on mediation skills.
  - iii) The cost of producing this tailored CLE should be modest.
    - (1) This CLE could be administered through the service providers.
    - (2) Judges would act as the primary faculty.
    - (3) Due to the small size either the public courthouses or the service providers' offices would be the training sites.
- 6) Access to Justice Commissions/ committees are the likely conduit for coordinating this proposal that requires cooperation of 3 stakeholder groups.
  - a) Legal Service Providers.
  - b) Pro bon attorneys.
  - c) The judiciary.