

**Directions for completing this form:** Place the title of your workshop in the space indicated, followed by the name and contact information for each of the presenters. Provide a brief description of your workshop by placing the cursor on the line below “Brief Description” and commence typing. To complete the “Topical Outline”, place cursor next to each Roman numeral and begin typing. Then place the cursor next to the “a.” to begin listing sub-topics. To list more than one sub-topic, push “Enter” and “b.” should appear on the next line, and so on. Place the cursor on the line under “Notes” to begin providing your notes. To list bibliographic information, place the cursor next to “1.” and start typing. Push “Enter” to move on to “2.” and etc.

## ABA/ NLADA 2008 Equal Justice Conference

Incorporating The Judiciary And The Competitive Nature Of Attorneys  
To Promote Pro Bono

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**Brief Description:** Recruitment of Pro Bono volunteers for legal services can be daunting, no matter what the geopolitical or geographic nature of your program area. Attorneys are inclined toward competitiveness, and this aspect of their nature can be used to the advantage of our programs. Herein you will see examples of two different approaches to the same goal, both of which rely on the judiciary and successfully incorporate competition to increase pro bono involvement: one to get firms and solos to compete for an award; the other to get firms to want to be included in a district-wide pro bono initiative.

### Topical Outline:

#### TWO APPROACHES TO PROMOTING PRO BONO

##### I: IDAHO: The “6.1 Challenge”

###### A. Background

###### 1. Idaho Volunteer Lawyers Program (IVLP)---Overview

- a. Rural state; statewide program
  - geographically the 13<sup>th</sup> largest state—83,557 sq. miles
  - 44 counties
  - 7 judicial districts (see attachment A)
  - 1.5 million people
  - 3167 active attorneys in the state
  - Over 60%---1963 attorneys located in the judicial district that includes Idaho’s capital and largest city (Boise)

- b. IVLP is Idaho's only pro bono program –housed in Idaho State Bar
- c. All legal work provided by volunteer attorneys—no legal staff to provide direct services
- d. Recruiting volunteers is all one-on-one and relationships are huge
- e. “two constituencies”
  - i. Low income population
  - ii. Idaho Bar Members

## 2. Pro Bono in Idaho

- a. Rugged individuals
  - i. 50 hours “aspirational” goal in Rules of Professional Conduct
  - ii. Neither pro bono service, nor reporting are mandatory
  - iii. Some lawyers resent awards, reporting, and anything else that feels like intrusion on their independence—and they tell us so
- b. Idaho's Legal Services Corporation is under funded
- c. Primary need—legal services for low income people in family law

## 3. Challenge—Raise awareness, encourage non-family law lawyers to do pro bono

- a. Rule 6.1 (see attachment B)
- b. Who volunteers?
- c. What do they do?

## 4. What motivates lawyers?

- a. Personal commitment to access to justice
- b. Judges
- c. Prestige/Competition
- d. The rules

## **B. Program: the 6.1 Challenge**

### 1. Overview

- a. “6.1 Challenge” –a friendly competition between law offices (see attachment C a and C b)
  - i. Not limited to firms
  - ii. Chance to highlight solos and small firms, lawyers in government and corporate law offices
- b. Fill out a simple form reporting pro bono work and hours spent (see attachment D)
  - i. Simplicity is critical

- c. Review by a “Blue Ribbon Panel”
  - i. “You know how judges are”
  - ii. Not “legalistic” --no set rules
  - iii. Interesting what the Panel finds important
- d. Winners announced on at Law Day Reception

## 2. Judicial Involvement

- a. Prominent members of the judiciary on the Blue Ribbon Panel
  - i. Opportunity to call on “friends” of pro bono
  - ii. Differences in attitude in different courts—use that!
- b. Maximizes the impact of judicial influence
- c. Avoids the questions of judicial ethics in promoting pro bono that have plagued us
- d. Judges make the presentation at Law Day

## 3. Publicity

- a. a big motivator for this Challenge
  - i. highlights pro bono to members of the Bar
  - ii. favorable impression for judges
  - iii. favorable internal publicity for attorneys in larger groups
- b. Publicize pro bono (and the Rule) with efforts to get out the word about the competition
- c. Make up of the Panel designed to promote publicity in the community
- d. **Articles, references concerning winners** in Bar publications and brochures (see attachment E)
- e. Law firm PR groups may take the ball and run with it

## 4. Thanks and Recognition

- a. Another major motivating factor
- b. Reporting pro bono activities
  - i. Not required in Idaho
  - ii. Doing work through IVLP has benefits for practitioners that can be promoted
  - iii. Find new opportunities to partner/recruit

1. Mentors
  2. Expanding on ideas from the Bar membership
  3. Finding practitioners who are doing similar work on their own
- c. Media coverage
    - i. Newspaper editor
    - ii. Mayor's office
    - iii. Other media covering Law Day
    - iv. Bar publications
    - v. Law firm PR organizations
  - d. Saying "thank you"
    - i. every submission gets a **thank you letter from the Panel** (see attachment F)
    - ii. all law offices are thanked in the presentation speeches (some are singled out)
    - iii. Bar publication lists participants in the Challenge
5. "Immortality"
    - a. A plaque in the county courthouse
    - b. A "tombstone" for your office
    - c. IVLP continues to talk about you

### **C. Program Impact**

1. Raising awareness and recruiting
  - a. Anecdotal evidence only
  - b. Law firms looking for projects/ making commitments
  - c. Recognition of regional firms inspires locals to "take up the challenge"
2. Judicial involvement
  - a. The judges love it
  - b. (and so do the community leaders)
3. Publicity
4. Another tool to encourage firms and other offices to get involved
  - a. one-on-one contacts—a call from me means "your number's up"
  - b. lawyers want to serve and want to improve the public's perception of the profession
5. Exporting the Challenge
  - a. other districts are looking at doing this—what does it take?

- i. recruit that panel and get the review on their schedules
  - ii. develop the publicity and get it out early
    - brochures
    - kick off speech
    - orientation meeting
  - iii. get the submission forms ready
  - iv. work closely with your Law Day committee
  - v. plan your recognition and thanks
- b. Even in Idaho, the Internet is a big help
- c.

## **II: NEW YORK'S HUDSON VALLEY REGION: Local Action Committee's**

### **A: The 9<sup>th</sup> Judicial District Committee**

- 1: 9<sup>th</sup> j.d. encompasses 5 counties
  - a: Very different demographics
    - i: Westchester contains 4<sup>th</sup> largest city, active suburb of NYC
    - ii: Putnam, Dutchess, Orange more rural
  - b: Very different bar associations
- 2: Local Action Committee's – Start with Judge Nicolai, down to Judge Scarpino
  - a: Need judges with known interest in Pro Bono
    - i: Assigned Counsel Program
    - ii: Surrogates Court Assignments
  - b: Recruit cross-section of legal community
    - i: Court Personnel, Bar Association leaders, government officials, Judiciary, Local not-for-profit organizations

### **B: The Orange County Local Action Committee**

- 1: Start with recruitment by Judge Nicolai of local judge to head cmte
- 2: Recommendations of judiciary, local bar personnel & local legal services provider for committee membership
- 3: Meeting with interested people to explain committee goals

### **C: Committee Goals**

- 1: A Brief History
  - a: Chief Judge Kaye's report – 2004
    - i: Recommended formation of local Pro Bono Action Committees
    - ii: Set goals as “promotion of Pro Bono, recruitment, training, support of attorneys for pro bono; incentives and rewards for

attorneys performing pro bono; development of an infrastructure to match attorneys with prospective clients . . .”

iii: Estimated NY Poor experience approximately 2.37 unmet civil legal needs per year – total of 2.5 million legal problem for which no lawyer is available.

## 2: Meeting those goals

b: Inclusion of Legal Services of Hudson Valley on committees

i: infrastructure, support, client intake & database

c: Recruitment methods

i: Judges using competition for favor to recruit

- Partners in Pro Bono, Orange & Westchester
- Guardian Ad Litem Program & Judge Scarpino

ii: CLE’s – free with commitment to take case

iii: Firm involvement on wholesale level through partners in Pro Bono

iv: Total of over 300 attorneys recruited

d: Training

i: Sponsor, develop & implement training programs in targeted areas (i.e. Project Apt Save, Project Accountability, Unemployment initiative)

ii: Unemployment project example of program targeted to firms interested in getting litigation experience for young associates

e: Awards & Recognition

i: Times Herald Record Ad

ii: LSHV Journal Ad

iii: LSHV Awards, from different regions

## **D: Why Successful**

1: Statistics re: cases placed, client advised, attorneys recruited

2: Importance of having judges prominently involved

3: Recognition that different counties have different demographics & needs – formation of local committees populated by local practitioners to ensure committee addresses those needs appropriately

**Notes:** **Highlighted** works indicate materials attached.

## **Bibliography & Website Links:**

1. [www.idaho.gov/isb/distbars/4th/61challenge.pdf](http://www.idaho.gov/isb/distbars/4th/61challenge.pdf)
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