

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 2010 Equal Justice Conference

WSR 059

Emeritus Pro Bono Practice Programs: Lessons Learned

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Brief Description:

Retired and inactive attorneys provide a vast pool of potential pro bono volunteers. We will examine lessons learned in rule and program development in the 32 jurisdictions that currently have emeritus rules. We will explore ways to effectively utilize experienced attorneys whose experience may have little relevance to public interest law. The program will also look at ways to recruit Emeritus Attorneys, to realistically describe the nature of the work, and to overcome gaps in knowledge of both substantive law and technology. We will the role of both rule development and program development in emeritus program success.

Topical Outline:

- I. Why be concerned about Emeritus Status Attorneys (all three of us)
 - a. The need for pro bono service
 - i. Why use pro bono services for a particular delivery model
 - b. The supply of talent
 - c. Lifetimes of dedication to the profession
- II. Defining Emeritus Status (DG and KT)
 - a. The rule defines who can participate

- b. 32 rules –
 - c. Formal emeritus attorney programs v. special bar membership status
 - d. Retired
 - e. Inactive
 - f. Years of service (“5 of 10” rules)
 - g. Age
 - h. Exclusively pro bono practice
- III. Using the rule to encourage pro bono (DG, KT, DA)
- a. Reduced or waived fees
 - b. CLE
 - Waiver
 - Reduction
 - Provision
 - Free from legal services providers or commercial providers
 - c. Recognition
 - d. In state / out of state
 - e. Other special treatment
- IV. Challenges (DG, DA, KT)
- a. Rule development
 - b. Perceptions of competition
 - c. Training
 - d. Supervision/Association with Legal Services Organization (restrictions on LSC-funded entities)
 - e. Malpractice insurance
 - f. Filing and certification requirements
 - g. Past/current disciplinary records of volunteer attorneys
 - h. Minimum hours requirement/tracking pro bono hours
 - i. Tracking number of pro bono attorneys
 - j. Renewal/termination of emeritus status
 - k. Office space/support staff
 - l. Professionalism: High volume vs. billable hours
 - m. Technology
 - n. Generational/cultural differences
 - o. Supervision by much younger attorneys
 - p. Scheduling: full-time, part-time, vacations
 - q. Legal services provider’s commitment and expectations—making the program worthwhile
 - r. Emeritus attorney/pro bono attorney’s expectations
- V. Recruiting tools and techniques (DA & ____)
- a. health and professional benefits to volunteer lawyers
 - b. marketing efforts of state bar associations, local and specialty bar associations, and access to justice commissions
 - c. promote and screen carefully—will this be a good match?
 - d. “Feel good” vs. complicated legal work

- e. work with other programs to make appropriate referrals to other opportunities
- VI. Success stories and other results (KT, DA)
 - a. results of Holly Robinson's 2006 survey
 - b. the California experience
- VII. Next Steps in Emeritus Development (DG,KT, DA)
 - a. Will the baby boomers volunteer?
 - b. What can we do to build a culture of pro bono?
 - c. What can we do to increase emeritus attorney work?
 - d. Law school partnerships

Notes:

Bibliography & Website Links:

1. <http://www.abanet.org/legalservices/probono/emeritus.html>
- 2.