

LEGAL SERVICES TO THE PUBLIC COMMITTEE

RECOMMENDATION

The Legal Services to the Public Committee recommends that the Board of Governors and House of Delegates approve the following resolution:

The Pennsylvania Bar Association hereby resolves that each Pennsylvania attorney should comply with the local/county or state bar association pro bono aspirational goal, expectation and/or rule, where the attorney's practice is conducted. If the attorney's local/county bar association does not have a pro bono aspirational goal, expectation and/or rule, the attorney should, on an annual basis:

- 1) Take at least one new pro bono matter or continue work on an ongoing pro bono matter;
or
- 2) Provide significant direct legal service* on behalf of those who cannot afford representation, as defined by the local legal services provider or such regional legal services providers as may make use of the attorney's services. In addition to direct representation, such service may also consist of:
 - a) Developing materials through the Pennsylvania Bar Association Pro Bono Office and Pennsylvania Legal Aid Network to be shared with pro bono lawyers on www.PAprobono.net or with clients on www.PALawHelp.org;
 - b) Serving on a hotline or some other client or attorney resource panel for a legal services provider;
 - c) Presenting poverty law informational programs for legal aid staff and/or their clients;
 - d) Being on call at the courthouse or in a courtroom under the auspices of a legal services provider, a bar association or the court, to help any clients that qualify for legal aid in areas such as protection from abuse or landlord/tenant and the like;
 - e) Handling matters at significantly reduced fees, or "low bono representation", for persons who do not qualify financially for legal aid but cannot afford full legal fees, so long as this service is provided as part of a county bar association or Pennsylvania Bar Association program to reach this target population; and/or,
 - f) Such other service needed by the legal services provider; including serving as a mediator or providing other alternative dispute resolution services, or
- 3) Make a significant financial contribution** to a nonprofit organization that provides legal services to persons of limited means.

*The specific amount of time that constitutes "significant direct legal service" will depend on several variables, including the attorney's: 1) geographic location, 2) type of employment, and 3) income level. As guidance, attorneys may want to consider the ABA Model Rule 6.1 which

suggests a goal of 50 hours. Since that rule counts a much broader range of pro bono activities towards that goal than is contemplated by this proposal, the absence of an hour figure here is meant to be consistent with the aspirations of the ABA rule. It is the intent of the PBA resolution to encourage all lawyers to perform as much direct representation of the poor as possible and that a substantial majority of the suggested goal of 50 hours consist of direct representation of the needy. The ABA rule allows states to craft rules with hours that fit the circumstances of each state. For comparison, the ABA rule and how it is applied state to state can be found at <http://www.abanet.org/legalservices/probono/rule61.html> follows.

**The specific amount of a "significant financial contribution" will depend on several variables including the attorney's: 1) geographic location, 2) type of employment, and 3) income level. As guidance only, attorneys may want to consider guidelines from other states (e.g., 1% of earned income) when determining what amount is an appropriate amount for a "significant financial contribution". (See <http://www.abanet.org/legalservices/probono/stateethicsrules.html>).

Respectfully submitted,

Elizabeth Wood Fritsch, Co-Chair
Dveera Segal, Co-Chair

May 7, 2007

****Unanimously approved as amended by the PBA Board of Governors on June 20, 2007.***

*****Approved by the PBA House of Delegates on June 22, 2007.***