

Model Pro Bono Policy

RESOLUTION

WHEREAS, in August, 1988, the [American Bar Association](#) called upon all lawyers to render fifty hours each year in public interest legal service;

WHEREAS, in December, 1990, the Pennsylvania Bar Association's special Task Force for Legal Services to the Needy issued its Report documenting *a severe and growing unmet need for legal representation for the poor and near-poor in Pennsylvania* and finding that *the consequences--to the poor and to society as a whole--of failing to meet this need are enormous*;

WHEREAS, the need for legal services of Philadelphia's poor--now numbering more than 420,000--far exceeds the resources available to Community Legal Services and other organizations providing services or assistance to the poor;

WHEREAS, there are many fine public interest law firms in Philadelphia through which lawyers may undertake pro bono legal representation of the poor and disadvantaged in a wide variety of legal matters;

WHEREAS, this Association recognizes that law firms, including corporate and governmental legal departments, will have different approaches to how best to honor their attorneys' ethical obligation to render public interest legal service, but wishes to urge each firm and legal department to encourage all attorneys to contribute in some meaningful measure to the delivery of legal services to the poor and disadvantaged;

WHEREAS, this Association's [Young Lawyers Section](#), its Committee on the Delivery of Legal Services, and its pro bono program, Philadelphia VIP, have together developed the attached Philadelphia [Model Pro Bono Policy](#), which provides a guide for the development of written pro bono policies by law firms and legal departments;

WHEREAS, this Association wishes to encourage its attorneys to render fifty hours of pro bono service each year to poor persons and to organizations which have as their primary purpose service or assistance to the poor and disadvantaged;

NOW, THEREFORE, BE IT RESOLVED by the [Board of Governors](#) of the Philadelphia Bar Association as follows:

1. The Association hereby renews its commitment to ensure the delivery of legal service to all persons in need but unable to pay for legal services, and urges all law firms and legal departments to encourage all of their attorneys, partners as well as associates, to help provide pro bono legal service to the poor and disadvantaged.
2. The Association hereby adopts the Philadelphia Model Pro Bono Policy and calls upon each law firm and legal department in this City to develop and adopt its own written pro bono policy.
3. The [Chancellor](#) and staff of the Association are authorized to take such reasonable steps as the Chancellor may determine to publish and distribute the Philadelphia Model Pro Bono Policy.
4. The Association hereby adopts and urges each of its members and law firms to adopt, the goal of having each attorney contribute each year fifty hours of legal service to the poor and disadvantaged, or to organizations having as their primary purpose service or assistance to the poor and disadvantaged, whether by providing direct service, through cash or in-kind donations, or by a combination of these methods.

PHILADELPHIA BAR ASSOCIATION

Association Governance

Model Pro Bono Policy Statement

Sample Statement — Lincoln & Douglas Pro Bono Policy

The law firm of Lincoln & Douglas encourages its lawyers to render public interest legal service. The lawyers in the firm are engaged in a wide variety of such endeavors, including [list current efforts].¹

The firm's support of public interest legal service is based first and foremost on the duty of lawyers, as professionals, to contribute to the welfare of the community. In a society governed under the rule of law, lawyers have an obligation to make sure the legal system works, especially for the disadvantaged.

The firm also supports public interest legal service because it provides valuable experience for the younger lawyers in the firm and because it gets lawyers of all ages actively involved in the community.

An associate's involvement in pro bono activities is an important factor in the partnership's ongoing evaluation of the associate. A willingness to serve, and become involved with, the community evidences a level of maturity and professionalism which is highly prized by the firm.

ALT. 1: For evaluation purposes, each lawyer in the firm is given billable hour credit for time spent on pro bono matters up to 50 hours per year.

ALT. 2: All time spent on pro bono matters is treated in the same manner as billable hours for purposes of evaluating lawyers.

ALT. 3: The firm encourages each of its lawyers to have one pro bono matter on his or her active docket at all times.

ALT. 4: Although there is no strict formula by which a lawyer is given credit for pro bono work, the firm recognizes that participation in pro bono activities decreases a lawyer's time on billable matters.²

The term Philadelphia lawyer means a lawyer who is an expert at his or her profession, and who believes that all citizens are entitled to the protection of their rights under the law. The firm of Lincoln & Douglas believes that it is the duty of every lawyer to make a part of his or her practice the provision of legal service to the poor, thereby promoting the growth of justice within our community.

This sentence can be used to highlight any past or present accomplishments of the firm in the area of public interest legal service. If the firm has not been active in such activities to date, the sentence can be omitted.

There are many approaches to the question of giving credit for pro bono work in the firm's evaluation of lawyers. Associates in particular are concerned with this issue. The most important factor in overcoming this evaluation anxiety is for the firm (especially the senior lawyers in the firm) to truly support pro bono work and to acknowledge and encourage lawyers who become involved. Some ways in which this encouragement can be manifest are set forth in the attached procedures memorandum. A preliminary question, however, is whether the firm will give formulaic credit for pro bono work. Some firms give hour-for-hour billable credit for pro bono work. Other firms give billable hour credit up to a specific number of hours. Still others generally encourage pro bono without any formulas. Another approach is for the firm to encourage each of its lawyers to handle one active pro bono matter at a time.

In August 1988, the American Bar Association passed a resolution urging all of its members to contribute 50 hours each year to the delivery of legal services to the poor, either by providing such service, or by making an equivalent financial contribution. In September 1990, the Law School of the University of Pennsylvania began its new Public Service Program, which requires every student, as a condition for graduation, to spend 35 hours in each of their second and third years in some public service program. In December 1990, the Pennsylvania Bar Association Task Force for Legal Services To The Needy released the report of its intensive eighteen-month investigation of the unmet legal needs of the poor, and recommended that all lawyers devote a minimum of 15-25 hours each year to the delivery of legal services to the poor through their local pro bono programs, in addition to making financial contributions to their local legal services and/or pro bono programs. In April 1991, the Young Lawyers Section of the Philadelphia Bar Association passed a resolution calling upon all firms to adopt a written pro bono policy encouraging each attorney to maintain one active pro bono matter on his or her active docket at all times.

The Philadelphia Bar Association urges all lawyers to adopt as their personal goal the ABA's standard of fifty hours of pro bono service each year and urges all firms to adopt Alternative 1. In doing so, however, it recognizes that firms will have different approaches to how they should honor their ethical obligation to render public interest service under Rule 6.1 of the Pennsylvania Rules of Professional Conduct. For that reason, the Model Policy contains several alternatives. Each policy has its own merit; all have the same purpose: to encourage each attorney to take seriously and satisfy our profession's ethical responsibility to ensure that equal justice under law means what it says, for all people, regardless of their ability to pay a lawyer. The Philadelphia Bar Association recognizes that the law firms will have the critical role to play in ensuring

that this ethical responsibility is recognized, accepted, and satisfied by each of their attorneys.