

Woolf, McClane, Bright, Allen & Carpenter, PLLC

Pro Bono Policy

Statement of Principles

While the lawyers and staff of this firm owe a duty to each other to further the prosperity of the firm, we recognize a companion duty to serve our community in ways that do not produce financial gain.

Further, we acknowledge that the most effective way that we – as a firm – can serve our community is by offering services that require the special skills we possess as legal professionals.

Further, we recognize that the economically disadvantaged members of our community are often unable to afford routine legal services that could help them maintain stability in their day-to-day legal relationships. Without preventative services, legal relationships often unnecessarily deteriorate into disputes that jeopardize the personal and economic security of low-income individuals and families.

Further, we acknowledge that when the poor among us are unable to protect the personal and property rights guaranteed to them under our nation’s laws, their economic stability erodes. As a consequence, the resources of our community are depleted and society is denied the full benefit of the contributions these persons might otherwise have made.

Further, as lawyers, we are mindful of the fact that our legal system is not a guild to which dues must be paid as a condition to obtaining its benefits and protections. Consequently, this firm is committed to the principle that one’s social or economic status should not determine one’s ability to secure access to justice.

Therefore, we adopt this Policy to reflect the firm’s resolve to advance the goal of making equal access to justice a reality by offering legal services to clients without charge, under the circumstances described in this Policy.

1. Management of Pro Bono Services

1.01. Pro Bono Committee. The firm shall appoint a “Pro Bono Committee.” This Committee is subject to the same policies governing other firm committees, and its chair and members shall be selected in the same manner. The current Committee chair and members shall be identified on Exhibit A (which is attached to and made a part of this Policy) at the time they are appointed to serve, from time to time.

1.02. Committee Duties. In addition to other applicable duties imposed on firm committees, the Pro Bono Committee shall, at least annually, (a) report to the firm how this Policy is being implemented and (b) recommend any modifications that should be made to this Policy.

2. Scope and Standard of Pro Bono Services

2.01. RPC 6.1. The firm adopts Tennessee Supreme Court Rule 8, Rule of Professional Conduct 6.1 and its comments to define “Pro Bono Service” under this Policy.

2.02. Additional Services. The firm recognizes that our lawyers and staff donate their time and talent in performing valuable community services that are not considered “Pro Bono Services” under RPC 6.1. The firm encourages this service and commends those who perform it. However, only activities encompassed within RPC 6.1 shall be considered Pro Bono Service under this Policy.

2.03. Service Through the Pro Bono Project. Whenever possible, Pro Bono Service shall be performed through activities sponsored by the Pro Bono Project of Legal Aid of East Tennessee, Inc. The Pro Bono Committee is authorized to enter into a revocable-at-will memorandum of understanding with LAET describing the manner in which the members and staff of the firm may participate in Pro Bono Project activities.

2.04. Other Service. A lawyer may engage in Pro Bono Service that is not coordinated through the Pro Bono Project under the following circumstances:

A. Court Appointment. Lawyers shall accept pro bono court appointments as permitted by the Rules of Professional Conduct.

B. Clients Ineligible for Pro Bono Project. A lawyer may represent a client who is ineligible for services through the Pro Bono Project because

1. Persons of Modest Means. The client’s income exceeds the eligibility limits imposed by LAET, but the client is clearly unable to afford legal services.

2. Restricted Matters. Congress prohibits the Pro Bono Project from referring the client because of the nature of the client’s legal issue.

3. Conflicts. The Pro Bono Project cannot refer the client because of a conflict of interest.

C. Other Representation. A lawyer may engage in Pro Bono Service not described in Section 2.04.A or 2.04.B with the prior written approval of the Pro Bono Committee chair.

2.05. Standard of Representation. Pro Bono Service shall be performed under the same standard of quality the firm demands in the performance of fee-generating service. If Pro Bono Service involves representation of a client, all of the firm’s policies regarding the creation of an attorney-client relationship shall apply to that client (including *inter alia* reviewing conflicts, entering into an engagement agreement, etc.) with the exception of matters related to the collection of a fee.

3. Fees and Expenses

3.01. Fees. No fee shall be charged to a client for Pro Bono Service. However, the firm recognizes that in some situations the objectives of this Policy may be best advanced by seeking to collect a fee from an adverse party. Therefore, the firm encourages collecting fees for Pro Bono Service from adverse parties if the fee will not reduce the recovery the client would otherwise receive.

3.02. Expenses. The firm shall not require clients to reimburse the firm for nominal expenses incurred in connection with Pro Bono Service. Solely for the purposes of implementing this Policy, expenses considered “nominal” include *inter alia* postage and copy charges not in excess of costs typically charged to fee-paying clients. Clients shall pay all other expenses associated with Pro Bono Service (including *inter alia* court reporter fees, expert witness fees, etc.) prior to incurring the expense; provided, however, that with written authorization from the Pro Bono Committee chair prior to incurring an expense, the firm may (a) advance expense funds upon execution of a written agreement by the client to reimburse the firm for the expense or (b) pay an expense without expectation of reimbursement from the client.

4. Documentation of Service

4.01. General Documentation. All Pro Bono Service to a client shall be documented in the same manner as service to fee-paying clients.

4.02. Pro Bono Service Documentation. Since one of the firm’s objectives in adopting this Policy is to collaborate with other members of the legal profession to inform the public about the community-service work performed by members of the profession, Pro Bono Service shall be reported for continuing legal education credit under Tennessee Supreme Court Rule 21, Section 4.07(c); provided, however, that Pro Bono Service that is not eligible for CLE credit may be performed with the prior written authorization of the Pro Bono Committee chair.

5. Expectation of Service

5.01. Minimum Expectations.

- A. Lawyers.** The firm requires all lawyers to provide Pro Bono Service. Each lawyer’s Pro Bono Service shall include at least ten hours of service through an activity sponsored by the Pro Bono Project.
- B. Non-Lawyers.** The firm encourages but does not require non-lawyers to provide Pro Bono Service. The firm will provide five hours of paid leave per calendar year to non-lawyers to perform Pro Bono Service through an activity sponsored by the Pro Bono Project. Leave shall be scheduled through the employee’s supervisor. One hour of Pro Bono Service leave shall be credited for each 200-hour period of work an employee has completed at the firm, up to the maximum of five hours. Pro Bono Service leave shall not accumulate from year to year and has no cash value.

5.02. Aspirational Goal. The firm recognizes that the American Bar Association and the Knoxville Bar Association recommend that every lawyer devote at least 50 hours per year to Pro Bono Service. The firm endorses that goal but does not adopt it as an obligation of the firm’s lawyers.

5.03. No “Billable Hours” Credit. Among the firm’s procedures designed to ensure its financial stability is the expectation that certain members and employees devote a minimum number of work hours to matters that generate income to the firm. Since the firm’s financial stability is essential to its ability to implement this Policy, time devoted to Pro Bono Service does not affect the firm’s standards regarding billable hours.

5.03. Evaluations. Compliance with the firm's Pro Bono Policy shall be one component in the performance evaluation of all lawyers and staff members.