

**District of Columbia Circuit Judicial Conference
Standing Committee on Pro Bono Legal Services**

**BIENNIAL REPORT
OF THE STANDING COMMITTEE ON
PRO BONO LEGAL SERVICES**

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I. INTRODUCTION

The number and plight of those in need of pro bono legal services in the District of Columbia remain dire. In 2015, the most recent year for which U.S. Census Bureau data are available, 136,322 people in the District of Columbia – 21.4 percent of the population – were living at or below 125 percent of the federal poverty guideline, a common minimum measure of financial eligibility for civil legal aid.¹ This represents an 18 percent increase since 2007, the last year before the recession began.² Also in 2015, 194,967 people, or 30.6 percent of the population in the District, were living at or below 200 percent of the federal poverty guideline, a measure of eligibility that some legal services providers use; this represents an increase of 8.6 percent since 2007.³ These poverty rates have inevitably resulted in high demand for legal services among people who cannot afford to pay for counsel.

The D.C. Bar Foundation has seen a dramatic drop in its IOLTA (Interest on Lawyers Trust Account) grant funds for legal services since 2006-2007, when it awarded \$2.1 million in IOLTA-funded grants to civil legal services organizations. In comparison, in 2014-2015, the Foundation awarded \$605,367 in IOLTA-funded grants to civil legal services organizations.⁴ Fortunately, for the last eight years, the D.C. Access to Justice Commission has secured funding from the D.C. Council for civil legal services for underserved populations. D.C. Council funding started in fiscal year 2005 at \$3.2 million and has increased to more than \$5 million in fiscal year 2017. The Access to Justice Commission has also been instrumental in increasing law firm

¹ U.S. Bureau of the Census from the 2015 American Community Survey 1-year estimates, Table S1701 Poverty Status in the Past 12 Months.

² U.S. Bureau of the Census from the 2007 and 2015 American Community Survey 1-year estimates, Table S1701 Poverty Status in the Past 12 Months.

³ *Id.*

⁴ <https://dcbarfoundation.org/wp-content/uploads/DCBF-Annual-Report-Web.pdf>

support for civil legal services.

In 2010, the District of Columbia Circuit Judicial Conference adopted a resolution recommending that each attorney admitted to practice in the federal courts of the District of Columbia provide at least 50 hours of pro bono legal service a year, accept one court appointment to provide pro bono representation, or contribute the lesser of one percent of earned income or \$750 to legal services organizations serving economically disadvantaged in the D.C. community.⁵ The 2010 resolution reaffirmed a 1998 resolution regarding pro bono service and increased the recommended alternative financial contribution from \$400 to \$750. Pro bono legal services are an important supplement to the work of the District's legal services providers, which do not have the resources to come anywhere close to meeting the civil legal needs of the low-income population.

The Standing Committee is committed to promoting and implementing the Judicial Conference's resolution and to working with other organizations to increase pro bono work by the attorneys of this Circuit. In this report, we describe significant pro bono activities undertaken in the last two years by private law firms, federal government lawyers, and the organized bar, as well as the work of the Committee itself.

II. PRO BONO LEGAL WORK IN PRIVATE LAW FIRMS

In January 2016, the Standing Committee sent its annual survey to the managing partners and pro bono managers⁶ of 110 law firms with more than 25 attorneys in their District of Columbia offices to gather information about pro bono programs in the private sector. With this

⁵ Resolution Adopted June 9, 2010, by the Judicial Conference of the District of Columbia Circuit on Pro Bono Legal Services by Members of the Bar of the Federal Courts of the District of Columbia. (Appendix A).

⁶ "Pro bono manager" here refers both to pro bono coordinators (who are typically not lawyers) as well as pro bono counsel and pro bono partners.

survey, the Standing Committee sought to learn whether firms were communicating the Judicial Conference pro bono standard to their lawyers and the extent to which lawyers met that standard in 2015. In addition, the Committee sought information about the structure of firms' pro bono programs and the manner in which law firm lawyers are encouraged to meet the Judicial Conference pro bono standard, so that we might better understand the elements of successful law firm programs. (The survey is at Appendix B). The Committee received responses from 87 firms, for a response rate of 79 percent.

The Circuit Resolution is unequivocal in its focus on the ethical obligation of each member of the Bar. It is addressed to *individual* lawyers, not to law firms. For this reason, the Standing Committee's annual survey asks how many individual attorneys at each firm have met the Conference's 50 pro bono hours standard during the prior year. With the results of this year's survey, the Committee now has information spanning fourteen years concerning individual attorney pro bono hours in the District of Columbia. Many of the respondents to the 2015 survey also participated in the 2002 through 2014 surveys, providing a useful benchmark for observing trends in D.C. pro bono programs.

A. Results of the Law Firm Survey

The current survey results reflect only a segment of the several hundred law firms in the District of Columbia: Eighty-six of the 87 firms responding to the most recent survey had at least 25 lawyers in their District of Columbia office (one firm with 15 lawyers received and responded to the survey); most (50 firms) had 70 attorneys or more, with 16 firms reporting that they employed 200 or more attorneys in their District of Columbia office.⁷ Thus, as in prior years, the

⁷ The Committee sent surveys to all firms listed on the National Association of Law Placement (NALP) directory and categorized as having 26 lawyers or more in the D.C. office. *See* <http://www.nalpdirectory.com>.

results reflect the state of pro bono programs at larger firms that, in general, have already expressed some formal commitment to pro bono.

Eighty of the 87 firms responding to the survey for 2015 have a written policy covering pro bono legal work. Nearly two-thirds of the firms (56 firms) include a specific pro bono goal for associates and counsel in their policy. All but seven of those 56 firms include a specific pro bono goal for partners in their policy. Of the 56 firms having a written pro bono goal, 39 reported having goals that matched or exceeded the Judicial Conference standard of 50 annual pro bono hours. We believe it is safe to assume that the non-responding firms would not have reported markedly stronger or more active pro bono programs than those existing at the participating law firms.

There are many ways to measure the strength and depth of a firm's pro bono program. The Standing Committee has chosen to use the Judicial Conference standard of 50 annual hours of pro bono as a touchstone for its inquiry. The trend over the past fourteen years clearly demonstrates that pro bono work has increased and that pro bono programs are firmly entrenched in more firms. When first surveyed in 2002, most firms reported that only 25 percent or fewer of their attorneys met the 50-hour goal in 2001.⁸ Twenty-seven were on the low end of the scale, reporting that fewer than 20 percent of their lawyers met the 50-hour mark. Only six firms were on the other end of the scale, with more than 35 percent of their lawyers performing at least 50 hours of pro bono. The 2004 survey saw an improvement in pro bono performance: 19 firms reported relatively low rates of pro bono service, and 15 law firms reported relatively high rates

⁸ Standing Committee on Pro Bono Legal Services of the Judicial Conference of the District of Columbia Circuit, Report to June 2002 Meeting of the Judicial Conference of the District of Columbia Circuit, p. 5 (June 2002). All of the Standing Committee's Reports can be found at <http://www.cadc.uscourts.gov/internet/home.nsf/Content/Pro+Bono>.

of pro bono service. Responses to the 2006 survey continued this trend, with 17 firms performing pro bono at relatively low rates, and 19 law firms reporting higher rates of pro bono service. For the 2008 survey, again, the number of law firms performing pro bono service at low rates dropped, and the number of high performers rose – 10 low performers and 23 high performers. The 2010 survey nearly reversed the 2002 numbers, with eight firms reporting pro bono service rates on the lower end of the scale, while a record 34 law firms reported rates of higher than 35 percent. In 2012, 32 firms were at the high end of the scale, and 13 firms reported numbers at the lower end. In the survey covering 2013, a new record of 35 law firms out of 68 respondents were at the higher end of the scale, with more than 35 percent of their attorneys at or above the 50-hour mark, while just nine firms reported that less than 20 percent of their attorneys hit that mark. Twenty-three of the 62 firms responding to the survey covering the calendar year 2014 reported that at least 40 percent of their lawyers had performed at least 50 hours of pro bono work. Four firms reported that at least 50 percent of their lawyers had performed 50 hours of pro bono work in 2014, and at least 60 percent of the lawyers in five other firms devoted 50 hours or more to pro bono service. Four firms also reported that 40 percent of their partners devoted 50 or more hours to pro bono.

In the most recent year's survey, covering performance in 2015, the Standing Committee again asked firms to report the percentage of lawyers in their D.C. office who had performed at least 50 hours of pro bono in the past year. All 87 responding firms provided this information. Survey results showed the 2015 numbers on the increase again: a record 39 law firms were at the higher end of the scale, with more than 35 percent of their attorneys at or above the 50-hour mark, while just 14 firms reported numbers at the lower end of the scale, with less than 20 percent of their attorneys hitting the mark. Although the Committee's annual surveys have

identified a positive trend in pro bono service over the past fourteen years, this year's survey highlighted a continuing area of inaction among law firms. Not a single law firm reported that it was monitoring its attorneys' compliance with the monetary-contribution alternative in the District of Columbia Circuit Judicial Conference's 2010 resolution.⁹

The Standing Committee's most recent survey also inquired about law firms' pro bono policies and practices. Here is a summary of what the survey revealed:¹⁰

- *Written pro bono policies.* Eighty of the 87 responding firms have written policies covering pro bono legal work, and 56 of these firms include a specific pro bono goal in terms of an "expected" number of pro bono hours. Most firms setting an hourly goal set it at or above 50 hours per year (39 firms), and all but 7 of those firms report that they apply their policy regarding "expected" hours equally to partners, associates, and counsel. Two firms set a much higher bar, with 100 hours of pro bono expected from partners, associates, and counsel, and another has targets of 100-275 hours for associates, 75 hours for counsel and 50 hours for partners. Two firms, rather than setting a specific target, have instead established a policy that 3 percent of their attorneys' total hours be devoted to pro bono; one other firm, in lieu of specific targets, has determined that 10 percent of its total annual attorney hours should be devoted to pro bono work.
- *Associate, counsel, and partner pro bono hours credit.* Over 70 percent of the responding firms (61 firms) report crediting associate pro bono hours the same as hours spent on commercial cases, subject to specific caps or limitations in most instances (see below). Fewer firms provide equal credit for pro bono and commercial hours for partners (48 firms) or counsel (37 firms).
- *Compensation and pro bono.* Of the 87 responding firms, 72 firms report that pro bono work is compensated through the firm's bonus policy, though 21 of these firms place limits on the number of pro bono hours that can be taken into account in determining associate bonuses.

⁹ The resolution states that each year every lawyer admitted to practice in the federal courts of the District of Columbia should either (1) accept one appointment to provide pro bono representation for an indigent or disadvantaged client, (2) provide 50 hours of pro bono legal services, or (3) contribute the lesser of one percent of earned income or \$750 to the funding of one or more legal services organizations serving the disadvantaged in the District of Columbia.

¹⁰ Not all firms responded to all survey questions. Thus, the totals presented in each summary may not necessarily equal the total number of responding firms.

- *Billable hours and pro bono caps.* Of the 87 responding firms, 64 have a minimum billable hours target for associates, 47 have a billable target for counsel, and 42 have a billable target for partners. Twenty-four firms reported having a cap with respect to the number of pro bono hours for which attorneys can receive billable hours credit, ranging from 50 to 200 hours annually.
- *Managing pro bono programs.* Eighty-five percent of the responding firms (74/87) reported that they have an individual designated full-time to manage or coordinate their pro bono programs, while eight more firms have a part-time coordinator. Of those with a full-time pro bono manager, all but five use an attorney to manage their programs. Thirty-nine of the 59 full-time pro bono managers are partners in their firms.

B. Recognizing Top Law Firm Pro Bono Performers

To recognize the law firms ranking highest in pro bono performance, each year since 2003 the Chief Judges of the Circuit and of the District Court have hosted the “40 at 50” *Judicial Pro Bono Recognition Breakfast*. The Chief Judges invite the managing partners of those firms at which at least 40 percent of the lawyers have met the 50-hour mark for pro bono performance in the prior calendar year. From 2003 through 2016, the number of firms qualifying for the event in each year was 7 (2003), 12 (2004), 8 (2005), 14 (2006), 17 (2007), 21 (2008), 26 (2009), 30 (2010), 29 (2011), 29 (2012), 28 (2013), 30 (2014), 23 (2015) and 33 (2016).

In addition, in 2010, the Committee began to give special recognition to the qualifying firms with at least 40 percent of their partners contributing 50 or more pro bono hours. In 2010, five firms were recognized at the 40 at 50 breakfast; in 2011, four firms were recognized; in 2012, one firm was honored for hitting this mark; in 2013, two firms were honored; in 2014, a record seven firms met this goal; in 2015, there were four firms, and in 2016, six firms were honored.

In 2011, the Committee also began recognizing those firms in which at least 50 percent of their lawyers met the 50-hour mark for pro bono service. Thirteen firms qualified for this honor in 2011; in 2012, seven firms qualified; in 2013, nine firms qualified; in 2014, twelve firms

qualified; in 2015, ten firms qualified; and in 2016, 14 firms hit this mark, another record. The Committee hopes that providing this recognition will spur more firms to reach “50 at 50.” Indeed, because of the increased number of firms qualifying for the “50 at 50” mark, the Committee in 2013 also began recognizing those firms at which 60 percent or more of lawyers met the 50-hour mark for pro bono services. Four firms qualified for this honor in both 2013 and 2014, and five firms qualified in 2015 and 2016.

“40 at 50” breakfasts over the last two years have been well-attended, with all of the firms honored sending at least one representative. Because of the significant increase in pro bono work among firms in the District of Columbia, what was once a relatively intimate event has become a large celebration of pro bono service. Attendees at the breakfasts have told Committee members that the attention given to the 50-hour standard by the “40 at 50” Breakfast has contributed to the increase in the number of law firms reaching this mark, and that many firms are now aspiring to join the ranks of those few firms exceeding the “40 at 50” standard and achieving “50 at 50” and “60 at 50” honors.

C. Notable Trends and Correlations in Law Firm Pro Bono Data

The Standing Committee has observed some trends in the survey data that merit mention.

Since 2001, there has been a steady increase in the number of law firm attorneys performing pro bono service at the level contemplated by the Judicial Conference’s standard of 50 hours annually. While the Committee’s efforts to inform law firms of the Conference’s standard may have contributed to the increase in pro bono awareness and performance, other factors likely have contributed as well – such as the “A-List” ranking of U.S. law firms published by *American Lawyer*. The A-List, initiated in September 2003, places significant weight on pro bono work and has encouraged law firms to reenergize their pro bono programs. Another factor likely contributing to the increase is the D.C. Bar’s Pro Bono Initiative, which, in 2001, saw

forty-one of the District's largest law firms commit to providing pro bono legal services at specified levels (either 3 percent or 5 percent of total billable hours, or 60 or 100 hours for every lawyer in the firm), and to report annually to the D.C. Bar Pro Bono Program on their progress. As of 2016, a total of 60 firms participate in the D.C. Bar Pro Bono Initiative. And the Pro Bono Institute's national activities, including its Law Firm Pro Bono Challenge[®], may well have a positive effect in the District of Columbia. Another significant development came in 2011, when the Chief Judges of the District of Columbia Superior Court and Court of Appeals began inviting attorneys to self-report their pro bono contributions over the course of a calendar year as part of the Capital Pro Bono Honor Roll, described in Section IV.B below.

Responses to the Committee's annual survey suggest that certain organizational and management factors within the reporting firms may have a role in increasing pro bono performance. The 39 firms responding to the 2016 survey at which more than 35 percent of the lawyers met the Judicial Conference 50-hour standard tended to have policies that promote pro bono work. Most (31) have written policies that express an "expected" number of pro bono hours to be contributed annually by each attorney. Thirty-four of the 39 also credit all pro bono hours toward minimum billable hours requirements for associates, if not for all attorneys, and treat pro bono hours the same as hours billed for work on behalf of paying clients. Thirty-six of the 39 top-performing firms have pro bono managers who handle pro bono matters full-time.

Firm policies are not always determinative of performance, however, as some firms that appear to have strong policies showed relatively low rates of pro bono performance, while several firms that lack core pro bono policies—such as written goals, billable hour credit for pro bono, or dispensing with creditable pro bono caps—nonetheless report significant numbers of lawyers performing pro bono work.

D. Identifying and Propagating Best Practices

To further identify best practices in law firm pro bono programs, Judge Amy Berman Jackson, judicial liaison to the Committee, has recently convened two breakfast meetings of the managing partners of law firms that our surveys have shown to have high pro bono participation among their lawyers. Representatives of four firms met at the federal courthouse with Judge Jackson and members of the Committee in March of 2016, and representatives of another five firms met with Judge Jackson and Committee members in November of 2016. The meetings revealed that the participating firms promote pro bono work by using a variety of methods that are tied to firm culture. Although each firm is different, common practices include internal recognition programs for individual lawyers with high pro bono hours; friendly competition for highest pro bono hours among practice groups and offices; providing lawyers with a wide variety of pro bono opportunities, including opportunities for transactional lawyers; and strong and visible leadership by firm management and partners. The Committee plans to share what it has learned from these sessions at future meetings with representatives of other firms.

III. PRO BONO WORK IN FEDERAL GOVERNMENT AGENCIES

A. Overview

The Federal Government Pro Bono Program continues to thrive and to involve more agencies and attorneys in the provision of legal assistance to low-income Americans.

The Federal government's pro bono efforts began in 1996, when President Clinton issued Executive Order 12988, which directed federal agencies to "develop appropriate programs to encourage and facilitate pro bono legal service by government employees," and which designated the Department of Justice to coordinate the government-wide compliance.¹¹ The

¹¹ EO 12988, Sections 2 and 5 (Feb. 5, 1996).

Standing Committee has made supporting federal agencies' efforts a priority. In addition to conducting a biennial survey to track agency progress, the Standing Committee organizes a Federal Government Pro Bono Recognition Reception at the United States Courthouse every other year. Hosted by the Chief Judges of the D.C. Circuit and the U.S. District Court, the event brings together members of the federal judiciary, agency leadership, and representatives from the Interagency Pro Bono Working Group to encourage agency leaders to promote and support pro bono service among their attorneys and to recognize the government attorneys who are contributing their time and skills to help those in need.

The most recent reception, in 2015, featured remarks by Chief Judge Merrick Garland, Chief Judge Richard Roberts, and Jim Sandman, Chair of the Standing Committee. A highlight of the reception is the presentation of the John C. Cruden Federal Agency Pro Bono Leadership Award. In 2007, the Interagency Pro Bono Working Group, the steering committee for the Federal Government Pro Bono Program, created this award to recognize the federal agency that has demonstrated the most significant growth in and commitment to encouraging and facilitating pro bono work among its employees over a two-year period. In 2015, the award was presented to the Department of Housing and Urban Development by Chief Judge Roberts. In his remarks, he noted that HUD had earned the honor for several reasons. First, HUD provides the most generous administrative leave policy of any agency, offering up to 96 hours of administrative leave per year for pro bono activities. Second, HUD regularly hosts events and opportunities to promote pro bono work among its attorneys and all federal government attorneys, including a pro bono wills training, two pro bono fairs, and informational sessions for its new Honors Program attorneys. In addition, HUD staffs the D.C. Bar Pro Bono Center's Advice and Referral Clinic three times each year. HUD has woven pro bono work into the professional experience of

being a government attorney. HUD leadership lets the agency's attorneys know that pro bono work is an integral part of their careers. All of these efforts have produced a steady stream of HUD volunteers for pro bono projects.

In October of 2016, Chief Judge Merrick Garland presented the Government Pro Bono Week Keynote Address at the Department of Justice. Chief Judge Garland recounted the long history of efforts to promote pro bono work by federal government attorneys, a history in which he played a significant role during his time at the Department of Justice. Despite the common understanding that the Federal Government Pro Bono Program began in 1996 when President Clinton signed Executive Order 12988 and the Department of Justice launched its Pro Bono Program, the reality is that efforts had begun many years before that. Chief Judge Garland explained that the true history reveals “the deep roots of the Pro Bono Program, which reach back through multiple administrations and across many agencies, and which reflect the real commitment of federal employees to help those in need of legal services.” The event was attended by leadership from many agencies, and Attorney General Loretta Lynch introduced Chief Judge Garland.

Since 2014, the number of agencies that have adopted pro bono policies allowing for administrative leave has continued to grow. Administrative leave, or excused absence, allows employees to be out of the office without using vacation or sick leave. Twenty-six agencies or components of those agencies allow for administrative leave for pro bono work, and one agency allows for credit hours for pro bono work (for a total of 75 percent of those agencies responding to the survey). An additional agency has indicated that it is developing such a policy. Twenty-one federal agencies have formal written policies describing the circumstances under which administrative leave will be granted for volunteer or pro bono work specifically, which is a

significant increase over the fifteen agencies that had such policies in 2014. In addition, two agencies that had administrative leave policies in 2014 – the Department of Labor and the Small Business Administration – updated those policies and increased the number of hours allowable for pro bono work. This steady increase in the accessibility of administrative leave is encouraging and demonstrates that efforts to call attention to that issue, such as the Standing Committee’s regular surveys of government agencies, are having an impact.

Over the last two years, federal government pro bono efforts in the District of Columbia have progressed well. The Interagency Pro Bono Working Group, the steering committee for the Federal Government Pro Bono Program, now has 48 participating agencies. New member agencies include the Social Security Administration, the Postal Regulatory Commission, the Commodity Futures Trading Commission, the Board of Veterans’ Appeals, and the Federal Energy Regulatory Commission. Through the Federal Government Pro Bono Program, agencies offer more organized group pro bono activities than ever before. Twenty-eight federal agencies staffed the D.C. Bar Pro Bono Center’s Advice and Referral Clinic in 2016, an increase from the twenty agencies that staffed the clinic in 2014. Federal government attorneys staff the clinic every month of the year in both of its locations, making them the most significant source of volunteers for that clinic. Federal government attorneys also accept more cases from the D.C. Bar Pro Bono Center’s Advocacy and Justice Clinic than any single law firm, averaging over 40 cases each year. Since our last report in 2014, federal government attorneys have started staffing the Whitman-Walker Health Pro Bono Wills Clinic, participating six times in 2016. Federal agency offices have organized groups to staff various activities of the Washington Legal Clinic for the Homeless on a regular schedule. A group of Department of Justice attorneys volunteered with D.C. Street Law Program in both 2015 and 2016, teaching a Wakefield High School civil

law class about legal issues and strategies and bringing the class to the Department for a visit. Also, in 2014-2015 the Federal Government Pro Bono Program played an active role in the D.C. Bar Pro Bono Center's Strategic Assessment Task Force, holding a focus group and submitting more individual volunteer survey responses than any other group.

As individual volunteers, federal government attorneys assist many other legal services organizations in D.C. as well, including the D.C. Volunteer Lawyers Project, Neighborhood Legal Services Program of D.C., Legal Counsel for the Elderly, the Legal Aid Society of D.C., Multi-Door Dispute Resolution Division of D.C. Superior Court, Catholic Charities Legal Network, and the Children's Law Center.

B. Survey Response Summary

In 2016, the Standing Committee surveyed federal agencies about their participation in and support of pro bono work. The Committee received responses from 78 percent of the agencies surveyed, with 36 agencies responding. This number is higher than the number of responses in both 2012 (33 agencies responded) and 2014 (30 agencies responded). The increase may be attributable to the fact that new agencies have joined the Federal Government Pro Bono Program, as well as to the continued active engagement of the agencies which have been participating for years.

All of the responding agencies reported that they are active members of the Interagency Pro Bono Working Group, that they have pro bono coordinators, and that they are aware that D.C. Court of Appeals Rule 49 permits federal government attorneys who are not D.C. Bar members to provide legal services in the District. Ninety-two percent of the responding agencies reported that they have a written pro bono policy (33 agencies), and one additional agency noted

that it has a policy that is due to be released very soon.¹² In 2014, 28 agencies reported having written policies. In both 2014 and 2016, 63 percent of the responding agencies noted that they do not make a specific numerical recommendation about pro bono hours to their attorneys.

Agency activity to promote pro bono work on a regular basis has increased. Seventy-two percent of responding agencies reported that they have information about pro bono available on a website, which is an increase over 66 percent in 2014. Ninety-seven percent stated that they disseminate information about pro bono opportunities electronically, which is consistent with 2014 but demonstrates an increase in the actual number of agencies doing so (35 agencies do so). While only 25 percent of reporting agencies hold a recognition event for pro bono volunteers (two hold recognition events for all volunteers, not just pro bono volunteers), 75 percent organized or supported specific pro bono opportunities, such as the D.C. Bar Pro Bono Center's Advice and Referral Clinic or an onsite training with a legal services organization. This marks an increase from 60 percent with organized activities in 2014.

C. Examples of Agency Pro Bono Work in 2015 and 2016

- Agency leaders continue to be involved. In 2016, the following agency General Counsels staffed the D.C. Bar Pro Bono Center's Advice and Referral Clinic: the National Labor Relations Board, the Postal Regulatory Commission, the Consumer Financial Protection Bureau, the Environmental Protection Agency, and the US Agency for International Development.
- The following agencies staffed the D.C. Bar Pro Bono Center's Advice and Referral Clinic in 2015 and/or 2016: U.S Agency for International Development, Central Intelligence Agency, Commodity Futures Trading Commission, Consumer Financial Protection Bureau, Department of Energy, Department of Homeland Security, Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of State, Department of the Treasury, Department of Transportation, Department of Veterans Affairs, Environmental Protection Agency, Federal Communications Commission, Federal Deposit Insurance Corporation, Federal Election

¹² The Environmental Protection Agency reported that their pro bono policy was "imminent." Before this report was finalized, the policy was announced and the percentage noted above reflects the inclusion of that agency in the percentage of agencies that have written policies.

Commission, Federal Trade Commission, Food and Drug Administration, National Aeronautics and Space Administration, National Labor Relations Board, Office of Special Counsel, Pension Benefit Guaranty Corporation, Postal Regulatory Commission, Securities and Exchange Commission, Small Business Administration, U.S. Air Force, and U.S. Postal Service.

- Agencies new to the Federal Government Pro Bono Program have held numerous brown bag events with the Department of Justice Pro Bono Program Manager, including the Commodity Futures Trading Commission, the Social Security Administration, and the Postal Regulatory Commission.
- The Department of Justice staffed the Advice and Referral Clinic seven times in both 2015 and 2016. It hosted a domestic violence legal training in November 2015 and organized groups to volunteer with Street Law in 2015 and 2016. The DOJ Pro Bono Program Manager held numerous brown bag sessions with various components of the Department. DOJ hosts the D.C. Bar Advocacy and Justice Clinic four times each year and invites attorneys from other agencies to participate.
- The Department of Housing and Urban Development hosted a Pro Bono Fair in June 2016 and featured organizations based in the Maryland suburbs of D.C. It also hosted a pro bono wills training in October 2015.
- The Department of Homeland Security hosted four brown bag events, including two general information sessions and two briefings about the D.C. Bar Pro Bono Advice and Referral Clinic. Agencies within DHS have also hosted their own brown bags, such as US Customs and Border Protection, US Citizenship and Immigration Services, and US Immigration and Customs Enforcement. Also, the Federal Emergency Management Agency has issued its own pro bono policy, which includes a provision for administrative leave.
- The Securities and Exchange Commission hosted a Pro Bono Fair in October 2016 and a guardian ad litem training with the D.C. Volunteer Lawyers Project in April 2015.
- The Department of Labor hosted a pro bono wills training in July 2016 and a pro bono roundtable in May 2016. It has also established a relationship with the Washington Legal Clinic for the Homeless, staffing one of the Legal Clinic's sites on a regular basis. DOL revised its pro bono policy, increasing the amount of administrative leave available, and created a newsletter to highlight its employees' pro bono contributions. The agency's pro bono committee also conducted an extensive survey to better understand the obstacles facing its attorneys and legal staff who wish to engage in pro bono work.
- The Department of Energy hosted two brown bag sessions as well as a training with the Maryland People's Law Library in October 2016.

- The National Labor Relations Board held a pizza party featuring its pro bono volunteers and its General Counsel and Board Chairman. The agency spotlights pro bono volunteers in its national newsletter.
- The Federal Mine Safety and Health Review Commission hosted a panel presentation about non-litigation pro bono opportunities in June 2015 and a domestic violence legal training with Bread for the City in May 2016.
- The Consumer Financial Protection Bureau hosted a brown bag session about taking pro bono cases featuring the DOJ Pro Bono Program Manager in October 2016.
- The Pension Benefit Guaranty Corporation hosted a brown bag session featuring the DOJ Pro Bono Program Manager. The agency's General Counsel and Chief Counsel are actively involved in the Street Law Program.
- The Environmental Protection Agency, the National Aeronautics and Space Administration, the Central Intelligence Agency, the Office of Special Counsel, the Office of Government Ethics, the Department of Agriculture, and the Department of the Interior hosted brown bag sessions featuring the DOJ Pro Bono Program Manager.

D. Summary

Under the leadership of the Department of Justice, the federal government continues to develop and support pro bono legal work by a growing number of federal government attorneys. The increase in written agency policies providing for administrative leave for pro bono work, the growing number of agencies actively holding events and organizing opportunities, and the valuable support from our federal judges and government and community leaders gives us reason to expect that the number of federal government attorneys performing pro bono legal work in the District of Columbia will continue to grow.

III. ACTIVITIES OF THE ORGANIZED BAR TO SUPPORT AND ENCOURAGE PRO BONO SERVICE BY LAWYERS

The District of Columbia's legal community has a long-standing culture of supporting pro bono service. The legal services providers, voluntary bar associations, the courts, and others work in close collaboration to expand and encourage pro bono service. In this section, the

Standing Committee highlights a few of the significant developments of the past two years.

A. D.C. Access to Justice Commission

In 2015, the District of Columbia Access to Justice Commission (“the Commission”) celebrated its tenth anniversary. Established by the District of Columbia Court of Appeals, the Commission has four major goals: to increase resources for civil legal services, to reduce barriers that prevent equal access to justice for D.C. residents, to advocate for increased pro bono work by local attorneys, and to improve the planning and coordination of legal services delivery for low-income D.C. residents.

In the decade since its inception, the Commission, chaired by noted anti-poverty advocate Professor Peter Edelman of the Georgetown University Law Center and composed of leaders from the judiciary, legal services, academia, and the private bar, has achieved a wide range of successes in each of these areas. Notably, with respect to funding, the Commission has successfully sought and maintained local public funding for civil legal services. In the past decade, funding levels have generally gone up, from \$3.2 million in fiscal year 2005 to more than \$5 million in fiscal year 2017.

Notwithstanding this critical public funding, the legal needs of the D.C. client community still far exceed available resources, with a startlingly high percentage of unrepresented litigants in some of D.C. Superior Court’s most high-volume courts. To meet the urgent need for increased funding for legal services, in 2010 the Commission launched the *Raising the Bar in D.C. Campaign*, with the endorsement of the D.C. Bar Foundation and the D.C. Bar. The Campaign’s goal is to increase substantially financial support for the District’s legal services community by establishing benchmarks for law firm contributions. Those law firms that have donated at benchmark levels are celebrated and recognized annually. Benchmark levels are based on a percentage of revenue generated by firms’ D.C. offices, thus making participation accessible

to firms of any size. When the campaign was launched in 2010, 23 firms joined. By 2015, the list of participants had doubled to 46 firms, which together donated approximately \$5 million to local legal services organizations, an aggregate increase of approximately \$2 million by all participating firms since joining the Campaign.

The Commission has also made significant progress on its substantive access to justice goals. For example, the Commission has worked with the local courts on a wide range of improvements, with a particular emphasis on the high-volume courts. Through these efforts, there has been an expansion of the use of limited scope representation, a new housing conditions calendar at the D.C. Superior Court, and changes in the Superior Court's housing and foreclosure calendars. Notably, the Commission helped advocate for 2012 revisions to the D.C. Code of Judicial Conduct, including a new provision encouraging judges to take a more affirmative role in ensuring that unrepresented litigants understand legal proceedings and have a fair opportunity to be heard.

B. Capital Pro Bono Honor Roll

As part of the 2011 National Celebration of Pro Bono, the D.C. Bar Pro Bono Center and the D.C. Access to Justice Commission helped the D.C. Courts establish the Capital Pro Bono Honor Roll, which annually recognizes the pro bono contributions made by members of the D.C. Bar and others authorized to perform pro bono work in the District of Columbia. The Honor Roll, which is jointly sponsored by the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, recognizes attorneys who provide 50 or more hours of pro bono services (or 100 or more hours of service for a higher recognition category termed the "High Honor Roll") per year.¹³ To be included in the Honor Roll, D.C. Bar members and others

¹³ Rule 6.1 of the D.C. Rules of Professional Conduct calls on members of the D.C. Bar to provide 50 hours or more of pro bono service per year.

who are authorized to perform pro bono work in the District of Columbia submit online application forms on the Capital Pro Bono Honor Roll website. The applications include an attestation that the applicant has provided the requisite number of hours of pro bono work in the corresponding calendar year. A complete list of Capital Pro Bono Honor Roll honorees is featured on the District of Columbia Courts' website.¹⁴

In its inaugural year (2011), over 3,000 D.C. Bar members and others authorized to perform pro bono work in the District reported providing over 50 or more hours of pro bono service; over 2,000 of those attorneys reported providing over 100 hours or more of service, thereby qualifying for the High Honor Roll. The 2011 Honor Roll included attorneys from over 80 D.C. law firms as well as other lawyers from all segments of the Bar. In 2015, 4,097 attorneys registered for the Honor Roll, with 2,243 qualifying for the High Honor Roll for providing 100 hours or more of pro bono service. The 2015 Honor Roll included attorneys from 133 law firms and other segments of the Bar.

C. The D.C. Bar Pro Bono Initiative

In 2001, the D.C. Bar Pro Bono Center established its Pro Bono Initiative with the assistance of the Chief Judges of the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the United States Court of Appeals for the District of Columbia Circuit, and the United States District Court for the District of Columbia. The Initiative called on the largest law offices in the District to increase their pro bono legal services. In joining the Initiative, a firm agrees to: (1) set a minimum pro bono goal of either 3 percent or 5 percent of billable hours (approximately 60 hours or 100 hours per attorney, respectively); (2) use management techniques to attain or exceed its pro bono goals; (3) undertake new or increased

¹⁴ <http://www.dccourts.gov/internet/about/probonohonorroll/main.jsf>.

pro bono activities; and (4) report its progress annually to the D.C. Bar Pro Bono Center. These standards were created by and are used with permission from the Pro Bono Institute and modeled on the Institute's Law Firm Pro Bono Challenge[®].¹⁵ In response, 41 law firms made those commitments and agreed to report annually to the D.C. Bar Pro Bono Center on their progress toward these goals.

As of 2016, a total of 60 firms participate in the D.C. Bar Pro Bono Initiative. For the most recent reporting year, all 60 pledged firms responded to a survey regarding their 2015 pro bono activities, at least in part.¹⁶ Combined, the 60 reporting firms contributed 775,792 pro bono hours with 9,641 full-time equivalent attorneys in their D.C. offices – an average of 80 hours per attorney. The 59 firms¹⁷ that responded in both 2014 and 2015 reported a total of 796,301 pro bono hours in 2014 and 771,820 pro bono hours in 2015, a decrease of approximately 3 percent. The firms reported 9,544 full-time equivalent attorneys in their D.C. offices in 2014 and 9,562 full-time equivalent attorneys in 2015. Average pro bono hours per attorney at these 59 firms were 83.4 in 2014 compared to 80.7 in 2015, a decrease of approximately 3 percent. Although approximately 84 percent of attorneys in the 59 reporting firms participated in pro bono work in 2015 (an increase of 1 percentage point over attorney participation in 2014 from the same firms), only 37 percent of attorneys completed at least 50 hours of pro bono work, a 1 percent decrease with results from 2014.

¹⁵ <http://www.probonoinst.org/resources/what-counts/>.

¹⁶ Some firms have policies against providing information on their number of billable hours. Not all firms responded to all questions.

¹⁷ To compare year-to-year data accurately, only firms that have responded in both the current and the previous year are included. In 2015, 60 firms reported, but only 59 of those firms reported in both 2014 and 2015.

D. Limited Scope Working Group

The D.C. Access to Justice Commission and the D.C. Bar Pro Bono Committee formed the Limited Scope Working Group in May 2012 to develop recommendations to institutionalize the practice of limited scope representation in the local courts of the District of Columbia. The recommendations aimed to provide low, limited, and moderate means individuals with greater access to counsel when they need it most. The final recommendations were approved by the D.C. Access to Justice Commission and the D.C. Bar Pro Bono Committee in April 2013. A report including the recommendations was then submitted to the Chief Judges of the D.C. Court of Appeals and D.C. Superior Court.

The Limited Scope Working Group made the following recommendations: (1) that the D.C. Bar Rules Review Committee propose a revision to Rule 1.2(c) and the D.C. Rules of Professional Conduct provide more guidance to limited scope lawyers and protections for the client-consumers they serve; (2) that the Superior Court of the District of Columbia create a special committee to draft a court-wide rule and accompanying forms that broadly permit limited appearances by paid and pro bono counsel; (3) that after a revised Rule of Professional Conduct to govern limited scope practice is adopted by the D.C. Court of Appeals, the D.C. Bar Rules Education Program be requested to develop a campaign, as it deems appropriate, to inform lawyers who intend to engage in limited scope practice of the requirements under the new rule; (4) that training on the revised Rule of Professional Conduct governing limited scope practice include model language for limited engagements, model language for informed consent, and an informative and accessible consumer-client brochure on limited scope representation, and possibly checklists for lawyers to reference as they undertake limited scope representation; and (5) that the Superior Court of the District of Columbia provide training to its judicial officers on the implementation, application, and benefits of the court rule permitting limited appearances.

In June 2014, the Superior Court of the District of Columbia issued an administrative order permitting attorneys to enter a limited appearance when representing paid or pro bono clients in the Civil Division, Probate Division, Tax Division, Family Court, and Domestic Violence Unit of Superior Court. Limited scope representation is not permitted in jury trials. The D.C. Bar honored the Limited Scope Working Group with the Frederick B. Abramson Award, which recognizes the initiative that has had the greatest impact on D.C. Bar members and the community.

Because the Limited Scope Working Group's report included a recommendation seeking a revision to the D.C. Rules of Professional Conduct, in May 2013 then-Bar President Thomas S. Williamson, Jr., on behalf of the Bar's Board of Governors, referred the report to the District of Columbia Bar Rules of Professional Conduct Review Committee ("Rules Review Committee") for its consideration. The Rules Review Committee completed its draft report and proposed amendments to D.C. Rule 1.2 in January 2015. The January 2015 Draft Report recommended that Rule 1.2 be amended (1) to require that the lawyer reach agreement with the client about the scope and objectives of a representation at the onset of representation, and (2) to affirm and clarify that when a client gives informed consent, the scope of a representation may be limited to only certain aspects of a matter, rather than the matter in its entirety, if the limitation does not preclude competent representation or violate other Rules. The report also recommended amendments to the comments to Rule 1.2 to provide more guidance to lawyers providing limited scope representations pursuant to Rule 1.2. In September 2016, the Rules Review Committee further amended its report to recommend that additional clarifying language be added to Comment [1] to Rule 1.16 (Terminating Representation).

The D.C. Bar Board of Governors voted in favor of the proposed rule on December 13,

2016. We do not know when the proposed rule will be published for public comment by the District of Columbia Court of Appeals.

E. Amendments to D.C. Court of Appeals Rule 49

In July 2014, the District of Columbia Court of Appeals issued an order amending the Rules of the District of Columbia Court of Appeals (D.C. App. Rule 49) allowing internal counsel in Washington who are not members of the D.C. Bar to perform pro bono work. In its commentary, the Court recognized “the increased need for attorneys to serve as pro bono counsel.” The new rule mirrors a similar pro bono exception made for attorneys working for the federal government who are not members of the D.C. Bar. The rule will allow in-house attorneys who are not members of the D.C. Bar to provide pro bono legal services in the District under the supervision of an active member of the D.C. Bar. The amended rule became effective on September 1, 2014.

In February 2016, the D.C. Bar Pro Bono Committee submitted a recommendation to the D.C. Court of Appeals’ Committee on the Unauthorized Practice of Law to further amend Rule 49. The proposed amendment would permit members of the bars of other states who are not members of the D.C. Bar to do pro bono work in the District under the same conditions that federal government lawyers and internal counsel are permitted to do pro bono work, except for attorneys employed by the Public Defender Service or D.C. nonprofit legal services organizations, who must, in addition, apply to the D.C. Bar within 90 days of commencing practice in the District. The recommended amendment would also permit those required to apply to the D.C. Bar within 90 days of commencing practice in the District to continue practicing until their application is accepted or rejected, and clarify or modify other aspects of the existing requirements. The Committee on the Unauthorized Practice of Law is reviewing Rule 49 for substantive changes as of this writing.

IV. THE DANIEL M. GRIBBON PRO BONO ADVOCACY AWARD

The Daniel M. Gribbon Pro Bono Advocacy Award was established in 2005 by the United States District Court for the District of Columbia in concert with the family and friends of Daniel M. Gribbon. The Standing Committee on Pro Bono Legal Services manages the nomination process for the award on behalf of the District Court.

Mr. Gribbon, who died in 2005, practiced law for more than 50 years with Covington & Burling LLP, where he was instrumental in establishing many pro bono initiatives. The family and friends of Mr. Gribbon endowed this award in honor of Mr. Gribbon's lifetime commitment to and strong support of pro bono legal services. The endowment is managed by the Historical Society of the District of Columbia Circuit. The award, now made biennially and presented at the Circuit Judicial Conference, recognizes an individual attorney or law firm that has demonstrated distinguished advocacy in a pro bono matter before the United States District Court for the District of Columbia.

The Standing Committee uses many methods each year to publicize the award and to solicit nominations from the pro bono community. The qualifying nominations are assembled by the Standing Committee and presented to the Chief Judge of the District Court, who selects and notifies the winner.

The Daniel M. Gribbon Pro Bono Advocacy Award was last presented at the 2015 Judicial Conference. The recipient was King & Spalding, for the firm's work in representing University Legal Services (ULS) and two residents of St. Elizabeth's Hospital in a case alleging understaffing, overcrowding, unsafe and unsanitary conditions, and inadequate patient care at St. Elizabeth's. As a result of the firm's work with ULS, the District of Columbia entered into a comprehensive settlement.

V. CONCLUSION

The Standing Committee is particularly grateful to Chief Judges Merrick Garland, Richard Roberts, and Beryl Howell for their support, enthusiasm, and dedication to increasing pro bono work among our Bar members. We are also indebted to Judge Amy Berman Jackson, the judicial liaison to our Committee, for her leadership, wise counsel, thoughtfulness, energy, and avid participation in our work. We thank Judge Jackson and the other Judges of the Court of Appeals and the District Court for their encouragement of pro bono service – a commitment that sets the Bar in the District of Columbia apart from those across the country.

The Standing Committee intends to continue its efforts in each of the areas described in this report and to pursue new ways of increasing and improving the effectiveness of pro bono legal services in the District of Columbia.

We welcome comments on this report, as well as suggestions for areas to which the Committee could turn its attention.

Respectfully submitted,



for the Standing Committee on
Pro Bono Legal Services

Lise Adams, *Ex Officio*
Eric Angel
Brigida Benitez
Theodore A. Howard
Laura Friedman Klein
Ariel B. Levinson-Waldman
Eve Runyon
Michelle L. Sedgewick, *Ex Officio*
Jeffrey M. Sherman
Rebecca K. Troth
Michael F. Williams

Chair:
James J. Sandman

Appendix A

RESOLUTION
ADOPTED JUNE 9, 2010, BY THE
JUDICIAL CONFERENCE
OF THE DISTRICT OF COLUMBIA CIRCUIT

ON

PRO BONO LEGAL SERVICES
BY MEMBERS OF THE BAR OF THE FEDERAL COURTS
OF THE DISTRICT OF COLUMBIA

Whereas this Judicial Conference and the Judicial Conference of the District of Columbia have traditionally and consistently encouraged members of the bar to provide *pro bono* legal services to the economically disadvantaged, as reflected in this Conference's 1981 Resolution setting a recommended standard for *pro bono* service that was updated in 1998; and

Whereas Rule 6.1 of the District of Columbia Rules of Professional Conduct, including the official comments thereto referencing the 1998 Resolution of this. Judicial Conference, and Rule 6.1 of the American Bar Association's Model Rules of Professional Conduct, both have recognized the professional duty of lawyers to devote their own time to providing *pro bono* legal representation for the disadvantaged; and

Whereas a persistent crisis exists in the delivery of legal services to the economically disadvantaged, as demonstrated by studies of communities throughout the United States showing that less than 20 percent of the legal needs of such persons are being met; and

Whereas the District of Columbia had nearly 20 percent of its population with incomes below the federal poverty line in 2006 and the highest percentage of children under 18 living below the poverty level of any state in the country, with recent reports indicating no decrease in that poverty rate; and

Whereas the inability of economically disadvantaged persons to obtain counsel impedes access to the federal courts and leads to increases in pro se filings, with attendant burdens on the courts and on the administration of justice; and

Whereas the number of prose filings in the United States District Court for the District of Columbia is substantial, exceeding 850 cases per year in every year since 2005 and constituting 35 percent of the civil docket filings in 2009; and

Whereas government and private funding for legal services provided in the District of Columbia, including Legal Service Corporation grants, IOLTA funds, local appropriations, foundation grant and corporate contributions are necessary but not sufficient to meet the needs of these programs; and

Whereas a 2008 Report of the District of Columbia Access to Justice Commission, *Justice for All? An Examination of the Civil Legal Needs of the District of Columbia's Low-income Community*, recommends that funding for civil legal services be substantially increased and that use of *pro bono* lawyers be expanded; and

Whereas on June 19, 2007, the Chief Judges of the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia, together with the Chief Judges of the District of Columbia Court of Appeals and the District of Columbia Superior Court, the District of Columbia Bar, and the District of Columbia Access to Justice Commission convened a breakfast meeting of managing partners of the District's largest law firms to enlist their firms' participation in the D.C. Bar Pro Bono Initiative, in which participating firms agree to devote either 3% or 5% of client hours to *pro bono* work and to take on specific new *pro bono* projects; and

Whereas government attorneys have been encouraged to expand their *pro bono* participation through the leadership of the Interagency Pro Bono Working Group and facilitated by Executive Orders 12988 and 13401 with more than 20 departments and agencies having adopted *pro bono* policy statements and established *pro bono* programs; and

Whereas on June 19, 2009, the Judicial Conference of the District of Columbia adopted a resolution reaffirming and updating the recommended standard for *pro bono* service by lawyers admitted to practice in the District of Columbia so as to increase the recommended financial contribution to legal services providers by lawyers for whom personal *pro bono* representation is not feasible; and

Whereas attorneys who are members of the Judicial Conference of the District of Columbia Circuit have traditionally been among the leaders of the bar in supporting the efforts of legal service provider organizations to meet the legal needs of the economically disadvantaged members of our community who are otherwise unable to afford legal representation;

THEREFORE, BE IT RESOLVED, that the Judicial Conference of the District of Columbia Circuit:

1. Commends the Judges of the federal and local courts in the District of Columbia for their efforts to promote *pro bono* work among the private bar and federal government attorneys to address the need for legal services for the economically disadvantaged; and

2. Commends the Attorney General of the United States, the Interagency Pro Bono Working Group led by the Department of Justice, and all of the many departments and agencies that have issued policies encouraging and facilitating *pro bono* service by all attorneys and that are providing such service on a regular basis; and

3. Reaffirms and updates the recommended standard for *pro bono* service adopted by this Conference in 1981 and updated in 1998, so as to now provide as follows:

Every lawyer admitted to practice in the Federal Courts of the District of Columbia should each year, at a minimum, undertake to fulfill his or her responsibility under Rule 6.1 of the District of Columbia Rules of Professional Conduct, by:

(1) accepting one court appointment to provide *pro bono* representation for an indigent or disadvantaged client; or

(2) providing 50 hours of *pro bono* legal service in his or her field of practice or through other *pro bono* cases or programs; or

(3) contributing the lesser of 1% of earned income or \$750 to the funding of one or more legal service provider organizations which serve the economically disadvantaged members of the District of Columbia community.

ATTEST:



Elizabeth H. Paret, Secretary

Judicial Conference of the District of Columbia Circuit

Appendix B

**SURVEY OF LAW FIRM POLICIES AND ACTIVITIES IMPLEMENTING
THE D.C. CIRCUIT JUDICIAL CONFERENCE *PRO BONO* SERVICE STANDARD**

Please complete this survey by February 19, 2016

Name and D.C. Address of Firm:

Name and E-mail Address of Person Completing this Survey:

Size of D.C. Office as of December 31, 2015 (based on headcount, *not* FTE):

Number of Partners: _____
Number of Counsel: _____
Number of Associates: _____

For purposes of this survey, "pro bono legal work" is defined in accordance with the generally-accepted definition established by the Pro Bono Institute. Please include data for "senior counsel," "special counsel," etc. within the "Counsel" category for all responses. Please include data for staff attorneys within the "Associates" category for all responses.

Pro Bono at Your Law Firm

1. Does your firm have a written *pro bono* policy? Yes No
2. If your firm has a written or stated policy concerning provision of *pro bono* legal services, does that policy express an "expected" number of *pro bono* hours to be contributed annually by each attorney? If yes, how many hours is the stated goal?

For associates? Yes No Hours ____

For counsel? Yes No Hours ____

For partners? Yes No Hours ____

3. Does your firm have a minimum billable hours target?

For associates? Yes No

For counsel? Yes No

For partners? Yes No

(a) If your firm has a minimum billable hours target:

- (i) Does your firm provide billable hour credit or equivalency for *pro bono* work?

For associates? Yes No

For counsel? Yes No

For partners? Yes No

(ii) If so, are all *pro bono* hours credited the same as hours for commercial clients?

For associates? Yes No

For counsel? Yes No

For partners? Yes No

(iii) Does your firm have a maximum number of *pro bono* hours for which attorneys can receive billable hours credit per year?

Yes No If yes, number of hours per year? _____

4. Are the hours an associate spends on *pro bono* work compensated through the firm's bonus policy?

Yes No

If yes, is there any limit on the number of *pro bono* hours that count toward a bonus?

Yes No

5. Looking at each individual attorney (partner, counsel, associate, etc.) in **the D.C. office** of your firm, and not aggregating or averaging hours across the firm, how many attorneys in your **D.C. office** individually performed 50 or more hours of ***pro bono* legal work** during 2015?

(a) Number of **D.C.-based** partners who performed 50 or more hours of *pro bono* legal work in 2015: _____

(b) Number of **D.C.-based** counsel who performed 50 or more hours of *pro bono* legal work in 2015: _____

(c) Number of **D.C.-based** associates who performed 50 or more hours of *pro bono* legal work in 2015: _____

6. Please check the appropriate items (i) – (v) below, that best describe the coordination and management of your *pro bono* program. If (v) "None of the above" is checked, please provide a brief description.

(a) Our *pro bono* program is coordinated and managed by a

(i) full-time OR part-time person, who is an

- (ii) attorney OR non-attorney, who is a
- (iii) partner OR counsel or other, who handles
- (iv) other legal/administrative responsibilities OR
 only pro bono program duties
- (v) None of the above (please describe):

(b) Has the number of individuals or the category of professional coordinating your program changed during the past two years?

Yes No

If so, please describe the change in *pro bono* staffing.

7. Does your firm publicize internally the Capital [Pro Bono Honor Roll](#) sponsored by the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, which recognizes attorneys who provide 50 or more hours of *pro bono* services (or 100 or more for a higher recognition category)? Yes No
8. Does your firm publicize internally the 50 *pro bono* hour standard incorporated in [D.C. Rule of Professional Responsibility 6.1](#) and the recommendation that those who do not meet this standard contribute at least \$750 to legal service providers **or** accept an appointed case for an indigent or disadvantaged client? Yes No
9. Does your firm monitor whether its attorneys who do not meet the 50 hour standard contribute at least \$750 to legal service providers? Yes No

If yes, how many individual attorneys contributed \$750 or more to legal service providers in 2015? _____

10. Does your firm monitor the number of attorneys who accept appointed cases for an indigent or disadvantaged client?

Yes No

If yes, how many individual attorneys took an appointed case in 2015 for an indigent or disadvantaged client? _____

Appendix C

**D.C. CIRCUIT JUDICIAL CONFERENCE
40 @ 50 SURVEY**

Firms Meeting 40 @ 50 in 2015 (recognized in 2016)

Akin Gump Strauss Hauer & Feld LLP
Arnold & Porter LLP*
Blank Rome LLP
Bryan Cave LLP
Covington & Burling LLP*
Crowell & Moring LLP
Davis Wright Tremaine LLP
DLA Piper LLP (US)
Duane Morris LLP
Fried, Frank, Harris, Shriver & Jacobson LLP
Gibson, Dunn & Crutcher LLP*
Gilbert LLP*+
Goodwin Procter LLP*+
Hogan Lovells US LLP
Hughes Hubbard & Reed LLP*
Jenner & Block*+
Jones Day
Kirkland & Ellis
McDermott, Will & Emery LLP
Miles & Stockbridge P.C.
Miller & Chevalier Chartered*
Morrison & Foerster LLP
O'Melveny & Myers LLP*
Orrick Herrington & Sutcliffe LLP*
Paul Hastings LLP
Paul, Weiss, Rifkind, Wharton & Garrison LLP*+
Reed Smith LLP*
Ropes & Gray LLP*+
Sidley Austin LLP
Steptoe & Johnson LLP
Weil*
WilmerHale
Winston & Strawn

* Indicates 50% at 50 pro bono hours

+ Indicates 60% at 50 pro bono hours

Bold font indicates firm partners achieved 40% at 50 pro bono hours

**D.C. CIRCUIT JUDICIAL CONFERENCE
40 @ 50 SURVEY**

Firms Meeting 40 @ 50 in 2014 (recognized in 2015)

Akin Gump Strauss Hauer & Feld LLP
Arnold & Porter LLP*+
Bryan Cave LLP
Covington & Burling LLP
Crowell & Moring LLP
Dentons US LLP
DLA Piper LLP (US)
Fried Frank LLP
Gibson, Dunn & Crutcher LLP*
Goodwin Procter LLP
Hogan Lovells US LLP
Hughes Hubbard & Reed LLP*+
Jenner & Block LLP*+
Jones Day
Kirkland & Ellis LLP*+
McDermott Will & Emery LLP*
Miller & Chevalier Chtd.
O'Melveny & Myers LLP*
Orrick, Herrington & Sutcliffe LLP
Patton Boggs LLP*
Paul Hastings*
Reed Smith LLP*
Ropes & Gray*
Shearman & Sterling LLP
Sidley Austin LLP
Simpson Thatcher & Bartlett LLP
Skadden, Arps, Slate, Meagher & Flom LLP
Steptoe & Johnson LLP
Van Ness Feldman
Wilmer Hale LLP*

* Indicates 50% at 50 pro bono hours

+ Indicates 60% at 50 pro bono hours

Bold font indicates firm partners achieved 40% at 50 pro bono hours