

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

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

Brigida Benitez
Tianna Gibbs
Theodore A. Howard
Aimee Imundo
Laura Friedman Klein
Ariel B. Levinson-Waldman
Eve Runyon
Jeffrey M. Sherman
Michael F. Williams

Ex Officio:
Michelle L. Coleman
Carolyn Lerner
Rebecca Troth

Chair:
Eric Angel

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I. INTRODUCTION

The need for pro bono legal services in the District of Columbia remains dire. In 2017, the most recent year for which U.S. Census Bureau data are available, nearly 110,000 D.C. residents – 16.6 percent of the population – were living at or below the federal poverty guideline¹, a common minimum measure of financial eligibility for civil legal aid.² While this is lower than the poverty rate in D.C. immediately after the Great Recession, the poverty rate is no lower than it was at the start of the Great Recession in 2007. Also in 2017, more than 215,000 people, or approximately 31 percent of the population in the District, were living below 200 percent of the federal poverty level, 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 Interest on Lawyers' Trust Account (IOLTA) 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 2018, the Foundation awarded \$600,000 in IOLTA-funded grants to civil legal services organizations.⁴ Fortunately, for the last 11 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 \$4.2 million in fiscal

¹ <https://www.healthcare.gov/glossary/federal-poverty-level-fpl/>

² U.S. Bureau of the Census from the 2017 American Community Survey 1-year estimates (<https://www.census.gov/quickfacts/fact/table/dc/PST045217#PST045217>).

³ Id.

⁴ <https://dcbfoundation.org/grants/our-grantees/>

year 2018. The Access to Justice Commission has also been instrumental in increasing law firm 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 individuals 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 2018, the Standing Committee sent its annual survey to the managing partners and pro bono managers of 125 law firms with 26 or more attorneys in their District of Columbia offices to gather information about pro bono programs in the private sector. With this 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 2017. 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 attached at Appendix B). The Committee received responses from 75 firms,⁵ for a response rate of 60 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 16 years concerning individual attorney pro bono hours in the District of Columbia. Many of the respondents to the 2018 survey (for 2017 results) also participated in the 2002 through 2017 surveys, providing a useful benchmark for observing trends in D.C. pro bono programs.

A. Results of the Law Firms Survey

The current survey results reflect only a segment of the several hundred law firms in the District of Columbia: Sixty-nine of the 70 firms which provided full responses to the most recent survey had at least 25 lawyers in their District of Columbia office (one firm had 24 lawyers as of the date it responded to the survey); most (51 firms) had 70 attorneys or more, with 20 firms reporting that they employed 200 or more attorneys in their District of Columbia office.⁶ Thus,

⁵ Three firms inadvertently responded to the Survey twice and two firms' responses contained insufficient information to be analyzed, reducing the real number of responses to 70.

⁶ 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>.

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

All but one of the 70 firms responding adequately to the survey for 2018 have a written policy covering pro bono legal work. Well in excess of two-thirds of the firms (65 firms) include a specific pro bono hours goal for associates in their policy. 49 firms have a specific pro bono hours target for counsel, and 48 of them have a specific pro bono hours goal for partners. Of the 65 firms having a written pro bono goal, 30 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 sixteen 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 2001.⁷ 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

⁷ 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 higher 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. By 2016, 33 of the 73 firms responding to the Survey met the 40% at 50 hours standard—a new high-water mark. Eleven firms reported that at least 50% of their lawyers performed 50 hours or more of pro bono work; three firms met the “60 at 50” threshold, and seven firms had 40% or more of their partners meet or surpass 50 pro bono hours.

In the most recent year’s survey, covering performance in 2017, 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 70 responding firms provided this information. Survey results showed the 2017 numbers on the increase again: a record 41 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 9 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. Only 5 of the 70 responding firms indicated that they expressly encourage their attorneys to donate at least \$750.00/year to legal services organizations to the extent that their lawyers cannot meet the 50 hours of pro bono work standard, and apparently none of the firms actively monitor their attorneys' compliance with the monetary-contribution alternative in the District of Columbia Circuit Judicial Conference's 2010 resolution.⁸

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:⁹

Written pro bono policies. Sixty-nine of the 70 responding firms have written policies covering pro bono legal work, and 65 of these firms include a specific pro bono goal in terms of an "expected" number of pro bono hours for one or more categories of their attorneys. Many firms setting an hourly goal set it at or above 50 hours per year (30 firms), and all but 1 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. Three firms, rather than setting a specific target, have instead established a policy that 3 percent of their attorneys' billable hours be devoted to pro bono; one other firm, in lieu of specific targets, has determined that 15 percent of its total annual attorney hours should be devoted to pro bono work.

⁸ 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.

⁹ 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.

Associate, counsel, and partner pro bono hours credit. Fifty-five of the 70 responding 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 (44 firms) or counsel (48 firms).

Compensation and pro bono. Of the 70 responding firms, 48 firms report that pro bono work is compensated through the firm's bonus policy, though seven of these firms place limits on the number of pro bono hours that can be taken into account in determining associate bonuses.

Managing pro bono programs. As further evidence of the "professionalization" of law firm pro bono programs, 65 of the 70 responding firms report that they have a fulltime manager of their program; the five others have a part-time manager. Of those with a full-time pro bono manager, all but six firms use an attorney to manage their programs. Forty-four of the 65 full-time pro bono managers are partners or counsel 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 in 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 2017, 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), 33 (2016), and 37 (2017).

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; in 2016, six firms were honored; and in 2017, four firms again surpassed the "40 at 50" standard for partners.

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, 12 firms qualified; in 2015, ten firms qualified; and in 2016, 14 firms hit this mark—a record soon to be broken, as 16 firms qualified in 2017. 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, five firms qualified in 2015 and 2016, and four firms hit this impressive mark in 2017.

“40 at 50” breakfasts over the last several 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 surpassing 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 41 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 41 firms responding to the 2018 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 (32) have written policies that express an “expected” number of pro bono hours to be contributed annually by one or more categories of their attorneys. Thirty-seven of the 41 also credited 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-seven of the 41 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 Promoting 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 breakfast meetings of the managing partners of law firms that the Committee’s surveys have shown to have high pro bono participation among their lawyers. These meetings have 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; a wide variety of pro bono opportunities for lawyers, including opportunities for transactional lawyers; and strong, visible, and persistent 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. As early as

the 1970's, efforts have been made to encourage federal government attorneys to engage in pro bono work. Perceived conflicts of interest and other obstacles have been slowly removed or refined by each Administration to facilitate attorneys' involvement in this professional duty. In 1996, this process culminated in the issuance of Executive Order 12988, which directed federal agencies to develop policies that would encourage their employees to perform volunteer work, noting pro bono legal work by federal government attorneys specifically. The Order designated the Department of Justice to coordinate the government-wide effort.

The 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 of 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 2017, featured remarks by Chief Judge Merrick Garland, Chief Judge Beryl Howell, Judge Amy Berman Jackson, 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 of 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 2017, the award was presented to the Department of Labor ("DOL") by Chief Judge

Howell. In her remarks, she noted that DOL, which had received this honor in 2009, had earned the honor again for several reasons. First, DOL had restructured its pro bono program by setting up a new committee system both in D.C. and for its regional offices, had updated its pro bono policy, and had increased the amount of administrative leave available for pro bono activity. Each of these tasks took an extraordinary amount of effort to coordinate. Second, DOL increased its pro bono programming by holding numerous in-house events and organizing opportunities for its attorneys to volunteer together. The agency hosted a variety of trainings and organized volunteers for the D.C. Bar Pro Bono Center's Advice and Referral Clinic and the Washington Legal Clinic for the Homeless. Finally, DOL's leadership played an active role in promoting pro bono, including authorizing the new policy changes, hosting a recognition event for volunteers, and sending communications to all DOL offices expressing appreciation for pro bono volunteers. DOL provides an ideal example for how agencies can promote and support pro bono work among their attorneys.

The Federal Government Pro Bono Program has gained new recognition from the local legal services community as well. In 2018, the Neighborhood Legal Services Program of D.C. honored the Department of Justice Pro Bono Program with its Justice in the Community Award, recognizing the Department's role in coordinating all federal government pro bono activities and in recruiting record numbers of volunteers for NLSP. In addition to providing a steady flow of volunteers to draft wills for NLSP clients, federal government attorneys have been the primary source of volunteers for NLSP's new opportunities in its Obstacles to Employment Program, including a family law clinic, source-of-income discrimination in housing cases, and Ban the Box cases where D.C. residents were illegally refused employment due to poor credit history or

criminal records. NLSP has relied on federal government attorneys almost exclusively in building these programs.

Over the last two years, federal government pro bono efforts in the District of Columbia have progressed well. New agencies have joined the Interagency Pro Bono Working Group, including the Office of the Comptroller of the Currency and the Office of the Director of National Intelligence. Through the Federal Government Pro Bono Program, agencies offer more pro bono activities than ever before. For example, twenty-nine federal agencies staffed the D.C. Bar Pro Bono Center's Advice & Referral Clinic in 2018, and 31 agencies are on the schedule to staff the clinic in 2019. These are increases from the 28 agencies that staffed the clinic in 2016. Federal government attorneys staff the Clinic in both of its locations each month, maintaining the distinction that they are the largest source of the Clinic's volunteers. Federal government attorneys also accept more cases referred by the D.C. Bar Pro Bono Center's Advocacy & Justice Clinic than any single law firm, averaging approximately 50 cases each year. In 2017, federal government attorneys began accepting cases from the D.C. Housing Right to Counsel Project as well. They also staffed the Whitman-Walker Health Future Planning Clinic, drafting wills and powers of attorneys, seven times in 2018, which is an increase since 2016.

The Departments of Justice and Labor have also organized groups of attorneys to staff the Washington Legal Clinic for the Homeless each month, and each hosted the Street Law Pipeline Diversity Program in 2018, teaching groups of students at Wakefield High School in Arlington, Virginia, and Rockville High School in Rockville, Maryland, about legal issues and strategies, and bringing the students to the agencies for a day-long field trip. Only the Department of Justice participated in this program from 2015-2017, marking a new milestone in agency participation this year with the addition of the Department of Labor.

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

B. Survey Response Summary

In 2018, the Standing Committee surveyed federal agencies about their participation in and support for pro bono work. The Committee received responses from 76 percent of the agencies surveyed, with 41 agencies responding. This number is higher than any previous year (for example, 33 agencies in 2012, 30 agencies in 2014, and 36 agencies in 2016). A complete list of responding agencies is attached at Appendix D.

All of the responding agencies reported that they are active members or participants in the Interagency Pro Bono Working Group, which is chaired by the Department of Justice. Ninety-five percent of the responding agencies specified a designated pro bono coordinator¹⁰ (39 agencies) and all are aware of D.C. Court of Appeals Rule 49, which permits federal government attorneys who are not D.C. Bar members to provide legal services in D.C. Ninety-three percent of agencies responding have written pro bono policies (38 agencies). This number is encouraging because it shows an increase from 2016, when 33 agencies reported having written pro bono policies, and 2014, when 28 agencies reported having written policies. Only 23 percent of those policies make a specific numerical recommendation about pro bono hours to their attorneys (9 agencies), which is a slightly lower percentage than in previous years (27 percent in 2016),

¹⁰ The two agencies that reported that they do not currently have a pro bono coordinator had someone in that position previously and that person has not yet been replaced.

which indicates that agencies are not placing importance on that issue in policies being developed recently.

Since 2016, the number of agencies that allow for administrative leave for pro bono activity has continued to grow. Administrative leave, or excused absence, allows employees to be out of the office without using vacation or sick leave. Thirty-two agencies or components of those agencies report allowing for administrative leave for pro bono work, and one agency allows for credit hours for pro bono work (80% of those agencies responding to the survey). This is an increase of six agencies since 2016. Of those 32 agencies allowing for administrative leave, 21 agencies reported having formal written policies describing the circumstances under which administrative leave will be granted for volunteer or pro bono work specifically.¹¹

Agency activity to promote pro bono work on a regular basis continues to increase. Twenty-eight agencies reported that they have information about pro bono available on a website (68 percent) compared with 26 agencies in 2016. Ninety-three percent stated that they disseminate information about pro bono opportunities electronically (38 agencies), which is consistent with the percentage in 2016 but demonstrates an increase in the actual number of agencies doing so (35 agencies in 2016). While only 20 percent of reporting agencies hold a recognition event for pro bono volunteers, 68 percent (28 agencies) organized or supported specific pro bono opportunities, such as the D.C. Bar Pro Bono Center's Advice & Referral Clinic or an onsite training with a legal services organization.

¹¹ Twenty-one agencies responding to this year's survey reported specific written policies. However, at least 25 agencies have written formal policies allowing for administrative leave for pro bono work. Because some agencies respond to the survey in one year but not another, the data collected each year can vary.

C. Examples of Agency Pro Bono Work in 2017 and 2018

- Agency managers have been more actively participating in pro bono activities. In 2017 and 2018, the following agencies reported that managers, including some General Counsels, have volunteered at the D.C. Bar Pro Bono Center Advice & Referral Clinic, the Veterans Pro Bono Consortium Clinic, or other activity: the Department of Justice, the Department of Labor, the Department of State, the Department of Veterans Affairs, the National Labor Relations Board, the Small Business Administration, the Securities and Exchange Commission, the Federal Mine Safety and Health Review Commission, the Federal Deposit Insurance Corporation, the Office of Special Counsel, the U.S. Agency for International Development, and the Federal Communications Commission.
- The following agencies staffed the D.C. Bar Pro Bono Center's Advice & Referral Clinic in 2017 and/or 2018: the Consumer Financial Protection Bureau, the Board of Veterans' Appeals, the Central Intelligence Agency, the Commodity Futures Trading Commission, the Department of Homeland Security, the Department of Housing and Urban Development, the Department of the Interior, the Department of Justice, the Department of Labor, the Department of State, the Department of Transportation, the Department of the Treasury, the Department of Veterans Affairs, the Environmental Protection Agency, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Trade Commission, the Food and Drug Administration, the National Labor Relations Board, the Office of the Director of National Intelligence, the Office of Special Counsel, the Pension Benefit Guaranty Corporation, the Postal Regulatory Commission, the Securities and Exchange Commission, the Small Business Administration, the Social Security Administration, the U.S. Agency for International Development, the U.S. Air Force, and the U.S. Postal Service.
- Agencies that held pro bono information sessions or trainings include the Board of Veterans' Appeals, the Consumer Financial Protection Bureau, the Commodity Futures Trading Commission, the Department of Commerce, the Department of Justice, the Department of Labor, the Department of Homeland Security, the Department of Housing and Urban Development, the Department of Veterans Affairs, the Environmental Protection Agency, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Mine Safety and Health Review Commission, the Federal Trade Commission, the National Labor Relations Board, the Office of Comptroller of the Currency, the Office of the Director of National Intelligence, the Pension Benefit Guaranty Corporation, the Security and Exchange Commission, the Small Business Administration, and the U.S. Postal Service.
- Each year, the Federal Government Pro Bono Program hosts Government Pro Bono Week in October. In 2017, events included an information session about handling pro bono cases at the Department of Justice, a training with the Neighborhood Legal Services Program at the Department of Labor, a Pro Bono

Fair at Customs and Border Protection, and the Federal Government Pro Bono Recognition Reception hosted by the D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services. In 2018, events included an information session at the Department of Education, “A View from the Bench” with judges from D.C. Superior Court, a Pro Bono Fair at the Securities and Exchange Commission, and several in-house activities at the agencies. As part of Government Pro Bono Week, representatives of government agencies also attend the D.C. Bar Pro Bono Center’s PART Luncheon each year.

D. Summary

Under the leadership of the Department of Justice, the federal government continues to develop and support pro bono legal work by its attorneys. Each year, more agencies join the Interagency Pro Bono Working Group, commit to staffing programs like the D.C. Bar Pro Bono Center’s Advice & Referral Clinic, and hold events to promote pro bono work. These indicators show us that we can expect the number of federal government attorneys performing pro bono legal work in the District of Columbia to continue to grow.

IV. 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

The District of Columbia Access to Justice Commission (“the ATJ Commission”) was created by the D.C. Court of Appeals in 2005 to help improve the ability of low and moderate income residents to access the civil justice system. The Commission has articulated 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.

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 increased from \$3.2 million in fiscal year 2005 to more than \$5.3 million in fiscal year 2019. In addition, in June 2017, the D.C. Council enacted the Expanding Access to Justice Amendment Act of 2017, designed to significantly enhance funding to low-income D.C. tenants facing eviction proceedings in landlord-tenant court in Washington, D.C. The D.C. Council appropriated \$4.5 million to support this new Civil Legal Counsel Program.

Notwithstanding this critically important 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 substantially increase 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 more than doubled to 48 firms, which together

donated more than \$5.5 million to local legal services organizations, an aggregate increase of approximately \$2.6 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, the addition of a new housing conditions calendar at the D.C. Superior Court, and a variety of improvements in the Superior Court's housing, debt collection, and foreclosure calendars.

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 of 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.¹² To be included in the Honor Roll, D.C. Bar members and others 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

¹² 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.

District of Columbia Courts' website.¹³ 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. The 2017 Honor Roll reflected a significant increase in pro bono service, and included 4800 attorneys from 155 law firms, as well as solo practitioners and government attorneys. More than 2900 of those attorneys reported 100 or more hours of pro bono service in 2017.

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 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

¹³ <https://www.dccourts.gov/about/pro-bono-honor-roll>

on the Institute’s Law Firm Pro Bono Challenge.¹⁴ 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 2018, 64 firms are members of the D.C. Bar Pro Bono Initiative and 59 of those firms responded, at least in part, to a survey regarding their 2017 pro bono activities.¹⁵ Combined, the 59 reporting firms’ D.C. offices contributed 916,850 hours of pro bono service in 2017. The 59 firms¹⁶ that responded the last two years reported a six percent increase in the number of total pro bono hours between 2016 and 2017 – from 863,407 to 916,850 hours. Approximately 80 percent of attorneys in the 59 reporting firms (or 8,128 attorneys) participated in pro bono work in 2017, a decrease of one percentage point from attorney participation in 2016. The firms also reported a six percent decrease in the number of attorneys in their D.C. offices, from 10,907 attorneys in 2016 to 10,200 attorneys in 2017. But the average number of pro bono hours per attorney at the 59 firms increased significantly – from 78 in 2016 to 90 in 2017, an increase of approximately 15 percent, and the highest average number of hours since 2012.

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 District of Columbia courts. The

¹⁴ <http://www.probonoinst.org/resources/what-counts/>

¹⁵ Some firms have policies against providing information on their number of billable hours. Not all firms responded to all questions.

¹⁶ To compare year-to-year data accurately, only firms that responded in both the current and the previous year are included.

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.

As an interim measure, 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. The order did not allow limited scope representation in jury trials.

In November 2018, the D.C. Court of Appeals issued an order amending Rule 1.2 of the D.C. Rules of Professional Conduct governing scope of representation, effective January 1, 2019. Under revised Rule 1.2(c), a lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent. The court also adopted a new Comment 6 to the revised rule, which states in part that “in all matters involving limited scope representation, it is generally prudent for a lawyer to state in writing any limitation on representation, provide the client with a written summary of considerations discussed, and to receive a written informed consent from the client to the lawyer’s limited representation.”

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 rule mirrored a similar pro bono exception for attorneys working for the federal government who are not members of the D.C. Bar. The rule allows 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 early 2016, the D.C. Bar Pro Bono Committee and the Access to Justice Commission both submitted recommendations to the D.C. Court of Appeals’ Committee on the Unauthorized Practice of Law to further amend Rule 49 to expand the pool of lawyers allowed to perform pro bono work in the District. Both proposals urged amending the rule to 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. The Pro Bono Committee and the Access to Justice Commission proposed slightly different rules for attorneys employed by the Public Defender Service (PDS) or D.C. nonprofit legal services organizations, recommending that they should apply to the D.C. Bar within 90 days of commencing practice in the District. The Committee and Commission also recommended permitting 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.

On November 1, 2018, the District of Columbia Court of Appeals issued an order adopting amendments to Rule 49(c)(9) of the court’s rules governing unauthorized practice of law, amendments that by and large followed the recommendations of the Commission and the Committee. These amendments, which become effective January 1, 2019, expand the pool of attorneys eligible to perform pro bono work by allowing active, inactive, or retired out-of-state

attorneys or retired D.C. Bar member attorneys to do pro bono work in the District (mirroring current provisions for inactive D.C. Bar members). Importantly, retired Federal government attorneys barred in other jurisdictions (of whom there are many in the D.C. area) can thus provide pro bono service in the District as long as they are affiliated with a local legal services provider.

The amended rule also applies to employees of PDS for the District of Columbia or D.C. legal services nonprofits who are members of the bars of other states. If these employees apply to the D.C. Bar within 90 days after starting to practice in D.C., they may continue to practice (under certain conditions) until their D.C. Bar application has been either approved or denied. The amended Rule 49 also allows law school graduates employed by or affiliated with PDS or a non-profit who are not barred in another jurisdiction to practice under certain conditions while their D.C. Bar application is pending. “Subsection (c)(9) is intended to increase access to justice in the District of Columbia for those unable to afford an attorney by providing an exception to the requirement of admission to the D.C. Bar for lawyers licensed in other jurisdictions (or law school graduates who are awaiting their bar results) to provide pro bono representation, where the requirements of the exception are met,” the court said in its order.

V. 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 2017 Judicial Conference. The recipient was Peter T. Grossi, Senior Counsel at Arnold & Porter Kaye Scholer LLP, for Mr. Grossi's work in representing Doris Garcia Hernandez in her successful pregnancy-discrimination lawsuit against Chipotle Mexican Grill, Inc. In August 2016, Mr. Grossi's pro bono representation of Ms. Garcia resulted in a jury award of \$550,000 in compensatory and punitive damages for her wrongful termination. The award was among the largest jury verdicts on record for pregnancy discrimination and has had an impact in addressing discrimination against working women that extends even beyond the exceptional result that Mr. Grossi achieved on behalf of Ms. Garcia.

VI. CONCLUSION

The Standing Committee is particularly grateful to Chief Judges Merrick Garland 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

Brigida Benitez
Tianna Gibbs
Theodore A. Howard
Aimee Imundo
Laura Friedman Klein
Ariel B. Levinson-Waldman
Eve Runyon
Jeffrey M. Sherman
Michael F. Williams

Ex Officio:
Michelle L. Coleman
Carolyn Lerner
Rebecca Troth

Chair:
Eric Angel

Appendix A

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

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

D.C. CIRCUIT JUDICIAL CONFERENCE
40 @ 50 Survey
Firms Meeting 40 @ 50 in 2016 (recognized in 2017)

Akin Gump Strauss Hauer & Feld*

Arnold & Porter Kaye Scholer*

Covington & Burling

Crowell & Moring

Debevoise & Plimpton*

Dechert

DLA Piper

Duane Morris*

Foley & Lardner

Fried Frank Harris Shriver & Jacobson

Gibson Dunn & Crutcher

Gilbert

Hogan Lovells

Hughes Hubbard & Reed

Jenner & Block*^o

Jones Day

Latham & Watkins*

Manatt Phelps & Phillips*

Mayer Brown

McDermott Will & Emery

Miller & Chevalier*^o

O'Melveny & Myers

Orrick Herrington & Sutcliffe*

Paul Hastings

Reed Smith

Ropes & Gray*^o

Shearman & Sterling

Sidley Austin

Skadden Arps Slate Meagher & Flom

Steptoe & Johnson

Sullivan & Cromwell

Wilmer Hale

Winston & Strawn*

* -- Designates 50% @ 50 pro bono hours

^o -- Designates 60% @ 50 pro bono hours

Bold -- Designates 40% Partners @ 50 pro bono hours

D.C. CIRCUIT JUDICIAL CONFERENCE
40 @ 50 Survey
Firms Meeting 40 @ 50 in 2017 (recognized in 2018)

Akin Gump Strauss Hauer & Feld*
Arnold & Porter*
Beveridge & Diamond
Buckley Sandler*
Covington & Burling*
Crowell & Moring
Davis Wright & Tremaine
Debevoise & Plimpton*
Dechert
DLA Piper
Drinker Biddle & Reath
Foley & Lardner
Foley Hoag*
Fried Frank Harris Shriver & Jacobson
Gibson Dunn & Crutcher
Hogan Lovells
Hughes Hubbard & Reed
Jenner & Block*^o
Jones Day
Kirkland & Ellis
Latham & Watkins*
Mayer Brown
McDermott Will & Emery
Milbank Tweed Hadley & McCloy*
Miller & Chevalier*^o
O'Melveny & Myers*
Orrick Herrington & Sutcliffe*
Paul Hastings*^o
Paul Weiss Rifkind Wharton & Garrison
Ropes & Gray*^o
Shearman & Sterling
Sidley Austin
Skadden Arps Slate Meagher & Flom
Steptoe & Johnson*
Sullivan & Cromwell
Willkie Farr & Gallagher
Wilmer Hale*

* -- Designates 50% @ 50 pro bono hours

^o -- Designates 60% @ 50 pro bono hours

Bold -- Designates 40% Partners @ 50 pro bono hours

Appendix C

Pro Bono at Your Law Firm

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.

1. Firm Information

Contact's name

Firm name

Contact's e-mail address

Contact's phone number

2. Size of D.C. Office as of December 31, 2017 (based on headcount, *not* FTE):

Number of partners:

Number of counsel:

Number of associates:

3. Does your firm have a written pro bono policy?

Yes

No

4. If your firm has a written or stated policy concerning provision of pro bono legal services, does that policy mandate or suggest the number of pro bono hours to be contributed annually by each attorney?

	Yes	No
For associates?	<input type="radio"/>	<input type="radio"/>
For counsel	<input type="radio"/>	<input type="radio"/>
For partners?	<input type="radio"/>	<input type="radio"/>

If you wish, you can explain your pro bono hours policy here:

5. If yes for the question above, how many hours is the stated goal?

For associates:

For counsel:

For partners:

Pro Bono at Your Law Firm

6. Does your firm provide billable hour credit or the equivalent for pro bono work?

	Yes	No
For associates?	<input type="radio"/>	<input type="radio"/>
For counsel?	<input type="radio"/>	<input type="radio"/>
For partners?	<input type="radio"/>	<input type="radio"/>

If no to any of the above, please explain:

7. If so, are all pro bono hours credited the same as hours for commercial clients?

	Yes	No
For associates:	<input type="radio"/>	<input type="radio"/>
For counsel:	<input type="radio"/>	<input type="radio"/>
For partners:	<input type="radio"/>	<input type="radio"/>

If no to any of the above, please explain:

8. Does your firm have a maximum number of pro bono hours for which associates can receive billable hours credit per year?

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

9. Does your firm have a maximum number of pro bono hours for which counsel can receive billable hours credit per year?

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

10. Does your firm have a maximum number of pro bono hours for which partners can receive billable hours credit per year?

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

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

- Yes
- No
- Not applicable

12. If so, is there a limit on the number of pro bono hours that count toward a bonus?

Yes

No

Not applicable

13. 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 2017?

Number of **D.C.-based partners** who performed 50 or more hours of pro bono legal work in 2017:

Number of **D.C.-based counsel** who performed 50 or more hours of pro bono legal work in 2017:

Number of **D.C.-based associates** who performed 50 or more hours of pro bono legal work in 2017:

Please check the appropriate items (13-18 below), that best describe the coordination and management of your pro bono program.

14. Our pro bono program is coordinated and managed by a:

- full-time person
- part-time person

15. Who is an:

- attorney
- non-attorney

16. Who is a:

- partner
- counsel
- other (please specify)

17. Who handles:

- Other legal/administrative responsibilities
- Only pro bono program duties

18. If none of the categories in Questions 13-16 applies to the pro bono staffing at your firm, please describe your staffing below:

19. 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:

Pro Bono at Your Law Firm

20. 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 service (or 100 or more for a higher recognition category)?

Yes

No

21. 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

22. Does your firm encourage attorneys who do not meet the 50 hour standard to contribute at least \$750 to legal service providers?

Yes

No

23. Does your firm monitor the number of attorneys who accept a court-appointed case for an indigent or disadvantaged client?

Yes

No

If yes, how many individual attorneys in your D.C. office took a court-appointed case in 2016 for an indigent or disadvantaged client?

Thank You

**Thanks for taking the survey of Law Firm Policies and Activities Implementing the
D.C. Circuit Judicial Conference Pro Bono Service Standard.**

If you have any questions, please contact: Brigida Benitez at bbenitez@step toe.com

Appendix D

Federal Agency Survey Responses

Consumer Financial Protection Bureau
Central Intelligence Agency
Commodity Futures Trading Commission
Department of Agriculture
Department of Commerce
Department of Defense
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 Transportation
Department of the Treasury
Department of Veterans Affairs
Environmental Protection Agency
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Election Commission
Federal Energy Regulatory Commission
Federal Labor Relations Authority
Federal Reserve Board
Federal Mine Safety and Health Review Commission
Federal Trade Commission
General Services Administration
Internal Revenue Service
Merit Systems Protection Board
National Aeronautics and Space Administration
National Labor Relations Board
Office of the Comptroller of the Currency
Office of the Director of National Intelligence
Office of Government Ethics
Office of Special Counsel
Pension Benefit Guaranty Corporation
Postal Regulatory Commission
Securities and Exchange Commission
Small Business Administration
Social Security Administration
U.S. Agency for International Development
U.S. Citizenship and Immigration Services
U.S. Postal Service