

REPORT OF THE STANDING COMMITTEE ON PRO BONO LEGAL SERVICES

to

June 2002 Meeting of
The Judicial Conference
of the District of Columbia Circuit

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Williamsburg, Virginia

**Report of the Standing Committee on
Pro Bono Legal Services to the
June 2002 Meeting of the Judicial Conference
of the District of Columbia Circuit**

I. Introduction

At the last meeting of the Judicial Conference of the District of Columbia Circuit in June 2000, this Committee presented a report that included results from its survey of private law firms and federal agencies. The report presented information on existing pro bono programs and policies and the level of pro bono activities of attorneys in private firms. The Committee indicated in its report that it would be following up to encourage organized bars and firm leaders to meet the level of pro bono legal services recommended by the Conference's 1998 Resolution on Pro Bono Legal Services and that it would continue to follow the progress made by federal agencies to establish and implement effective pro bono programs for government attorneys. The Committee also indicated that it would report on the activities it observed, as well as the activities of the organized bars and firm leaders to support and advance pro bono legal services.

In this report, we present the results of the surveys conducted this year of federal agencies and private law firms, and provide an overview of some of the principal activities of the organized bar to support pro bono work by lawyers. As before, the surveys elicited largely anecdotal information about the structure and operation of pro bono programs. The private firm survey also sought some general information on the level of pro bono activities. Neither survey was designed to generate information

about the broad range of pro bono activities that are undertaken by government and private sector lawyers.

II. Activities of the Organized Bar to Support and Encourage Pro Bono Service by Lawyers

The Committee expressed in its last report its concern that new minimum billable hours requirements recently implemented at many of the District's larger law firms would discourage pro bono work. It recommended that organized bars and firms leaders "join in efforts to develop policies and procedures to insure that pro bono legal service by private practicing attorneys remains – as it historically has been – alive and well in the District of Columbia Circuit." Two such efforts are described below.

In September, 2000, the District of Columbia Bar Board of Governors, at the request of Bar President John W. Nields, Jr., established a pro bono working group to undertake a Pro Bono Initiative. The group gathered information on the state of pro bono at D.C.'s largest law firms in light of recent increases to minimum billable hours and associate salaries. The Initiative analyzed firms' pro bono policies, surveyed and interviewed managing partners and pro bono coordinators, conducted associate focus groups, and surveyed legal services providers' needs. Based on this information, the Bar joined with the chief judges of the U.S. Court of Appeals for the District of Columbia Circuit, the U.S. District Court for the District of Columbia, the D.C. Court of Appeals, and the D.C. Superior Court to convene a meeting at which managing partners of the city's largest law firms were challenged to renew their commitment to pro bono. Forty-one of these firms committed or renewed their commitment to specific annual pro bono goals of either three or five percent of billable hours, or to

taking on new pro bono activities in the coming year, or both. The Bar released a report in April 2002 presenting these commitments.

Also in April 2002, the Bar and the Consortium of Legal Services Providers, with funding from the D.C. Bar Foundation, launched an innovative online resource for pro bono: www.probono.net/dc. Coordinated by the Bar's Pro Bono Program, this website provides ready access to information about pro bono opportunities, and provides detailed supporting information and materials in five local and three national practice areas: community development, employment, family law, housing, public benefits, asylum, civil rights, and death penalty. The practice areas are maintained by legal services providers, and are sponsored by law firms, which provide technical support. There is also a special section for government attorneys who want to locate pro bono opportunities; who want information about how to do pro bono given their restraints; or who want to develop pro bono programs in their agencies. There is a sample retainer agreement; frequently asked questions; and pro bono committee contacts for several agencies. While it is plainly too early to tell how this site is operating, it appears that it will be of significant benefit to lawyers practicing in settings without a centralized pro bono program.

These initiatives have underscored the emphasis placed on pro bono by the D.C. legal community, and have made headway in eliminating barriers to performing pro bono work by lawyers in all practice settings.

III. Survey of Private Law Firms

On March 28, 2002, the Committee sent the managing partners of 176 law firms with 21 or more lawyers located in the District of Columbia a two-page survey seeking basic information about the

firm's pro bono policies, the relationship between regular and pro bono work, and the percentage of attorneys who performed at least 50 hours of pro bono work in 2001. A copy of the Committee's transmittal letter and survey are attached as Appendix A. Follow up calls and e-mails were made to most of these firms in an effort to generate responses. Some of the surveys were returned as undeliverable, and the Committee learned that some of the firms included on the list had merged. All told, 161 separately operating firms received the survey. From among this group, 64 responses were received, for a response rate of 40 percent. Of this number, 16 responses were from firms who had not responded to the 2000 survey; the remainder were from firms who had responded in 2000. A list of firms who responded to the survey is attached as Appendix B. Responses are analyzed below.

A. Results of Survey

The results of the survey reflect the state of pro bono at the group of firms that responded to the Committee. These firms tended to be large – nearly half were comprised of at least 100 lawyers in 2002, and all but eleven were made up of at least 50 lawyers. Virtually all responding firms had written pro bono policies (56 out of 64). The results, accordingly, present a picture of pro bono practice and policies at larger firms in the jurisdiction that have already made a commitment to pro bono. It would be useful to be able to evaluate data from a broader cross-section of smaller firms (those with fewer than 50 lawyers), as they might present a different overall picture. The Committee notes that the D.C. Bar currently has underway a study of pro bono at smaller and mid-size firms. This is likely to produce insight into ways in which the bar can support and enhance pro bono in such venues.

Overall, the survey once again evidenced the strength of support for pro bono among the larger private law firms in this jurisdiction. Many of these firms have in place the infrastructure needed to

support an active and successful pro bono practice, and to ensure that the firm's commitment to pro bono is articulated and understood by firm attorneys. A number of firms have intranet or internet sites that are used to provide information about the firm's pro bono program and to advise lawyers of upcoming or ongoing pro bono opportunities. Few responding firms had changed their pro bono policies since the 2000 survey; several had put in place a written policy for the first time.

A number of firms responding to the survey, however, reported little in the way of meaningful efforts to facilitate pro bono, to ensure that firm lawyers were performing pro bono work, or to ensure that firm lawyers were aware of and were meeting the standards for pro bono work set out in the Conference's 1998 Resolution on Pro Bono Legal Services and echoed in comment 5 to Rule 6.1 of the D.C. Rules of Professional Responsibility. Responding to survey question #6, which inquired about the steps the firm had taken to assure attorneys were meeting the standard for pro bono work set out in the Resolution, one firm noted, apparently by way of explanation for not having taken such steps, that "compliance with ethical standards is voluntary."

Overall, most firms responding to the survey that provided information about individual attorney pro bono reported that 25% or fewer of their lawyers individually performed 50 hours or more of pro bono work in 2001. And only 15 firms with written pro bono policies included a numerical hours/year goal for pro bono work in their written policy; three additional firms reported that they set a written standard based on a percentage of billable hours.

Here is a snapshot of private law firm pro bono policies and programs among the firms responding to the survey:

- 44 firms have a minimum billable hours target for associates, 20

of these firms limit the number of pro bono hours that can be counted towards this target, generally to between 50-100 hours per year;¹

- Of the 20 firms that report a limit on the number of hours associates can count towards billable targets, only two “hold” this credit until after the billable target has been met;
- 33 firms set a minimum billable hours target for partners; 14 of these firms also have a cap on creditable pro bono hours.² Only one of these firms expressly sets a lower maximum number of creditable hours for partners than for associates.
- 33 firms treat associate pro bono hours the same as hours on commercial cases; 8 firms treat pro bono hours equally with limitations; 17 firms treat them differently;
- 31 firms treat partner pro bono hours the same as hours on commercial cases; 22 treat them differently;³
- 62 responding firms reported that associates’ pro bono work was considered in their evaluations and all but 7 reported that pro bono work counted towards partnership decisions; most also reported that pro bono work factored into compensation decisions, with some firms reporting limitations on counting pro bono hours for purposes of bonuses.

In general, responding firms’ treatment of pro bono has changed little since the last survey.

There was again a broad range of efforts to support pro bono reflected among the responses. Firms

¹ One firm sets a cap of 40 creditable hours of pro bono work; seven firms set caps of 50-60 hours; eight cap creditable pro bono hours at 100; three do so at 150; one at 200 hours; and one firm caps creditable pro bono at 15% of an associate’s billable hours.

² It is not clear that the cap on creditable pro bono hours applies in all cases to partners’ pro bono work, as the survey did not separately elicit this information.

³ Firms were not asked to articulate the differences in treatment of hours between pro bono and commercial clients.

with more successful pro bono programs – measured by the percentage of lawyers meeting the goal of 50 hours of pro bono work per year – tended to have written policies that made clear lawyers at the firm were expected to perform pro bono work, and tended to underscore this statement with visible support from firm management, in meetings and written communications. Firms with successful programs also tended to have a pro bono coordinator (either a lawyer or paralegal) devoted full-time to developing and supporting pro bono work at the firm, and also tended to ‘mainstream’ pro bono – including pro bono work in evaluation, advancement, and compensation decisions, and counting pro bono hours equally with other work towards minimum hours requirements.

Firms with less successful programs tended to have little in the way of articulated support for pro bono. Some less successful firms appeared to have in place, at least on paper, the infrastructure typical of successful pro bono programs. Nevertheless, these firms did not report having significant, visible support from firm management for pro bono, which may be a factor in their relative lack of success.⁴

B. Conclusions

The Committee believes the private law firm survey was constructive and informative. A number of responding firms expressed interest in doing more to communicate the standards recommended by the Conference’s 1998 Resolution on Pro Bono Legal Services; others acknowledged they had been unaware of the Resolution until the survey. In conjunction with data

⁴ Information about firm management’s support for pro bono was gleaned from responses to questions 5-6, which asked open-ended questions about steps taken to communicate pro bono standards and ensure firm attorneys are meeting the standards. See Appendix A. Some firms provided considerable detail in response to these questions; others did not.

obtained by the D.C. Bar during its Pro Bono Initiative, a strong picture is available of firm pro bono programs and policies. The Committee will continue to identify ways to build upon the work that has been done by the Bar to ensure lawyers practicing in the D.C. Circuit are aware of the standards recommended by the Resolution, and to facilitate access to pro bono opportunities.

Before the next Judicial Conference, the Committee intends to identify and evaluate activities underway in other federal courts to support or facilitate pro bono. The Committee will undertake appropriate additional follow up activity, drawing upon the information collected in this survey. The Committee will report to the next Judicial Conference the results of its activities as well as the steps taken by the organized bars, and firm leaders to strengthen pro bono programs and to enhance the provision of pro bono legal services.

IV. Survey of Federal Departments and Agencies On Pro Bono Policies and Programs

On March 18, 2002, surveys were mailed to 53 federal agencies and organizations seeking basic information about pro bono policies and programs.⁵ Copies of the survey and accompanying cover letter are attached at Appendix C. Because of ongoing problems with mail delivery in the District of Columbia, the surveys were also sent by facsimile; follow up calls were made to most organizations surveyed to ensure that a copy of the survey had been received and to determine whether a response could be expected. In all, 37 responses were received, including 11 from cabinet level

⁵ The Committee recognizes that there is a legal distinction between a federal agency and other federal entities, such as federally-chartered corporations. For purposes of this survey, this distinction is not significant, as it was designed to determine what mechanisms are in place to facilitate pro bono work by federal sector lawyers.

agencies, for a response rate of 70 percent.⁶ A list of responding organizations is at Appendix D. All but one of these organizations also responded to the Committee's 2000 survey.

A. Issues Relevant to Pro Bono Legal Work in the Government

Government lawyers face different challenges from their private sector counterparts when they seek to perform pro bono legal work. There are legal and ethical constraints on government lawyers' ability to perform outside legal work during working hours and strict conflict of interest rules that limit the kinds of cases they may handle. Government lawyers taking pro bono cases must ensure they are covered by malpractice insurance for their pro bono work, and assume individual responsibility for the matter accepted. None of these challenges is insurmountable, although without clear agency guidance and support, government lawyers are less likely to overcome them.

Executive Order 12988, issued in 1996, requires all federal agencies to establish programs that encourage and facilitate pro bono legal services by government employees, but does not lift or modify existing legal or regulatory restrictions affecting pro bono work. Executive Order 13254, issued in 2002, called on citizens to serve their countries, and on federal entities to "coordinate and strengthen Federal and other service opportunities, including opportunities for participation in . . . areas of public and social service." Exec. Order 13254, Sec. 1. A number of agencies responded to Exec. Order 12988 by establishing formal or informal pro bono policies; at least one additional agency did so in response to Exec. Order 13254.

⁶ The Departments of Defense, Army, and Navy were separately sent surveys, and provided separate responses. They account for three of the cabinet-level agency responses. A much smaller number of agencies was surveyed than in 2000: 53 compared to 89. This reflected in part information received during the 2000 survey; in addition, smaller entities that did not respond in 2000 were not sent surveys in 2002.

Since the Committee's last survey, there has been a change of administration, resulting in a change in the leadership and in the general counsel or solicitor at most of the organizations surveyed. The Department of Justice reported that its pro bono program has been reorganized; the new structure was going into effect at the time this report was being drafted. Among other changes, the Department of Justice has created a part time Pro Bono Program Manager position in the Professional Responsibility Advisory Office; the incumbent's sole responsibility will be oversight and management of the pro bono program. Efforts to reorganize the Department of Justice program may in part explain why the Interagency Pro Bono Working Group, convened by the Department of Justice on a regular basis since 1997, has not met since early 2001. A number of agencies responding to the survey indicated that they have participated in this Working Group in the past; several indicated that they continue to look to the Department of Justice for guidance and input in the development of pro bono policies and programs.

B. Results of the Survey

The number of lawyers employed in the District of Columbia metropolitan area by responding agencies ranged from a low of four to a high of more than 3,000. Over half of respondents have at least 50 lawyers in the area; nine have between 100-200; and five employ more than 500 lawyers.

A total of twelve respondents have a written policy covering pro bono legal work. The policies range in length from brief, one-paragraph statements to detailed memoranda describing how agency lawyers can find, get approval for, and lawfully perform pro bono legal work. Two entities have draft policies; several indicated they would consider putting a policy in place. Only three of the written policies include an hourly aspirational goal, and all three set the goal at 50 hours of pro bono legal work

per year. Of the agencies that employ more than 100 lawyers, slightly less than half have written policies for pro bono.⁷

Two agencies – the Department of Defense and the Department of the Army – pointed out that while they have no pro bono policy or program, their legal departments provide free legal services on a range of civil matters to lower-income military and retired persons, as well as free legal defense in court-martial hearings and appeals.⁸ A small number of agencies with no written policy indicated they informally support and encourage pro bono legal work, and report that their lawyers regularly undertake pro bono matters. In contrast, one agency with a written pro bono policy reported that none of its more than 130 lawyers is performing any pro bono work.

Agencies were asked to identify the methods used to encourage pro bono work by their lawyers. Twenty-three agencies responded:

- Most rely on electronic (9 respondents) or other (10 respondents) dissemination of information about pro bono opportunities;
- Very few agencies have infrastructure in place: four agencies have a pro bono coordinator, a pro bono committee, or both;
- Three agencies have established an intranet site that includes pro bono information;
- Two agencies communicate support for pro bono legal work

⁷ Five of the nine agencies with between 100 and 200 lawyers have written policies; 2 of the 5 agencies with between 500-3,000 lawyers have policies. One of this latter group reported that a draft policy is circulating.

⁸ The Federal Emergency Management Agency also reported that its lawyers provide oversight, training, administration and coordination for the ABA Young Lawyers' Division's disaster relief pro bono legal services program. FEMA did not report that it had a pro bono program in place by which its own lawyers could identify and provide pro bono legal services.

by awards or other recognition of attorneys' pro bono work;
one additional agency is developing an awards program; and

- Three agencies indicated they participate in local bar pro bono legal opportunities.

Almost all respondents that encourage or support pro bono legal work note a preference for pro bono work that can be performed outside of work hours because of restrictions on government lawyers' use of work hours. Fifteen have made specific provision for the use of leave to handle pro bono work: most (11 respondents) provide for some combination of annual leave, leave without pay, limited administrative leave, or simple 'flexibility' in scheduling work hours, to accommodate pro bono legal work. One smaller federal corporation provides for 8 hours of administrative leave per pay period that can be used for any approved volunteer or pro bono legal endeavor. To some extent, differences in approach are driven by the laws and regulations governing a respondent's workforce, as well as by the number of affected lawyers.

C. Conclusion

The survey provided a useful overview of pro bono programs and policies in the federal sector. It appears that agency efforts to put new pro bono policies and programs in place – described in our last survey as “growing” – settled into a period of little growth over the past two years. At the same time, several agencies responding to the survey expressed interest in receiving input about the development of pro bono programs. It appears that agencies would continue to value a forum for obtaining information about successful federal sector pro bono legal programs. On-line availability of this information through probono.net may make it easier for interested agencies to implement appropriate programs. Similarly, it is hoped that regular meetings of the Interagency Pro Bono

Working Group, or similar group, will provide a useful forum for agencies.

The Committee encourages the organized bars, both local and national, to explore what steps might be taken to assist federal sector lawyers who wish to perform pro bono work, and to support federal agencies' development and implementation of pro bono policies. Before the next Judicial Conference, the Committee will identify and support, as appropriate, efforts underway to expand initiatives in the federal sector that facilitate government attorneys' pro bono work. The Committee will report to the next Judicial Conference the results of its activities.

V. Conclusion

The Committee thanks Judge Gladys Kessler for her counsel and guidance as the Courts' Liaison to this Committee, and thanks the respondents to the survey for the time they took to provide information to the Committee about their pro bono programs.

The Committee intends to follow up, as described above, on the work reported herein. The Committee welcomes comments upon the subjects in this Report, as well as suggestions from the Conference as to other items to which it might address its attention.

Respectfully submitted,

/s/

for the Standing Committee on
Pro Bono Legal Services

Mary E. Baluss
Susan M. Hoffman
Judith Richards Hope
Thomas E. Perez
Judith Sandalow
Pauline Schneider

Kathleen T. Wach
Robert N. Weiner
Thomas S. Williamson, Jr.
Katherine L. Garrett, Chair

APPENDIX A

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

**C. Barrett Prettyman United States Courthouse
333 Constitution Ave., N.W., Room 4826
Washington, DC 20001**

(202)216-7340

March 18, 2002

Dear Managing Partner:

I am writing on behalf of the Standing Committee on Pro Bono Legal Services of the District of Columbia Circuit Judicial Conference to request your assistance in preparing a follow-up report to the Conference on the status of law firms' support for the Circuit's pro bono standard. In June 1998, the Judicial Conference of the District of Columbia Circuit adopted a Resolution updating the recommended standard for pro bono service and increasing to 50 the number of annual pro bono hours recommended for attorneys to meet their professional ethical obligation. The Judicial Conference of the District of Columbia set the same standards in 1997, and comment [5] to Rule 6.1 of the Rules of Professional Responsibility now directs lawyers admitted to practice in the District of Columbia to be guided by these two resolutions in determining their responsibilities under Rule 6.1

In June 2000, the Standing Committee on Pro Bono Legal Services of the Judicial Conference of the District of Columbia Circuit presented a report to the Judicial Conference on the steps taken by private firms within the Circuit to implement this standard. While the report noted the substantial support for pro bono evidenced by many of the surveyed firms, it also noted that less than 25 percent of attorneys at most responding firms had met the recommended standard of performing 50 hours or more of pro bono legal work during 1999.

The Standing Committee undertook to report again on this issue at the 2002 Judicial Conference. Accordingly, the Committee has prepared the enclosed survey to assess firms' responsiveness to the Conference's Resolution. The Committee requests your cooperation in responding to the survey – it has been designed to elicit brief responses and, if your firm's written pro bono policy has changed since 2000, by attaching a copy of the policy.

The information your firm provides will be included in aggregate figures and will be treated confidentially. The Committee, however, may attach to the report a list of those firms who have cooperated by completing the questionnaire. Please complete and return the enclosed questionnaire to Katherine L. Garrett at 3114 19th Street, N.W., Washington, DC 20010 on or before Monday April 15, 2002. Should you have questions or wish further information, please call me (202/745-6345) or Committee member Mary Baluss at 202/969-1699 ext. 296.

Sincerely,



Katherine L. Garrett, Chair
Standing Committee on Pro Bono
Legal Services

Survey of law Firm Policies and Activities Responsive to
Standard for Pro Bono Service Adopted
by the D.C. Circuit Judicial Conference June 1998

Please return this questionnaire by April 15, 2002

Law Firm Information:

Name of Firm:

Address of Firm Office in the District of Columbia

Size of D.C. Office as of January 1, 2002:

Number of Partners/Counsel _____
Number of Associates _____
Number of Paralegals _____

Law Firm Policy:

1. Does your firm have a written pro bono policy? Yes _____ No _____

If yes, has that policy been revised in any respect since January 2000?

Yes _____ No _____

If your policy has been revised since January 2000, please attach a copy.

2. If your firm has a written or stated policy concerning provision of pro bono legal services does that policy reference an "expected" number of pro bono hours to be contributed annually by each attorney? If yes, how many hours is that stated goal?

For associates? Yes _____ No _____ Hours _____

For partners? Yes _____ No _____ Hours _____

3. (a) Does your firm have a minimum billable hours target for attorneys?

For associates? Yes _____ No _____

For partners? Yes _____ No _____

(b) If so, does your firm provide billable hour credit or equivalency for pro bono work?

For associates? Yes _____ No _____

For partners? Yes _____ No _____

(c) Are all pro bono hours credited the same as hours for commercial clients?

For associates? Yes _____ No _____

For partners? Yes _____ No _____

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

Yes _____ No _____ If so, what is that number of hours per year? _____

5. Has your firm management communicated to its attorneys the minimum standards for pro bono service that lawyers should ethically strive to perform?

Yes _____ No _____

If yes, please explain how these standards have been communicated:

6. What steps has your firm taken to assure that its attorneys are meeting the standard for pro bono service set by the Judicial Conference in 1998?

7. Looking at each individual attorney in your firm, and not aggregating or averaging hours across the firm, what percentage of attorneys in your firm individually performed 50 or more hours of pro bono work during 2001?

_____ %

8. (a) Are associates in your firm evaluated on pro bono work?

Yes _____ No _____

(b) Is the pro bono work of associates taken into account in compensation decisions?

Yes _____ No _____

If yes, please describe the procedures:

(c) Is the pro bono work of associates taken into account in decisions on partnership?

Yes _____ No _____

Return to: Katherine L. Garrett, Chair,
Standing Committee on Pro Bono Legal Services
D.C. Circuit Judicial Conference
3114 19th St., NW
Washington, DC 20010
FAX: 202/745-0487

APPENDIX B

**Private Law Firms Responding
to the Standing Committee's March 18, 2002 Survey
(as of May 27, 2002)**

Akin, Gump, Strauss, Hauer & Feld	Milbank, Tweed, Hadley
Andrews & Kurth	Miller & Chevalier
Arent Fox, Kintner, Plotkin & Kahn	Mintz, Levin, Cohn, Ferris, Glovsky &
Arnold & Porter	Popeo
Arter & Hadden	Morrison & Foerster
Asbill Moffitt & Boss	O'Melveny & Meyers
Baach, Robinson & Lewis	Patton Boggs
Baker & Botts	Piper Rudnick
Baker & McKenzie	Powell, Goldstein, Frazer & Murphy
Bracewell & Patterson	Ross, Dixon & Bell
Bryan Cave	Schmeltzer, Aptaker & Shepard
Chadbourne & Park	Seyfarth, Shaw, Fairweather & Geraldson
Cleary, Gottlieb, Steen & Hamilton	Shaw Pittman
Covington & Burling	Shea & Gardner
Crowell & Moring	Sidley & Austin
Debevoise & Plimpton	Skadden, Arps, Slate, Meagher & Flom
Dickstein, Shapiro, Morin & Oshinsky	Spriggs & Hollingsworth
Dow, Lohnes & Albertson	Squire, Sanders & Dempsey
Fried, Frank, Harris, Shriver & Jacobson	Steptoe & Johnson
Fulbright & Jaworski	Sullivan & Cromwell
Gardner, Carton & Douglas	Sutherland, Asbill & Brennan
Hale & Dorr	Swidler, Berlin, Shereff, Friedman
Hogan & Hartson	Thelen Ried & Priest
Howrey, Simon, Arnold & White	VanNess Feldman
Hughes, Hubbard & Reed	Venable, Baetjer, Howard & Civiletti
Jones, Day, Reavis & Pogue	Vinson & Elkins
King & Spalding	Weil, Gotshal, & Manges
Kirkland & Ellis	White & Case
Kirkpatrick & Lockhart	Wiley, Rein & Fielding
Koonz, McKenney, Jonshon.DePaolis	Wilmer, Cutler & Pickering
& Lightfoot	Winston & Strawn
Latham & Watkins	Zuckerman, Spaeder Goldstein, Taylor &
McKenna & Cuneo	Kolker

APPENDIX C

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

**C. Barrett Prettyman United States Courthouse
333 Constitution Ave., N.W., Room 4826
Washington, DC 20001**

(202)216-7340

March 18, 2002

General Counsel/Solicitor

Dear [Agency Solicitor or General Counsel]:

I am writing on behalf of the Standing Committee on Pro Bono Legal Services of the District of Columbia Circuit Judicial Conference to request your assistance in preparing a follow-up report to the Conference on the status of federal agencies' pro bono legal programs.

At the June 2000 D.C. Circuit Judicial Conference, the Committee reported on the status of the pro bono legal programs of federal agencies and private law firms in the District of Columbia. The report found that, in response to Executive Order 12988, which required all federal agencies to establish programs that encourage and facilitate pro bono legal services by government employees, and to the Judicial Conference 1998 resolution specifying that practitioners in Courts of this Circuit should meet stated goals in providing or supporting pro bono legal services, a "modest but growing number of federal agencies have pro bono programs." A copy of the report is attached. Because the thousands of government lawyers who work in the D.C. Circuit can make a significant contribution to addressing the unmet legal needs of the indigent, the Committee assured the Conference it would continue to track the progress of federal organizations' pro bono legal programs.

The Standing Committee on Pro Bono Legal Services intends to report to the D.C. Circuit Judicial Conference to take place June 14-16, 2002 in Williamsburg, Virginia, on the status of pro bono legal services programs in all the federal agencies that may have business before our Courts, as well as in private law firms. To that end, we are asking each agency to provide by April __, 2002, general information about its efforts to establish and implement a pro bono legal services program, outlined on the attached survey. We are separately surveying law firms. Information should be directed to the undersigned at 3114 19th Street, N.W., Washington, DC 20010, telephone: 202/745-6345.

We greatly appreciate your efforts to support pro bono work and your collaboration in the compilation of this report. If there is any information we can provide to facilitate our request, please contact me at 202/745-6345.

Sincerely,

A handwritten signature in cursive script that reads "Katherine L. Garrett".

Katherine L. Garrett
Chair, Standing Committee
on Pro Bono Legal Services

Attachments

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

Survey of Federal Agency Policies and Activities

Please return this survey form by April 15, 2002

Agency Information:

Name and Address of Agency/Entity:

Number of Lawyers Employed in the District of Columbia as of January 1, 2002:

Number of Attorneys _____
Number of Paralegals _____

Policy and Activities Information:

1. Does your agency have a written pro bono policy? Yes ___ No ___

If yes, please attach a copy.

2. If your agency has a written policy, does it contain an "expected" number of hours of pro bono legal work to be performed by each attorney? If so, how many hours is that stated goal?

3. How does your agency encourage or facilitate lawyers' provision of pro bono legal services?

- _____ Established and support Pro Bono Committee(s)
- _____ Created position of and support Pro Bono Coordinator
- _____ Establish and update an intranet Pro Bono Site
- _____ Electronic dissemination of information about pro bono opportunities
- _____ Other dissemination of information about pro bono opportunities
- _____ Coordination with other agencies' pro bono legal programs
- _____ Participation in local bar pro bono legal opportunities
- _____ Award/other recognition of attorneys' pro bono work (describe below)
- _____ Other (please explain):

4. Please describe the response to the pro bono legal program within your agency/entity both by leadership and employees, including any significant barriers encountered and how they were overcome.

5. If your agency/entity does not yet have a pro bono legal services program, please describe the status of any efforts to establish such a program, including your efforts to draw on the experiences of other federal agencies when designing your own program.

Please return to:

Katherine L. Garrett
Chair, Standing Committee on Pro Bono Legal Services
D.C. Circuit Judicial Conference
3114 19th St., NW
Washington, DC 20010
FAX: 202/745-0487
Email: katiagarrett@starpower.net

APPENDIX D

**Federal Departments, Agencies or Other Entities
With Attorneys Responding to the
Standing Committee's 2002 Survey
(as of May 27, 2002)**

Department of the Army	Federal Election Commission
Department of Defense	Federal Emergency Management Admin
Department of Education	General Services Admin
Department of Energy	Legal Services Corporation
Department of Health & Human Services	Merit Systems Protection Board
Department of Housing & Urban Development	National Council on Disability
Department of Interior	National Credit Union Admin
Department of Justice	National Labor Relations Board
Department of the Navy	National Aeronautics & Space Admin
Department of Transportation	Nuclear Regulatory Commn
Department of Treasury	National Transportation Safety Board
Board of Governors of the Federal Reserve System	Office of Personnel Management
Commodity Futures Trading Commn	Overseas Private Investment Corp
Corporation for National Service	Office of Government Ethics
Court Services & Offender Supervision Agency of DC	Peace Corps
Federal Communications Commission	Securities and Exchange Commn
Federal Deposit Insurance Corporation	Social Security Admin
	US Agency for International Development
	US Postal Service