

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

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

to

**June 2004 Meeting of
The Judicial Conference
of the District of Columbia Circuit**

**Richard Crespo
Meredith Fuchs
Addie D. Hailstorks, Ex Officio
Robert H. Kapp
Jennifer K. McDannell
Thomas E. Perez
Judith Sandalow
Maureen Thornton Syracuse, Ex Officio
Kathleen T. Wach
Roberta Y. Wright
Joseph C. Zengerle
Katherine L. Garrett, Chair**

**June 15-18, 2004
The Homestead, Hot Springs, Virginia**

**Report of the Standing Committee on Pro Bono Legal Services to the
June 2004 Meeting of the Judicial Conference
of the District of Columbia Circuit**

I. Introduction

In 1998, a Resolution passed by the Judicial Conference of the District of Columbia Circuit called upon lawyers to help address what it described as a persistent crisis in the delivery of legal services to the poor by, in part, increasing to 50 the annual number of pro bono hours asked of every lawyer admitted to practice in the Federal Courts ~~of~~ the District of Columbia. A copy of the Conference Resolution is attached as Appendix A. In the intervening years, the crisis in legal services delivery ~~has~~ not abated. A recent report issued by the D.C. Bar Foundation notes that in the District of Columbia – a community where more than 20% of the people live in poverty – less than ten percent of the legal needs of the poor are being met.’ Many of these legal needs concern issues central to well-being: food, shelter, health care, and support for children. Pro bono legal work by lawyers in the District of Columbia can – and does – help meet these needs. Plainly, active, healthy pro bono legal programs have a central role to play in meeting the critically understaffed legal needs of the poor.

In 2000, the Standing Committee on Pro Bono Legal Services began tracking the implementation of the D.C. Circuit Judicial Conference 1998 Resolution by surveying and reporting upon pro bono programs in private law firms and federal agencies. The surveys were repeated in 2002, and the results were reported at the 2002 D.C. Circuit Judicial Conference. In

¹ DISTRICT OF COLUMBIA BAR FOUNDATION, CIVIL LEGAL SERVICES DELIVERY IN THE DISTRICT OF COLUMBIA, 1-2 (2003). See also Cunningham, Lynn E., *Legal Needs for the Low-Income Population in Washington, D.C., 1999*, 5 U.D.C.L.Rev. 21 (Fall 2000).

the past two years, the Committee has worked to build upon information learned in the past surveys, and has sought to identify areas of continuing need in our community. Some highlights of these efforts, including results from recent surveys of the pro bono programs in place at private firms, federal agencies, and area law schools, are presented herein.

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

In the Standing Committee's report to the 2002 Circuit Judicial Conference, we described several important pro bono projects launched by the D.C. Bar. Among these was the D.C. Bar Pro Bono Initiative undertaken in 2001 by the chiefjudges 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. The Initiative was designed to address the concern that new minimum billable hours requirements would discourage lawyers from doing pro bono legal work. In response, 41 of the District's largest law firms renewed their commitments to pro bono, identifying specific annual pro bono goals of either three or five percent of billable hours (60 or 100 hours for each attorney in the firm). Some firms set higher commitments. The participating law firms also agreed to provide the D.C. Bar with confidential annual reports on their progress towards these goals.

The Bar's first report on the Pro Bono Initiative, released in July 2003, reflected that firms either substantially fulfilled, or surpassed the goals they had set for themselves. Efforts to collect information on participating firms' 2003 results are underway, and the Bar expects to release its report this summer.

The D.C. Bar has also played a central role in the establishment of two new services that provide much needed assistance to pro se parties in Superior Court while at the same time offering lawyers focused, discrete opportunities to perform pro bono legal work. First, as part of the implementation of the new Family Court, a Self Help Center has been established where volunteer attorneys meet one-on-one with unrepresented litigants with family law matters to assist them in understanding the court process, obtaining and completing needed forms, and *making* referrals if necessary. The Family Law Section of the D.C. Bar, the Women's Bar Association, the D.C. Bar Pro Bono Program, and several law firms have worked together to recruit and train volunteer attorneys, and to administer the program.

Second, in January 2004, a Volunteer Resource Center opened on a pilot basis in D.C. Superior Court's Landlord-Tenant Court. Volunteer attorneys and paralegals provide unrepresented tenants and landlords in that busy court with information and assistance in understanding their options and the court process. Arnold & Porter provided volunteer staffing initially, with the Center operating two days a week. In April 2004, six additional law firms joined, making it possible for the Center to operate three days a week, and on alternating weeks, four days per week. The goal is to increase the availability of the Resource Center to five days a week by summer. Both resource centers are demonstrating that pro bono lawyers can provide a brief service in the courthouse that will make a substantial difference in the community.

11. Encouraging and Tracking Pro Bono in Law Firms

On January 30, 2004, the Standing Committee sent a survey to the managing partners of 174 law firms with offices in the District of Columbia to gather information about pro bono programs in the private sector. In particular, 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 were meeting that standard. In addition, the Committee sought information on firms' pro bono policies and practices. A copy of the transmittal letter and survey are attached at Appendix B. Committee members followed up with telephone calls and e-mails in an effort to secure responses. In all, as of April 6, 2004, responses were received from **68** firms, for a response rate of **39%**. A list of responding firms is attached at Appendix C. Most of the respondents participated in **similar** surveys sent in 2000 and **2002**, providing a useful benchmark for understanding changes and trends in pro bono programs.

A. Results of Law Firm Survey

The survey results reflect only a segment of the several hundred law firms in the District of Columbia: All but eight of the responding firms had at least 25 lawyers; most (**36 firms**) had over 75, with **16** firms reporting that they employed **200** or more attorneys in their DC office. Most (**58 firms**) have a written policy covering pro bono legal work; just under half of these firms (**26 firms**) have a written pro bono goal in their policy. Thus, as in prior years, the results reflect the state of pro bono programs at larger firms that, in general, have already made at least some level of commitment to pro bono. 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 of measuring the strength and depth of a firm's pro bono legal 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**. Overall, the actual number of lawyers meeting the 50-hour annual target for pro bono legal work has not been high. When first

surveyed on this issue, most firms reported that only 25% or fewer of their attorneys met this goal in 2001.² One-third of the firms responding to this earlier survey had not even communicated the 50-hour standard to their lawyers.

In 2003, Chief Judges Douglas Ginsburg and Thomas F. Hogan hosted the '40 at 50' *Judicial Pro Bono Recognition Breakfast*, inviting firms at which a substantial number of lawyers (at least 40%) had met the 50-hour **mark** in 2002. Of the 185 firms polled for the 2003 event, seven reported that they met this threshold level of firm-wide pro bono participation. A little over one month ago, in May, 2004, the second '40 at 50' event was held - this time, twelve firms qualified to attend. Informal conversations with attorneys at private firms indicate that the profile given to the 50-hour standard by the '40 at 50' event **has** contributed to the increase in the number of firms reaching this **mark**.

In this year's survey, the Standing Committee again asked firms to report the percentage of lawyers at their **firm** who had personally performed at least 50 hours of pro bono in the past year.³ All but six of the 68 participating firms provided this information. The results are modestly encouraging. Overall, incremental but steady gains have been made in the number of private sector lawyers doing pro bono legal work. In 2001, 27 firms were on the low end of the scale,

² 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). It is likely that higher percentages of attorneys at the law firms responding to each of the Standing Committee's surveys fulfilled at least one of the three prongs of the standard recommended in the Conference Resolution, which includes, in addition to 50 hours of pro bono service, taking one pro bono case or contributing the lesser of \$400 or one percent of earned income to legal services provider organizations. The surveys have not inquired into the latter two issues, focusing instead on the hours individual lawyers devote to pro bono legal work.

³ The Standing Committee has two years' worth of information about individual attorney pro bono hours: The first survey of pro bono hours performed by *individual* attorneys at *firms*, rather than firm-wide averages was done in 2002, and sought information for the prior calendar year (2001). Similarly, the current survey sought information on lawyers' 2003 pro bono hours.

reporting that fewer than 20% of their lawyers met the 50-hour mark. **Only six** firms were on the other end of the scale, with more than 35% of their lawyers performing 50 hours of pro bono. In contrast, for 2003, only **19** firms reported relatively low rates of pro bono, while 15 law firms reported rates of 35% or higher. What these data tell us, in brief, is that more lawyers at more firms are performing pro bono legal work. The data in Tables 1 and 2, below, illustrate this growth.

Table 1: Law Firm Pro Bono Data for 2001 (Excerpted from 2002 survey)

	0	<20%	20-25%	26-29%	30-35%	36-39%	40-49%	50-70%
# of firms at firm	3	4	1		1			1
50-99	3	10	3	1	1	1	1	
100-199	1	4	3	1	2		2	
200+		2	2	2	5		1	1
TOTAL	7	20	9	4	9	1	4	2

Table 2: Law Firm Pro Bono Data for 2003 (Excerpted from 2004 survey)

	0-9%	10-20%	20-25%	26-29%	30-35%	36-39%	40-49%	50-70%
# of attys at firm				1		1		
n/a								
<50	2	5	2		1		2	
50-99	1	4	7	2	2		1	2
100-199	2	3	3	1	2		1	1
200+		2	3	1	3	2	3	2
TOTAL	5	14	15	5	8	3	7	5

The Standing Committee also inquired about law firms' pro bono policies and practices.

Here, in summary, is a statistical portrait of aspects of law firm pro bono policies and programs, drawn from responses to the survey:⁴

- 58 firms have written policies covering pro bono legal work, and 26 of these firms include a written pro bono goal in terms of annual hours (22 firms) or a percentage of billable hours (three firms).⁵ Most firms setting an hourly goal (19 of 22) set it at or above 50 hours per year.
- 51 firms have a minimum billable target for associates; 23 of these firms cap the number of pro bono hours that can be counted towards this minimum, roughly half (13 out of 23) to between 50-150 hours annually. Seven firms set the cap at between 200-400 hours annually, a notable increase from the last survey, when there was only one firm with a cap higher than 150.⁶
- 42 firms set a minimum billable target for partners; 20 of these firms also have a cap on pro bono hours that partners may credit towards the billable minimum. The creditable maximum ranges mirror those for associates.
- 46 firms treat associate pro bono hours the same as hours on commercial cases; 19 treat them differently.
- 38 firms treat partner pro bono hours the same as hours on commercial cases; 23 treat them differently.

⁴ Not all firms responded to all questions. Thus, the totals presented in each summary may not necessarily equal the total number of firms that sent in survey responses.

⁵ One of the 26 firms that reported having a pro bono goal in its written policy did not explain whether the goal was expressed in terms of a number or percentage of hours.

⁶ Four firms set a cap of 50 hours that can be credited to pro bono; one set a cap of 60 hours; seven firms set caps of 100 hours annually; two set caps of 150 hours; five have caps of 200 hours, with one firm each having a cap of 250 and 400 hours of annual creditable pro bono. In addition, one firm caps pro bono at 10% of billable hours. A second firm responded that it had a cap on creditable pro bono hours, so it is counted in the total number, but it did not say what that cap is. By way of comparison, in 2001, eight firms capped creditable pro bono hours at 60 per year or lower; eight set the cap at 100; three did so at 150, and only one firm had an annual cap as high as 200 creditable pro bono hours.

- **66** firms reported that associates' pro bono work was considered in their evaluations, and **all** but seven 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 credit given for pro bono hours for these purposes.⁷

The Standing Committee observed some trends in the data that merit mention. First, to the extent this group of larger law firms places 'caps' on credit given for pro bono work (and most firms do not), the caps are noticeably higher than reported in the past. Two years ago, only one firm reported having a cap higher than 150 hours of creditable pro bono hours per year. This year, seven firms reported having set this cap at between **200** - 400 hours per year.

Second, firms with articulated pro bono goals tended to report that more lawyers met the 50-hour standard. Among the group of **62** firms that reported on lawyers' progress in meeting the 50-hour standard, **26** had a written pro bono goal for their lawyers. Of these **26** firms, half reported that more than 30% of their lawyers met the 50-hour standard, while half reported that fewer than **30%** had done so. This was markedly different than the results reported by the **36** firms with no written pro bono goal for lawyers. For these firms, the median was **21%**: half reported **21%** or more of their lawyers met the 50-hour standard, while half reported percentages that were below this point.

Finally, looking solely at the 15 firms where greater numbers of lawyers (at least **35%**) met the Judicial Conference's 50-hour standard, the Standing Committee observed that they tended, overall, to have policies that favored pro bono. Twelve treat pro bono hours the same as hours

⁷ Based on the responses received, firms determine associate compensation (including base pay and bonuses) differently. Not surprisingly, consideration given pro bono work is tailored to the firm's specific compensation scheme. It is beyond the scope of this survey to analyze the particular differences reported in including pro bono work in associate compensation decisions.

billed to paying clients; eleven of the 15 have minimum billable requirements for their attorneys, and of these, 10 credit pro bono hours towards this minimum. Finally, only four of these 15 firms set a cap on creditable pro bono hours, and the caps are on the higher end (100-250 hours per year). Interestingly, only seven of these 15 firms have a pro bono goal articulated in their pro bono policy.

A firm's pro bono policies, thus, are an important part of a firm's pro bono performance. They are not determinative of performance, however, as some firms that appeared to have strong policies showed relatively low rates of pro bono performance, while at least several firms that lacked core pro bono policies – such as written goals or billable hour credit for pro bono – nonetheless had significant numbers of lawyers performing pro bono.

B. Best Practices Interviews

In an effort to better understand why some firms are so strikingly successful in encouraging lawyers to participate in pro bono, the Standing Committee has begun a series of informal interviews with firms at which at least 40% of the lawyers had met the Judicial Conference 50-hour standard. We anticipate that these interviews will conclude by early summer, and plan to disseminate the information learned.

C. Conclusion

The Standing Committee believes that the efforts described above have been constructive and informative. Together with data developed by the D.C. Bar in its annual Pro Bono Initiative survey, a broad and multi-faceted picture is available of larger private law firms' pro bono programs. The Committee would welcome the development of information about pro bono programs and participation at smaller and mid-sized firms. The Committee **will** continue to

identify ways to build upon the information developed in its survey, to ensure lawyers practicing in the D.C. Circuit are aware of the Judicial Conference Resolution standards, and to facilitate access to pro bono opportunities.

IV. Encouraging and Tracking Federal Agencies' Pro Bono Efforts

Lawyers in the federal government face different hurdles than do lawyers in the private sector when they seek to do pro bono work. A maze of ethical and legal restrictions limit the kind of matters they can handle and the manner in which they can perform their work. Further, federal lawyers' practice rarely affords them contact with the local legal community, and many have little, if **any**, information about pro bono opportunities with area legal services providers.

In part in response to these concerns, and to stress the importance **of** volunteer service, Executive Order 12988, issued in 1996, required all federal agencies to establish programs that encourage and facilitate pro bono legal services by government employees. Similarly, Executive Order 13254, issued in 2002, called on citizens to serve their countries, and on federal entities to coordinate and strengthen service opportunities. 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.

Since the last Report to the Judicial Conference, the Standing Committee has supported efforts to **raise** the profile of pro bono work by federal government lawyers, and to make information about pro bono legal opportunities more accessible to line attorneys. In addition, the Pro Bono Program Manager at the Department of Justice – newly hired at the time of the Standing Committee's last report, and now two years into the job -- has reconvened the Interagency Pro Bono Working Group, and undertaken important steps to both support and

encourage the growth of pro bono programs across the federal government. Laura Klein, who fills this position, has been an important resource and contact for the Standing Committee's efforts on this front.

A. Encouraging Pro Bono Service by Federal Government Lawyers

Working with the D.C. Bar, the Washington Council of Lawyers, and the Department of Justice pro bono counsel, the Standing Committee helped develop a website for federal lawyers interested in performing pro bono legal work. Located at <http://www.probono.net/dc> in the "Government Volunteers" section, the site offers practical information about how to find appropriate pro bono opportunities locally. Significantly, the site also contains all of the federal agency pro bono policies, making it easier for federal government lawyers to find out how to do pro bono within their own agency.

To encourage agency efforts to develop pro bono legal programs, and to recognize agencies that have taken important steps to facilitate pro bono work by their lawyers, on October 20, 2003, Chief Judges Douglas Ginsburg and Thomas F. Hogan hosted the *Federal Government Pro Bono Recognition Reception* at the E. Barrett Prettyman United States Courthouse, kicking off a week of events organized by federal agencies to raise awareness of pro bono opportunities. In all, representatives from over 20 agencies attended, including Hon. Robert D. McCallum, Jr., the Acting Deputy Attorney General and Associate Attorney General at the United States Department of Justice, and a number of agency General Counsels.

B. Survey of Agency Pro Bono Legal Programs

In early February 2004, surveys were sent to 45 agency General Counsels seeking information about pro bono programs. A copy of the cover letter and survey are in Appendix D.

As of April 12, 2004, 32 responses were received, including ten from cabinet level agencies, for a response rate of 71%. Appendix E contains a list of these agencies. The most significant changes since the 2002 survey are an increase in the number of participants in the Interagency Pro Bono Working Group and an increase in agencies with infrastructure in place. The number of lawyers employed in responding agencies ranged from a low of seven to a high of over 3000, with most employing between 50-200 attorneys.

Respondents were asked whether the agency **has** adopted a written pro bono policy. Seventeen respondents (50%) have, an increase of 5 since 2002. Respondents were asked to attach a copy of the policy where appropriate. As noted above, copies of those policies returned are available on www.probono.net/dc. **Only** three of the written policies contain an hourly aspirational goal and all three set the goal at 50 hours.⁸ This is unchanged since 2002. In addition, eight respondents reported that a pro bono policy is being developed or under consideration. Of those that have not adopted a formal policy, most indicated that pro bono projects are evaluated on a case-by-case basis and require the approval of ethics counsel and the appropriate supervisor. Many included comments indicating that most attorney requests to engage in pro bono involvement are approved absent a conflict. A **small** number of respondents indicated that pro bono activity is not appropriate because of ethics/legal restrictions, because of the nature of the agency's mission, or because of the small number of attorneys.

Agencies were asked to identify the methods used to encourage pro bono work by their lawyers. Thirty agencies responded. Most participate in the Interagency Pro Bono Working

⁸ Agencies typically do not record or inquire about the number of hours their employees spend on pro bono legal or other volunteer activities, as such activities typically are performed outside of regular work hours. Thus, the survey did not seek such information.

Group chaired by the Department of Justice (24 respondents); many rely on electronic (13 respondents) and/or other dissemination of pro bono opportunities (11 respondents). Nine agencies have a pro bono coordinator, a pro bono committee or both. This is up from four in the last survey. Nine agencies now report participating in local bar opportunities, a significant increase from three in the last survey. Five agencies have an awards or recognition program versus three in 2002.⁹

C. Conclusion

The Standing Committee believes that the efforts undertaken – by the Department of Justice's Pro Bono Program Manager, the Interagency Pro Bono Working Group, *the* D.C. Bar, and the Standing Committee – have played a role in the steady growth observed in federal agency pro bono programs over the last two years. The survey provides a useful measure of progress that is being made, and identifies areas of continued work. The Standing Committee will continue to identify and support, as appropriate, efforts to facilitate government attorneys' pro bono work, and will report to the next Judicial Conference about its activities.

V. Understanding the Role of Pro Bono in Area Law Schools

The American Association of Law Schools (AALS) Commission on Pro Bono and Public Service Opportunities has acknowledged the important role of law schools in modeling and instilling a professional ethic of uncompensated public service.¹⁰ The AALS Commission made

⁹ The Standing Committee thanks Dan Clark, with the D.C. Bar Pro Bono Program, for his work in helping to compile and analyze information received from the agencies in response to the survey.

¹⁰ Information about the AALS Commission on Pro Bono and Public Service Opportunities is available at www.aals.org/probono. In 1999, the Commission issued a report, *Learning to Serve*, that presented the results of surveys of hundreds of law schools nationwide, and that made various recommendations addressing the role of law schools in supporting and fostering pro bono. The report can be accessed online at www.aals.org/probono/report2.html

several recommendations addressing pro bono legal work by both law school faculty and students, and encouraged law schools to select a formal pro bono policy for faculty. In **2004**, the Standing Committee surveyed District of Columbia area law schools to learn what steps have been taken to inform law faculty of the **1998** Conference Resolution, and to determine the extent to which pro bono programs have been implemented within the schools. A copy of the letter sent to the law schools is in Appendix F. Responses were received from the American University Washington College of Law (WCL), the George Mason University School of Law (GMU), the Georgetown University Law Center (GULC), the George Washington University School of Law (GWU), the University of the District of Columbia David A. Clarke School of Law (UDC), and the University of Maryland School of Law (U. Md.).

The Standing Committee found that the region's law schools have in place a number of initiatives to encourage pro bono on the faculty and student level. These programs are summarized on the chart below. **In** addition to their efforts to encourage pro bono activity, many schools have dedicated public interest career counselors, public interest stipend programs, and clinical offerings that serve the indigent. While not pro bono programs (because the faculty and students involved are either paid or receive academic credit), these initiatives serve the same client population and help address critical needs for legal services.

Table 3. Summary of Law School Responses (2004)

Summary of Information Received from D.C. Area Law Schools to 2004 Survey			
School	Faculty Pro Bono	Student Pro Bono	Pro Bono Office/Committee
WCL	<ul style="list-style-type: none"> . Surveyed in 1998 . Encouraged to include in faculty annual reports . Considered in tenure and salary decisions 	<ul style="list-style-type: none"> . Voluntary commitment . Mandatory for public interest scholars . 75 hours . Legal work for low income or underrepresented . 1Ls can do 25 hours of community service . Annual award ceremony 	<ul style="list-style-type: none"> . Full time coordinator . Committee
GMU	<ul style="list-style-type: none"> . Faculty not required to report 	<ul style="list-style-type: none"> . Sponsors pro bono opportunities 	
GWU	<ul style="list-style-type: none"> . Surveyed in 2000 . Periodically reported at faculty meetings . DC Bar Advice and Referral Clinic 	<ul style="list-style-type: none"> . Voluntary commitment . 60 hours . 20 hours for LLM and one-year students . Legal services for the poor . Annual awards event 	<ul style="list-style-type: none"> . Committee of comprised of faculty, staff, and students
GULC	<ul style="list-style-type: none"> . DC Circuit and ABA Resolution discussed when pro bono policy established . Pro bono coordinator helps identify opportunities for faculty . GULC provides institutional support for faculty pro bono, including malpractice coverage . Faculty report annually 	<ul style="list-style-type: none"> . Voluntary commitment . 75 hours . 50 hours for 2-year students . 25 hours for one-year students . Special 1L program . Nonprofit or government . Recognized at graduation 	<ul style="list-style-type: none"> . Public interest office with pro bono coordinator
UDC	<ul style="list-style-type: none"> . Pro bono policy includes expectation of pro bono legal service activity . Faculty report annually to evaluation and tenure committee 	<ul style="list-style-type: none"> . Mandatory . 40 hours 	
U. Md. Law		<ul style="list-style-type: none"> . Mandatory for day students . Legal services for the indigent or organizations assisting poor persons 	

A. Student Pro Bono

A number of schools, including the Washington College of Law, Georgetown University Law Center, George Washington University Law School, UDC Law School and the University of

Maryland Law School, have implemented voluntary or mandatory pro bono commitment programs for their students. Although these programs have varying requirements, they share certain basic features: (1) pro bono work can not be remunerated with academic credit or financial compensation; (2) the work must be primarily legal in nature; (3) the work must serve the indigent, organizations that serve the indigent, or government agencies; and (4) satisfaction of the pro bono pledge or requirement **will** be recognized at graduation. Several schools have alternative pledge programs for first-year, LLM, and transfer students. Some schools that do not have pro bono commitment programs do facilitate student participation in various legal services initiatives. For example, George Mason University sponsored a program offering pro bono legal services related to wills for members of fire and police departments.

Some student clubs at the region's law schools also participate in pro bono legal services programs that may not be accounted for by the schools because they are not overseen by law school faculty. These include groups such as the Innocence Project, which operates at Georgetown University Law Center, and is supervised by non-faculty attorneys.

B. Faculty Pro Bono Legal Services

None of the schools that responded to the survey maintains comprehensive records of faculty pro bono activity, although the University of the District of Columbia Law School appears to have the strongest reporting requirement. While area schools provided information about some of the pro bono or public interest matters on which faculty worked, it was not clear from the responses to the surveys the extent to which area law schools have undertaken to communicate the standards set out in the 1998 Judicial Conference Resolution to their faculty.

C. Public Interest Offices or Committees

Several schools have staff members whose positions are dedicated to public interest and pro bono activity. Other schools have pro bono committees comprised of faculty, staff, and students. These coordinators and committees are distinct from public interest career placement staff in that they act as institutionalized advocates and administrators for public interest and pro bono activity during the course of the law school experience. These coordinators often maintain directories of pro bono opportunities and oversee student pro bono commitment programs. In addition, they often generate pro bono initiatives and publicize pro bono opportunities, such as those described above.

D. Additional Activities and Programs that May Enhance Pro Bono Legal Services

Law schools play an important role in shaping students' views of the legal profession, and their perception of the various career avenues available to them. Law schools that offer opportunities to work with the economically disadvantaged, and that facilitate students' efforts to find employment serving such communities have taken important steps to encourage the development of lawyers with a commitment to pro bono legal service. The District of Columbia region is fortunate to be served by a number of law school clinical programs that assist in serving the legal needs of the local community. Programs at the six schools responding to the Standing Committee's survey provide a wide range of types of assistance, including counseling, case work, and transactional work. They are overseen by law school faculty and outside supervisors who have committed themselves to the provision of public interest legal services. In most schools, participation in law clinics is voluntary. At the University of the District of Columbia, however, students are required to complete 700 hours of work in clinical programs serving the District of

Columbia's low-income residents. A number of schools, including the Washington College of Law, George Washington University Law School, George Mason University School of Law, and the University of the District of Columbia Law School, also offer externship programs that allow students to receive academic credit for work with government or public interest organizations.

E. Conclusion

The Standing Committee felt that the survey provided valuable information about the infrastructure of pro bono at the responding law schools. At the same time, it was felt that the comprehensive efforts undertaken by the AALS to survey and disseminate information about pro bono programs in law schools will amply fill the need that exists for law schools to learn from and build upon successes at other institutions, in order to develop effective programs that meet the particular needs of their own environments.

VI. Identifying and Meeting Pro Bono Needs in the D.C. Circuit Courts

Part of the Standing Committee's ongoing mission is to serve as liaison with entities within the Circuit to identify existing or anticipated needs for pro bono legal services. Several such efforts merit mention here.

A. Court of Appeals for the District of Columbia Circuit

Over the course of the past two years, questions surfaced within the Standing Committee about possible expansion of pro bono appellate opportunities. While the pro se caseload for the Court of Appeals for the District of Columbia Circuit is relatively low in comparison with other, larger Circuits, there is a steady demand for pro bono appointments. Since July 2000, there have been between 650 and 700 requests for appointment of counsel in cases, not including direct criminal appeals, filed with the Court of Appeals. During the same time frame, appointments of

pro bono counsel and amicus were made in 41 such matters. Based on the number of filings, including those that are currently handled at the motions level, the Standing Committee thought it might be fruitful to determine the level of interest in the bar in accepting pro bono appointments.

Accordingly, the Standing Committee's survey asked law firms whether they would be willing to accept pro bono appointments to matters before the Court of Appeals for the D.C. Circuit. Fifty-five of the 66 firms responding said they would accept such appointments; only 18 of these indicated they would do so 'with reservations' – and explained that they would first need to check for conflicts and ensure that appropriate staffing is available. Thus, it appears that there is a pool of lawyers – from some of the leading firms in the area – both available for and interested in such appointments. The Standing Committee will follow up to determine the extent to which it would be beneficial to the Court to draw more heavily on this pool.

B. District Court for the District of Columbia

The Standing Committee continues to coordinate with the District Court's Advisory Committee on Pro Se Litigation which, in conjunction with the District Court's Pro Se Office, seeks to meet the pro bono needs of pro se litigants in the District Court. A member of the Pro Se Office has been appointed, ex officio, to serve on the Standing Committee, and a member of the Standing Committee attends meetings of the Pro Se Committee. In 2002, the two Committees jointly developed model language that is circulated to District Court judges to use at attorney admission ceremonies, advising attorneys of the Conference Resolution 50-hour standard and referring attorneys to the Court's Civil Pro Bono Panel as a vehicle for providing pro bono service.

C. Bankruptcy Court

Finally, members of the Standing Committee have met with U.S. Bankruptcy Court Judge Martin Teel; Denise Curtis, Clerk of the Bankruptcy Court; and members of the Bankruptcy Court Clerk's Office staff to learn what needs, if any, might exist for pro bono legal services in matters that come to the Bankruptcy Court. There is a strong consensus that pro bono lawyers are needed for a range of matters that come to this Court. This is echoed by findings presented in the D.C. Bar Foundation Report, in which bankruptcy issues were identified as among the top five substantive areas lacking – and in strong need of – pro bono legal resources.¹¹ Lawyers in the D.C. office of Skadden, Arps, Slate, Meagher & Flom, coordinated by partner Ed Meehan, are researching the options available to develop an appropriate pro bono program that would meet existing needs. The Standing Committee is coordinating with local legal services providers, including the District of Columbia Bar, which sponsors a Bankruptcy Clinic providing pro bono representation in Chapter 7 bankruptcies, to ensure that any recommended programs will complement, and not compete with, existing free or low-cost legal services in this area. The Standing Committee will report to the next Judicial Conference the results of its activities in this area.

VII. Conclusion

The Standing Committee thanks Chief Judges Douglas Ginsburg and Thomas F. Hogan for their consistent support and encouragement, U.S. District Judge Gladys Kessler for her counsel and guidance as the Courts' Liaison to this Committee, and the survey respondents for providing information to the Committee about their pro bono programs.

¹¹ D.C. BAR FOUNDATION REPORT, *supra* n.1, at 14.

The Committee intends to follow up 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,


for the Standing Committee on
Pro Bono Legal Services

Richard Crespo
Meredith Fuchs
Addie D. Hailstorks, **Ex Officio**
Robert H. **Kapp**
Jennifer K. McDannell
Thomas E. Perez
Judith Sandalow
Maureen Thornton Syracuse, **Ex Officio**
Kathleen T. Wach
Roberta Y. Wright
Joseph C. Zengerle
Katherine L. Garrett, Chair

APPENDIX A

RESOLUTION
ADOPTED JUNE 4, 1998, BY THE
JUDICIAL CONFERENCE
OF THE
DISTRICT OF COLUMBIA CIRCUIT

ON

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

WHEREAS ~~this~~ Judicial Conference **and** the Judicial Conference of the District of Columbia have traditionally **and** consistently encouraged members of the bar to provide pro bono legal services to the economically disadvantaged, **as** reflected in this Conference's **1981** Resolution setting a recommended standard for pro **bono** service and in a similar Resolution adopted by the Judicial Conference of the District of Columbia in **1980** and updated in **1997**; and

WHEREAS Rule **6.1** of the District of Columbia Rules of Professional Responsibility, including the official comments thereto referencing the **1981** Resolution of this Judicial Conference, Rule 702(a) of the Rules of the **United** States District Court **for** the District of Columbia, **and** Model Rule **6.1** of the **ABA** Rules of Professional Conduct recognize the professional duty of lawyers **to** provide pro bono legal representation to the economically 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 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 pro se filings in the United States District Court for the District of Columbia continues to be substantial, ranging from 882 in 1993 to 1056 in 1997 and constituting more than one-third of the civil docket filings in 1997; and

WHEREAS funding for legal services to the economically disadvantaged in the District of Columbia, including grants from the Legal Services Corporation, foundations, corporations and United Way, as well as IOLTA funds, is not sufficient for provider organizations to meet the needs for such services, and the competition for available funding has increased; and

WHEREAS 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 Superior Court of the District of Columbia and the President of the District of Columbia Bar, joined in December 1995 to call publicly upon the District's 75 largest law firms to respond to the current crisis in legal services for the economically disadvantaged; and

WHEREAS in 1996, the Attorney General of the United States, in recognition of the significant unmet need for legal services to the economically disadvantaged, adopted a Pro Bono Policy to encourage and support efforts of attorneys employed by the Department of Justice to provide pro bono legal service, including the setting by each attorney of a personal goal of at least 50 hours per year of such service;

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

1. Commends the four Chief Judges of the federal and local courts in the District of Columbia and the District of Columbia Bar for issuing their call to action by the private bar to increase ongoing efforts to meet the need for legal services of the economically disadvantaged, and commends the law firms and individual lawyers that have made and are making commitments of lawyer time and financial resources to meet these needs; and

2. Commends the Attorney General of the United States and other departments and agencies of the Federal Government, including the Office of Government Ethics, the General Services Administration, the Department of Labor, the National Aeronautics and Space Administration, the National Labor Relations Board, and the Department of the Navy for issuance of policies encouraging and facilitating pro bono service by staff attorneys; and

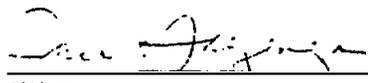
3. Updates the recommended standard for pro bono service adopted by this Conference in 1981, so as to provide as follows:

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 Responsibility and Rule 702(a) of the Rules of the United States District Court for the District of Columbia, by:

- (a) Accepting one court appointment to provide pro bono representation for an indigent or disadvantaged client; or

- (b) Providing **50 hours of pro** bono legal service in his or her field of practice or **through** other **pro** bono cases or programs; or, where personal representation **is** not feasible,
- (c) Contributing the lesser **of** \$400 or one percent of earned income to one or more legal service provider organizations which serve the economically disadvantaged members of the District **of** Columbia community.

ATTEST



Jill Sayenga
Secretary, Judicial Conference of
the District of Columbia Circuit

APPENDIX B

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

January 30, 2004

[Firm name and address]

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, and to invite your firm, if it qualifies, to join Chief Judges Douglas B. Ginsburg and Thomas F. Hogan, and other judges from the D.C. Circuit courts, at an informal pro bono recognition breakfast on May 11, 2004. Your response, in the form of a completed survey, is needed by **Monday, February 16, 2004.**

Six years ago, the Judicial Conference of the District of Columbia Circuit adopted a Resolution that, among other things, increased to 50 the number of annual pro bono hours recommended for attorneys to meet their professional ethical obligation. (A copy of the resolution is enclosed.) This mirrors the standard in place for lawyers admitted to practice in the District of Columbia, and elsewhere. In reports to the Judicial Conference of the District of Columbia Circuit in June 2000 and June 2002, the Standing Committee acknowledged the steps firms have taken to implement this standard. At the same time, it noted that no more than 25 percent of attorneys at most responding firms had met the 50 hour standard. A copy of the most recent report is available on the Circuit's website at: www.cadc.uscourts.gov under "New and Recently Updated Documents." When the Committee separately polled 185 firms in 2003, only seven respondents reported that at least 40% of their attorneys had individually met this standard.

The purpose of this letter is two-fold. First, the Standing Committee is again assessing *firms'* responsiveness to the Conference's 1998 Resolution. To that end, we ask your cooperation in completing the enclosed survey – it has been designed to elicit brief responses. Also, if your firm's written pro bono policy has changed since 2002, please attach a copy. The information your firm provides will be included in aggregate figures in the Committee's report to the Judicial Conference, and will be treated confidentially. As in prior reports, however, the Committee may attach to the report a list of those firms who have assisted by completing the survey. **Responses are needed by February 16, 2004.**

Second, we are announcing the second *40 at 50: Judicial Pro Bono Recognition Breakfast*, to be held on May 11, 2004. Chief Judges Douglas B. Ginsburg and Thomas F. Hogan, along with their judicial colleagues, are again hosting this event to recognize firms at which a significant number of lawyers have personally met the 50-hour goal. Invitation is limited to firms at which at least 40% of the lawyers (including partners, associates, and counsel) performed at least 50 hours of qualifying pro bono legal service in 2003. If you are interested, please promptly

complete and return the survey. We will be contacting ~~firms~~ who meet the **40% mark** in response to question **7**, to invite them to this event.

Please complete and return the enclosed survey to Katherine L. Garrett at **31 14 19th Street, N.W., Washington, DC 20010** on or before **Monday, February 16, 2004**. Should you have questions or wish further information, please contact me at **202.745.6345** or kgarrett@windgarrett.com or Committee member Kathleen Wach at 202.626.5565 or kwach@milchev.com.

Sincerely,

Katherine L. Garrett, Chair
D.C. Circuit Judicial Conference
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 February 16, 2004

Law Firm Information:

Name of Firm:

Address of Firm Office in the District of Columbia

Size of D.C. Office as of January 1, 2004:

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 2003?

_____ %

****For purposes of this question, "pro bono legal work" is defined as performing legal services at no fee or at a substantially reduced fee to persons or groups unable to afford or obtain counsel, or to non-profit organizations.***

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

9. To understand better the possible scope of pro bono programs in the D.C. Circuit, please indicate whether your firm would be interested in pro bono appointment to matters before the D.C. Circuit Court of Appeals.

Yes Yes, with reservations (please explain below) 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 C

APPENDIX C

Private Law Firms Responding to the Standing Committee's January 2004 Survey (As of April 6, 2004)

Akin, Gump, Strauss, Hauer & Feld LLP
Arnold & Porter LLP
Baker & Botts LLP
Baker & Hostetler, LLP
Baker & McKenzie
Ballard, Spahr, Andrews & Ingersoll, LLP
Bracewell & Patterson LLP
Bryan Cave
Cleary, Gottlieb, Steen & Hamilton
Coudert Brothers LLP
Covington & Burling
Crowell & Moring LLP
Debevoise & Plimpton LLP
Dechert LLP
De Caro, Doran, Siciliano, Gallagher &
DeBlasis, LLP
Dickstein Shapiro Morin & Oshinsky, LLP
Dorsey & Whitney LLP
Dow Lohnes & Albertson, PLLC
Finnegan, Henderson, Farabow, Garrett,
& Dunner, LLP
Foley & Lardner
Fried, Frank, Harris, Shriver &
Jacobson, LLP
Greenberg Traurig, LLP
Hale & Dorr, LLP
Hogan & Hartson, LLP
Holland & Knight, LLP
Howrey, Simon, Arnold & White, LLP
Hughes, Hubbard & Reed, LLP
Jenner & Block
Jones Day
Joseph, Greenwald & Lance, PA
Kelley Drye & Warren LLP
King & Spalding LLP
Kirkland & Ellis LLP
Krooth & Altman LLP
Latham & Watkins
LeBoeuf, Lamb, Greene & MacRae, LLP
Linowes & Blocher LLP
Mayer, Brown, Rowe & Maw, LLP
McKenna, Long & Aldridge, LLP
Miller & Chevalier, Chtd.
Morgan, Lewis & Bockius LLP
Morrison & Foerster, LLP
O'Melveny & Myers LLP
Orrick, Herrington & Sutcliffe LLP
Patton Boggs LLP
Piper Rudnick LLP
Powell Goldstein Frazer & Murphy LLP
Ross, Dixon & Bell, LLP
Schnader Harrison Segal & Lewis LLP
Seyfarth Shaw LLP
Shaw Pittman LLP
Shea & Gardner
Skadden, *Arps*, Slate, Meagher &
Flom, LLP
Spiegel & McDiarmid
Spriggs & Hollingsworth
Steptoe & Johnson LLP
Sughrue Mion PLLC
Sullivan & Cromwell
Sutherland Asbill & Brennan LLP
Swidler Berlin Shereff Friedman, LLP
Thelen Reid & Priest, LLP
VanNess Feldman
Venable LLP
Weil Gotshal & Manges LLP
Wiley Rein & Fielding LLP
Wilkie Farr & Gallagher
Wilmer, Cutler & Pickering
Zuckerman Spaeder LLP

APPENDIX D

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)2 16- 7340

February 2, 2004

[Agency }

Dear [General Counsel/Solicitor]:

The D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services is preparing to report to the Conference in June **2004** on the status of federal agencies' pro bono legal programs. I am writing to request your assistance.

At the past two Judicial Conferences, the Standing Committee has reported on developments in federal agency pro bono programs. The most recent report, presented in June **2002**, noted that, for the period from **2000 - 2002**, there had been little growth in the relatively modest number of federal agency pro bono programs, and identified means for encouraging development of such programs. A complete copy of the report is available on the Circuit's website at: www.cadc.uscourts.Gov under "New and Recently Updated Documents."

The Standing Committee is aware that there have been important steps taken to strengthen federal agency pro bono programs since its **2002** report. In order to provide a comprehensive picture of such efforts, we are asking each agency to respond to the enclosed survey by February **16, 2004**. The survey seeks general information about the efforts your agency has made to establish and implement a pro bono legal services program. Results of the survey will be presented in the Standing Committee's June **2004** report to the D.C. Circuit Judicial Conference. Please transmit your response to me at: **3114 - 19th** Street, N.W., Washington DC **20010**. Responses can also be sent by fax (**202.745.6345**) or email: katiagarrett@starpower.net

We greatly appreciate your efforts to support pro bono work by lawyers, and your collaboration in the compilation of this report. If you have any questions, you can reach me at: **202.745.6345**.

Sincerely,

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

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 February 16, 2004

Agency Information:

Name and Address of Agency/Entity:

Number of Lawyers Employed in the District of Columbia as of January 1, 2004:

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? Yes ___ No ___

If so, how many hours is that stated goal? _____
3. If your agency **does not** have a written policy, please describe how you accommodate your lawyers' requests to do pro bono work and ensure that legal restrictions/limitations on such work are met.
4. **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
____ Participate in Interagency Pro Bono Working Group chaired by DOJ
____ Establish and update an intranet Pro Bono Site
____ Electronic dissemination of information about pro bono opportunities
____ Other dissemination of information about pro bono opportunities
____ Participation in local bar pro bono legal opportunities
____ Award/other recognition of attorneys' pro bono work (describe below)
____ Other (please explain):
5. Please describe any major changes in your agency's pro bono legal program, if any, in 2002 - 2003.

6. 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.

Please provide the name and contact information of someone we may contact with any questions about this response:

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@starpr.net

APPENDIX E

APPENDIX E

Agencies Responding to the Standing Committee's February 2004 Survey

Department of Agriculture	Federal Reserve System
Department of Commerce	Federal Trade Commission
Department of Education	General Services Administration
Department of Energy	Internal Revenue Service
Department of Health and Human Services	Legal Services Corporation
Department of Justice	Merit Systems Protection Board
Department of Labor	National Aeronautics and Space Administration
Department of State	National Labor Relations Board
Department of Transportation	Nuclear Regulatory Commission
Department of Treasury	Office of Government Ethics
Commodities Futures Trading Commission	Overseas Private Investment Corporation
Corporation for National and Community Service	Pension Benefit Guaranty Corporation
Export-Import Bank	U.S. Agency for International Development
Federal Communications Commission	United States Postal Service
Federal Deposit Insurance Corporation	
Federal Elections Commission	

APPENDIX F

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

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

(202)216-7340

January 30 2004

[Dean of Law School]
[Law School]
[Address]

Dear Dean _____:

I am writing on behalf of the D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services to request your assistance in gathering information about the status of pro bono legal programs at area law schools. A summary of this information will be included in the Standing Committee's June 2004 report to the D.C. Circuit Judicial Conference; the report will also cover the status of law firm and federal agency pro bono program. A copy of the most recent Committee report is available on the Circuit's website at: www.cadc.uscourts.gov under "New and Recently Updated Documents."

The Judicial Conference has long supported the provision of pro bono legal services to the economically disadvantaged in this community. On June 4, 1998, the Conference adopted a resolution specifying that practitioners in the Courts of this Circuit should meet stated goals in providing or supporting pro bono legal services. A copy of the resolution is attached. The American Association of Law Schools (AALS) Commission on Pro Bono and Public Service Opportunities has acknowledged the important role of law schools in modeling and instilling a professional ethic of uncompensated public service. The AALS Commission made several recommendations addressing pro bono legal work by both law school faculty and students, and encouraged law schools to adopt a formal pro bono policy for faculty.

Law school faculty play an important role in our legal community, and are well-positioned to make a significant contribution to meeting the legal needs of the disadvantaged, both through the provision of pro bono legal services, and through the support and encouragement they give to law students to provide similar service. Similarly, many law students from your school work in our legal community both during and after graduation. For these reasons, the Standing Committee is interested in learning what steps have been taken to implement pro bono programs in your law school and to inform faculty of the Circuit's 1998 Resolution concerning pro bono legal services.

The Standing Committee intends to report in June 2004 to the D.C. Circuit Judicial Conference on the status of pro bono legal programs, including programs in area law schools. To that end, we are asking you, and Deans of other area law schools, to provide information by **February 16, 2004**, about your efforts to support pro bono legal work by faculty and students. In doing so, it would be helpful if you would provide the following information:

- 1) A description of any pro bono legal services program(s) currently in place in your law school for faculty, students, or both, including any available materials outlining policies and procedures for the program(s), and clarification of whether the policies and programs apply to some or all of the students and/or faculty, as applicable;
- 2) The extent to which your program is institutionalized, including any ~~full-~~ or part-time staff dedicated to the coordination of pro bono legal services by either faculty, students, or both;
- 3) Steps you have taken to inform faculty of the Circuit's **1998** Resolution;
- 4) Articulation of any annual goals for faculty pro bono legal service, if any, including any reporting requirement of such service;
- 5) Articulation of any graduation requirement related to pro bono service (**as** distinct or in addition to any general public service requirement); and
- 6) Any other relevant information you wish to provide.

In providing this information, we recognize that a number of area law schools offer worthwhile opportunities to students to participate in supervised legal clinics, externships, or other public interest placement, for which law school credit is received. If you wish to provide us information about such programs, we would welcome it; such opportunities can provide important groundwork for students to serve the indigent in public interest careers. Please note, however, that our report will draw a distinction between such programs and other, uncompensated pro bono legal or law-related activities.

Information and inquiries should be directed to me at: 3114 19th St., N.W., Washington, DC 20010; via e-mail at kgarrett@windgarrett.com; or via phone at 202.745.6345. We greatly appreciate your response by **February 16, 2004**, your efforts to support pro bono legal work, and your collaboration in the compilation of this report. If there is any information I can provide to facilitate this request, please contact me.

Sincerely,

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

Enclosure