

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

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

to
**June 2006 Meeting of
The Judicial Conference
of the District of Columbia Circuit**

Richard Crespo
Lisa R. Fine
Gaela Gehring Flores
Meredith Fuchs
Addie D. Hailstorks,
Ex Officio
Susan M. Hoffman
Jennifer K. McDannell
Scott A. Memmott
Maureen Thornton Syracuse,
Ex Officio
Joseph C. Zengerle

Co-Chairs:
Kathleen T. Wach
Katherine L. Garrett

June 6-9, 2006
Nemacolen Resort, Pennsylvania

I. INTRODUCTION

In 1998, the D.C. Circuit Judicial Conference, in response to what it described then as a persistent crisis in legal services for the poor, passed a Resolution calling on all lawyers admitted to the bars of its courts to provide at least 50 hours of pro bono legal services to the poor. (Resolution at Appendix A.) The crisis is indeed persistent: recent estimates suggest that fewer than 10% of the legal needs of the poor in the District of Columbia are met. Yet there are only 100 full-time legal services staff lawyers working in the District – or one for every 2,000 potential clients. By any measure, this number is inadequate. Pro bono lawyers are an important part of efforts to bridge the justice gap and meet the growing needs for legal services among the most needy.

Since 2000, the D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services has been tracking the implementation of the Circuit Resolution in private firms and federal agencies. Reports issued in 2002 and 2004, available on the D.C. Circuit's website, www.cadc.uscourts.gov, provide snapshots of the evolution of such programs, as well as the efforts undertaken in the private bar to increase awareness and implementation of the Circuit Resolution. Highlights from the surveys conducted this year are presented herein.

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

Pro bono legal work in the District of Columbia receives broad support throughout the legal community. There are many creative and significant efforts undertaken by legal services providers, voluntary bar associations, and others to expand and support pro bono legal programs. In this section, the Standing Committee highlights some of the more

significant developments in the past two years to support and expand pro bono legal services in the District.

A. D.C. Access to Justice Commission

In February 2005, the District of Columbia Court of Appeals, at the request of the D.C. Bar Foundation, the D.C. Consortium of Legal Services Providers, and the D.C. Bar, established the D.C. Access to Justice Commission. Chaired by Georgetown University Law Center Professor Peter Edelman, the 17-member Commission is charged with addressing the scarcity of legal services for low and moderate income District residents, and reducing other barriers preventing equal access to justice. It has sought a significant increase in public funding of civil legal services, and is leading efforts to improve the planning and coordination of service delivery. The Commission is also working closely with the D.C. Bar as it considers new initiatives to increase pro bono work by District lawyers.

B. D.C. Bar Language Access Initiative

In 2004, the D.C. Bar Pro Bono Program launched its Language Access Initiative, designed to focus the attention of the legal community on the dramatic changes in the demographic make-up of the District of Columbia and the increasing numbers of foreign-born residents and individuals with limited English proficiency. Individuals with limited English-speaking ability, and individuals with immigration status issues, face additional barriers to accessing the legal system. To respond to these increasing language needs, the D.C. Bar Pro Bono Program started a quarterly walk-in advice and referral clinic that is conducted completely in Spanish by bilingual attorneys and paralegals, and with volunteer interpreters. The Spanish Language Advice & Referral Clinic is hosted by the Carlos

Rosario Adult Education Center in Columbia Heights, and is co-sponsored by the Hispanic Bar Association, and by CARECEN and Ayuda, two of the District's principal providers of legal aid to the local Latino community. In addition, the Bar's Pro Bono Program has created a volunteer interpreter and translator bank, recruiting volunteers with language skills who can assist legal service providers and pro bono attorneys who are representing clients who speak languages other than English.

C. Federal Sector Focus by Organized Bar

In 2005, John Cruden became the first government lawyer to serve as D.C. Bar President. He made pro bono service by government lawyers one of his priorities for his year as Bar President. As his first official act, he sent a letter to the general counsels of all federal agencies asking them to encourage pro bono service by lawyers in their agencies, and to appoint a representative to the Interagency Pro Bono Working Group, if their agency was not already a member. As a result of Bar President Cruden's outreach, a number of high-level government attorneys participated in the D.C. Bar's Advice and Referral Clinic this year, including the General Counsel of the Department of Defense, the Assistant Attorney General, the General Counsel of the General Services Administration, and the Senior Counsel of the Federal Deposit Insurance Corporation, highlighting the role that government lawyers can play in helping to meet the legal needs of the poor in the District.

D. D.C. Bar Pro Bono Initiative Update

The D.C. Bar Pro Bono Initiative was undertaken in 2001 by the D.C. Bar and 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. The Initiative called on the largest law firms in the District to renew their

commitments to pro bono service by setting specific annual pro bono goals of either 3% or 5% of billable hours. In response, 41 law firms made those commitments and agreed to report annually to the D.C. Bar on their progress toward these goals.

As of April 1, 2006, the D.C. Bar has collected confidential information from participating law firms and published overall results for three years, 2002 – 2004. In each year, the participating law firms have collectively delivered significantly more pro bono legal services than the total of their commitments.

III. PRO BONO LEGAL WORK IN PRIVATE LAW FIRMS

In February of 2006, the Standing Committee sent its 4th biannual survey to the managing partners of 109 law firms with offices in the District of Columbia to gather information about pro bono programs in the private sector. With this survey, the Standing Committee sought to learn whether firms were communicating the Judicial Conference pro bono standard to their lawyers, and the extent to which lawyers were meeting that standard. In addition, the Committee sought information about the structure of firms' pro bono programs and the manner in which law firm lawyers are encouraged to meet the Judicial Conference pro bono standard, in an effort to better understand the elements of successful law firm programs. (Transmittal letter and survey at Appendix B.) Committee members followed up with telephone calls and e-mails. In all, as of April 17, 2006, responses were received from 62 firms, for a response rate of 57 percent.

The Circuit Resolution on pro bono is addressed to *individual* lawyers, not to law firms. For this reason, beginning in 2002, the Standing Committee's survey has asked how many individual attorneys at each firm met the Circuit's 50 pro bono hours in the prior year. With the results of this year's survey, the Committee now has three years' worth of

information about individual attorney pro bono hours. Most of the 2006 respondents (46 firms) also participated in the 2002 and 2004 surveys, providing a useful benchmark for understanding trends in pro bono programs.¹

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 of the responding firms had at least 26 lawyers; most (43 firms) had 75 attorneys or more, with 17 firms reporting that they employed 200 or more attorneys in their District of Columbia office.² 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.

Nearly all of the responding firms have a written policy covering pro bono legal work; just under half of these firms (30 firms) have a written pro bono goal in their policy. Of the 30 firms having a written pro bono goal, 23 reported having goals that matched or exceeded the Judicial Conference standard of 50 annual pro bono hours. We believe it is safe to assume that the non-responding firms would not have reported markedly stronger or more active pro bono programs than those existing at the participating law firms.

There are many ways 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

¹ Thirty-two of the firms responding to the 2006 survey also responded to the similar surveys sent in 2002 and 2004. Ten of the firms responding to the 2006 survey also responded to the 2004 survey, but did not respond in 2002. Vice versa, 4 of the firms responding to 2006 survey responded in 2002, but not in 2004. Sixteen of this year's responding firms are new respondents, or firms that did not respond to the 2002 or 2004 surveys. A list of the firms that responded to the 2002, 2004 and 2006 surveys is attached at Appendix C.

² The Committee sent surveys to all firms listed on the National Association of Law Placement (NALP) directory and categorized as having 26 lawyers or more. See www.nalpdirectory.com.

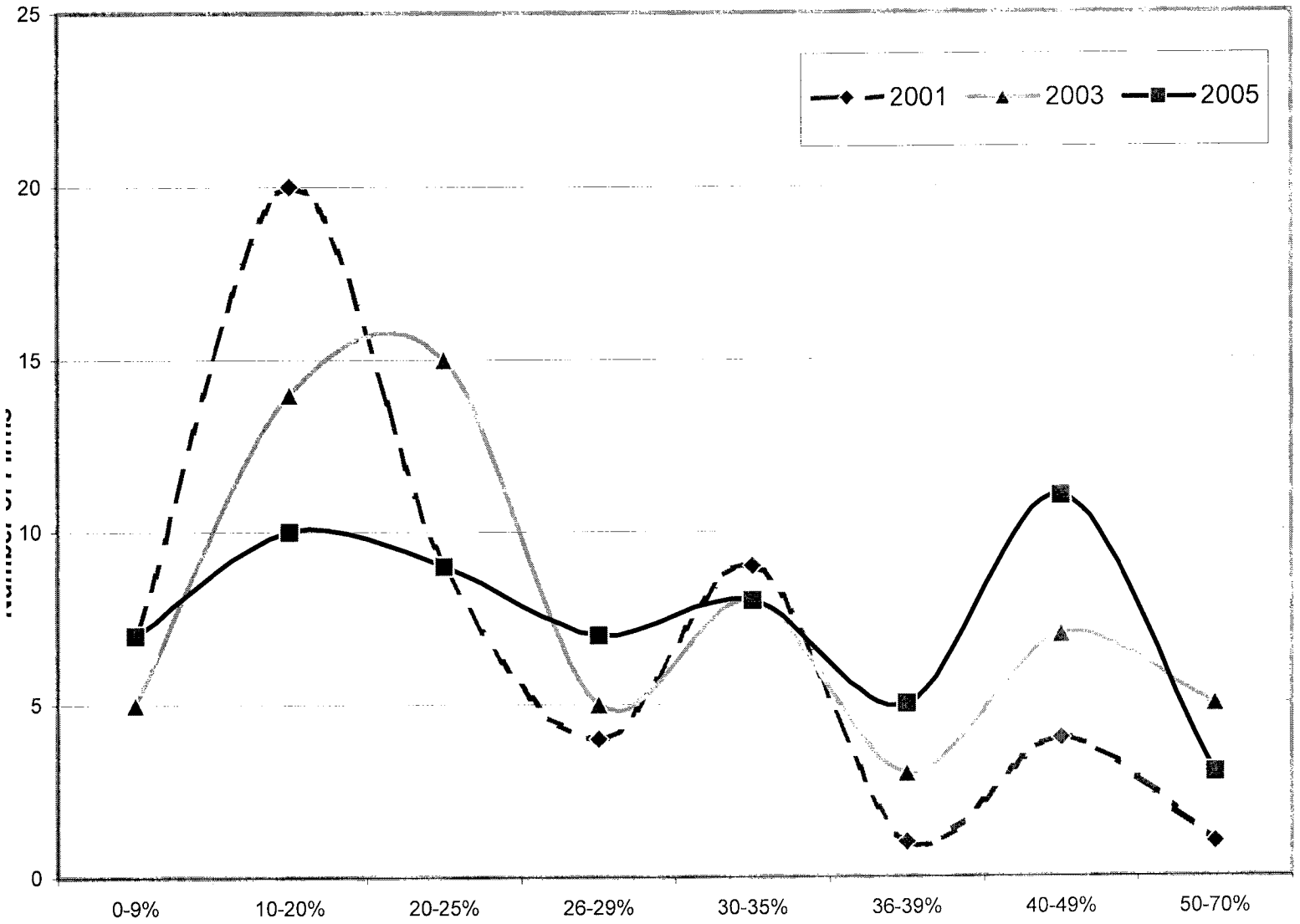
lawyers meeting the 50-hour annual target for pro bono legal work has not been high. Results from this year's survey suggest, however, that this number is on the increase and that pro bono programs are more firmly anchored in more firms. When first surveyed on this issue, most firms reported that only 25% or fewer of their attorneys met this goal in 2001.³ One-third of the firms responding to this earlier survey had not even communicated the 50-hour standard to their lawyers.

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. All but two of the 62 participating firms provided this information. The results are moderately encouraging. Over the course of the four years that the Committee has conducted its survey of individual attorney performance in law firms, incremental but steady gains have been made in the number of private sector lawyers doing pro bono legal work. In response to the 2002 survey (seeking information on law firms' pro bono performance for 2001),⁴ 27 firms were on the low end of the scale, 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 the 2006 survey, 17 firms reported relatively low rates of pro bono participation, while 20 law firms reported rates of 35% or higher. These data tell us that a

³ 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, the alternatives of 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.

⁴ Each of the Standing Committee's surveys has sought information regarding law firms' pro bono performance for the previous year.

Pro Bono Participation 2001-2005



Percentage of Attorneys Meeting Judicial Conference Standard of 50 Pro Bono Hours

subtle yet notable shift has occurred: more lawyers at more firms are performing pro bono legal work at the levels contemplated by the Judicial Conference standard. The data in the graph above illustrate this shift and growth in pro bono work. Data from which this chart was prepared are found in tables in Appendix D.

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:⁵

- *Written pro bono policies.* 60 firms have written policies covering pro bono legal work, and 32 of these firms include a written pro bono goal. 26 of these 32 firms express their pro bono goals in terms of annual hours, and 4 firms in terms of a percentage of billable hours.⁶ Most firms setting an hourly goal set it at or above 50 hours per year (25 of 32), and all but one of these 32 firms had hourly pro bono goals that applied to both partners and associates (one firm's pro bono goal applied only to associates).
- *Billable hours and pro bono caps.* 46 firms have a minimum billable target for associates, 37 of which apply a billable target to partners as well. 17 of these firms cap the number of pro bono hours for which attorneys can receive billable hours credit.⁷ All but two of these 17 firms set a cap between 50 and 100 hours annually; the two remaining firms set a cap between 100 and 200 hours.
- *Raising pro bono caps.* Caps on creditable pro bono work⁸ remain high (allowing for more work to be credited towards billable hours), compared to levels reported in earlier surveys, with a small number of leading firms having entirely removed caps on creditable pro bono hours.
- *Associate pro bono credit.* 46 firms treat associate pro bono hours the same as hours on commercial cases; 15 treat them differently.⁹
- *Partner pro bono credit.* 41 firms treat partner pro bono hours the same as hours on commercial cases; 18 treat them differently.¹⁰

⁵ 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.

⁶ Two of the 29 firms reported having a pro bono goal in its written policy, but did not explain whether the goal was expressed in terms of a number or percentage of hours.

⁷ In response to the 2002 survey, 20 firms reported having caps on creditable pro bono work. Similarly, in response to the 2004 survey, 23 firms reported having caps.

⁸ Seven firms set a cap of 50 hours that can be credited to pro bono; one set a cap of 75 hours; seven firms set caps of 100 hours annually; one set a cap between 100 and 199 hours, but failed to explain the conditions applicable to this range; one has a cap of 200 hours. The number of firms that currently report caps between 50 and 100 hours appears similar to that reported in response to the 2002 survey: eight firms capped creditable pro bono hours at 60 per year or lower; eight set the cap at 100. Notably, certain firms that reported relatively high caps in response to the 2004 survey have now disposed of those caps. In response to the 2004 survey, 7 firms reported having caps of between 200 and 400 hours annually. 4 of these 7 firms now report that they no longer limit the number of pro bono hours that attorneys can count toward their minimum billable target (the remaining three firms did not respond to the 2006 survey).

⁹ One firm did not respond to this question.

- *Crediting pro bono.* All 62 responding firms reported that associates' pro bono work was considered in their evaluations, and all but two firms reported that pro bono work counted towards partnership decisions (one firm responded that pro bono work did not count toward partnership decisions, and one firm failed to answer the question). All but two of the firms reported that pro bono work factored into compensation decisions, with some firms reporting limitations on credit given for pro bono hours for these purposes.¹¹

Additionally, having informally observed a recent trend in law firms toward creating separate positions to coordinate attorneys' pro bono work, the Standing Committee added a new question to the 2006 survey, which sought data regarding the specific manner in which law firms are coordinating and managing their pro bono programs. Nearly all of the responding firms (58) have designated an individual or individuals to manage their pro bono programs, while 4 have entrusted this task exclusively to one or more committees.¹² The majority of these firms (44) have individual pro bono coordinators who are full-time attorneys; 6 have pro bono coordinators who are part-time attorneys; and 4 have full-time, non-attorney coordinators.¹³ Of the 58 firms who have individuals as pro bono coordinators,

¹⁰ Two firms did not respond to the question regarding whether partners' pro bono work is credited equally with billable work; one firm explained that its partner compensation system was too complex to answer yes or no as to whether partners are credited the same for pro bono hours as for hours billed for commercial clients.

¹¹ Based on the responses received, firms determine associate compensation (including base pay and bonuses) differently. Not surprisingly, consideration given to 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 with respect to the consideration of pro bono work in associate compensation decisions.

¹² Several firms explained that more than one individual or committee is tasked with managing and coordinating pro bono work. In addition, some firms with pro bono coordinators also have pro bono committees.

¹³ One of the firms explained that its pro bono program is coordinated by its chair emeritus. Two firms reported that an attorney manages their pro bono programs, but did not report on whether that attorney was full-time or part-time. One firm reported that attorneys and paralegals in two of its US offices manage their pro bono program.

they are divided with respect to those who handle only pro bono matters (27) and those who have other legal or administrative duties (29).¹⁴

B. Recognizing Law Firm Top Pro Bono Performers

In order to honor the top performing law firms, each year since 2003, Chief Judges Douglas H. Ginsburg and Thomas F. Hogan have hosted the “40 at 50” *Judicial Pro Bono Recognition Breakfast*, inviting firms at which a substantial number of lawyers (at least 40%) have met the 50-hour mark for pro bono performance. In 2003 and 2004 the number of firms qualifying for the event were, respectively, seven and twelve. Of the 109 firms polled for the 2005 event, eight reported that they met this level of pro bono participation.

A little over two months ago, on April 24, 2006, the fourth “40 at 50” event was held – this time, a record fourteen 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. Attached at Appendix E are the annual lists of the law firms that have qualified to attend the “40 at 50” *Judicial Pro Bono Recognition Breakfasts*.

These yearly events not only allow the judges and the Standing Committee to recognize the firms that have reached notable levels of pro bono work, but also allow the Committee to survey firms every year (not just the years of its biannual survey) on the number of individual law firm attorneys reaching the Judicial Conference Standard. In this

¹⁴ Two of the 58 firms that have individuals as pro bono coordinators did not report on whether those coordinators solely manage pro bono tasks or handle other duties as well. Of the firms whose pro bono programs are managed by full-time attorneys (44), 24 have pro bono coordinators who handle only pro bono work. Of the 6 part-time attorney coordinators, 2 handle only pro bono work. Of the 4 firms that have non-attorney coordinators, only 1 firm’s coordinator is devoted only to pro bono work. The one firm that reported its pro bono program as coordinated by its chair emeritus did not explain whether the chair only manages pro bono work or if the chair also handles other duties.

manner, the Committee feels that “40 at 50” *Judicial Pro Bono Recognition Breakfasts* act as a yearly snapshot of law firms’ pro bono performance and an indicator of the direction in which law firms’ pro bono efforts have been and may be going.

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

The Standing Committee observed some trends in the survey data that merit mention. As noted above, since 2001, there appears to be a shift towards more law firm attorneys performing pro bono work at the level contemplated by the Judicial Conference standard. While the Standing Committee’s efforts to inform law firms of the Judicial Conference 50 annual pro bono hour standard may have contributed to this apparent increase in pro awareness and performance, other factors likely have contributed as well, including the “A-List” ranking of US law firms published by *American Lawyer* – a ranking that was initiated in September 2003 and places significant weight on pro bono work – which have compelled law firms to revisit and revamp their pro bono programs.

Irrespective of the motivational forces behind an increase in law firm pro bono performance, responses to the survey suggest that certain organizational or management factors may be related with higher levels of pro bono performance. First, firms with articulated pro bono goals tended to report that more lawyers met the 50-hour standard. Among the group of 60 firms that reported on lawyers' progress in meeting the 50-hour standard, 32 had a written goal of the number of pro bono hours they expect from their lawyers. Of these 32 firms, slightly more than half (17) reported that 32% or more of their lawyers met the 50-hour standard, while slightly less than half (15) reported that fewer than 32% had done so. This was different than the results reported by the 26 firms with no

written pro bono goal for lawyers.¹⁵ For these firms, the median was 24%: half reported 24% or more of their lawyers met the 50-hour standard, while half reported percentages that were below this point. From a different statistical perspective, the average percentage of lawyers meeting the 50 hour standard at firms with a written pro bono goal was 31.8%. The average for firms without an articulated pro bono goal was 24.2%.

Also of note is the distinction in pro bono performance between law firms at which pro bono programs are managed by full-time pro bono coordinators who exclusively handle pro bono matters (“*exclusive pro bono coordinators*”) and law firms that have pro bono coordinators who work full-time but handle duties other than pro bono matters. Of the 24 law firms having exclusive pro bono coordinators, the average percentage of attorneys meeting the Judicial Conference standard was 35.3%. In addition, 11 of the top pro bono performers (35% or more attorneys meeting the Judicial Conference standard) from this survey were firms with exclusive pro bono coordinators and only 4 of these law firms were among the bottom performers (fewer than 20% of attorneys meeting the Judicial Conference standard). The 22 law firms having pro bono coordinators who address other legal or administrative matters averaged a lower percentage of attorneys meeting the Judicial Conference standard (22.5%), with fewer top performers (4) and more bottom performers (9).

There appears to be a relation between higher rates of pro bono performance in law firms and pro bono program management practices that generally favor pro bono. As in past survey reports, not all of the top performers have adopted all such practices. Nonetheless, this year’s survey shows a majority of firms adopting a majority of the practices thought to

¹⁵ The total number of firms reporting an absence of a written pro bono goal was 28, but two of these

encourage pro bono efforts. Looking solely at the 20 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. Fifteen have written policies that express an “expected” number of pro bono hours to be contributed annually by each attorney.¹⁶ Thirteen of the top performing firms have minimum billable requirements, with all but one crediting pro bono hours towards this minimum and 10 treating pro bono hours the same as hours billed to paying clients.¹⁷ Twelve of the 20 top performing firms have pro bono coordinators who only handle pro bono matters.¹⁸ Finally, only four of the 20 top performing firms set a cap on creditable pro bono hours; three of the firms’ caps were on the higher end (100-200 hours per year), and only one was at 50 hours per year.

These numbers strongly suggest that a firm's pro bono policies can support a firm's pro bono performance. These policies are not always determinative of performance, however, as some firms that appeared to have strong policies showed relatively low rates of pro bono performance, while several firms that lacked core pro bono policies – such as written goals, billable hour credit for pro bono or dispensing with creditable pro bono caps – nonetheless had significant numbers of lawyers performing pro bono work.

firms did not report the percentage of attorneys who met the 50-hour standard.

¹⁶ This figure is distinct from the 2004 survey. In 2004 only 7 of the 15 top performing firms had a pro bono goal articulated in their pro bono policy.

¹⁷ Two firms allow associates, not partners, to count pro bono hours toward their minimum billable targets. One of these two firms credits associates’ pro bono hours, but not those of partners, as hours for commercial clients.

¹⁸ One of these 12 firms has a part-time attorney as its exclusive pro bono coordinator.

D. 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 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 PRO BONO IN FEDERAL GOVERNMENT AGENCIES

The D.C. Circuit Resolution on pro bono reaches lawyers who work for the federal government as well as private sector lawyers. Federal government lawyers, however, face different barriers when they seek to perform pro bono legal work: regulations and statutes limit the kinds of non-agency matters they can accept, restrict their use of official time, and even limit use of office equipment for non-official matters. It is challenging at best for lawyers seeking to do pro bono work to navigate the myriad rules, regulations, laws, and policies that may restrict their activities.

In 1996, Executive Order 12988 issued directing agencies to “develop appropriate programs to encourage and facilitate pro bono legal . . . service by government employees.”¹⁹ Executive Order 12988, Sec 3, 61 Fed. Reg. 26, p. 4730. Since 2000, the Standing Committee has encouraged pro bono legal work by lawyers in the federal

¹⁹ The Standing Committee appreciates that “agency” has specific definitions, and that Executive Order 12988 applies by its terms to entities defined in 5 U.S.C. § 105. Because the Standing Committee’s focus is on *lawyers* covered by the Resolution, we use the term “agency” to include all federal entities that employ lawyers.

government, and has tracked the status of pro bono programs in the federal government to understand more fully the steps taken to help federal government lawyers reach the goal established in the 1998 Resolution. Progress remains generally positive, albeit uneven.

A. Recognizing Pro Bono in Federal Agencies

In October 2005, Chief Judges Douglas H. Ginsburg and Thomas F. Hogan hosted the second *Federal Agency Pro Bono Reception* at the E. Barrett Prettyman United States Courthouse. The well-attended event included General Counsels from 10 agencies, and was part of the annual ‘Government Pro Bono Week,’ launched in 2003 by the Interagency Pro Bono Working Group as a means of highlighting pro bono programs and opportunities in the federal government.

B. Survey of Pro Bono in Federal Agencies

As noted, beginning in 2000 the Standing Committee has surveyed federal agencies to learn about the status of pro bono programs for federal government lawyers. In early February 2006, surveys were sent by fax to 46 federal agency General Counsels seeking information about pro bono programs. (Letter and survey at Appendix F.) As of March 24, 2006, 33 responses were received, including 12 from cabinet level agencies, for a response rate of 70%.²⁰ Appendix G contains a list of these agencies. A chart summarizing agency responses is available on the D.C. Circuit’s website, www.cadc.uscourts.gov, under the ‘Judicial Conference’ button. For the first time, detailed survey responses were received from several Defense agencies. The Navy and Air Force each have recently promulgated pro bono policies. In addition, the Coast Guard is in the process of developing a policy; all

²⁰ The Department of Homeland Security responded to the Committee’s survey verbally, indicating that ‘there are some pro bono things’ going on at the agency, but that it was unable to respond more fully due to workload. Because of the difficulty of analyzing such a generalized response, this information has not been included in the tallies.

three are participating in the Interagency Pro Bono Working Group. Both the Air Force and Coast Guard report that they participate in local bar pro bono legal opportunities. We are encouraged at the overall growth of pro bono programs in this sector.

The Standing Committee again surveyed agencies to determine whether elements typical of successful private sector programs were present, such as visible leadership support, written policies, and staff resources dedicated to pro bono coordination.

Strong and visible leadership support: Comments from agencies about the efforts to establish or expand pro bono programs made clear that a general counsel committed to pro bono ensures quick results. When agency leadership supports pro bono, and clearly communicates an expectation that programs will start or grow, they get results. Agencies that have not seen strong or visible leadership typically report that efforts to establish or expand programs are stalled within agency bureaucracy. The Committee applauds agency leaders who have made pro bono work by agency lawyers a priority.

Written pro bono policies in federal agencies: Written pro bono policies serve at least two important roles: they protect the agency, as they provide a transparent, accessible process for lawyers to identify and get involved in appropriate pro bono opportunities and to avoid conflicts of interest; in addition, they make it easier for lawyers to know what they can – and cannot – do, and streamline the process for approval. In addition, a written pro bono policy provides a foundation upon which an agency can build a successful pro bono program despite successive and inevitable changes in leadership.

Twenty respondents (43%) now have written pro bono policies, an increase of three since 2004. As noted above, copies of those written policies are available on www.probono.net/dc. In addition, four respondents (Department of Health & Human

Services, Department of Housing and Urban Development, Internal Revenue Service, Merit Systems Protection Board) reported that a pro bono policy is currently being developed or under consideration. Several of these respondents have reported policies under development in each of the last survey cycles. Of those agencies that have not adopted a formal policy, most indicated that pro bono projects are evaluated on a case-by-case basis and require clearing of conflicts and approval by the appropriate supervisor and the ethics officer or other ethics official. Four agencies relying on individualized review and approval have legal staffs of under 100; four employ more than 100 lawyers, and two of these (Federal Communications Commission and the Department of the Army) have over 500 attorneys.

Annual pro bono hourly goals: Only three written policies – Department of Justice, General Services Administration, and Department of Transportation -- contain an hourly aspirational goal and all three set the goal at 50 hours.²¹ This is unchanged since 2002.

Pro bono coordinator on staff: Fifteen agencies have a pro bono coordinator, a pro bono committee or both, up from nine in 2004.

Other encouragement of pro bono: 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 Group, chaired by the Department of Justice (27 respondents); many rely on electronic (16 respondents) and/or other dissemination of pro bono opportunities (15 respondents). Fifteen agencies also now report participating in local bar opportunities, a significant increase from three in 2002, and nine in 2004. Five agencies have a pro bono award or recognition program. This remains the same since 2004.

C. Conclusion

Pro bono programs in the federal government continue to grow steadily, although some areas of inactivity remain. It is plain that the activity of the Interagency Pro Bono Working Group is a galvanizing factor in the maintenance and growth of federal attorney pro bono, and its joint efforts working with the D.C. Bar President had an impact during this past year. The Department of Justice's commitment of staff resources to its pro bono program, and to the management of interagency efforts, is, in the words of respondents, "invaluable" and "exceptional."

V. PRO BONO ASSISTANCE FOR BANKRUPTCY LITIGANTS

In 2004, the Standing Committee reported to the Judicial Conference on its nascent efforts to identify the pro bono needs of litigants in Bankruptcy Courts, as well as mechanisms to address them. In October 2005, the Standing Committee presented to Chief Judge Hogan and Judge Martin Teel the results of a report prepared for the Committee by Edward J. Meehan and Gary Rubin (from the Washington, D.C. office of Skadden, Arps, Slate, Meagher & Flom, LLP). The judges accepted the Committee's recommendation to convene a task force to address the pro bono needs in Bankruptcy Court. In January 2006, the Bankruptcy Task Force of the D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services ("Task Force") was convened and held its first meeting. The Task Force will consider options for solving the growing problem of pro se representation in the bankruptcy court, including implementation of a program in the United States Bankruptcy

²¹ Agencies typically do not record or inquire about the number of pro bono 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.

Court for the District of Columbia that would increase the advice and representation available to unrepresented.²²

The Task Force is chaired by Nelson C. Cohen (Zuckerman Spaeder LLP), and its members include Darrell W. Clark (Stinson Morrison Hecker LLP), Mark Herzog (D.C. Bar Pro Bono Program), David R. Kuney (Sidley Austin Brown & Wood LLP), Patti Meador (Chief Deputy Clerk, United States Bankruptcy Court for the District of Columbia), Edward J. Meehan (Skadden, Arps, Slate, Meagher & Flom LLP), Valerie P. Morrison (Wiley Rein & Fielding LLP), Stanley J. Samorajczyk (Akin Gump Strauss Hauer & Feld LLP), Michelle Sedgewick (Staff Attorney, Pro Se Unit, United States District Court for the District of Columbia), Jeffrey L. Tarkenton (Womble Carlyle Sandridge & Rice, PLLC), and Shirley Williams (Legal Counsel for the Elderly). Standing Committee Member Meredith Fuchs serves as the liaison to the Task Force.

The Task Force has proposed a pilot project whereby the Bankruptcy Court establishes a panel of lawyers willing to accept pro bono appointments to represent qualified litigants in contested matters. The Bankruptcy Court's Pro Bono Panel Attorneys will provide representation when the Court has determined that the litigant: is unrepresented; is indigent or otherwise eligible for pro bono legal services; is a party in a contested matter; has claims and/or defenses to raise; and is unable to effectively raise those claims and/or defenses without the benefit of counsel.

²² About 1900 non-business petitions are filed annually in the United States Bankruptcy Court for the District of Columbia ("Bankruptcy Court"). Of those, about 1600 filings are Chapter 7 petitions and about 300 are Chapter 13 petitions. Although D.C. does not maintain statistics on pro se filings, the national average indicates that pro se bankruptcy filings constitute about 13% of the total cases filed. Although pro bono services currently exist in D.C. to represent qualified individuals filing Chapter 7 petitions in uncontested cases, very little, if any, resources currently are available to assist pro se individuals either filing Chapter 13 petitions or in contested matters. The Task Force determined that most Chapter 13 filers should be in a financial position to retain paid counsel to represent them, if they so choose. However, a significant number of

The Task Force has drafted proposed new Bankruptcy Court Rules to define the program. It plans to propose these to the Advisory Committee on Local Bankruptcy Rules for circulation and public comment by summer 2006. The Task Force has begun to recruit experienced bankruptcy attorneys to serve on the panel. Appointments from the panel will be made through the Office of the Clerk of the Bankruptcy Court upon order of the Bankruptcy Judge. The Task Force currently plans to have the panel established by Summer 2006. The Task Force plans to continue to assess other issues related to pro se and pro bono representation in the bankruptcy court. The Standing Committee is deeply grateful to the creative and hard work of the Task Force members on this important and ground-breaking initiative.

VI. IMPLEMENTATION OF THE DANIEL M. GRIBBON PRO BONO ADVOCACY AWARD

In early 2006, the United States District Court for the District of Columbia, in conjunction with the family and friends of Daniel M. Gribbon, established the Daniel M. Gribbon Pro Bono Advocacy Award and asked the Standing Committee on Pro Bono Legal Services to assist in managing the nomination and selection process. The award recognizes an individual attorney or law firm that has demonstrated distinguished advocacy in a pro bono matter before the United States District Court for the District of Columbia within the 18 months prior to the nomination date. The family and friends of Daniel M. Gribbon have graciously endowed this award in honor of Dan Gribbon's lifetime commitment to and strong support of pro bono legal services. Dan Gribbon, who died on November 3, 2005, practiced law for more than 50 years with the law firm of Covington & Burling after

pro se litigants – both petitioners and respondents - who find themselves in contested matters may be unable to afford counsel, and may be the very ones most in need of representation.

clerking for Judge Learned Hand and serving in the Navy during World War II, including membership on the Joint War Plans Committee of the Joint Chiefs of Staff. Mr. Gribbon was on the Covington & Burling five-member management committee that established the practice of assigning two Covington & Burling attorneys and two secretaries on a full-time basis for a six-month rotation to the Neighborhood Legal Services Program. That assignment later expanded to a team of three attorneys, three secretaries and three paralegals and continues to this day. In a “Legends of the Law” interview featured in the October/November 1998 D.C. Bar Publication, *Bar Report*, Mr. Gribbon explained, “We . . . determined that a more effective way to help meet the need for legal assistance to the underprivileged was to bolster the Neighborhood Legal Services Program.”

The Committee is honored to administer the Gribbon Pro Bono Advocacy Award. The Committee solicited nominations for the award in January and February of 2006, and forwarded recommendations to Chief Judge Hogan in March 2006. The first of this annual award will be presented this year during the D.C. Circuit Judicial Conference. In addition to receiving an engraved award, the recipient’s name will be listed on a plaque to be displayed in the E. Barrett Prettyman United States Courthouse.

VII. CONCLUSION

The Standing Committee thanks Chief Judges Douglas H. Ginsburg and Thomas F. Hogan for their consistent support during our work, and Court Liaison U.S. District Judge Rosemary M. Collyer, for her advice and counsel through the course of the efforts described herein; and survey respondents for providing information about their pro bono programs.

The Standing Committee intends to continue its efforts in each of the areas described in this report, with the goal of increasing and improving the effectiveness of pro bono legal

services in the District of Columbia. We welcome comments on any of the subjects addressed herein, as well as suggestions for areas to which the Committee could turn its attention.

Respectfully submitted,



for the Standing Committee on Pro Bono
Legal Services

Richard Crespo
Lisa R. Fine
Gaela Gehring Flores
Meredith Fuchs
Addie D. Hailstorks, Ex Officio
Susan M. Hoffman
Jennifer K. McDannell
Scott A. Memmott
Maureen Thornton Syracuse, Ex Officio
Joseph C. Zengerle
Kathleen T. Wach, Co-Chair
Katherine L. Garrett, Co-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

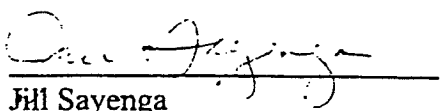
3. Updates the recommended standard for pro bono service adopted by this Conference in 1981, so as to provide as follows:

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:



JHI 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 24, 2006

Managing Partner

«Law_Firm»

«Address»

«Address_2»

«City», «State» «Zip»

Dear Managing Partner:

I am writing on behalf of the Standing Committee on Pro Bono Legal Services of the D.C. Circuit Judicial Conference for your assistance in preparing our biennial report to the Conference on the status of law firms' support for the Conference's pro bono standard. I am also writing to invite your firm, if it qualifies, to join Chief Judges Douglas H. Ginsburg and Thomas F. Hogan and other judges of the D.C. Circuit courts in the annual 40 at 50: Judicial Pro Bono Recognition Breakfast on April 24, 2006. Your response, in the form of the completed, enclosed survey, is needed for both purposes no later than February 10, 2006.

Since June 2000, the Standing Committee on Pro Bono Legal Services has reported to the Judicial Conference on the steps taken by private law firms to implement the attached June 1998 Resolution, which increased to 50 the number of annual pro bono hours recommended for each attorney to meet professional ethical obligations. The most recent reports can be found at www.cadc.uscourts.gov; select "Judicial Conference" and then open "Standing Committee Reports." We need your response in order to provide as comprehensive a picture as possible of area law firm pro bono programs to the Judicial Conference. To this end, please return the attached survey by February 10, 2006. As in prior years, your survey answers will be confidential. The report will include an appendix listing the responding firms, but data will be reported in aggregate numbers only.

Your response will also aid us in identifying firms that qualify to attend the fourth annual 40 at 50: Judicial Pro Bono Recognition Breakfast, hosted by Chief Judges Douglas H. Ginsburg and Thomas F. Hogan, and other judges of the D.C. Circuit courts on April 24, 2006. As in prior years, invitation will be limited to those firms at which at least 40% of all lawyers – including partners, associates, counsel, etc. – individually performed at least 50 hours of qualifying pro bono legal service in 2005. We will be contacting qualifying survey respondents to invite them to this event.

Please return your survey response to Standing Committee Co-Chair Kathleen Wach, Miller & Chevalier, 655 15th St N.W., Suite 900, Washington, DC 20005 (FAX: 202.626.0858). If you have any questions, please contact Ms. Wach (kwach@milchev.com or 202.626.5565) or me (katiagarrett@verizon.net or 202.841.8465).

Sincerely,

Katherine L. Garrett
Co-Chair, D.C. Circuit Judicial Conference
Standing Committee on Pro Bono Legal Services

Enclosure

cc: «Pro_Bono_Contact»

Survey of Law Firm Policies and Activities Implementing
The D.C. Circuit Judicial Conference 1998 Pro Bono Service Standard

Please return this survey by February __, 2006

Name and DC Address of Firm:

Size of D.C. Office as of December 31, 2005:

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

Pro Bono at Your Law Firm

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

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

(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 _____ Number of hours per year? _____

No _____

5. 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?

6. Looking at each individual attorney in your firm, and not aggregating or averaging hours across the firm, how many attorneys in your firm individually performed 50 or more hours of **pro bono legal work** during 2005?

_____ attorneys (includes partners, counsel, associates, etc.)

For purposes of this questions, "pro bono legal work" is defined as the performance of 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.

7. (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 _____

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

Yes _____ No _____

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

Our pro bono program is coordinated and managed by a

(a) _____full-time _____part-time person, who is an

(b) _____attorney _____non-attorney, and who handles

(c) _____ other legal/administrative responsibilities _____ only pro bono program duties.

(d) _____None of the above. (Please describe.)

PLEASE RETURN BY FEBRUARY --, 2006 TO:

[]

APPENDIX C

Appendix C

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

Private Law Firms Responding to the Standing Committee's 2002 Survey

Akin, Gump, Strauss, Hauer & Feld
Andrews & Kurth
Arent Fox, Kintner, Plotkin & Kahn
Arnold & Porter
Arter & Hadden
Asbill Moffitt & Boss
Baach, Robinson & Lewis
Baker & Botts
Baker & McKenzie
Bracewell & Patterson
Bryan Cave
Chadbourne & Park
Cleary, Gottlieb, Steen & Hamilton
Covington & Burlington
Crowell & Moring
Debevoise & Plimpton
Dickstein, Shapiro, Morin & Oshinsky
Dow, Lohnes & Albertson
Fried, Frank, Harris, Shriver & Jacobson
Fulbright & Jaworski
Gardner, Carton & Douglas
Hale & Dorr
Hogan & Hartson
Howrey, Simon, Arnold & White
Hughes, Hubbard & Reed
Jones, Day, Reavis & Pogue
King & Spalding
Kirkland & Ellis
Kirkpatrick & Lockhart
Koonz, McKenney, Johnson, DePaolis & Lightfoot
Latham & Watkins
McKenna & Cuneo

Milbank, Tweed, Hadley
Miller & Chevalier
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo
Morrison & Foerster
O'Melveny & Meyers
Patton Boggs
Piper Rudnick
Powell, Goldstein, Frazer & Murphy
Ross, Dixon & Bell
Schmeltzer, Aptaker & Shepard
Seyfarth, Shaw, Fairweather & Geraldson
Shaw Pittman
Shea & Gardner
Sidley & Austin
Skadden, Arps, Slate, Meagher & Flom
Spriggs & Hollingsworth
Squire, Sanders & Dempsey
Steptoe & Johnson
Sullivan & Cromwell
Sutherland, Asbill & Brennan
Swidler, Berlin, Shereff, Friedman
Thelen, Ried & Priest
VanNess Feldman
Venable, Baetjer, Howard & Civiletti
Vinson & Elkins
Weil, Gotshal & Manges
White & Case
Wiley, Rein & Fielding
Wilmer, Cutler & Pickering
Winston & Strawn
Zuckerman, Spaeder Goldstein, Taylor & Kolker

Appendix C

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

Private Law Firms Responding to the Standing Committee's 2004 Survey

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

Appendix C

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

Private Law Firms Responding to the Standing Committee's 2006 Survey

Arnold & Porter LLP	LeBoeuf, Lamb, Greene & McRae LLP
Baker & MacKenzie	Latham & Watkins LLP
Baker Botts LLP	Mayer, Brown, Rowe & Maw LLP
Baker Hostetler	McDermott Will Emery
Blank Rome LLP	McKee Nelson LLP
Bryan Cave	Miller & Chevalier
Cleary Gottlieb Steen & Hamilton	Mintz Levin Cohn Ferris Glovsky & Popeo
Covington & Burling	Morgan, Lewis & Bockius LLP
Crowell & Moring LLP	Morrison & Foerster LLP
Dechert LLP	Nixon & Peabody LLP
Dickstein Shapiro Morin & Oshinsky LLP	O'Melveny & Myers LLP
DLA Piper Rudnick Gray Cary	Patton Boggs LLP
Dow, Lohnes & Albertson, PLLC	Paul, Hastings, Janofsky & Walker LLP
Finnegan Henderson Farabow Garrett & Dunner LLP	Proskauer Rose LLP
Foley & Lardner LLP	Reed Smith
Fried, Frank, Harris, Shriver & Jacobson LLP	Ross, Dixon & Bell, LLP
Gardner, Carton & Douglas	Shearman & Sterling LLP
Goodwin Procter LLP	Shook, Hardy & Bacon LLP
Greenberg Traurig, LLP	Sidley Austin LLP
Heller Ehrman LLP	Skadden, Arps, Slate, Meagher & Flom LLP
Hogan & Hartson LLP	Sonnenschein Nath & Rosenthal LLP
Holland & Knight LLP	Spriggs & Hollingsworth
Hunton & Williams LLP	Steptoe & Johnson LLP
Jenner & Block LLP	Sullivan & Cromwell LLP
Jones Day	Swidler Berlin Shereff Friedman, LLP
Jorden Burt LLP	Thelen Reid & Priest LLP
Katten, Muchin Rosenman LLP	Van Ness Feldman, PC
Kelley Drye & Warren LLP	Venable, Baetjer, Howard & Civiletti, LLP
Kilpatrick Stockton	Weil Gotshal & Manges LLP
King & Spalding LLP	Wiley Rein & Fielding LLP
Kirkland & Ellis LLP	Wilmer, Cutler, Pickering, Hale & Dorr LLP
Kirkpatrick & Lockhart Nicholson Graham LLP	Winston & Strawn LLP

APPENDIX D

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

		Percentage of Attorneys Meeting Judicial Conference Standards of 50 Pro Bono Hours							
		0%	< 20%	20-25%	26-29%	30-35%	36-39%	40-49%	50-70%
Size of Firm (Attorneys)	< 50	3	4	1	0	1	0	0	0
	50-99	3	10	3	1	1	1	1	0
	100-199	1	4	3	1	2	0	2	0
	200+	0	2	2	2	5	0	1	1
Total Firms		7	20	9	4	9	1	4	1

Pro Bono Participation 2001

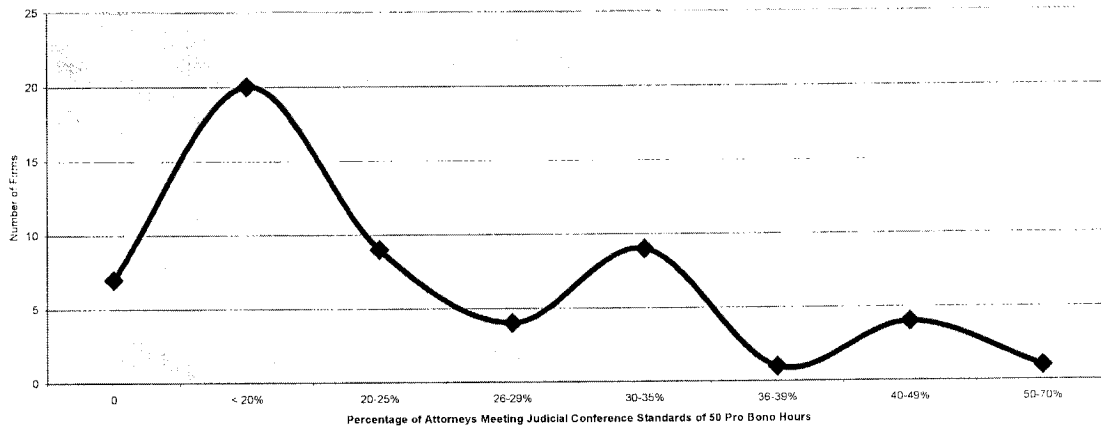


Table 2: Law Firm Pro Bono Data for 2003 (Excerpted from 2004 survey)

		Percentage of Attorneys Meeting Judicial Conference Standards of 50 Pro Bono Hours							
		0-9%	10-20%	20-25%	26-29%	30-35%	36-39%	40-49%	50-70%
Size of Firm (Attorneys)	N/A	0	0	0	1	0	1	0	0
	< 50	2	5	2	0	1	0	2	0
	50-99	1	4	7	2	2	0	1	2
	100-199	2	3	3	1	2	0	1	1
	200+	0	2	3	1	3	2	3	2
Total Firms		5	14	15	5	8	3	7	5

Pro Bono Participation 2003

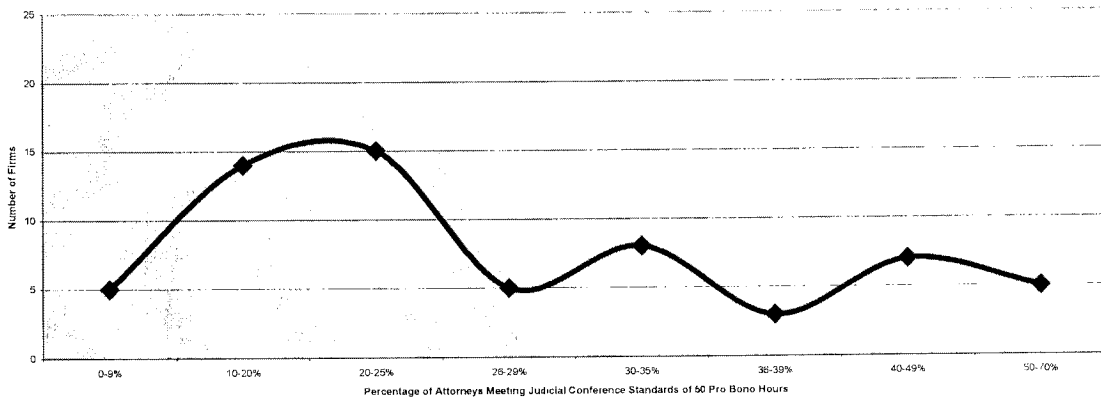
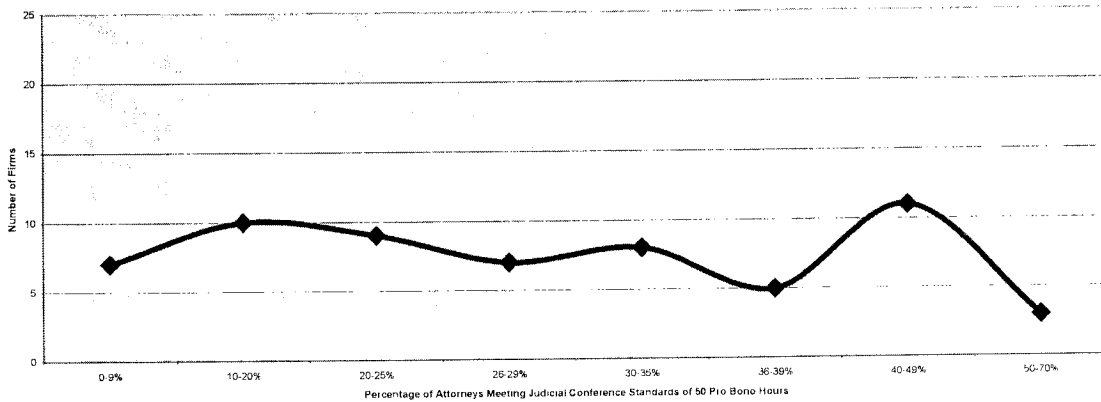


Table 3: Law Firm Pro Bono Data for 2005 (Excerpted from 2006 survey)

		Percentage of Attorneys Meeting Judicial Conference Standards of 50 Pro Bono Hours							
		0-9%	10-20%	20-25%	26-29%	30-35%	36-39%	40-49%	50-72%
Size of Firm (Attorneys)	< 50	1	2	1	1	0	0	1	1
	50-99	5	5	3	3	1	1	3	1
	100-199	0	3	3	2	4	1	2	0
	200+	1	0	2	1	3	3	5	1
Total Firms		7	10	9	7	8	5	11	3

Pro Bono Participation 2005



APPENDIX E

40 at 50 Qualifying Firms

2003 Qualifying Firms

Arnold & Porter
Covington & Burling
DLA Piper
Fried Frank Harris Shriver & Jacobson
Jenner & Block
Latham & Watkins
Wilmer Cutler Pickering

2004 Qualifying Firms

Arnold & Porter
Covington & Burling
Debevoise & Plimpton
Dickstein Shapiro & Morin
Fried Frank Harris, Shriver & Jacobson
Greenberg Traurig
Howrey Simon Arnold & White
Jenner & Block
Latham & Watkins
Shea & Gardner
Spiegel & McDiarmid
Wilmer Cutler & Pickering

2005 Qualifying Firms

Arnold & Porter
Covington & Burling
Crowell & Moring
DLA Piper
Fried Frank Harris Shriver & Jacobson
Howrey Simon Arnold & White
Jenner & Block
Wilmer, Cutler & Pickering

40 at 50 Qualifying Firms (cont'd)

2006 Qualifying Firms

Arnold & Porter

Cleary Gottlieb *

Covington & Burling

Crowell & Moring

DLA Piper

Goodwin Procter*

Fried Frank Harris Shriver & Jacobson

Heller Ehrman*

Hogan & Hartson*

Jenner & Block

Kilpatrick & Stockton*

Step toe & Johnson*

Shearman & Sterling*

Wilmer Hale

APPENDIX F

January __, 2006

[agency address/fax]

Dear [General Counsel/Solicitor]:

The D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services is preparing to report to the 2006 Judicial Conference on the state of pro bono programs in federal agencies. I am writing to request your assistance in preparing this report, by completing and returning the enclosed brief survey.

Since 2000, the Standing Committee has surveyed federal agencies and reported the results to the D.C. Circuit Judicial Conference. The most recent copies of the reports are available at www.cadc.uscourts.gov at "Judicial Conference", under "Standing Committee Reports." We understand there have been important developments in agency pro bono programs and efforts since our last report, and need your help in providing a comprehensive picture of these developments to the judges of the D.C. Circuit, by completing and returning the enclosed survey by **February 10, 2006**. Completed surveys can be mailed or sent by fax to Katherine L. Garrett, Standing Committee Co-Chair, 3114 19th St NW, Washington, DC 20010 or FAX 202.467.3753.

A list of responding agencies will be included as an appendix to the report that will be submitted to the D.C. Circuit Judicial Conference in June 2006. If you have any questions about the survey, please contact Committee member Maureen Syracuse at msyracuse@dcbar.org or (202) 626-3490 or me at katiagarrett@verizon.net. Thank you in advance for your assistance.

Sincerely,

Kathleen Wach
Co-Chair, D.C. Circuit Judicial Conference
Standing Committee on Pro Bono Legal Services

***D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services
Survey of Federal Agency Policies and Activities***

Please return this survey form by February 10, 2006

Name and Address of Agency/Entity:

Number of Legal Staff in the District of Columbia as of January 1, 2006:

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 **yes**, how many hours is that stated goal? _____ hours

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? Check all that apply.

- _____ 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
- _____ Electronically disseminate information about pro bono opportunities
- _____ Provide other dissemination of information about pro bono opportunities
- _____ Participate in local bar pro bono legal opportunities
- _____ Award/otherwise recognize 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 2004 -2005.

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.

7. Is there any help you need in setting up or strengthening your agency's pro bono program?

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

Please return survey by February 10, 2006 to:

Katherine L. Garrett
Co-Chair, DC Circuit Judicial
Conference Standing Committee on Pro
Bono Legal Services
3114 19th St., N.W.
Washington, DC 20010
FAX: 202-467-3753
katiagarrett@verizon.net

APPENDIX G

Federal Agencies Responding to 2006 Pro Bono Survey

Department of Commerce
Department of Education
Department of Energy
Department of Health & Human Services
Department of Homeland Security*
Department of Housing and Urban Development
Department of Justice
Department of Labor
Department of State
Department of Transportation
Department of the Treasury
Department of Veterans Affairs
Department of the Army
Equal Employment Opportunity Commission
Export-Import Bank
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Elections Commission
Federal Reserve System, Legal Division of Board of Governors
Federal Trade Commission
General Services Administration
Internal Revenue Service
Merit Systems Protection Board
National Aeronautic & Space Administration
National Labor Relations Board
Office of Government Ethics
Pension Benefit Guaranty Corporation
Securities & Exchange Commission
U.S. Agency for International Development
United States Air Force
United States Coast Guard
United States Navy
United States Postal Service