

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 the
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I. INTRODUCTION

The District of Columbia Circuit has a thriving *pro bono* culture in which dedicated members of the Bar contribute millions of dollars worth of time and resources to underserved individuals in our community each year. The Bar is fortunate to have the support in this effort of the Judges of this Circuit and the local judiciary. Since our last report to the Circuit in 2006, the number of attorneys doing *pro bono* and their level of commitment have increased. To further awareness of the D.C. Circuit Resolution which sets the ethical standard for *pro bono* service at 50 hours per attorney,¹ the Standing Committee on *Pro Bono* Legal Services conducts a survey each year and, with the judges of this Circuit, recognizes those firms in which at least 40 % of the attorneys have performed at least 50 hours of *pro bono* service. Five years ago, when the survey was first implemented, only seven firms met this standard while this past year 21 firms accomplished this goal. Participation among government attorneys in *pro bono* work has experienced similar expansion.

In addition to this promising trend in *pro bono* activity, the last two years saw the implementation of the D.C. Access to Justice Commission, which was instrumental in securing the D.C. City Council's allocation of \$3.2 million in both fiscal years 2007 and 2008 for civil legal services for underserved populations.

¹ In 1998, the D.C. Circuit Judicial Conference passed a resolution calling on all lawyers admitted to the bars of its courts to provide at least 50 hours of *pro bono* legal service to the poor. (Resolution on *Pro Bono* Legal Services by Members of the Bar of the Federal Courts of the District of Columbia at Appendix A.)

These encouraging developments, however, must be viewed against the backdrop of increasing poverty and legal need in the District of Columbia. Despite the city's revitalization, poverty in the District is at the highest level in nearly a decade with one in five residents living below the poverty line; 33% of residents qualify as low-income.² Nearly one in three working families in the District is poor.³ A recent D.C. Access to Justice Commission assessment of legal needs in the District summarizes the current situation, "the unmet need for legal assistance . . . is significant. Our survey confirmed that there is no area in which all of the need is being met."⁴

The Standing Committee is committed to working cooperatively with other organizations in our Bar to meet the legal needs of those in our community through innovations and increased *pro bono* work by attorneys of this Circuit. The Committee's collaboration with the D.C. Bar *Pro Bono* Program, the D.C. Access to Justice Commission and Federal Interagency *Pro Bono* Working Group are detailed in this Report.

² D.C. Access to Justice Commission, *Justice for All? An Examination Of The Civil Legal Needs Of The District's Low-Income Community* (forthcoming Summer 2008) at 1.

³ D.C. Appleaseed and D.C. Fiscal Policy Institute, *Hometown Prosperity: Increasing Opportunity for D.C.'s Low-Income Working Families* (January, 2008) at 8, 14.

⁴ D.C. Access to Justice Commission, *Justice for All? An Examination Of The Civil Legal Needs Of The District's Low-Income Community*" (forthcoming Summer 2008) at 10.

II. *PRO BONO* LEGAL WORK IN PRIVATE LAW FIRMS

In January of 2008, the Standing Committee sent its 5th biannual survey to the managing partners of 123 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 28, 2008, the Committee received responses from 65 firms, for a response rate of 53 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 biannual survey has asked how many individual attorneys at each firm met the Circuit's 50 *pro bono* hours standard in the prior year. With the results of this year's survey, the Committee now has four surveys' worth of information spanning six years concerning individual attorney *pro bono* hours. Most of the 2008 respondents also

participated in the 2002, 2004 and 2006 surveys, providing a useful benchmark for understanding trends in District of Columbia *pro bono* programs.⁵

Results of the 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 (44 firms) had 75 attorneys or more, with 22 firms reporting that they employed 200 or more attorneys in their District of Columbia office.⁶ 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*.

All but two of the responding firms have a written policy covering *pro bono* legal work; over half of the firms (37 firms) include a *pro bono* goal in their policy. Of the 37 firms having a written *pro bono* goal, 31 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.

⁵ Thirty-four of the firms responding to the 2008 survey also responded to the similar surveys sent in 2002, 2004 and 2006. Of those 34 firms, 16 responded to the 2008 survey and one previous survey and 18 firms responded to the 2008 survey and two previous surveys. Six of this year's responding firms are new respondents, or firms that did not respond to the 2002, 2004 or 2006 surveys. Twenty-three law firms have responded to all four of the Committee's surveys. A list of the firms that responded to the 2008 survey is attached at Appendix C.

⁶ The Committee sent surveys to all firms listed on the National Association of Law Placement (NALP) directory and categorized as having 26 lawyers or more in the D.C. office. See www.nalpdirectory.com.

There are many ways to measure 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 service has not been high. Results from this year's survey and the trend over the past six years suggest, however, that *pro bono* work 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 percent or fewer of their attorneys met this goal in 2001.⁷ 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 in their office who had personally performed at least 50 hours of *pro bono* in the past year. All but three of the 65 participating firms provided this information. The results are cautiously encouraging. Over the course of the six 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

⁷ Standing Committee on *Pro Bono* Legal Services of the Judicial Conference of the District of Columbia Circuit, Report to June 2002 Meeting of the Judicial Conference of the District of Columbia Circuit, p. 5 (June 2002). 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

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survey (seeking information on law firms' *pro bono* performance for 2001),⁸ 27 firms were on the low end of the scale, reporting that fewer than 20 percent of their lawyers met the 50-hour mark. Only six firms were on the other end of the scale, with more than 35 percent of their lawyers performing 50 hours of *pro bono*. In contrast, for the 2006 survey, 17 firms reported relatively low rates of *pro bono* service, while 20 law firms reported rates of 35 percent or higher. More encouraging, in response to the 2008 survey, the number of law firms performing *pro bono* service at low rates dropped again, and the number of high performers again rose. This time, only 10 firms reported *pro bono* service rates on the lower end of the scale, while 24 law firms reported rates of 35 percent or higher. These data tell us that a subtle yet notable shift has been occurring over the past six years in the District of Columbia: more lawyers at more firms are performing *pro bono* legal work at the levels contemplated by the Judicial Conference standard. In fact, the *pro bono* trend has nearly completely reversed itself from 6 years ago. From the graphic illustration included here, one can appreciate that the curve representing *pro bono* participation from the 2008 survey is nearly the mirror of that of the 2002 survey.⁹ Now, there are relatively few law firms at the bottom ranks of *pro bono*

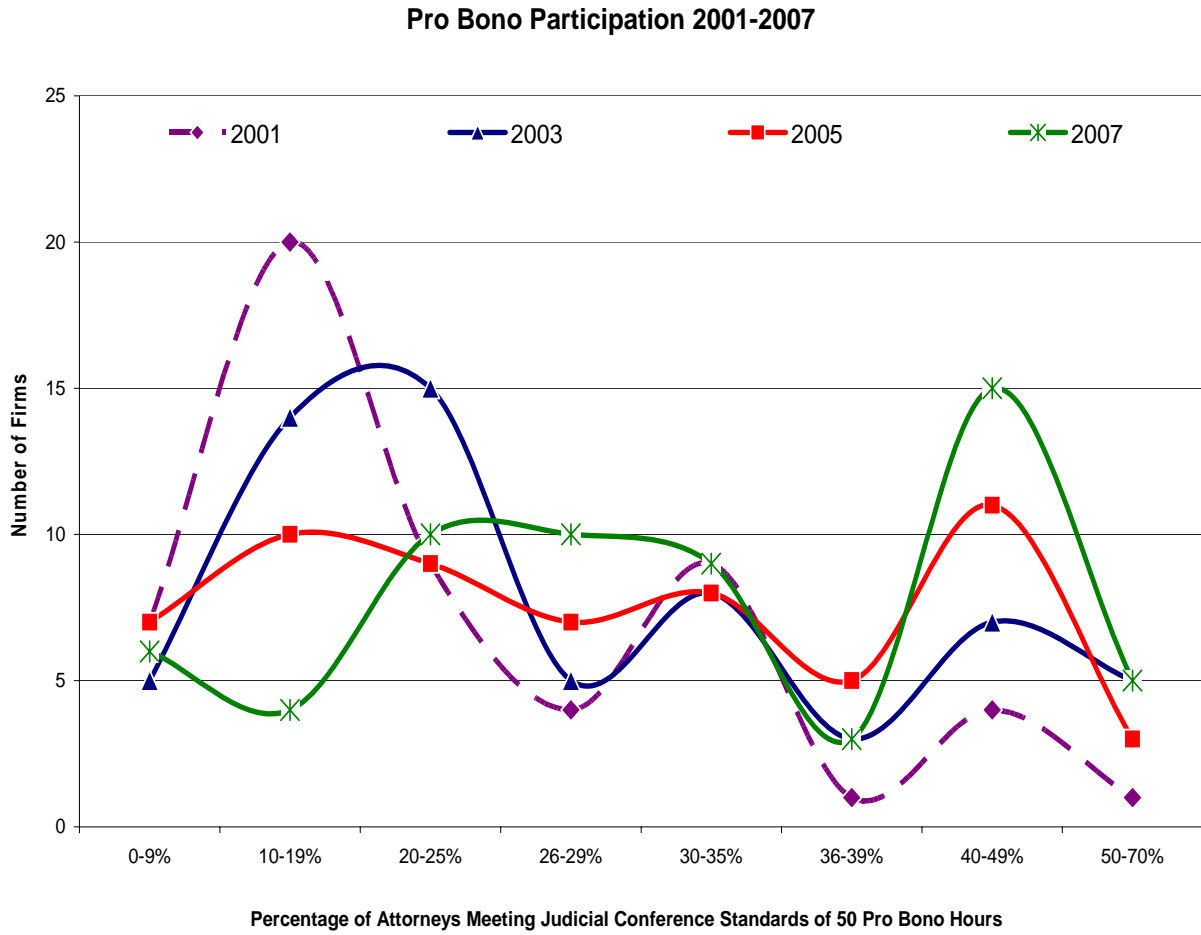
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provider organizations. The surveys have not inquired into the latter two issues, focusing instead on the hours individual lawyers devote to *pro bono* legal work.

⁸ Each of the Standing Committee's survey has sought information regarding law firms' *pro bono* performance for the previous year.

⁹ Data from which this chart was prepared are found in tables in Appendix D.

participation, and there is a substantial group of law firms engaging in *pro bono* service at high levels.



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:¹⁰

- *Written pro bono policies.* Nearly all of the responding firms (63) firms have written policies covering *pro bono* legal work, and 37 of these firms include a written *pro bono* goal in terms of an “expected” number of *pro bono* service hours. Thirty-six of these 37 firms express their *pro bono* goals in terms of annual hours, and one firm in terms of a percentage of billable hours.¹¹ Most firms setting an hourly goal set it at or above 50 hours per year (31 firms), and all but one of these 31 firms had hourly *pro bono* goals that applied to both partners, counsel and associates (one firm's *pro bono* goal applied only to associates).
- *Associate, Counsel and Partner Pro Bono credit.* Over half of the responding firms (39 firms) report crediting associate *pro bono* hours the same as hours spent on commercial cases; nine treat them differently. Slightly fewer firms provide equal credit for *pro bono* and commercial hours for partners (28 firms) or counsel (31 firms). Twelve firms report

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

¹¹ One of the 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 of percentage of hours.

crediting *pro bono* and commercial hours differently for partners and 11 report crediting such hours differently for counsel.

- *Advancement, Compensation and pro bono.* All but three of the responding firms (62 firms) reported that associates' *pro bono* work is considered in their evaluations, and 61 firms reported that associates' *pro bono* work is taken into account in decisions regarding partnership (three firms responded that *pro bono* work did not count toward partnership decisions, and one firm provided no response to the question). Fifty-one firms reported having an hours-based *pro bono* policy. All but four of these firms (47 firms) report that *pro bono* work is compensated through the firm's bonus policy, and 11 of these firms place limits on the number of *pro bono* hours that can be taken into account in determining associate bonuses.
- *Billable hours and pro bono caps.* 46 of the responding firms have a minimum billable target for associates, 38 of which apply a billable target to partners and counsel as well. Fifteen firms reported having a cap with respect to the number of *pro bono* hours for which attorneys can receive billable hours credit.¹² Nine firms set a cap between 100 and 200; five firms set a cap between 50 and 100 hours annually (one firm did not report the number of hours at which its cap was set). Compared to data

collected from previous surveys, these figures represent a shift toward higher *pro bono* caps. For example, in 2006, a similar number of law firms (17 firms) reported having caps on creditable *pro bono* work, but nearly all of the firms capped creditable *pro bono* hours between 50 and 100 hours annually, and only 2 reported caps exceeding 100 hours.¹³

- *Coordinating Pro Bono Service.* Nearly all of the responding firms (59) have designated an individual or individuals to manage or coordinate their *pro bono* programs; five have entrusted this task exclusively to one or more committees.¹⁴ The majority of these firms (50) have individual *pro bono* coordinators who are full-time attorneys; four have *pro bono* coordinators who are part-time attorneys; and three have full-time, non-attorney coordinators.¹⁵ Of the 59 firms that have appointed individuals as *pro bono* coordinators, 26 report having coordinators who handle only *pro bono* matters, and 16 report having coordinators with other legal or

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¹² 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. In 2006, 17 firms reported having caps on creditable *pro bono* work.

¹³ In 2002, eight firms reported capping creditable *pro bono* hours at 60 per year or lower; eight set the cap at 100.

¹⁴ Some firms with *pro bono* coordinators also report having *pro bono* committees.

¹⁵ One firm reporting having an attorney with other legal or administrative responsibilities as the coordinator of its *pro bono* program, but this firm did not report whether this position was full-time or part-time.

administrative duties.¹⁶ 2006 marked the first year that the Committee requested information regarding *pro bono* coordination, and the figures from this year's survey are very similar to those of 2006.¹⁷

Recognizing Top Law Firm *Pro Bono* Performers

Each year since 2003, in order to recognize the law firms that rank highest in *pro bono* performance, the Chief Judges of the Circuit and District Courts have hosted the “40 at 50” *Judicial Pro Bono Recognition Breakfast*. The Chief Judges invite to this breakfast those firms at which a substantial percentage of lawyers (at least 40 percent) have met the 50-hour mark for *pro bono* performance. In 2003, 2004, 2005, 2006 and 2007, the number of firms qualifying for the event were, respectively, 7, 12, 8, 14 and 21.

On April 8, 2008, the number of attendees at the “40 at 50” *Breakfast* continued to climb – a record 21 firms qualified to attend. It is encouraging to note that what was once a relatively intimate event has transformed into a larger celebration of *pro bono* service in the District of Columbia. Informal conversations at each of these breakfasts indicate that the profile given to the 50-hour standard by

¹⁶ Several of the firms reporting individuals as *pro bono* coordinators did not respond with respect to whether these coordinators worked solely on *pro bono* related duties or if they also had other legal or administrative duties.

¹⁷ In 2006, 58 firms reported having designated an individual or individuals to manage their *pro bono* programs, and four firms had coordination committees. Forty-four firms had full-time, attorney *pro-bono* coordinators; 6 had part-time, attorney *pro bono* coordinators, and 4 had full-time, non-attorney coordinators. The 58 firms with individual *pro bono* coordinators were nearly evenly split between coordinators who handled only *pro bono* matters (27) and those who had other legal or administrative duties (29).

the “40 at 50” *Breakfast* has contributed to the increase in the number of law firms reaching this mark. Attached at Appendix E are the annual lists of the law firms that have qualified for this distinguishing recognition.

These yearly events not only allow judges and the Standing Committee to recognize the law firms that have reached notable levels of *pro bono* work, but they also allow the Committee to survey firms every year (not simply in the years of its biannual survey) on the number of individual law firm attorneys reaching the Judicial Conference Standard. In this manner, the Committee feels that the “40 at 50” *Judicial Pro Bono Recognition Breakfasts* provide a yearly snapshot of law firms’ *pro bono* performance and act as an indicator of the direction in which law firms’ *pro bono* efforts have been and may be headed.

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 steady shift towards more law firm attorneys performing *pro bono* service at the level contemplated by the Judicial Conference Standard.

While the 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 bono* awareness and performance, other factors likely have contributed as well, including the “A-List” ranking of US law firms published by *American Lawyer*. The A-List ranking, initiated in September 2003, places significant weight on *pro bono* work and has compelled law firms to revisit and energize their *pro bono*

programs. Another possible motivational force contributing to the upward trajectory in *pro bono* service at law firms includes the Corporate *Pro Bono* Challenge, which was instituted by the *Pro Bono* Institute at Georgetown University Law Center in 2006. If accepted, this Challenge requires chief legal officers of American corporations to sign a voluntary statement to commit to the promotion of *pro bono* service by their legal department staff. Notably, signatories to the Corporate *Pro Bono* Challenge also commit to encourage the law firms with whom they work to become signatories to the *Pro Bono* Institute's Law Firm *Pro Bono* Challenge, which commit to perform *pro bono* service amounting to either (a) five percent of the firm's total billable hours or 100 hours per attorney to *pro bono* work or (b) three percent of the firm's total billable hours or 60 hours per attorney to *pro bono* work.¹⁸

Irrespective of the possible incentives behind the increase in law firm *pro bono* performance in the District of Columbia, responses to the survey suggest that certain organizational or management factors may have a hand in this trend. First, firms with articulated *pro bono* goals tended to report that more lawyers met the Judicial Conference Standard of 50 hours. Among the group of 62 firms that reported on lawyers' progress in meeting the 50-hour standard, 37 had a written goal of the number of *pro bono* hours they expect from their lawyers, and 35

¹⁸ See *Corporate Pro Bono*, <http://www.cpbo.org/challenge/>; *Pro Bono Institute at Georgetown University Law Center, Law Firm Pro Bono Challenge*, <http://www.probonoinst.org/challenge.text.php>.

reported the number of lawyers in their firms meeting the 50-hour standard. Of these 35 firms, slightly more than half (18) reported that 34 percent or more of their lawyers met the 50-hour standard, while slightly less than half (17) reported that fewer than 34 percent had done so. These figures are distinct from those reported by the 27 firms with no written *pro bono* goal that reported the number of attorneys meeting the 50-hour standard. For these firms, the median was 27 percent: slightly more than half (14) reported 27 percent 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 35.4 percent. The average for firms without an articulated *pro bono* goal was 26.8 percent.¹⁹

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 29 law firms having exclusive *pro bono* coordinators, the average percentage of attorneys meeting the Judicial Conference Standard was 34.7 percent. In addition, 12 of the top *pro bono* performers (with 35 percent or more attorneys meeting the Judicial Conference Standard) from this survey were

¹⁹ There was a similar disparity in *pro bono* performance when comparing law firm results from the 2006 survey: The median percentage of attorneys meeting the 50-hour standard at firms with an articulated *pro bono* goal was 32 percent, and the average was 31.8

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firms with exclusive *pro bono* coordinators and only 2 of these law firms were among the bottom performers (with fewer than 20 percent of attorneys meeting the Judicial Conference Standard). The 20 law firms having *pro bono* coordinators who address other legal or administrative matters averaged a lower percentage of attorneys meeting the Judicial Conference Standard (25.9 percent), with fewer top performers (6) and more bottom performers (7).²⁰

There appears to be a relation between higher rates of *pro bono* performance in law firms and *pro bono* management practices that generally favor *pro bono* service. 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 encourage *pro bono* efforts. Looking solely at the 24 firms where greater numbers of lawyers (at least 35 percent) met the Judicial Conference 50-hour standard, the Committee observed that they tended, overall, to have policies that favored *pro bono* work. Sixteen have written policies that express an "expected" number of *pro bono* hours to be contributed annually by each attorney. Eighteen of the top performing firms have minimum billable requirements, with all crediting *pro bono* hours towards this minimum and all but

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percent. For firms lacking an articulated *pro bono* goal, the median percentage of attorneys meeting the 50-hour standard was 24 percent, and the average was 24.2 percent.

²⁰ Two law firms with *pro bono* coordinators having other administrative or legal duties failed to report the number of attorneys meeting the Judicial Conference Standard.

four treating *pro bono* hours the same as hours billed to paying clients. Twelve of the 24 top performing firms have *pro bono* coordinators who only handle *pro bono* matters. Finally, only four of the 24 top performing firms reporting setting a cap on creditable *pro bono* hours;²¹ three of the firms' caps were on the higher end (100-200 hours per year), and only one was set at 50 hours per year.

These number strongly suggest that a firms' *pro bono* policies can support or 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.

Conclusion

The Standing Committee believes that the efforts described above have been constructive, informative and motivational, which provides a broad and multifaceted picture 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.

²¹ Seven of the 24 top performing firms failed to provide a response to the question regarding creditable *pro bono* caps.

III. *PRO BONO* WORK IN FEDERAL GOVERNMENT AGENCIES

Overview

One of the more significant developments since the last report has been the steady increase in federal agency participation in *pro bono* work. This year the Committee revised its questionnaire for federal agencies to reflect the growing role of federal agencies and to document their programs. (Transmittal letter and survey at Appendix F.) We received over a 90% return rate of the agencies questioned. (List of Responding Agencies at Appendix G.)

The Resolution by the Judicial Conference of the District of Columbia Circuit on *pro bono* responsibilities has always applied to federal attorneys, and Executive Order 12988 directs agencies to “develop appropriate programs to encourage and facilitate *pro bono* legal ...service by government employees.”²² Based on this, the Standing Committee remains committed to encouraging agencies to develop programs to assist government attorneys in *pro bono* work and to providing opportunities and assistance to these agencies. While we continue to believe more can be done in this area, we are pleased to report a number of successes since the last report.

Every other year, the Federal court hosts a Federal Government *Pro Bono* Recognition Reception at the E. Barrett Prettyman United States Courthouse. This well-attended event attracts General Counsels, Assistant Attorneys General from the Department of Justice, and high ranking government officials who come to

promote *pro bono* efforts. This event has now become a key part of the annual “Government *Pro Bono* Week,” which is hosted by the Federal Interagency *Pro Bono* Working Group. Members of this Committee, including Jim Sandman and Maureen Syracuse, have spoken to government attorneys during the Government *Pro Bono* Week both to recognize their accomplishments and to encourage their efforts in the future.

In 2007, a new highlight of the reception was the presentation of the first Federal Agency *Pro Bono* Leadership Award. The Interagency *Pro Bono* Working Group created this award to recognize an agency which has demonstrated the most significant growth and commitment to encouraging and facilitating *pro bono* work among its employees over the previous two years. To help raise the profile of the award and the laudable efforts of the 2007 recipient, the Securities and Exchange Commission, Judge Hogan presented the award.

Survey of *Pro Bono* in Federal Agencies

To ascertain the role of federal agencies, the Standing Committee has surveyed federal participation since 2000. This year, 90 percent of agencies surveyed responded, amounting to 25 responses. Detailed survey responses were received from Defense agencies as well as a number of cabinet level agencies.

This year’s questionnaire requests more specific data than previous surveys in order to reflect the higher levels of organization and development among these

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²² Executive Order 12988, Sec 3, 61 Fed. Reg. 26, p. 4730.

government programs. The following is a brief summary of the responses: 24 of the agencies had a written policy promoting *pro bono* and describing appropriate restrictions (such as conflict of interest requirements) that must be taken into account.

Virtually all of the agencies were aware of Executive Order 12998's requirements, and 24 of the agencies were participating in the Federal Interagency *Pro Bono* Working Group. Although only about one-third of the agencies had information on their web sites concerning *pro bono* policies and opportunities, almost all of them had a designated *pro bono* coordinator. In addition, 80 % provide electronic information about *pro bono* opportunities and 56% specifically organize *pro bono* opportunities for their attorneys. Approximately 20% provide some agency recognition of *pro bono* accomplishments.

According to the survey responses, the DOD Office of the General Counsel is in the process of establishing a *pro bono* policy, and the General Counsel has appointed a representative to the Interagency *Pro Bono* Working Group. The Department of Labor now provides administrative leave for *pro bono* court appearances in some circumstances and the Department of State Legal Adviser's Office staffs the D.C. Bar *Pro Bono* Program Advice and Referral Clinic two times each year and will staff the clinic four times in 2008. The General Counsel's Office of the Federal Reserve System is finalizing its *pro bono* policy, and the Chairman of the Federal Trade Commission has distributed a memo encouraging employees to do *pro bono* work. The Pension Benefit Guaranty Corporation has issued a directive

encouraging *pro bono* work and providing administrative leave, and the SEC is working to expand its existing program. The Department of Justice continues to have an extensive program, handling approximately 20 cases, hosting trainings by legal service providers, sponsoring an annual *pro bono* fair and chairing the Interagency *Pro Bono* Working Group.

Of particular importance in this jurisdiction, all of the responding federal agencies indicated that they were aware of D.C. Court of Appeals Rule 49. Rule 49(c) (9) provides an exception for attorneys who are not admitted in D.C. to do *pro bono* work here, “provided that person is supervised by an enrolled, active member of the District of Columbia Bar.” See <http://www.dcappeals.gov/dccourts/docs/rule49.pdf>. This rule is unique to this jurisdiction, but has clearly had a positive impact on obtaining increased federal government participation.

Encouraging *Pro Bono* in Federal Government Agencies

One of the most successful developments since the Committee’s last report is the encouraging increase in government *pro bono* activities. Developing greater capacity and involvement by government attorneys has been a priority of this Committee and the Courts, and there have been important improvements as the survey indicates.

The Federal Interagency *Pro Bono* Working Group, chaired by Laura Klein from the Department of Justice, has played a vital role in the success of government efforts. Encouraged by this Committee and the D.C. Bar, the Working Group has

been a central focus for exchanging information, providing *pro bono* opportunities, sponsoring classes and being the central interface with legal service providers in the District. As the survey shows, all of the agencies who responded were actively involved in the Working Group, including the Departments of Education and the Navy.

Former Chief Judges Douglas H. Ginsburg and Thomas F. Hogan regularly hosted a Federal Government *Pro Bono* Recognition Reception at the E. Barrett Prettyman United States Courthouse. General Counsels and Assistant Attorneys General from the Department of Justice have been in regular attendance, adding credibility and visibility to government activities. As noted earlier, in 2007, the first Federal Agency *Pro Bono* Leadership Award was presented to the Securities and Exchange Commission at this reception, which was notably attended by the Acting Attorney General Peter Keisler. In addition to the General Counsels and other agency leadership, many judges attended, sending a strong signal of support for the agencies' *pro bono* programs and continued efforts. In addition, Government *Pro Bono* Week celebrated its fifth anniversary, marking five years of successful events such as appreciation luncheons, meetings with legal services providers, and additional outreach opportunities.

Other groups such as the Washington Council of Lawyers have also initiated annual awards for government lawyers. Department of Justice attorneys Mark Pletcher and James Yoon received the Government *Pro Bono* Award in 2006 and 2007, respectively.

The Department of Transportation's *pro bono* program received the President's Volunteer Service Award in November 2007.

In late 2006, the American Bar Association, working with individuals who are now members of our Committee, passed a key resolution that urges federal, state, territorial and local government and military laws offices, insofar as possible, to do the following:

- (a) encourage all government and military attorneys to provide *pro bono* service consistent with applicable law, regulations, and ethical requirements;
- (b) adopt written policies and procedures for the government or military law office that enable and encourage attorneys to engage in *pro bono* work that, at a minimum, define *pro bono*, set forth case approval and conflicts checking procedures and discuss use of office resources;
- (c) designate a *pro bono* coordinator or committee to manage and oversee such work
- (d) communicate the extent to which such work is permitted and encouraged;
- (e) identify and work to correct any unnecessary restrictions in law or regulations that impede or deter government or military lawyers from doing work consistent with appropriate rules of professional conduct;
- (f) work with bar associations and legal service providers in identifying opportunities for the government or military law office's lawyers to assign in *pro bono* and legal services projects; and

(g) develop and maintain programs to facilitate and reward such work.²³

In the report forwarding the Resolution to the ABA House of Delegates, the District of Columbia was singled out for its specific efforts in encouraging government *pro bono* participation, including letters by the D.C. Bar President, “to every General Counsel of every federal agency, urging each of them to promote *pro bono* service, develop *pro bono* policies, and provide a formal representative to the [Interagency *Pro Bono*] Working Group. At his request, ABA President Michael S. Greco sent a letter to every General Counsel expressing his support. To date, 33 federal agencies have joined the Working Group.”²⁴

While federal agencies still have a distance to go, and some agencies still lack formal policies, this has been a successful reporting period.

Conclusion

Pro bono programs in the federal government have shown continued improvement, thanks to the tireless efforts of a number of key government attorneys in the Interagency *Pro Bono* Working Group. The D.C. Bar has provided key leadership in this area and has vigorously supported the development and improvement of agency programs. The new recognition of government attorneys for

²³ See generally ABA Resolution 121A, Part II, Policies and Procedures for Government and Military Lawyers, August 2006.

²⁴ Report, *Pro Bono* Policies and Procedures, Resolution 121A, page 12 n28. That report, the D.C. efforts promoting government *pro bono* service, and examples of successful efforts by government attorneys, has been featured in other publications. See generally John C. Cruden, Promoting *Pro Bono* Service by Government Attorneys, 53 *The Federal Lawyer* 30 (December 2006).

their *pro bono* efforts, and the superb support of the judiciary, has also been key in supporting this expanding program.

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

In the District of Columbia legal community, there are many creative and effective efforts by legal services providers, voluntary bar associations, and others to expand and promote *pro bono* legal services. In this section, the Standing Committee highlights a few of the significant developments in the past two years to support and expand legal services in the District.

A. D.C. Access to Justice Commission

In February 2005, the District of Columbia Court of Appeals created the D.C. Access to Justice Commission at the request of the D.C. Bar Foundation, the D.C. Consortium of Legal Services Providers, and the D.C. Bar. The Commission, chaired by Professor Peter Edelman of the Georgetown University Law Center, was initially established for a three-year period with the mission of addressing the scarcity of legal services for low and moderate income residents of the District, and reducing other barriers to equal access to justice.

In its first three years of operation, the Commission has achieved a number of significant results, most notably securing the first public funding for civil legal services from the District of Columbia. In the 2006-07 fiscal year, the Council of the District of Columbia approved \$3.2 million in funding to be administered by the D.C. Bar Foundation and distributed to local legal services providers. The funds were to be used to (1) increase the presence of legal services attorneys in

underserved neighborhoods, (2) expand the legal services available on housing-related issues, (3) create a shared legal interpreter bank, and (4) establish the D.C. Poverty Lawyer Loan Repayment Program (LRAP.) As a result of the first round of grants distributed by the D.C. Bar Foundation, 31 new legal services lawyers were hired, greatly increasing access to legal services for low-income District residents in Wards 5, 7, and 8, and at the Superior Court.

The funding was renewed for the 2007-08 fiscal year. Already, the presence of the 31 new legal services lawyers in local communities has begun to generate additional need for *pro bono* lawyers to accept referrals and new opportunities for *pro bono* partnerships with legal services providers. For example, WEAVE has increased referrals of domestic violence cases to *pro bono* lawyers, the Legal Aid Society has a loaned associate from Arnold & Porter working full-time with its neighborhood access project, and the Children's Law Center has partnered with a law firm to accept cases from their health access project.

As a result of the Commission's impressive results in its first three years of operations, in early 2008, the D.C. Court of Appeals extended the Commission's life indefinitely.

B. Expansion of the D.C. Bar *Pro Bono* Initiative

In 2001, 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 joined forces to undertake the D.C. Bar *Pro Bono* Initiative. The Initiative called on the 50 largest

law offices 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, 42 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, 2008, the D.C. Bar has collected confidential information from participating law firms and published overall results for five years, 2002-2006. In each year, the participating law firms have collectively delivered significantly more *pro bono* legal services than the total of their commitments.

In partnership with the D.C. Access to Justice Commission, the four Chief Judges and the D.C. Bar launched an expansion of the *Pro Bono* Initiative in 2007, to extend its reach to the next 50 large law firms, ranked 50-100 by size.

At a breakfast meeting for the law firms' managing partners on June 19, 2007, all four Chief Judges spoke to a packed audience about the need for *pro bono* legal services and the impact on the courts and the administration of justice when counsel are not available. In addition, a panel of managing partners offered advice on some of the practical issues involved in setting a *pro bono* goal and working toward achieving it.

As of April 1, 2008, follow-up with the invited law firms is continuing, and a report listing the new participants in the *Pro Bono* Initiative is being prepared.

C. Senior Lawyers Public Interest Project

The D.C. Bar *Pro Bono* Program has established a project to encourage and assist lawyers nearing or in retirement to devote significant portions of their time to

pro bono legal services as they transition out of their practices. In February 2007, the *Pro Bono* Program hosted a roundtable discussion among the managing partners of the 20 largest law offices in the District about the demographic challenges facing the legal profession as a large cohort of the baby boomers approaches retirement age. Firm leaders were encouraged to consider how an option to devote significant time to *pro bono* work could be made available to their senior lawyers, and how such a program might favorably affect the law firm in terms of continuity, training and mentoring, and attorney morale.

In addition, the Senior Lawyer Project periodically holds networking events for lawyers interested in this alternate career path and nonprofit legal services providers seeking experienced volunteers. The Project has a section on the D.C. Bar website that contains profiles of senior lawyer role models and provides information on a variety of potential volunteer placements.

D. Expanding Access Through Technology

In partnership with the D.C. Consortium of Legal Services Providers, the D.C. Bar *Pro Bono* Program has, for several years, hosted www.probononet.org/dc, a website that is designed to facilitate *pro bono* service by providing useful information and substantive resources on a volunteer attorney's desktop. In the past two years, the *Pro Bono* Program has begun to redesign the content for the various practice areas, beginning with Family Law, to maximize the site's usefulness to volunteers. In addition, the *Pro Bono* Program has expanded a

portion of the website designed to inform and support government lawyers seeking to do *pro bono* work.

A companion site for the public, www.LawHelp.org/dc, is designed to provide basic legal information and extensive referral information, so that low and moderate income people can find the right organization to help with their legal issues. The site also contains extensive social services referral information. As of April 2008, the content of the website is available in both English and Spanish. And, as a result of special funding from the D.C. Bar Foundation, enhancements to the website will allow users to go through a sophisticated interview process on-line and print out pleadings that could be filed in court. Pleading forms for family law and landlord-tenant matters will be the first completed.

V. *PRO BONO* ASSISTANCE FOR BANKRUPTCY LITIGANTS

In 2006, the Standing Committee reported to the Judicial Conference on its preliminary efforts to identify the *pro bono* needs of litigants in Bankruptcy Courts and to develop mechanisms to address them. In January 2006, a newly-created Bankruptcy Task Force of the D.C. Circuit Judicial Conference Standing Committee on *Pro Bono* Legal Services (“Task Force”) held its first meeting. The Task Force met throughout 2006 to 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 Court for the District of Columbia that would increase the advice and representation available to unrepresented.²⁵

Chaired by Nelson C. Cohen, the Task Force included experienced bankruptcy practitioners Darrell W. Clark, David R. Kuney, Edward J. Meehan, Valerie P. Morrison, Stanley J. Samorajczyk, and Jeffrey L. Tarkenton, as well as court personnel Michelle Sedgewick (Staff Attorney, *Pro Se* Unit, United States District Court for the District of Columbia), and Patti Meador (Chief Deputy Clerk, United States Bankruptcy Court for the District of Columbia). Mark Herzog (D.C. Bar *Pro Bono* Program) and Shirley Williams (Legal Counsel for the Elderly) provided invaluable input from the legal services community. Standing Committee Member Meredith Fuchs served as the liaison to the Task Force.

In order to establish a new system of appointing *pro bono* counsel for indigent parties in bankruptcy proceedings, the Task Force drafted proposed new Bankruptcy Court Rules, which were presented to the Advisory Committee on Local Bankruptcy Rules for circulation and public comment in the summer of 2006. The proposed Rules were approved by the Advisory Committee and the Local Bankruptcy Rules were amended to include the new provisions in September 2006.

²⁵ The national average indicates that *pro se* bankruptcy filings constitute about 13% of the total cases filed. Although *pro bono* services previously existed in D.C. to represent qualified individuals filing Chapter 7 petitions in uncontested cases, very little, if any, resources were 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 *pro se* litigants – both petitioners and respondents - who found themselves in contested matters were unable to afford counsel, and were most in need of representation.

(Order Approving Amendments to local Bankruptcy Rules and Setting Effective Date and Rules at Appendix H.)

Following the amendment of the Local Rules, the Task Force recruited experienced bankruptcy attorneys to serve on a newly-created Bankruptcy Court *Pro Bono* Panel, made up of lawyers willing to accept *pro bono* appointments to represent qualified litigants in contested matters. The Attorneys are prepared to 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. Many of the lawyers who served on the original Task Force have volunteered for the *Pro Bono* Panel. Appointments from the panel have been made through the Office of the Clerk of the Bankruptcy Court upon order of the Bankruptcy Judge.

Another provision of the amended Local Bankruptcy Rules, Rule 1090.4, required the establishment of an ongoing taskforce charged with annually reviewing the operations of the *Pro Bono* Panel. Because the original function of the Bankruptcy Task Force was completed with the amendment of the Local Bankruptcy Rules and the establishment of the Bankruptcy *Pro Bono* Panel, the eleven-member group was invited to be part of the new ongoing Task Force. The members of the ongoing Bankruptcy Task Force are appointed by the Bankruptcy Judge and tasked with meeting at least annually to review the operations of the *Pro Bono* Panel and report on its findings to the Standing Committee. Each of the

original members of the Bankruptcy *Pro Bono* Task Force agreed to continue in this oversight role, and the ongoing Task Force had its first meeting in November 2007.

One new initiative being considered by the Bankruptcy *Pro Bono* Working Group is the creation of a step-by-step manual, for use by *pro se* bankruptcy litigants, to assist their process through the bankruptcy system.

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 Stranding 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 in 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, and was instrumental in establishing many strong *pro bono* initiatives there.

The Standing Committee is honored to administer the Gribbon *Pro Bono* Advocacy Award. For the three years since the inception of the Award, the Standing Committee has followed a practice of soliciting nominations from the *pro bono* community in this Circuit in January and February and presenting the

qualifying nominations to the Chief Judge in March. The first Daniel M. Gribbon Award was presented at the 2006 Judicial Conference to Robert Cox and Jennifer Bagosy from the law firm of Howery LLP. Mr. Cox and Ms. Bagosy were selected because of their representation of four disabled individuals in a suit alleging inaccessible facilities. In 2007, Donna Francescani, of Skadden Arps Slate Meagher & Flom LLP, became the second awardee, based on her representation of a prisoner in a civil suit alleging inhumane treatment. Because the Judicial Conference did not meet that year, Ms. Francescani was presented with the Gribbon Award at a reception at the E. Barrett Prettyman United States Courthouse in June, 2007.

In the three years since the Standing Committee has been administering the Gribbon Award, the profile of the award has risen and the nomination process continues to attract inspiring accounts of *pro bono* advocacy. The 2008 recipient of the Daniel M. Gribbon *Pro Bono* Advocacy Award is the law firm of Wilmer Cutler Pickering Hale and Dorr LLP. WilmerHale is being honored because of the firm's representation in a contested bankruptcy matter. The Third Annual Daniel M. Gribbon Award for *Pro Bono* Advocacy will be presented at the 2008 Judicial Conference.

VII. CONCLUSION

As Chief Judges Douglas H. Ginsburg and Thomas F. Hogan end their tenure as chief judges, the Standing Committee expresses its gratitude and admiration for the leadership of the Chief Judges in promoting *pro bono* efforts and their support for the work of the Standing Committee throughout their terms. The Standing

Committee thanks Court Liaison U.S. District Judge Rosemary M. Collyer for her advice, wise counsel and sense of humor through the course of the efforts described herein; and the law firm and federal government 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
John Cruden
Lisa R. Fine
Gaela Gehring Flores
Meredith Fuchs
Addie D. Hailstorks, Ex Officio
Scott A. Memmott
James Sandman
Maureen Thornton Syracuse, Ex Officio
Joseph C. Zengerle

Co-Chairs:
Kathleen T. Wach
Susan M. Hoffman

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

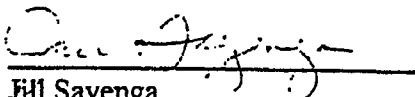
1. Commends the four Chief Judges of the federal and local courts in the District of Columbia and the District of Columbia Bar for issuing their call to action by the private bar to increase ongoing efforts to meet the need for legal services of the economically disadvantaged, and commends the law firms 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 Pretyman United States Courthouse
333 Constitution Ave., N.W., Room 4826
Washington, DC 20001

(202)216-7340

January 8, 2008

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. The Committee is charged with encouraging the *pro bono* work of lawyers admitted to practice before the federal courts of this jurisdiction, in accordance with the Resolution adopted by the Judicial Conference of the District of Columbia Circuit, which calls on each lawyer to devote 50 hours annually to *pro bono* legal work. The Judicial Conference of the District of Columbia has set the same standards, and comment [5] to Rule 6.1 of the Rules of Professional Responsibility directs lawyers admitted to practice in the District of Columbia to be guided by these two resolutions in determining their responsibilities under Rule 6.1

Every two years, the Standing Committee on *Pro Bono* Legal Services of the Judicial Conference of the District of Columbia Circuit reports to the Judicial Conference on the steps taken by private firms within the Circuit to implement this standard. In June 2008, the Judicial Conference will again convene; accordingly, we are seeking to collect the information we need to prepare our Report. The Committee requests your cooperation in responding to the survey. The information your firm provides will be included in aggregate figures and will be treated confidentially. The Committee may, however, attach to the report a list of those firms who have cooperated by completing the questionnaire.

In addition, your response to the enclosed survey will determine whether your law firm qualifies to attend the annual Law Firm *Pro Bono* Breakfast, hosted by the Judges of the Judicial Conference, for law firms demonstrating that a significant percentage of lawyers have met the 50-hour standard. For several years, the qualification standard has been 40%, and this will again be the standard for our 2008 Breakfast. At the 2008 Breakfast, an announcement will be made concerning a new and higher standard for future Law Firm *Pro Bono* Breakfasts.

Please complete and return the enclosed survey to Committee member Gaela Gehring Flores at 555 12th Street, NW, Washington, DC 20004, on or before Monday February 11, 2008. Should you have questions or wish further information, please call Kathleen Wach at 202/626-5565 or Susan Hoffman 202/624-2591.

Sincerely,

Kathleen Wach and Susan Hoffman, Co-Chairs
Standing Committee on *Pro Bono*
Legal Services

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

Please return this survey by February 11, 2008

Name and DC Address of Firm:

Size of D.C. Office as of December 31st:

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

For purposes of this survey, "pro bono legal work" is defined in accordance with the generally accepted definition established by the Pro Bono Institute

Pro Bono at Your Law Firm

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

For associates? Yes No Hours _____

For counsel? Yes No Hours _____

For partners? Yes No Hours _____

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

For associates? Yes No

For counsel? Yes No

For partners? Yes No

- (a) If your firm does have a minimum billable hours target:

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

For associates? Yes No

For counsel? Yes No

For partners? Yes No

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

For associates? Yes No

For counsel? Yes No

For partners? Yes No

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

Yes Number of hours per year? _____

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

Yes No

(b) Does your firm have an hours-based bonus policy?

Yes No

(i) If so, are the hours an associate spends on pro bono work compensated through the firm's bonus policy?

Yes No

(ii) If so, is there any limit on the number of pro bono hours utilized in the bonus decision?

Yes No

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

Yes No

5. What steps has your firm taken to assure that its attorneys are meeting the 50-hour per attorney annual standard for pro bono service set by the Judicial Conference?

6. Looking at each individual attorney (partner/counsel, associate, etc.) in **the DC office** of your firm, and not aggregating or averaging hours across the firm, how many attorneys in your **DC office** individually performed 50 or more hours of **pro bono legal work** during 2007?

(a) Number of **DC-based** partners that performed 50 or more hours of pro bono legal work in 2007:

(b) Number of **DC-based** counsel that performed 50 or more hours of pro bono legal work in 2007:

(c) Number of **DC-based** associates that performed 50 or more hours of pro bono legal work in 2007:

7. 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 OR part-time person, who is an

(b) attorney OR non-attorney, and who handles

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

(d) None of the above (Please describe.)

PLEASE RETURN BY FEBRUARY 11, 2008 TO:

Gaela Gehring Flores

(Gaela.GehringFlores@aporter.com)

Arnold & Porter

555 Twelfth Street, N.W.

Washington, D.C. 20004-1206

APPENDIX C

Appendix C

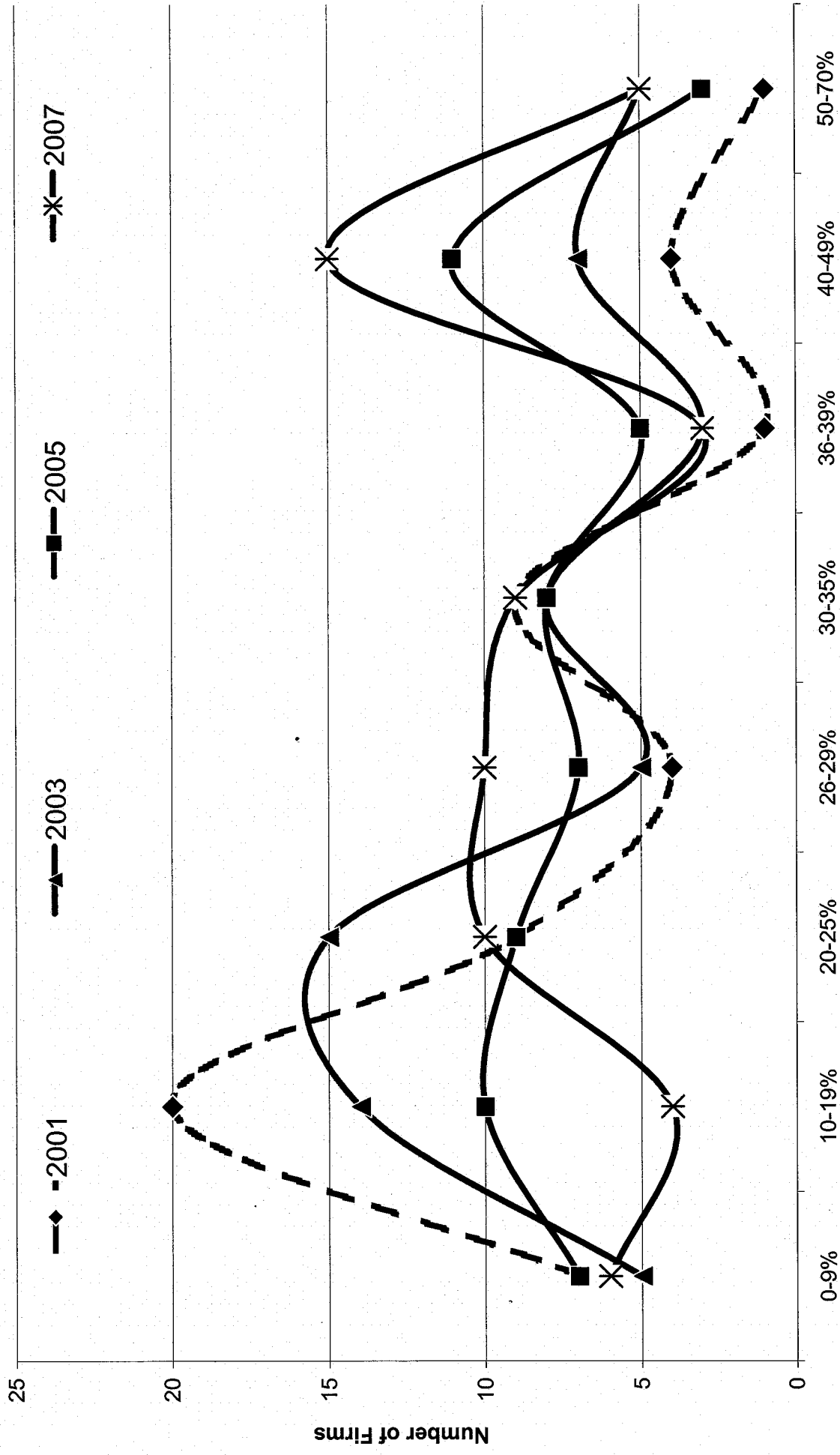
The Judicial Conference of the District of Columbia Circuit Standing Committee on Pro Bono Legal Services

Private Law Firms Responding to the Standing Committee's 2008 Survey

Akin, Gump, Strauss, Hauer & Feld LLP	Jenner & Block
Andrews & Kurth, LLP	Jones, Day
Arent Fox PLLC	Jorden Burt, LLP
Arnold & Porter LLP	Katten Muchin Rosenman LLP
Baach Robinson & Lewis PLLC	Kilpatrick Stockton LLP
Baker Botts L.L.P.	Latham & Watkins LLP
Baker & Hostetler LLP	Mayer, Brown LLP
Ballard Spahr Andrews & Ingersoll, LLP	McDermott, Will & Emery LLP
Bingham McCutchen, LLP	McKenna Long & Aldridge LLP
Blank Rome LLP	Miller & Chevalier Chartered
Bracewell Giuliani, LLP	Morgan, Lewis & Bockius LLP
Bryan Cave LLP	Orrick, Herrington & Sutcliffe LLP
Buchanan Ingersoll PC	Patton Boggs LLP
Cadwalader, Wickersham & Taft	Pillsbury Winthrop Shaw Pittman LLP
Cleary, Gottlieb, Steen & Hamilton	Reed, Smith LLP
Covington & Burling	Ropes & Gray LLP
Crowell & Moring LLP	Ross, Dixon & Bell LLP
Debevoise & Plimpton LLP	Shearman & Sterling LLP
Dewey & LeBoeuf	Sidley Austin LLP
Dickstein Shapiro LLP	Skadden, Arps, Slate, Meagher & Flom LLP
DLA Piper US LLP	Steptoe & Johnson LLP
Dow Lohnes PLLC	Sullivan & Cromwell
Finnegan, Henderson, Farabow, Garrett & Dunner LLP	Thelen Reid Brown Rayman & Steiner LLP
Foley & Lardner LLP	Van Ness Feldman, PC
Fried, Frank, Harris, Shriver & Jacobson LLP	Venable LLP
Goodwin Procter LLP	Vinson & Elkins LLP
Greenberg Traurig LLP	Weil, Gotshal & Manges LLP
Heller Ehrman LLP	Wiley Rein LLP
Hogan & Hartson LLP	Williams & Connolly LLP
Holland & Knight LLP	Willkie Farr & Gallagher LLP
Howrey LLP	Wilmer Hale
Hughes Hubbard & Reed LLP	Winston & Strawn LLP
	Womble, Carlyle, Sandridge & Rice PLLC

APPENDIX D

Pro Bono Participation 2001-2007



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

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

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%	10-19%	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

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%	10-19%	20-25%	26-29%	30-35%	36-39%	40-49%	50-70%
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

Table 4: Law Firm Pro Bono Data for 2007 (Excerpted from 2008 Survey)

		Percentage of Attorneys Meeting Judicial Conference Standards of 50 Pro Bono Hours							
		0-9%	10-19%	20-25%	26-29%	30-35%	36-39%	40-49%	50-70%
Size of Firm (Attorneys)	< 50	2		5	2	1		1	2
	50-99	3		5	1	1	2	3	1
	100-199	1	1		4	3		1	1
	200+		3		3	4	1	10	1

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*
Steptoe & Johnson*
Shearman & Sterling*
Wilmer Hale

2007 Qualifying Firms

Arnold & Porter LLP
Ballard Spahr Andrews & Ingersoll, LLP
Cleary, Gottlieb, Steen & Hamilton
Covington & Burling
Dewey & LeBoeuf
Dickstein Shapiro LLP
DLA Piper US LLP
Fried Frank Harris Shriver & Jacobson LLP
Goodwin Procter LLP
Heller Ehrman LLP
Hogan & Hartson LLP
Howrey LLP
Hughes Hubbard & Reed LLP
Jenner & Block
Jones, Day
Patton Boggs LLP
Shearman & Sterling LLP
Sidley Austin LLP
Steptoe & Johnson LLP
Williams & Connolly LLP
Wilmer Hale

APPENDIX F

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

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

(202)216-7340

February 1, 2008

Dear General Counsel:

I am writing on behalf of the Standing Committee on *Pro Bono* Legal Services of the District of Columbia Circuit Judicial Conference. The Committee is charged with encouraging the *pro bono* work of lawyers admitted to practice before the federal courts of this jurisdiction -- both those in the public and private sectors -- in accordance with the Resolution adopted by the Judicial Conference of the District of Columbia Circuit, which calls on each lawyer to devote 50 hours annually to pro bono legal work. The Judicial Conference of the District of Columbia has set the same standards, and comment [5] to Rule 6.1 of the Rules of Professional Responsibility directs lawyers admitted to practice in the District of Columbia to be guided by these two resolutions in determining their responsibilities under Rule 6.1

Every two years, the Standing Committee on *Pro Bono* Legal Services of the Judicial Conference of the District of Columbia Circuit reports to the Judicial Conference on the steps taken by federal government agencies as well as private firms within the Circuit to implement this standard. In June 2008, the Judicial Conference will again convene and we are now seeking to collect the information we need to prepare our Report. The Committee requests your cooperation in responding to the survey. Within the past several years, federal agencies have taken important steps to help government lawyers provide much needed pro bono legal services. We plan to collect and report to the Conference on the strides that agencies have made in this regard, and the information your agency provides will be critical in doing so.

Please complete and return the attached survey to Committee member Susan M. Hoffman at 1001 Pennsylvania, N.W., Washington, DC 20004, or via e-mail to shoffman@crowell.com on or before March 3, 2008. Should you have questions or wish further information, please call Kathleen Wach at 202/626-5565 or Susan Hoffman 202/624-2591.

Sincerely,

Kathleen Wach and Susan Hoffman, Co-Chairs
Standing Committee on *Pro Bono*
Legal Services

DC Circuit Judicial Conference Standing Committee on Pro Bono Legal Services

Survey of Federal Agency Policies and Activities

Please return this survey by **March 3, 2008**

Name and Address of Agency/Entity

1. Number of Legal Staff in the District of Columbia as of January 1, 2008 *(If you have offices in the D.C. metropolitan area that are outside of the District, please specify if you have included personnel from those offices in the numbers you have reported in this response)*

Number of Attorneys _____

Number of paralegals _____

2. Does your agency/entity have a written pro bono policy?

Yes _____ No _____

3. If your agency/entity has a written or stated policy concerning provision of pro bono legal services, does the policy express any goals for number of hours to be performed by each attorney? Yes _____ No _____

a. If yes, how many hours? _____

4. If your agency does not have a written policy, are agency attorneys made aware of Executive Order 12988 which specifically encourages federal attorneys to perform pro bono work by instructing agencies to support such work?

Yes _____ No _____

5. Is your federal agency a member or participant in the Interagency Pro Bono Working Group, chaired by the Department of Justice?

Yes _____ No _____

6. Does your agency have pro bono information available on a web site?

Yes _____ No _____

7. Does your agency/entity have a designated pro bono coordinator?

Yes _____ No _____

If so, please provide the name and title of that person.

8. Is your agency/entity aware of DC Court of Appeals Rule 49 which allows non-DC Bar members to provide pro bono legal services in the District?

Yes _____ No _____

9. Did your agency/entity hold any type of recognition program in the past year to acknowledge the pro bono work its attorneys and legal staff have done?

Yes _____ No _____

10. Did you electronically disseminate information about pro bono opportunities in the past year?

Yes _____ No _____

11. Did your agency organize or support any specific pro bono opportunities for your attorneys in the last year, such as staffing the DC Bar Pro Bono Program Advice & Referral Clinic or holding an onsite legal training with a local legal service provider?

Yes _____ No _____

12. Please describe any changes in your agency's pro bono program or efforts in the past year.

13. Please provide any other relevant information about your agency's pro bono program or efforts.

14. Please provide the name and contact information of someone we can contact with any questions about your responses to the survey.

Thank you for your time. Please respond to Susan Hoffman at shoffman@crowell.com or to facsimile: Attn: Susan M. Hoffman (202) 628-5116.

APPENDIX G

**Federal Agencies Responding to the 2008 Survey on Pro Bono Programs
from the Judicial Conference of the DC Circuit's
Standing Committee on Pro Bono Legal Services**

Department of Agriculture
Department of Commerce
Department of Defense
Department of Education
Department of Justice
Department of Labor
Department of State
Department of Transportation
Export-Import Bank of the United States
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Reserve System
Federal Trade Commission
General Services Administration
Internal Revenue Service
Merit Systems Protection Board
NASA Headquarters
National Labor Relations Board
Office of Government Ethics
Office of the Judge Advocate General-AF
Office of the Judge Advocate General-Navy
Pension Benefit Guarantee Corporation
Securities & Exchange Commission
US Agency for International Development
United States Postal Service

APPENDIX H

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA


ORDER APPROVING AMENDMENTS TO
LOCAL BANKRUPTCY RULES AND SETTING EFFECTIVE DATE

PURSUANT to the authority granted by the United States
District Court for the District of Columbia, it is

ORDERED that the Local Rules of this court are amended and
revised as set forth in the attached Local Rules. It is further

ORDERED that the amended Local Rules shall take effect
September 22, 2006, and shall govern all proceedings in this
court thereafter commenced and, insofar as just and practicable,
all proceedings in this court then pending.

Dated: September 22, 2006


S. Martin Teel, Jr.
United States Bankruptcy Judge

RULE 2090-2. COURT APPOINTED REPRESENTATION

Attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia are urged whenever requested by the Court to assist or represent parties who can not afford to retain counsel to represent them in bankruptcy matters before this Court and, if necessary, without compensation unless exempted by rule or statute.

RULE 2090-3. ATTORNEYS REPRESENTING INDIGENT PARTIES

An attorney who is a member in good standing of the District of Columbia Bar or who is a member in good standing of the bar of any United States Court or of the highest court of any State may appear, file papers, and practice in any case handled without a fee on behalf of indigent parties upon filing a certificate that the attorney is providing representation without compensation.

RULE 2090-4. BANKRUPTCY PRO BONO PANEL

- (a) Attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia are urged whenever requested by the Court under Rule 2090-2 to assist or represent litigants who cannot afford to retain counsel to represent them in bankruptcy matters before this Court and, if necessary, without compensation unless exempted by rule or statute. As one way to assist attorneys in meeting this request, and in light of the need for attorneys to represent indigent pro se litigants in bankruptcy matters before this Court, the Court hereby establishes a Bankruptcy Pro Bono Panel (the "Panel") of attorneys who are members in good standing of the Bar of the United States District Court for the District of Columbia or who are otherwise eligible to practice before this Court pursuant to Rule 2090-3, and who have agreed to accept pro bono appointments to represent indigent parties in bankruptcy matters before this Court. Members of the Bar of the United States District Court for the District of Columbia are urged to volunteer to serve on this Panel.
- (b) The following procedures shall govern the assignment of attorneys from the Bankruptcy Pro Bono Panel to represent pro se parties who cannot obtain counsel by any other means.
 - (1) **BANKRUPTCY TASK FORCE.** The Bankruptcy Court shall appoint a Bankruptcy Task Force, which shall include private practitioners and government attorneys who are members of the District of Columbia Bar and who practice in this Court, to oversee the Bankruptcy Pro Bono Panel established herein and annually report

to the Court and to the D.C. Circuit Judicial Conference Standing Committee on Pro Bono Legal Services on the operation of the Panel.

(2) **BANKRUPTCY PRO BONO PANEL.**

- (i) Attorneys, law firms, and clinical legal education programs (“Clinics”) at law schools accredited by the American Bar Association that are willing to accept appointment to represent indigent pro se parties in bankruptcy matters may apply to join the Panel. Application forms shall be available from the Clerk. Each application shall set forth, among other things:
 - (aa) in the case of a law firm, the name of an attorney in the firm designated as the Panel Liaison, to whom orders of appointment may be directed;
 - (bb) that the individual attorney, Panel Liaison, or supervisor of the Clinic is a member in good standing of the Bar of the United States District Court for the District of Columbia or eligible to practice pursuant to Local Bankruptcy Rule 2090-3;
 - (cc) the attorney’s prior bankruptcy representation and/or trial experience;
 - (dd) whether the attorney, law firm, or Clinic has the ability to consult and advise in languages other than English;
 - (ee) the number of cases per calendar year that the applicant is willing to accept; and
 - (ff) any particular experience or interest of the applicant that should be considered when assigning bankruptcy matters, as well as any types of bankruptcy matters to which the applicant desires not to be assigned.
- (ii) Information on an application may be amended at any time by letter to the Clerk. An attorney, law firm, or Clinic may by letter withdraw from the Panel at any time.

(3) **APPOINTMENT OF COUNSEL.** When documentation or other evidence is submitted certifying that a pro se party cannot afford to retain counsel by other means, the judge to whom the case is assigned may, whether by application of the pro se party, or otherwise, refer

such party to an attorney from the Panel for representation. The referral should be made taking into account:

- (i) whether the party is a party (or prospective party) in an adversary proceeding or a contested matter;
- (ii) the nature and complexity of the action;
- (iii) the potential merit of the pro se party's claims or defenses;
- (iv) the degree to which the interests of justice will be served by appointment of counsel, including the benefit that the Court may derive from the assistance of the appointed counsel; and
- (v) any other relevant factors.

(4) APPOINTMENT PROCEDURE.

- (i) Whenever the presiding judge concludes that the services of pro bono counsel are warranted, the judge shall issue a referral ("Referral Form") to the Clerk requesting an assignment from the Panel to represent the pro se party. The judge may suggest a specific attorney from the Panel to receive the referral or may advise the Clerk to attempt to select an attorney with particular expertise or experience.
- (ii) Upon receiving the Referral Form, the Clerk shall select a member of the Panel. In making the selection, the Clerk shall take into consideration the experience and preferences of Panel members regarding specific types of cases and the equitable distribution of cases among Panel members.
- (iii) The Clerk shall contact the Panel attorney and, if that attorney is interested and available, so advise the Court. The Court will then enter an order (the "Appointment Order") directing the appointment of the attorney, subject to the attorney's right under paragraph 5(ii)(bb), below, and directing the Clerk to send a copy to the Panel attorney of the Appointment Order, this Rule and any pleadings, relevant correspondence or other documents not readily accessible from the Court's electronic docket.

(5) ACCEPTANCE OF APPOINTMENT BY APPOINTED ATTORNEY.

- (i) Upon receiving the Appointment Order, and unless a conflict of interest is apparent from the materials obtained through the Court's electronic docket or sent by the Clerk under paragraph (b)(4) above, the appointed attorney shall promptly communicate with the pro se party regarding the proceeding. Such communication shall include exploration of any actual or potential conflicts of interest and, if the absence of any conflicts can be established, whether the party has meritorious claims and/or defenses to raise, and whether the dispute can be resolved more appropriately in other forums or by other means.
- (ii) After any such consultation with the pro se party, the appointed attorney shall, within fourteen (14) days of entry of the order of appointment or within such other time ordered by the Court for good cause shown, file either:

 - (aa) a notice of appearance by the appointed attorney (and by any other attorney in the appointed attorney's law firm or Clinic who will also represent the party) pursuant to Local Bankruptcy Rule 9010-1(b); or
 - (bb) a notice declining representation and, to the extent possible, the justification.
- (iii) If a notice of appearance is filed pursuant to paragraph (5)(ii)(aa) above, each attorney entering an appearance shall represent the party in the proceeding from the date that the attorney files an appearance until (1) the attorney has been relieved of the assignment by the Court according to the provisions of this Rule and Local Bankruptcy Rules 2091-1 and 9010-1, (2) the proceeding has been dismissed, (3) the proceeding has been transferred (other than by way of withdrawal of the reference under 28 U.S.C. § 157(d)) to another Court, or (4) a final appealable judgment or order has been entered in the proceeding by the Court. The notice of appearance shall state with respect to each attorney making an appearance whether that attorney agrees to file a notice of appeal on behalf of the party (but not necessarily to further pursue the appeal on the party's behalf) should an adverse final appealable judgment or order be entered by the Court.

(iv) Limits of Representation.

- (aa) Notwithstanding Local Bankruptcy Rule 9010-1(e), an attorney accepting an appointment pursuant to this Rule shall not be required to represent the party in any other matter or proceeding.
- (bb) However, the appointed attorney may upon agreement with the party submit a proposed order amending the earlier appointment order to reflect an expansion of the proceedings for which representation is being provided.
- (cc) The appointed attorney is not required to pursue an appeal on behalf of the party from any adverse order or judgment of the Court, but, pursuant to paragraph (B) above, the Court may expand the attorney's representation to include representation of the party with respect to part or all of the pursuit of an appeal. By way of illustration and not limitation, the Court may, upon the submission of a proposed order by the party's attorney, expand the appointment to include (1) the filing of a notice of appeal only, (2) the filing of a notice of appeal and the designation of the record and statement of issues presented on appeal required by Federal Rule of Bankruptcy Procedure 8006, but not the appeal itself, or (3) the entire appeal, including representation of the party before the District Court.

(6) RELIEF FROM APPOINTMENT.

- (i) An appointed attorney may be relieved of an order of appointment, after acceptance of that appointment, only as provided in Local Bankruptcy Rules 2091-1 and 9010-1 or, where the appointment is with regards to a proceeding that is transferred to the District Court for the District of Columbia pursuant to an order withdrawing the reference to this Court, as provided in Local District Court Rule 83.11(b)(6).
- (ii) If an appointed attorney is relieved from an order of appointment, the Court may issue an order directing appointment of another attorney to represent the party, or may issue such other orders as may be deemed appropriate.

(7) DISCHARGE OF APPOINTMENT.

- (i)** A party for whom an attorney has been appointed shall be permitted to request the Court to discharge the attorney from the representation and either to attempt to appoint another attorney or allow the party to proceed pro se.
- (ii)** When such a request is made, the Court may, in its discretion, forthwith issue an order discharging the attorney from further representation of the party in the action and may, in its discretion, refer the party to another attorney to undertake the representation pursuant to paragraph (b)(4). If a party requests discharge of a second attorney, no additional referrals shall ordinarily be made.

(8) ATTORNEY FEES.

- (i)** The attorney shall represent the party without receiving a fee, except upon order of the Court (a) where a party makes material misrepresentations regarding assets or the ability to afford counsel or where there is a material change in the financial circumstances of the party or it is otherwise determined by the Court that the circumstances of the party are such that the payment of a fee is reasonable, or (b) where a fee or expenses may be recoverable by a litigant under an applicable rule, statute or other law. The appointed attorney shall advise the party of the possibility of such a fee.
- (ii)** Any recovery of attorney fees pursuant to subpart (8)(i) of this Rule shall be permitted only if the retainer agreement provides for the recovery of such fees.

(9) TRAINING SESSIONS. The Bankruptcy Task Force may, in cooperation with the District of Columbia Bar, organize and conduct educational programs to train and advise attorneys on the Panel in the preparation for and representation of the most common types of bankruptcy matters involving pro se parties brought before this Court.

(10) APPOINTMENT OF NON-PANEL ATTORNEYS OR LEGAL ORGANIZATIONS. Nothing in this Rule shall be interpreted to preclude a judge from requesting an attorney, law firm, Clinic, or legal organization that is not on the Panel to represent a party who is otherwise proceeding pro se in this Court. In addition, nothing in this

Rule shall be interpreted to preclude an attorney who is not a member of the Bar of the United States District Court for the District of Columbia, but who qualifies under Local Bankruptcy Rule 2090-3 to practice before this Court, from representing an indigent party subject to the conditions of Local Bankruptcy Rule 2090-3.