

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

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

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I. INTRODUCTION

The number and plight of those in need of *pro bono* legal services in the District of Columbia remain dire.

The number of people living in poverty in the District of Columbia has increased by more than 25 percent since 2007. According to the DC Fiscal Policy Institute, “[t]he rise has been driven largely by a sharp jump in the number of people living in deep poverty, or on less than \$12,000 a year for a family of four.”¹ In 2013, the last year for which U.S. Census Bureau data are available, approximately 115,550 residents of the District – 18.9 percent of the population – lived below the poverty line, and 27.3 percent of all children in the District lived in poverty.² These poverty rates have inevitably resulted in high demand for legal services among people who cannot afford to pay for counsel.

In 2010, the District of Columbia Circuit Court Judicial Conference adopted a resolution recommending that each attorney admitted to the bars of the courts of the District of Columbia Circuit provide at least 50 hours of *pro bono* legal services a year, accept one court appointment to provide *pro bono* representation, or contribute the lesser of one percent of earned income or \$750 to legal services organizations serving the D.C. community.³ The 2010 resolution reaffirmed a 1998 resolution regarding hours of *pro bono* service and increased the recommended alternative financial contribution from \$400 to \$750.

In 2003, 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 began

¹ <http://www.dcfpi.org/poverty-in-dc-has-jumped-significantly-since-2007>

² *Id.*

³ Resolution Adopted June 9, 2010, 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. (Appendix A)

hosting the annual *40 at 50* Breakfast, recognizing law firms at which at least 40% of the attorneys provided 50 hours of *pro bono* service in the prior year. The D.C. legal community answered the call. At the first breakfast, seven law firms qualified. Now, the event has become a springtime tradition, with 28 firms qualifying in 2013 (based on their 2012 performance) and 30 firms qualifying in 2014 (based on their 2013 performance). In 2011, the Committee also began recognizing those firms in which 50% or more of the lawyers performed 50 or more *pro bono* hours in the preceding calendar year. In 2013, nine firms were recognized for reaching this benchmark, and, in 2014, eleven firms were recognized. In addition, in both 2013 and 2014 four firms were recognized for having 60 percent of their lawyers perform 50 hours of *pro bono* work.

The Chief Judges of the D.C. Circuit and the United States District Court have also lent their support to other events aimed at highlighting the value of *pro bono* services and the genuine need in our community. In December 2013, for example, the Chief Judges and the Standing Committee on *Pro Bono* Legal Services hosted a reception recognizing federal government attorneys who do *pro bono* work.

In January of 2013, Judge Robert L. Wilkins, who was then the judicial liaison the Committee, hosted a breakfast meeting for the Committee with the Managing Partners of six law firms that have had consistently strong *pro bono* performance to identify best practices that other firms might implement.

The D.C. Bar Foundation has seen a dramatic drop in its IOLTA (Interest on Lawyers Trust Account) grant funds for legal services since 2006-07, when it awarded \$2.1 million in IOLTA-funded grants to civil legal services organizations. In comparison, in 2013-14, the Foundation's IOLTA grants totaled \$544,316.

Fortunately, for the last eight years, the D.C. Access to Justice Commission has

secured funding from the D.C. Council for civil legal services for underserved populations. Through a grant to the D.C. Bar Foundation, the District of Columbia government has provided an average of approximately \$3 million each year for support of civil legal services; in 2013-14, the Foundation was able to award more than \$3.5 million in government-funded grants.

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. In 1956, U.S. Supreme Court Justice Hugo Black declared, “There can be no equal justice where the kind of trial a man gets depends on the amount of money he has.”⁴ The Standing Committee agrees and hopes this report reflects the seriousness with which we take the tradition and promise of *pro bono* service in the D.C. legal community.

II. PRO BONO LEGAL WORK IN PRIVATE LAW FIRMS

In January of 2014, the Standing Committee sent its annual survey to the managing partners of 82 law firms with more than 25 attorneys in their District of Columbia offices to gather information about *pro bono* programs in the private sector. With this survey, the Standing Committee sought to learn whether firms were communicating the Judicial Conference *pro bono* standard to their lawyers and the extent to which lawyers met that standard in 2013. 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. (The survey is at Appendix B). The Committee

⁴ *Griffin v. Illinois*, 351 U.S. 12, 19 (1956)

received responses from 68 firms, for a response rate of 83 percent.

The Circuit Resolution is unequivocal in its focus on the ethical obligation of each member of the Bar. It is addressed to *individual* lawyers, not to law firms. For this reason, since 2002, the Standing Committee's annual survey has asked how many individual attorneys at each firm have met the Conference's 50 *pro bono* hours standard during the prior year. With the results of this year's survey, the Committee now has information spanning twelve years concerning individual attorney *pro bono* hours in the District of Columbia. Most of the 2014 respondents also participated in the 2002 through 2013 surveys, providing a useful benchmark for observing trends in District of Columbia *pro bono* programs.

A. 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 68 responding firms in 2014 had at least 26 lawyers; most (48 firms) had 75 attorneys or more, with 20 firms reporting that they employed 200 or more attorneys in their District of Columbia office.⁵ 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 of the firms responding to the 2014 survey have a written policy covering *pro bono* legal work. Almost two-thirds of the firms (44 firms) include a specific *pro bono* goal for associates and counsel in their policy. Likewise, all but two of those 44 firms include a specific *pro bono* goal for partners in their policy. Of the 44 firms having a written *pro bono* goal, 34 reported having goals that matched or exceeded the Judicial

⁵ 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 DC office. See <http://www.nalpdirectory.com>.

Conference standard of 50 annual *pro bono* hours. We believe it is safe to assume that the non-responding firms would not have reported markedly stronger or more active *pro bono* programs than those existing at the participating law firms.

There are many ways to measure the strength and depth of a firm's *pro bono* 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. The trend over the past twelve years clearly demonstrates that *pro bono* work is on the increase and that *pro bono* programs are firmly anchored in more firms. When first surveyed on this issue, most firms reported that only 25 percent or fewer of their attorneys met the 50 hour goal in 2001.⁶ One-third of the firms responding to that earlier survey had not even communicated the 50-hour standard to their lawyers. Since that first survey, incremental but steady gains have been made in the number of private sector lawyers doing *pro bono* legal work. Most notably, for twelve years the number of top *pro bono*-performing firms has been on the increase, while the number of low-performing law firms has been decreasing.

In response to the 2002 survey (seeking information on law firms' *pro bono* performance for 2001), 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 at least 50 hours of *pro bono*. The 2004 survey saw an improvement in *pro bono* performance: 19 firms reported relatively low rates of *pro bono* service, and 15 law firms reported relatively high rates of *pro bono* service. Responses to the 2006 survey continued this trend, with 17 firms

⁶ 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 prongs of the standard recommended in the Conference Resolution, which includes, in addition to 50 hours of *pro bono* service, the alternatives of taking on one *pro bono* case or making a monetary contribution to legal services provider organizations in the District of Columbia. All of the Standing Committee's Reports can be found at <http://www.cadc.uscourts.gov/internet/home.nsf/Content/Pro+Bono>

performing *pro bono* at relatively low rates, and 19 law firms reporting higher rates of *pro bono* service. For the 2008 survey, again, the number of law firms performing *pro bono* service at low rates dropped, and the number of high performers rose -- 10 low performers and 23 high performers. The 2010 survey nearly reversed the 2002 numbers, eight firms reported *pro bono* service rates on the lower end of the scale, while a record 34 law firms reported rates of higher than 35 percent. In 2012, the numbers mostly held steady, with 32 firms at the high end of the scale, and 13 firms reporting numbers at the lower end of the scale.

In the most recent year's survey, covering 2013, the Standing Committee again asked firms to report the percentage of lawyers in their D.C. office who had personally performed at least 50 hours of *pro bono* in the past year. All 68 firms responding to the survey provided this information. The results of the 2014 survey show the numbers on the increase again: a new record of 35 law firms were at the higher end of the scale, with more than 35% of their attorneys at or above the 50-hour mark, while just nine firms reported numbers at the lower end of the scale, with less than 20% of their attorneys hitting the mark. The new record is particularly encouraging in light of the slight dip in the numbers in 2012.

Although the Committee's surveys have identified a positive trend in *pro bono* service over the past twelve years, this year's survey also highlighted an area of inaction among law firms. Not a single law firm reported that it was monitoring its attorneys' compliance with the monetary contribution alternative urged by the District of Columbia Circuit Judicial Conference in a resolution adopted in 2010. The resolution states that each year every lawyer admitted to practice in the federal courts of the District of Columbia should either (1) accept one appointment to provide *pro bono* representation for an indigent

or disadvantaged client, (2) provide 50 hours of *pro bono* legal services, or (3) contribute the lesser of one percent of earned income or \$750 to the funding of one or more legal services organizations serving the disadvantaged in the District of Columbia.

The Standing Committee also inquired about law firms' *pro bono* policies and practices. Here is a summary of law firm *pro bono* policies and programs, drawn from responses to the 2014 survey:⁷

Written pro bono policies. All of the responding firms (68) have written policies covering *pro bono* legal work, and 44 of these firms include a specific *pro bono* goal in terms of an “expected” number of *pro bono* service hours. Most firms setting an hourly goal set it at or above 50 hours per year (34 firms), and all but two firms report that they apply their policy regarding “expected” hours equally to partners, associates, and counsel. Two firms actually set a much higher bar, with 100 hours of *pro bono* expected from partners, associates, and counsel. And one firm, rather than setting a specific target number, has instead established a policy that 3% of its attorneys' total hours be devoted to *pro bono*.

Associate, counsel and partner pro bono credit. Over 60% of the responding firms (42 firms) report crediting associate *pro bono* hours the same as hours spent on commercial cases. Fewer firms provide equal credit for *pro bono* and commercial hours for partners (29 firms) or counsel (31 firms).

Compensation and pro bono. Of the 68 responding firms, 64 firms report that *pro bono* work is compensated through the firm's bonus policy, though 18 of these firms place limits on the number of *pro bono* hours that can be taken into account in determining associate bonuses.

⁷ 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.

Billable hours and pro bono caps. Of the responding firms, 49 have a minimum billable target for associates, 38 apply a billable target to counsel, and 34 apply a billable target to partners. Seventeen firms reported having a cap with respect to the number of *pro bono* hours for which attorneys can receive billable hours credit, ranging from 50 to 200 hours annually.

Coordinating pro bono service. A majority of the responding firms (59) reported that they have an individual designated full-time to manage or coordinate their *pro bono* programs, while eight firms have a part-time coordinator. Of those with a full-time coordinator, all but five use an attorney to manage their programs. Twenty-three of the 59 full-time *pro bono* coordinators are partners in their firms.

B. Recognizing Top Law Firm *Pro Bono* Performers

Each year since 2003, in order to recognize the law firms ranking highest in *pro bono* performance, the Chief Judges of the Circuit and District Court have hosted the “40 at 50” *Judicial Pro Bono Recognition Breakfast*. The Chief Judges invite to this breakfast the managing partners of those firms at which at least 40 percent of the lawyers have met the 50-hour mark for *pro bono* performance. From 2003 through 2014, the number of firms qualifying for the event in each year was 7 (2003), 12 (2004), 8 (2005), 14 (2006), 17 (2007), 21 (2008), 26 (2009), 30 (2010), 29 (2011), 29 (2012), 28 (2013), 30 (2014).

In addition, in 2010, the Committee began to give special recognition to the qualifying firms with at least 40% of their *partners* contributing 50 or more *pro bono* hours. In 2010, five firms were given this special recognition at the 40 at 50 Breakfast; in 2011, four firms were given this recognition; in 2012, one firm was honored for hitting this mark; there were two firms in 2013; and in 2014, a record seven firms met this goal.

In 2011, the Committee also began providing recognition to those firms that had at

least *50 percent* of their lawyers meet the 50-hour mark for *pro bono* services. Thirteen firms qualified for this honor in 2011. In 2012, seven firms qualified. In 2013, nine firms qualified, and in 2014, twelve firms qualified. The Committee is hopeful that providing this recognition will spur more firms to reach “50 at 50.” Indeed, because of the increased number of firms qualifying for the “50 at 50” mark, the Committee in 2013 also began recognizing those firms at which *60 percent* or more of lawyers met the 50-hour mark for *pro bono* services. Four firms qualified for this honor in both 2013 and 2014.

Both the 2013 and 2014 “*40 at 50*” breakfasts were well-attended, with all of the firms honored sending at least one representative. 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 attention given to the 50-hour standard by the “*40 at 50*” *Breakfast* has contributed to the increase in the number of law firms reaching this mark, and that many attendees are now aspiring to join the ranks of those few firms exceeding the “40 at 50” standard and actually achieving the “60 at 50” honors. Attached at Appendix C are the lists of the law firms that have qualified for this distinguishing recognition for the past two years.

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

The Standing Committee observed some trends in the survey data that merit mention. 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’s 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 – such as the

“A-List” ranking of U.S. law firms published by *American Lawyer* (a ranking that was initiated in September 2003 and that places significant weight on *pro bono* work), which has encouraged law firms to revisit and reenergize their *pro bono* programs. Yet another possible contributing factor to the increase in law firms’ *pro bono* performance is the DC Bar’s *Pro Bono* Initiative, which, in 2001, saw forty-one of the District’s largest law firms committing to provide *pro bono* legal services at specified levels (either 3% or 5% of total billable hours, or 60 or 100 hours for every lawyer in the firm), and to report annually to the D.C. Bar *Pro Bono* Program on their progress. As of 2013, a total of 62 firms participate in the D.C. Bar *Pro Bono* Initiative. And the *Pro Bono* Institute’s national activities, including its Law Firm *Pro Bono* Challenge[®], may well have a positive effect in the District of Columbia.

Another positive development came in 2011, when the Chief Judges of the District of Columbia Superior Court and Court of Appeals began inviting attorneys to self-report their *pro bono* contributions over the course of a calendar year as part of the Capital *Pro Bono* Honor Roll, supported by the D.C. Access to Justice Commission and the D.C. Bar *Pro Bono* Program. In 2013, 4,253 attorneys reported performing 50 hours or more of *pro bono* service. And of those, more than half (2562) performed one hundred (100) or more hours of *pro bono* service, qualifying them for inclusion on the High Honor Roll. Honor Roll members included attorneys from 143 different law firms.⁸

Irrespective of the possible incentives behind the overall 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 written *pro bono* policies tended to report that more lawyers met the Judicial Conference

⁸ See *Pro Bono Honor Roll: Open Letter to Capital Pro Bono Honor Roll Registrants* from Chief Judge Eric T. Washington and Chief Judge Lee F. Satterfield, <http://www.dccourts.gov/internet/about/probonohonorroll/main.jsf>

Standard of 50 hours. Among the group of 68 firms that reported in 2014 on lawyers' progress in meeting the 50-hour standard, all had a written *pro bono* policy.

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 handle *pro bono* matters exclusively and law firms that have *pro bono* coordinators who work full-time but handle duties other than *pro bono* matters. There appears to be a correlation between higher rates of *pro bono* performance in law firms and *pro bono* management practices that generally favor *pro bono* service. Looking at the 35 firms responding to the 2012 survey where greater numbers of lawyers (more than 35 percent) met the Judicial Conference 50-hour standard, the Committee observed that they tended, overall, to have policies that favored *pro bono*. Most have written policies that express an "expected" number of *pro bono* hours to be contributed annually by each attorney. Most also credit all *pro bono* hours toward attorneys' minimum billable hours requirements, and all treat *pro bono* hours the same as hours billed to paying clients. Most of the 35 top-performing firms have *pro bono* coordinators who only handle *pro bono* matters.

These numbers strongly suggest that a firm's *pro bono* policies can increase 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.

The Standing Committee believes that the efforts described above have been constructive, informative, and motivational. The Committee will continue to identify ways to build upon the information developed in its survey, to ensure that lawyers practicing in

the D.C. Circuit are aware of the Judicial Conference Resolution standards, and to facilitate access to *pro bono* opportunities.

III. PRO BONO WORK IN FEDERAL GOVERNMENT AGENCIES

A. Overview

The Federal Government *Pro Bono* Program continues to expand nationally and to explore new opportunities and strategies for increasing federal government attorney participation in *pro bono* service. Since the last report in 2012, federal government attorneys have spearheaded a new *Pro Bono* Wills Clinic with the DC Bar *Pro Bono* Program and Bread for the City, have launched a branch of the Program in Colorado, and have developed a new website to aid volunteers. Thirty agencies responded to the Standing Committee's questionnaire this year, a 67% return rate.

The Federal government's *pro bono* efforts began in 1996, when President Clinton issued Executive Order 12988, which directed federal agencies to "develop appropriate programs to encourage and facilitate *pro bono* legal service by government employees," and which designated the Department of Justice to coordinate the government-wide compliance. EO 12988, Sections 2 and 5 (Feb. 5, 1996). The Standing Committee has made supporting federal agencies' efforts a priority. In addition to conducting the biannual survey to track agency progress, the Standing Committee organizes the Federal Government *Pro Bono* Recognition Reception every other year. Hosted by the Chief Judges of the U.S. District Court and the D.C. Circuit, the event brings together members of the federal judiciary, agency leadership, and representatives from the Interagency *Pro Bono* Working Group to encourage agency leaders to promote and support *pro bono* service among their attorneys and to recognize the federal attorneys who are contributing their time

and skills to help those in need.

The 2013 reception featured remarks by Chief Judge Merrick Garland, Chief Judge Richard Roberts, and Judge Robert Wilkins, then the judicial liaison to the Standing Committee. Chief Judge Garland shared his personal experience in helping to create the first federal agency *pro bono* policy at the Department of Justice. Providing a behind-the-scenes account of how the Executive Order and the DOJ *Pro Bono* Policy came to be, he noted the tremendous growth of the Federal Government *Pro Bono* Program since that time: “And now, look at how far we have come. In early 1996, there was only one federal agency -- the Justice Department -- that had a [policy] to encourage *pro bono* participation. Now there are 28, with 6 more in the drafting stage. This year, 17 federal agencies committed to staffing the DC Bar *Pro Bono* Advice & Referral Clinic, bringing volunteers to the clinic 21 times. And this year, the Federal Government *Pro Bono* Program is operating in four cities in addition to Washington.”

A special feature of the reception is the presentation of the John C. Cruden Federal Agency *Pro Bono* Leadership Award. In 2007, the Interagency *Pro Bono* Working Group, the steering committee for the Federal Government *Pro Bono* Program, created the award to recognize the federal agency that has demonstrated the most significant growth in and commitment to encouraging and facilitating *pro bono* work among its employees over a two-year period. The biennial award was presented to the Department of Homeland Security by Chief Judge Roberts. In his remarks, he noted that DHS had earned the honor by adopting a written *pro bono* policy, providing for administrative leave for *pro bono* activities, holding numerous events and information sessions to promote *pro bono* work, and publicizing opportunities to its offices across the country. These efforts led to a sharp increase in DHS volunteers.

Since 2012, the number of agencies that have adopted *pro bono* policies granting administrative leave has grown dramatically. Administrative leave, or excused absence, allows employees to be out of the office without using vacation or sick leave. Twenty-three agencies or components of those agencies (77% of those responding to the survey) report that they allow administrative leave under various circumstances. Fifteen of these twenty-three agencies have formal written policies delineating the circumstances under which administrative leave will be granted for volunteer or *pro bono* legal work specifically. These policies typically provide for administrative leave where a court appearance or some other *pro bono*-related activity can be performed only during business hours and where the experience will enhance the professional development and skills of the attorney. This steady increase in the number of agencies that have adopted written policies providing administrative leave for *pro bono* activities is encouraging and demonstrates that efforts to support that issue, such as the judges' remarks at the past receptions and the Standing Committee's surveys' attention to the issue, are having an impact.

Over the last two years, federal government *pro bono* efforts in D.C. have continued to grow. The Interagency *Pro Bono* Working Group now has 44 participating agencies and a handful of others that participate in an observational capacity. Twenty federal agencies were scheduled to staff the D.C. Bar Advice and Referral Clinic in 2014. Federal government attorneys staff the clinic every month of the year, usually at both of its locations, making them the most significant source of volunteers for that clinic. In addition, federal attorneys accept more cases from the D.C. Bar *Pro Bono* Program's Advocacy & Justice Clinic than any single law firm. Federal government attorneys are on pace to place approximately 40 total cases by the end of the year. In addition, since its inception in 2012, the D.C. Bar and Bread for the City's *Pro Bono* Wills Clinic has been

staffed solely by federal government attorneys and legal staff. Over 50 clients have received wills through this new program, which continues to grow.

Federal government attorneys assist many other legal services organizations in D.C. as well, including the DC Volunteer Lawyers Project, Neighborhood Legal Services Program of DC, Legal Counsel for the Elderly, the Legal Aid Society of DC, Street Law, Washington Legal Clinic for the Homeless, Whitman-Walker Health Legal Services Program, Multi-Door Dispute Resolution Division of DC Superior Court, Catholic Charities Legal Network, and the Children's Law Center.

For the past several years, the Federal Government *Pro Bono* Program has worked diligently to develop *pro bono* programs outside of Washington, D.C. Currently, programs exist in Chicago (launched in 2008), New York City (launched in 2010 and now expanding to include parts of New Jersey), San Francisco (launched in 2011), and Colorado (launched in 2013). Each of these programs, modeled on the program in D.C., aims to connect federal government attorneys with *pro bono* opportunities by creating relationships with legal services organizations and providing attorneys with information and points of contact about the issues facing government attorneys engaged in *pro bono* work.

In an effort to support federal government attorneys who want to do *pro bono* work around the country, the Federal Government *Pro Bono* Program launched a new website containing resources and guidance. The site, on an existing federal government platform called OMB Max, is accessible only to federal employees and is password-protected. The site provides access to agency *pro bono* policies, a list of agency *pro bono* coordinators, a calendar of *pro bono* events for federal government attorneys, volunteer guides for each city where the Federal Government *Pro Bono* Program has screened *pro bono* opportunities, and links to substantive legal resources around the country. Furthermore, the

DC Bar *Pro Bono* Program recently launched a new Federal Government Attorney Practice Area on www.probono.net. Unlike the OMB Max site, this resource is available to the public and any federal government attorney who is interested in *pro bono* work can access this site's resources. The [probono.net](http://www.probono.net) site also provides access to agency policies, frequently asked questions, the list of agency *pro bono* coordinators, and substantive legal materials that can assist an attorney who is engaged in *pro bono* work. These two new online resources will make it easier for federal government attorneys to get involved in *pro bono* work.

B. Survey Response Summary

In 2014, the Standing Committee surveyed federal agencies about their participation in *pro bono* work. The Committee received responses from 67 percent of the agencies surveyed. While the number of agencies responding did drop slightly (33 agencies responded in 2012 and 30 responded this year), the responses indicate that agency *pro bono* efforts are continuing to grow and improve. All of the responding agencies reported that they are active members of the Interagency *Pro Bono* Working Group and that they are aware that D.C. Court of Appeals Rule 49 permits federal government lawyers who are not D.C. Bar members to provide *pro bono* legal services in the District. Ninety-seven percent stated that they electronically disseminated information about *pro bono* opportunities in the prior year, and 66 percent reported that they have *pro bono* information available on a web site. Ninety-three percent of the responding agencies indicated that they have a written *pro bono* policy, which is a significant increase since the 2012 survey, which reported that 78% of the agencies had such a policy at that time. Additionally, more agencies now include a recommended number of *pro bono* hours for attorneys. In 2012, 84% of the responding agencies had no such recommendation in their *pro bono* policies; in 2014, 63% of

responding agencies do not have a recommendation, indicating a 20% growth in the number of agencies including that recommendation in their *pro bono* policies. Ninety-seven percent of the responding agencies have a designated *pro bono* coordinator.

Significantly, twenty-three agencies, or 77% of the respondents, reported that they (or a component) allow administrative leave under various circumstances, including *pro bono* legal work. As noted earlier, fifteen of those agencies have a written policy allowing administrative leave for *pro bono* work specifically, which is an increase over only nine agencies that had such written policies in 2012. Further, 60% of responding agencies organized or supported specific *pro bono* opportunities, such as the D.C. Bar *Pro Bono* Advice & Referral Clinic or holding an onsite legal training with a local service provider. A small percentage, 23%, provide some kind of recognition for *pro bono* work.

C. Examples of Agency *Pro Bono* Work in 2012 and 2013

- Agencies that staffed the D.C. Bar *Pro Bono* Advice & Referral Clinic in 2012 and/or 2013: U.S. Agency for International Development, Consumer Finance Protection Bureau, Department of Energy, Department of Homeland Security, Department of Housing and Urban Development, Department of Justice, Department of Labor, Department of State, Department of the Treasury, Department of Transportation, Federal Communications Commission; Federal Deposit Insurance Corporation, Federal Election Commission, Federal Trade Commission, Office of Special Counsel, Pension Benefit Guaranty Corporation, Securities and Exchange Commission. Additionally, the Small Business Administration, the Environmental Protection Agency, the National Labor Relations Board, and the Department of Veterans Affairs have staffed or will staff the clinic in 2014.
- The Federal Communications Commission held two informational brown bag presentations featuring the Department of Justice *Pro Bono* Program Manager: one about the general rules governing *pro bono* work for federal government employees (“*Pro Bono* Road Show”) and one about volunteering at the D.C. Bar *Pro Bono* Advice & Referral Clinic. Additionally, the FCC *pro bono* coordinator arranged to expand a contract webcast legal training program, at no additional cost to the agency, to permit attorneys to register for legal training webcast courses on topics helpful to their *pro bono* efforts as well as courses relevant to their FCC duties.

- The Securities and Exchange Commission hosted a domestic violence legal training, a *Pro Bono* Road Show, and a training about the DC Bar Advice & Referral Clinic. The SEC's New York office hosted a *Pro Bono* Road Show and consumer debt training, and its Chicago office hosted a divorce clinic training.
- The Pension Benefit Guaranty Corporation hosted a *Pro Bono* Road Show and a training about the DC Bar Advice & Referral Clinic.
- The National Labor Relations Board hosted a Special Education Case Training and the *Pro Bono* Volunteers Appreciation Reception in 2013. The agency also recruits attorneys to staff cases for the DC Bar Advocacy & Justice Clinic every year.
- The Department of the Interior hosted a *Pro Bono* Road Show and a domestic violence legal training.
- The Department of Labor featured a session about *pro bono* work in its New Attorney Training Conference in both 2012 and 2013.
- The International Trade Commission hosted the *Pro Bono* Volunteers Appreciation Luncheon in 2012, during which the Chairman of the Commission gave opening remarks.
- The Department of Education held a *Pro Bono* Road Show, a training about the DC Bar Advice & Referral Clinic, and a brown bag presentation about how to take a *pro bono* case.
- The Navy's Office of General Counsel hosted a *Pro Bono* Road Show.
- The Federal Trade Commission hosted a training about the DC Bar Advice & Referral Clinic.
- The Department of the Treasury hosted a *Pro Bono* Fair that had the highest level of registration in the history of the Federal Government *Pro Bono* Program, with over 200 people registered to attend.
- The Federal Deposit Insurance Corporation hosted a *Pro Bono* Wills Training.
- The Department of Homeland Security hosted a *Pro Bono* Fair at its Transportation Security Administration office, held *Pro Bono* Road Shows at five of its D.C.-area locations and facilitated three conference calls for information sessions involving its field offices, and one of its *pro bono* coordinators played a key role in the

development of the new OMB Max website for federal attorneys interested in *pro bono* work.

- The Department of Housing and Urban Development invited the DOJ *Pro Bono* Program Manager to speak to its new Honors Attorneys. The agency also hosted a *pro bono* wills training.
- The Department of Justice staffed the DC Bar *Pro Bono* Advocacy & Justice Clinic four times in both 2012 and 2013. The Department opens that program to attorneys from all federal agencies, facilitating the placement of approximately 40 *pro bono* cases each year. DOJ also held a *pro bono* wills training, numerous *Pro Bono* Road Shows in its components, trainings for the DC Bar Advice & Referral Clinic, and a *Pro Bono* Volunteers Appreciation Reception with the Attorney General in 2012 and with the Deputy Attorney General in 2013. DOJ provided the space for two panel presentations hosted by the Washington Council of Lawyers, which featured *pro bono* volunteers discussing their experiences. Additionally, DOJ also hosted the launch of the Colorado Federal Government *Pro Bono* Program in 2013.

D. Summary

Under the leadership of the Department of Justice, the federal government continues to develop and support *pro bono* legal work by a growing number of federal government attorneys. The laudable increase of written agency policies providing for administrative leave for *pro bono* work, the launch of new online resources available to federal government attorneys around the country, and the valuable support from our federal judges and government and community leaders gives us reason to expect that the number of federal government attorneys performing *pro bono* legal work in the District of Columbia and throughout the country will continue to grow.

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

The District of Columbia's legal community has a long-standing culture of supporting *pro bono* service. The legal services providers, voluntary bar associations, the courts and others work in close collaboration to expand and encourage *pro bono* service. In

this section, the Standing Committee highlights a few of the significant developments over the past few years.

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 (“the 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, has achieved a number of significant results, most notably securing public funding for civil legal services from the District of Columbia. Funding levels have fluctuated between \$3.2 million and \$3.75 million since the program's inception in 2006, except for 2010 when budget pressure yielded significant cuts to this grant. The budget for fiscal year 2015 is set at \$4.278 million.

Despite securing critical public funding in recent years, overall funding for legal services has fallen significantly since 2009. To meet the urgent need for increased funding for legal services, the Commission formally launched the *Raising the Bar in D.C. Campaign* in December 2010, with the endorsement of the D.C. Bar Foundation and the D.C. Bar. The Campaign’s goal is to increase substantially financial support to the District’s legal services community by establishing benchmarks for law firm contributions. Those law firms that have donated at benchmark levels are celebrated and recognized annually. Benchmark levels are based on a percentage of revenue generated by firms’ D.C. offices, thus making participation accessible to firms of any size. When the campaign was launched in 2010, eight law firms joined. By 2011, the list of participants had grown to 23 firms, together donating over \$3 million to local legal services organizations. In 2012, 36 firms donated nearly

\$3.6 million to local legal services organizations. In 2014, a new record was reached, with over 43 firms contributing approximately \$4 million.

B. Capital *Pro Bono* Honor Roll

As part of the 2011 National Celebration of *Pro Bono*, the D.C. Courts established the Capital *Pro Bono* Honor Roll. The Honor Roll is the first local initiative to recognize the *pro bono* contributions of individual attorneys. The Honor Roll, which is jointly sponsored by the District of Columbia Court of Appeals and the Superior Court of D.C. and supported by the D.C. Access to Justice Commission and the D.C. Bar, recognizes attorneys who annually provide 50 or more hours of *pro bono* services and 100 or more hours of *pro bono* services for a higher recognition category. Rule 6.1 of the D.C. Rules of Professional Conduct calls on members of the D.C. Bar to provide 50 hours or more of *pro bono* service per year. In March 2012, the Chief Judges of the D.C. Court of Appeals and the D.C. Superior Court jointly published the inaugural Capital *Pro Bono* Honor Roll on the Courts' website (<http://www.dccourts.gov/internet/about/probonohonorroll/main.jsf>). Through a self-nomination process, over 3,000 D.C. Bar members and others authorized to perform *pro bono* work in the District reported providing over 50 or more hours of *pro bono* service in 2011; over 2,000 of those attorneys reported providing over 100 hours or more of service, thereby qualifying for the High Honor Roll. The Honor Roll includes attorneys from over 80 D.C. law firms as well as other lawyers from all segments of the Bar.

In 2014, 4,253 lawyers reported providing 50 hours or more of *pro bono* service in 2013; 2,562 of those attorneys reported providing 100 hours or more qualifying for the High Honor Roll. Both numbers reflect a significant increase from the previous two years.

The most recent Honor Roll represents attorneys from 143 law firms and scores of solo practitioners and lawyers with local and federal government and non-profit organizations.

C. The D.C. Bar *Pro Bono* Initiative

In 2001, the D.C. Bar *Pro Bono* Program established its *Pro Bono* Initiative with the assistance of 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 District of Columbia Court of Appeals, and the Superior Court of the District of Columbia. The Initiative called on the 50 largest law offices in the District to renew their commitment to *pro bono* service by setting specific annual *pro bono* goals of either 3% or 5% of billable hours or, alternatively, 60 or 100 hours for every lawyer in the firm, and by adopting management practices designed to ensure that the goals were met. These standards were created by and are used with the permission of the *Pro Bono* Institute and modeled on the Institute's Law Firm *Pro Bono* Challenge®.⁹ 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 2014, a total of 61 firms participate in the D.C. Bar *Pro Bono* Initiative. All 61 pledged firms responded to a survey of their *pro bono* activities in 2013. Combined, the 61 reporting firms contributed 880,145 *pro bono* hours with 10,020 full-time equivalent attorneys in their D.C. offices--an average of 88 hours per attorney for 2013. The 61 firms that responded in both 2012 and 2013 reported a total of 820,951 *pro bono* hours in 2012 and 880,145 in 2013, an increase of 7.21%. The firms reported 10,045 full-time equivalent attorneys in their D.C. offices in 2012 and 10,020 full-time equivalent attorneys in 2013, a decrease of about .25%. Average *pro bono* hours per attorney at these 61 firms were 82 in 2012 compared to 88 in 2013, an increase of approximately 7.5%. Fifty-four of the 61

⁹ *Pro Bono* Institute's Law Firm *Pro Bono* Challenge® standards-
<http://www.probonoinst.org/resources/what-counts/>

firms provided enough information to verify whether they achieved the 3 or 5 percent benchmarks set by the Law Firm *Pro Bono* Challenge®. Those 54 firms had pledged to have *pro bono* hours account for an average of at least 3.4% of their total billable hours. In 2013, these firms actually contributed an average of 4.87% of their billable hours to *pro bono* work. Approximately 83% of attorneys in the responding firms participated in *pro bono* work in 2013, an increase of approximately 2 percentage points over attorney participation in 2012. In 2013, 49% of attorneys in the 61 reporting firms completed at least 50 hours of *pro bono* work, a one percentage point increase from 2012.

D. Limited Scope Working Group

The D.C. Access to Justice Commission and the D.C. Bar *Pro Bono* Committee formed the Limited Scope Working Group in May 2012 to develop recommendations to institutionalize the practice of limited scope representation in the local courts of the District of Columbia. The aim of the recommendations is to provide low, limited, and moderate means individuals greater access to counsel when they need it most. The final recommendations were approved by the D.C. Access to Justice Commission and the D.C. Bar *Pro Bono* Committee in April 2013. The report was then submitted to the Chief Judges of the D.C. Court of Appeals and D.C. Superior Court as well as the D.C. Bar President and President-elect.

The Limited Scope Representation Working Group made the following recommendations: (1) that the D.C. Bar Rules Review Committee propose a revision to Rule 1.2(c) and the D.C. Rules of Professional Conduct provide more guidance to limited scope lawyers and protections for the client-consumers they serve; (2) that the Superior Court of the District of Columbia create a special committee to draft a court-wide rule and accompanying forms that broadly permit limited appearances by paid and *pro bono*

counsel; (3) that after a revised rule of professional conduct to govern limited scope practice is adopted by the D.C. Court of Appeals, the D.C. Bar Rules Education Program be requested to develop a campaign as it deems appropriate to inform lawyers who intend to engage in limited scope practice of the requirements under the new rule; (4) that training on the revised rule of professional conduct to govern limited scope practice include model language for limited engagements, model language for informed consent, and an informative and accessible consumer-client brochure on limited scope representation, similar to what the Working Group drafted, and possibly checklists for lawyers to reference as they proceed with their limited scope representation; and (5) that the Superior Court of the District of Columbia provide training to its judicial officers on the implementation, application, and benefits of the court rule permitting limited appearances.

In June 2014, the Superior Court of the District of Columbia issued an administrative order permitting attorneys to enter a limited appearance when representing paid or *pro bono* clients in the Civil Division, Probate Division, Tax Division, Family Court, and Domestic Violence Unit of Superior Court. Limited scope representation is not permitted in jury trials.

E. Non-D.C. Barred In-House Counsel Permitted to Do *Pro Bono* Work

In July 2014, the District of Columbia Court of Appeals issued an order amending the Rules of the District of Columbia Court of Appeals (D.C. App. Rule 49) allowing internal counsel in Washington who are not members of the D.C. Bar to perform *pro bono* work. In its commentary, the Court recognized “the increased need for attorneys to serve as *pro bono* counsel.” The new rule mirrors a similar *pro bono* exception made for attorneys working for the federal government who are not members of the D.C. Bar. The rule will allow in-house attorneys who are not members of the D.C. Bar to provide *pro bono* legal

services in the District under the supervision of an active member of the D.C. Bar. The amended rule became effective on September 1, 2014.

V. UPDATE ON THE DANIEL M. GRIBBON *PRO BONO* ADVOCACY AWARD

In our 2012 report to the Judicial Conference, we reviewed the successful implementation and first seven years of the annual Daniel M. Gribbon *Pro Bono* Advocacy Award, which was established in 2005 by the United States District Court for the District of Columbia in concert with the family and friends of Daniel M. Gribbon. The Standing Committee on *Pro Bono* Legal Services was asked to manage the nomination and selection process on behalf of the District Court and has been honored to do so since the award was created. The Gribbon Award is now firmly ensconced as a fixture in the D.C. legal community.

Daniel M. Gribbon, who died in 2005, practiced law for more than 50 years with the law firm of Covington & Burling LLP, where he was instrumental in establishing many strong *pro bono* initiatives. The family and friends of Mr. Gribbon endowed this award in honor of Mr. Gribbon's lifetime commitment to and strong support of *pro bono* legal services. The endowment is managed by the Historical Society of the District of Columbia Circuit. The award recognizes an individual attorney or law firm that has demonstrated distinguished advocacy in a *pro bono* matter before the United States District Court for the District of Columbia.

The Standing Committee uses many methods each year to publicize the award and to solicit nominations from the *pro bono* community. The qualifying nominations are

assembled by the Standing Committee and presented to the Chief Judge of the District Court, who notifies the winner.

The Daniel M. Gribbon *Pro Bono* Advocacy Award was last presented at the 2012 Judicial Conference. After consultation with the D.C. Circuit Historical Society, the Standing Committee decided to bestow the award biennially rather than annually, to increase the pool of qualifying nominations and reduce administrative requirements. Because there was no Judicial Conference in 2014, the award will next be presented at the “40 at 50” breakfast in the spring of 2015.

VI. CONCLUSION

The Standing Committee is particularly grateful to Chief Judges Merrick Garland and Richard Roberts for their support, enthusiasm, and dedication to increasing *pro bono* work among our Bar members. In early 2014, we bade farewell to Judge Robert L. Wilkins as the judicial liaison for the Standing Committee after three outstanding years of service. The Standing Committee is indebted to Judge Wilkins for his encouragement, diplomacy, and wise counsel. Judge Amy Berman Jackson has now assumed the liaison role with enthusiasm. The Standing Committee thanks Judge Jackson and the other Judges of the Court of Appeals and the District Court for their encouragement of *pro bono* service – a commitment that sets the Bar in the District of Columbia apart from those across the country.

The Standing Committee intends to continue its efforts in each of the areas described in this report, with the goal of increasing and improving the effectiveness of *pro bono* legal services in the District of Columbia. We welcome comments on this report, as well as suggestions for areas to which the Committee could turn its attention.

Respectfully submitted,


for the Standing Committee on
Pro Bono Legal Services

Jessica Ring Amunson
Eric Angel
Brian M. Castro
Anthony Herman
Laura Klein
Alan B. Morrison
Michelle Sedgewick,
Ex Officio
Jeffrey Sherman
Rebecca K. Troth
Michael F. Williams
Monika K. Varma,
Ex Officio

Chair:
James J. Sandman

Appendix A

RESOLUTION
ADOPTED JUNE 9, 2010, 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 that was updated in 1998; and

Whereas Rule 6.1 of the District of Columbia Rules of Professional Conduct, including the official comments thereto referencing the 1998 Resolution of this Judicial Conference, and Rule 6.1 of the American Bar Association's Model Rules of Professional Conduct, both have recognized the professional duty of lawyers to devote their own time to providing *pro bono* legal representation for the disadvantaged; and

Whereas a persistent crisis exists in the delivery of legal services to the economically disadvantaged, as demonstrated by studies of communities throughout the United States showing that less than 20 percent of the legal needs of such persons are being met; and

Whereas the District of Columbia had nearly 20 percent of its population with incomes below the federal poverty line in 2006 and the highest percentage of children under 18 living below the poverty level of any state in the country, with recent reports indicating no decrease in that poverty rate; and

Whereas the inability of economically disadvantaged persons to obtain counsel impedes access to the federal courts and leads to increases in *pro se* filings, with attendant burdens on the courts and on the administration of justice; and

Whereas the number of *pro se* filings in the United States District Court for the District of Columbia is substantial, exceeding 850 cases per year in every year since 2005 and constituting 35 percent of the civil docket filings in 2009; and

Whereas government and private funding for legal services provided in the District of Columbia, including Legal Service Corporation grants, IOLTA funds, local appropriations, foundation grants and corporate contributions are necessary but not sufficient to meet the needs of these programs; and

Whereas a 2008 Report of the District of Columbia Access to Justice Commission, *Justice for All? An Examination of the Civil Legal Needs of the District of Columbia's Low-Income Community*, recommends that funding for civil legal services be substantially increased and that use of *pro bono* lawyers be expanded; and

Whereas on June 19, 2007, the Chief Judges of the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia, together with the Chief Judges of the District of Columbia Court of Appeals and the District of Columbia Superior Court, the District of Columbia Bar, and the District of Columbia Access to Justice Commission convened a breakfast meeting of managing partners of the District's largest law firms to enlist their firms' participation in the D.C. Bar Pro Bono Initiative, in which participating firms agree to devote either 3% or 5% of client hours to *pro bono* work and to take on specific new *pro bono* projects; and

Whereas government attorneys have been encouraged to expand their *pro bono* participation through the leadership of the Interagency Pro Bono Working Group and facilitated by Executive Orders 12988 and 13401 with more than 20 departments and agencies having adopted *pro bono* policy statements and established *pro bono* programs; and

Whereas on June 19, 2009, the Judicial Conference of the District of Columbia adopted a resolution reaffirming and updating the recommended standard for *pro bono* service by lawyers admitted to practice in the District of Columbia so as to increase the recommended financial contribution to legal services providers by lawyers for whom personal *pro bono* representation is not feasible; and

Whereas attorneys who are members of the Judicial Conference of the District of Columbia Circuit have traditionally been among the leaders of the bar in supporting the efforts of legal service provider organizations to meet the legal needs of the economically disadvantaged members of our community who are otherwise unable to afford legal representation;

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

1. Commends the Judges of the federal and local courts in the District of Columbia for their efforts to promote *pro bono* work among the private bar and

federal government attorneys to address the need for legal services for the economically disadvantaged; and

2. Commends the Attorney General of the United States, the Interagency Pro Bono Working Group led by the Department of Justice, and all of the many departments and agencies that have issued policies encouraging and facilitating pro bono service by all attorneys and that are providing such service on a regular basis; and

3. Reaffirms and updates the recommended standard for *pro bono* service adopted by this Conference in 1981 and updated in 1998, so as to now provide as follows:

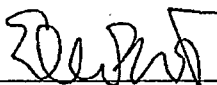
Every lawyer admitted to practice in the Federal Courts of the District of Columbia should each year, at a minimum, undertake to fulfill his or her responsibility under Rule 6.1 of the District of Columbia Rules of Professional Conduct, by:

(1) accepting one court appointment to provide *pro bono* representation for an indigent or disadvantaged client; or

(2) providing 50 hours of *pro bono* legal service in his or her field of practice or through other *pro bono* cases or programs; or

(3) contributing the lesser of 1% of earned income or \$750 to the funding of one or more legal service provider organizations which serve the economically disadvantaged members of the District of Columbia community.

ATTEST:



Elizabeth H. Paret, Secretary
Judicial Conference of the District of Columbia Circuit

Appendix B

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

Please return this survey by February 14, 2014

Name and D.C. Address of Firm:

Size of D.C. Office as of December 31, 2013 (based on headcount, *not* FTE):

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. Please include data for "senior counsel", "special counsel" etc. within the "Counsel" category for all responses. Please include data for staff attorneys within the "Associates" category for all responses.

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 No If yes, number of hours per year? _____

4. (a) Are the hours an associate spends on *pro bono* work compensated through the firm's bonus policy?

Yes No

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

Yes No

5. 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 2013?

(a) Number of **DC-based** partners that performed 50 or more hours of *pro bono* legal work in 2013: _____

(b) Number of **DC-based** counsel that performed 50 or more hours of *pro bono* legal work in 2013: _____

(c) Number of **DC-based** associates that performed 50 or more hours of *pro bono* legal work in 2013: _____

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

(a) Our *pro bono* program is coordinated and managed by a

(i) full-time OR part-time person, who is an

(ii) attorney OR non-attorney, who is a

- (iii) partner OR counsel or other, who handles
- (iv) other legal/administrative responsibilities OR
 only pro bono program duties
- (v) None of the above (Please describe.)

(b) (i) Has the number of individuals or the category of professional coordinating your program changed during the past two years?

Yes No

(ii) If so, please describe the change in *pro bono* staffing.

7. Does your firm internally publicize the Capital Pro Bono Honor Roll sponsored by the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, which recognizes attorneys who provide 50 or more hours of *pro bono* services (or 100 or more for a higher recognition category)?

Yes No

8. Does your firm take advantage of the Capital Pro Bono Honor Roll process allowing the firm to bulk file all submissions, or are firm lawyers required to sign up individually?

a. Group submission as a firm

b. Individual submissions

9. Does your firm publicize internally the 50 *pro bono* hour standard incorporated in D.C. Rule of Professional Responsibility 6.1 and the recommendation that those who do not meet this standard contribute at least \$750 for *pro bono* legal services? Yes No

10. (a) Does your firm monitor whether its attorneys who do not meet the 50 hour standard are contributing at least \$750 for *pro bono* legal services as urged by the D.C. Circuit and D.C. Court of Appeals Judicial Conferences? Yes No

(b) If yes, how many individual attorneys made a contribution of \$750 or more to legal services providers?

PLEASE RETURN BY FEBRUARY 14, 2014 TO

Christopher J. Herrling, WilmerHale

1875 Pennsylvania Avenue, N.W.

Washington DC 20006

christopher.herrling@wilmerhale.com, 202-663-6000

Appendix C

**D.C. CIRCUIT JUDICIAL CONFERENCE
40 @ 50 SURVEY**

Firms Meeting 40 @ 50 in 2013 (recognized in 2014)

Akin Gump Strauss Hauer & Feld LLP
Arnold & Porter LLP*+
Bryan Cave LLP
Covington & Burling LLP
Crowell & Moring LLP
Dentons US LLP
DLA Piper LLP (US)
Fried Frank LLP
Gibson, Dunn & Crutcher LLP*
Goodwin Procter LLP
Hogan Lovells US LLP
Hughes Hubbard & Reed LLP*+
Jenner & Block LLP*+
Jones Day
Kirkland & Ellis LLP*+
McDermott Will & Emery LLP*
Miller & Chevalier Chtd.
O'Melveny & Myers LLP*
Orrick, Herrington & Sutcliffe LLP
Patton Boggs LLP*
Paul Hastings*
Reed Smith LLP*
Ropes & Gray*
Shearman & Sterling LLP
Sidley Austin LLP
Simpson Thatcher & Bartlett LLP
Skadden, Arps, Slate, Meagher & Flom LLP
Steptoe & Johnson LLP
Van Ness Feldman
Wilmer Hale LLP*

*Indicates 50% at 50

+indicates 60% at 50

Bold font indicates firm partners
achieved 40% at 50 goal

**D.C. CIRCUIT JUDICIAL CONFERENCE
40 @ 50 SURVEY**

Firms Meeting 40 @ 50 in 2012 (recognized in 2013)

Akin Gump
Arnold & Porter LLP *+
Bryan Cave LLP *+
Covington & Burling LLP *
Crowell & Moring LLP *
Debevoise & Plimpton LLP
DLA Piper LLP (US)
Fried Frank LLP
Hogan Lovells US LLP
Hughes Hubbard & Reed LLP *+
Jenner & Block LLP *+
Jones Day
Kirkland & Ellis LLP
McDermott Will & Emery LLP
Miller & Chevalier Chtd
O'Melveny & Myers LLP
Orrick, Herrington & Sutcliffe LLP
Patton Boggs LLP
Paul Hastings *
Reed Smith LLP
Ropes & Gray *
Shearman & Sterling LLP
Sidley Austin LLP
Simpson Thatcher & Bartlett LLP
Skadden, Arps, Slate, Meagher & Flom LLP
Steptoe & Johnson LLP
Wilmer Cutler Pickering Hale and Dorr LLP
Winston & Strawn LLP *

* indicates 50% of lawyers at 50 pro bono hours

+ indicates 60% of lawyers at 50 pro bono hours